



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT › DEPARTMENT OF ENGINEERING
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BZA Staff Report

To: Board of Zoning Appeals Members

From: Kevin Tolloty, Associate Planner

Date: April 24, 2013

Re: Case ZB 2013-09 (UV)

REQUEST:

Case ZB 2013-09 (UV)...Johnson County. A request for a use variance from the City of Franklin Zoning Ordinance, Article 3, Chapter 20, to allow an outdoor shooting range in the Institutional (IN) zoning district. The property is located at 1091 Hospital Road.

PURPOSE OF STANDARD:

The “IN”, Institutional zoning district is intended to provide locations for large-scale public facilities, educational facilities, religious centers, and other institutions. This district is further intended to provide a set of setbacks and other standards that are responsive to the unique scale and other considerations common to these types of uses. This district is further intended to reduce land use conflicts and ensure that institutions are appropriately integrated into the community.

CONSIDERATIONS:

1. The petitioner is requesting a use variance to allow the expansion and relocation of an existing outdoor shooting range.
2. There is currently a legal non-conforming shooting range in the same approximate location.
3. Article 10, Chapter 4 states “No legal non-conforming use of the land shall be enlarged, increased, extended to occupy a greater area of land, or moved in whole or in part to any other portion of a lot than was occupied at the effective date of this Ordinance” (May, 2004).
4. Outdoor shooting ranges are permitted only by special exception in the Agriculture and Rural Residential zoning districts.
5. The existing range is approximately 125 feet long and 45 feet wide.
6. The proposed range would be approximately 325 feet long and 90 feet wide; the overall area five (5) times larger than the current range.

7. There are approximately 500 people residing within a one quarter mile radius of the proposed shooting range location, approximately 1,800 people within a one half mile radius and approximately 5,000 people within a one mile radius.
8. An **unnecessary hardship** is defined as “A hardship which is subject to relief by means of variance, such as those that result from exceptional topographic conditions, exceptional physical conditions of a parcel of land, or other characteristics of the property that are unique from those of adjoining property in the same zoning district. Hardships which are self-imposed, resulting from errors in judgment on the part of the property owner, or based on a perceived reduction in economic gain shall not be considered unnecessary hardships.
9. A **practical difficulty** is defined as “A difficulty with regard to one’s ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a “hardship,” rather it is a situation where the owner could comply with the regulations within the Zoning Ordinance, but would like a variance from the Development Standards to improve his/her site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.”
10. Article 11, Chapter 3 states “Unless otherwise specified by the Board, use variance approvals shall be limited to, and run with the applicant at the location specified in the application.”
11. The 2002 Franklin Comprehensive Plan, Land Use Plan, identifies this area as an Institutional Center. “Franklin’s institutional centers are areas that include either a single dominant institution or a collection of large-scale non-profit facilities. Existing institutional centers include the Franklin Community School Corporation facilities along Eastview Drive and U.S. 31; the area of West Jefferson Street which includes Johnson Memorial Hospital, the Johnson County Fairgrounds, the Methodist Community, the Johnson County Jail facilities, Creekside Elementary School, and Custer Baker Middle School; and the State Street corridor facilities of Franklin College, the Johnson County Public Library, the Franklin Community Center, and the Indiana Masonic Home. While other institutions, such as churches and schools, are located throughout the community, institutional centers are unique due to the prominence of the institutions and their influence on surrounding areas. Institutional centers may include non-institutional land uses, such as offices, retailers, or homes. However, these non-institutional uses typically have a direct, complimentary relationship with the area’s institutions.”
12. According to Article 2.5: A special exception or variance ceases to be authorized and is expired if the obtaining of an Improvement Location Permit, or the execution of the approval has not been completed within 1 year of the date the variance or special exception is granted. The variance or special exception shall also expire if the approved construction has not been completed and approved by the Planning Director as being consistent with all written commitments or conditions, the requirements of this Ordinance, and all applicable permits within 2 years of the date the approval is granted.

The surrounding zoning and land uses are as follows:

Surrounding Zoning:

North: IN, Institutional
 South: IN, Institutional
 East: IN, Institutional
 West: RMH, Residential: manufactured Home

Surrounding Land Use:

North: Johnson Memorial Hospital
 South: Blue Heron Park/Windstar
 East: Highway Dept./Church
 West: Countryview Mobile Home Park

CRITERIA FOR DECISIONS:

(The petitioner will need to address the Criteria for Decisions in their presentation**)**

In taking action on all special exception and variance requests, the Board of Zoning Appeals shall use the following decision criteria, consistent with the requirements of the Indiana Code. The Board may grant a special exception and a variance from development standards and limitations of this Ordinance if, after a public hearing, it makes findings of facts in writing (consistent with IC 36-7-4-918.4) that:

DECISION CRITERIA – USE VARIANCE

- 1. General Welfare: The approval (will or will not) be injurious to the public health, safety, morals, and general welfare of the community.***

Staff Finding:

The approval of the variance may be injurious to the public health, safety, morals, or general welfare of the community. The main concern will be the noise generated by the shooting range. While there is already an existing range that produces some noise, it can reasonably expected that a new range approximately five (5) times larger than the existing range would be expected to produce further noise. Additionally, there are no hours of operation

- 2. Adjacent Property: The use and value of the area adjacent to the property included in the variance (will or will not) be affected in a substantially adverse manner.***

Staff Finding:

The use and value of adjacent properties will most likely be affected in an adverse manner as there are a large number of residential properties within a half mile radius of the proposed shooting range, that would likely be affected by an increase in the quantity and level of noise.

- 3. Practical Difficulty: The strict application of the terms of the ordinance (will or will not) result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.***

Staff Finding:

The strict application of the ordinance will not result in a practical difficulty (see #4 – Unnecessary Hardship).

- 4. Unnecessary Hardship: The strict application of the terms of this Ordinance (will or will not) constitute an unnecessary hardship as they are applied to the property for which the variance is sought.***

Staff Finding:

Staff finds that the strict application of the terms of the Ordinance will not result in an unnecessary hardship as there is already a shooting range in use at the current location. The current shooting range is a legal nonconforming use which undoubtedly produces some level of noise. However, the expansion of this use would likely only increase any existing nuisance and moreover, does not meet the requirements of a practical difficulty or an unnecessary hardship. The petitioner should explain how approval of this variance will result in a practical difficulty and unnecessary hardship in the use of the property.

5. *Comprehensive Plan: The granting of the variance (does or does not) interfere substantially with the Comprehensive Plan.*

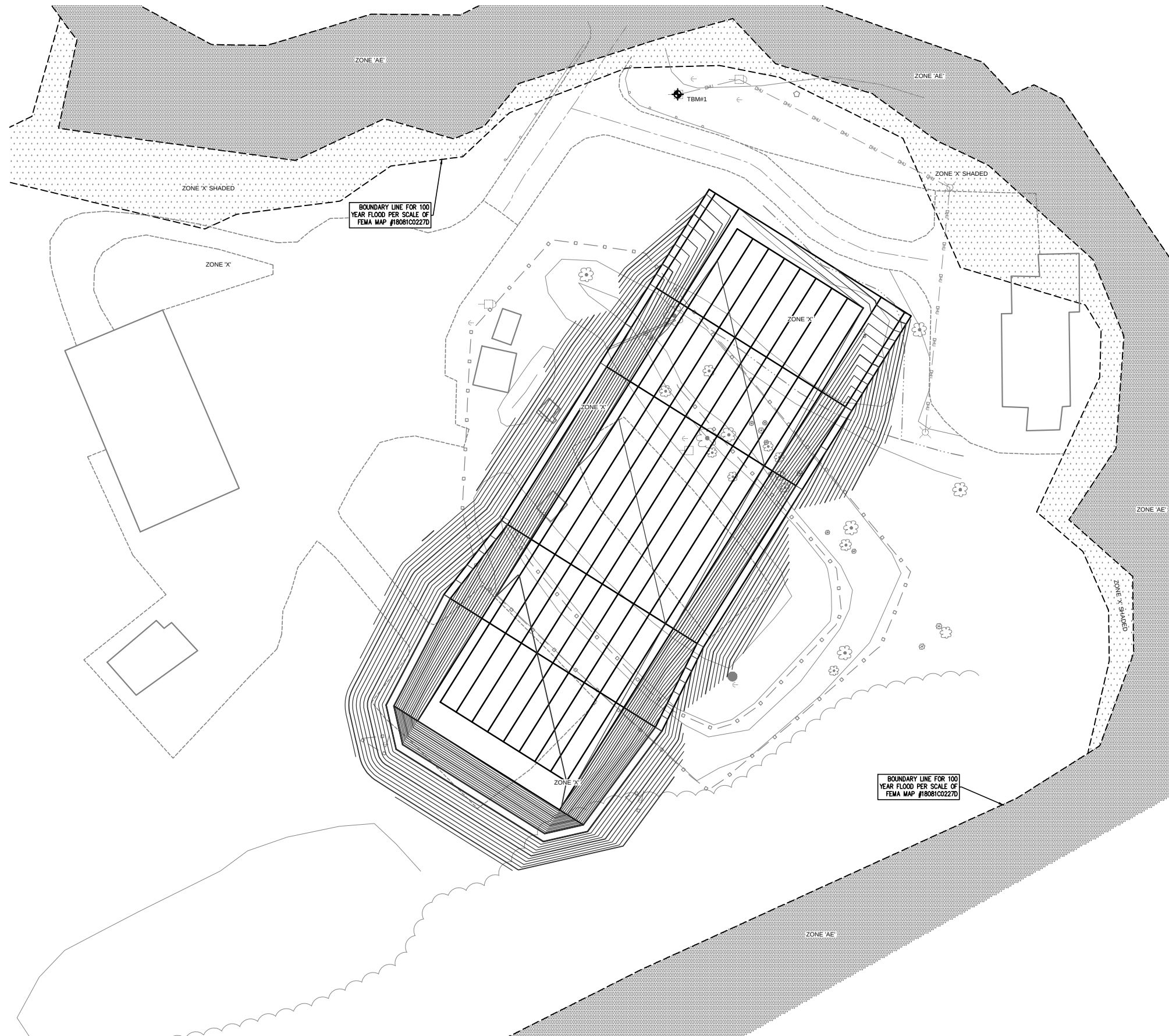
Staff Finding:

The granting of a use variance would interfere with the Comprehensive Plan as a shooting range is not complimentary to other uses permitted in the Institutional zoning district, which include schools, hospitals and churches.

Please Note: The City of Franklin Board of Zoning Appeals may impose reasonable conditions as part of its approval.

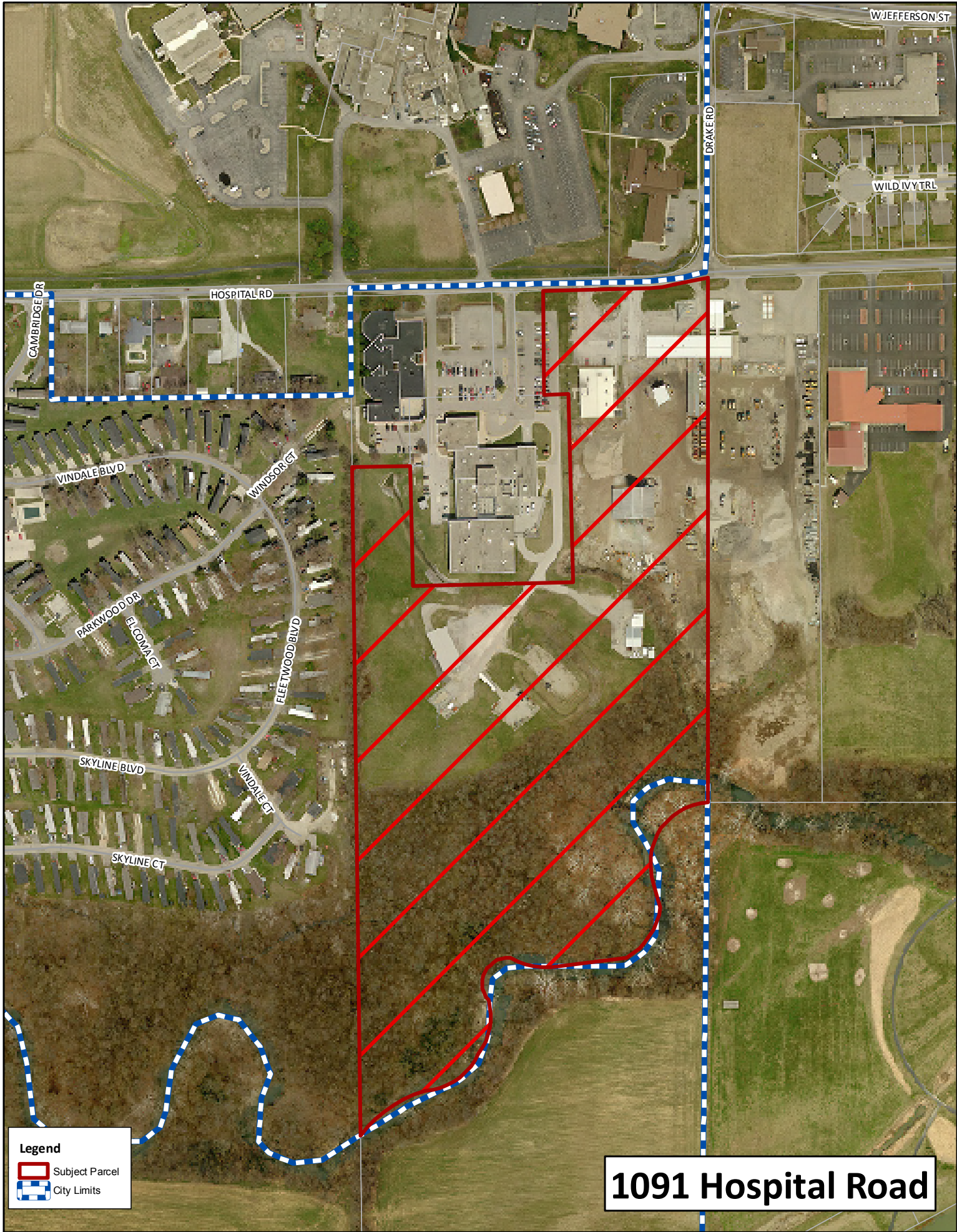
STAFF RECOMMENDATION

Based on the written findings above, staff recommends **denial** of the use variance.



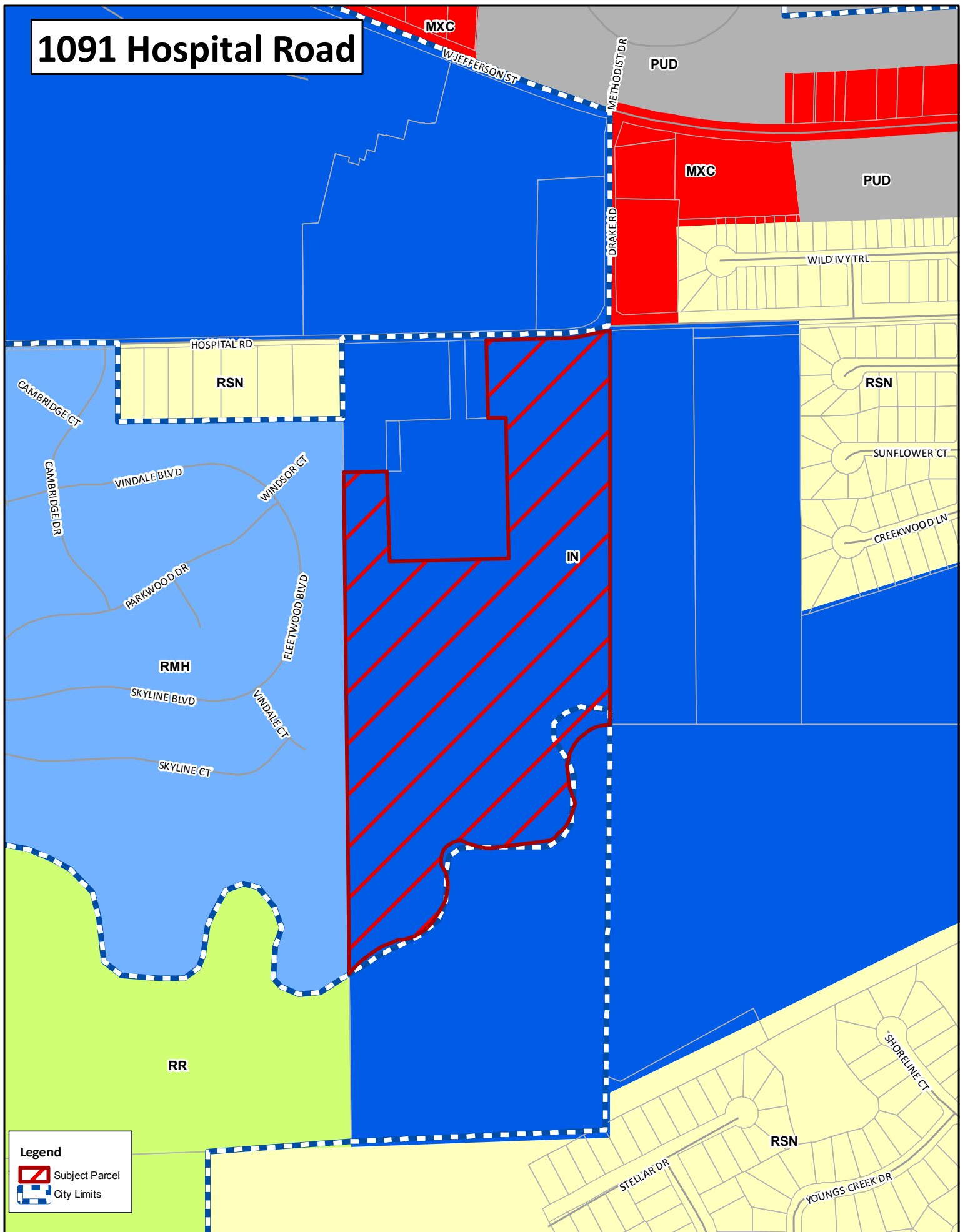
PRELIMINARY RANGE SITE PLAN

SCALE: 1"=60'



1 inch = 300 feet

1091 Hospital Road



1 inch = 400 feet