



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING

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BZA Staff Report

To: Board of Zoning Appeals Members
From: Alex Getchell, AICP, Senior Planner
Date: March 28, 2025
Re: Cases **ZB-25-2 (V) | Chick-fil-A**

REQUESTS:

Case ZB-25-2 (V)...Chick-fil-A. A request for two Developmental Standards Variances from the City of Franklin Zoning Ordinance, as follows: 1.) Article 3, Chapter 18, Primary structure side yard setback [minimum 15' permitted; 10.8' proposed]; and 2.) Article 7, Chapter 3, Accessory structure location [dumpster enclosure within a front yard]. The subject property is located within the MXC: Mixed-use, Community Center zoning district and the GW-OL: Gateway Overlay District. The property is located at the northwest corner of US 31 & Commerce Drive

PURPOSE OF STANDARD:

The "MXC", Mixed Use: Community Center zoning district is intended to provide locations for a variety of small-to-mid-sized businesses and institutional facilities that serve the entire Franklin-area community. This district should be used alone and in combination with other zoning districts to create areas for community shopping, entertainment, services, and public gatherings.

The intent of the Gateway Overlay (GW-OL) district is to require development at the City's entrances that is aesthetically consistent, responsive to development pressures, and proportional to the area's traffic management issues.

ZONING:

Surrounding Zoning:

North: MXC: Mixed-use, Community Center
South: MXR: Mixed-use, Regional Center
East: MXR: Mixed-use, Regional Center
West: MXC: Mixed-use, Community Center

Surrounding Land Use:

North: Future commercial/Church (Jehovah Witness)
South: McAlister's Deli
East: Former Kentucky Fried Chicken
West: Future commercial

CONSIDERATIONS:

Variance Request

1. Chick-fil-A, Petitioner, is requesting approval to build a new drive-thru/sit-down restaurant on the subject property, with a drive-thru canopy encroaching into the side setback by 4.2 feet, and for the dumpster enclosure to be located within a front yard. [[Exhibit A: Site Plan](#) and [Exhibit B: Floor Plan & Elevations](#)]
2. The subject property is part of the Commerce Point subdivision plat; a six-lot commercial subdivision located on the northwest corner of US 31 & Commerce Drive. Petitioner's property would be Lot 2, which is on the corner of the intersection. [[Exhibit C: Commerce Point Final Plat – not yet recorded](#)]
3. According to Article 3, Chapter 18, Lot Standards, the minimum side yard setback distance for a primary structure is fifteen (15) feet in the MXC: Mixed-use, Community Center zoning district.

4. Variance Request: *Petitioner is proposing to construct a drive-thru canopy that would be attached to the primary structure, and have an encroachment of 4.2 feet into the fifteen (15) foot side yard setback, for a proposed setback of 10.8 feet.* The canopy vertical support posts would be located outside of the side yard setback and only the horizontal projection of the canopy (9'-8" above the ground) would encroach into the setback.

Lot Standards

5. According to Article 7, Chapter 3, No accessory structure shall be permitted in any front yard, or within the required side and rear yard setbacks.
6. Variance: *Petitioner is requesting a variance to allow an accessory structure (dumpster enclosure) to be located in the area designated as a front yard by the Zoning Ordinance.* In this case, the front yard area is all of the subject property which is closer to the right-of-way of Commerce Drive than the south foundation line of the proposed restaurant. [See [Exhibit A: Site Plan](#) and [Exhibit D: Dumpster Detail](#)]
7. The subject property is classified as a "corner lot"; therefore, by ordinance, it has two front yard areas.
8. The proposed dumpster enclosure will be 100% brick veneer, with metal coping and metal gates/door. The enclosure materials and color will match the main structure. [See [Exhibit D: Dumpster Detail](#)]
9. While located in a defined "front yard" area, the proposed structure will NOT encroach an actual setback area.

Comprehensive Plan & Zoning Ordinance

10. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Community Activity Center. "Community activity centers area intended as areas of mixed land uses that provide gathering places and goods and services for the entire community. Community activity centers may include churches, schools, community parks, grocery stores, gas stations, shopping centers, offices, banks and restaurants. Community activity centers may also include residences located on the upper floors of otherwise commercial buildings. Community activity centers are generally located along major streets and at prominent intersections where they are readily accessible by people from throughout the community."
11. The definition of a practical difficulty, according to the 2004 City of Franklin Zoning Ordinance is: 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 Developmental Standards to improve his/her site in practical manner. For instance, a person may request a variance from a side yard setback due to a large tree that is blocking the only location that would meet the Development Standards for a new garage location.
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.

CRITERIA FOR DECISIONS – DEVELOPMENT STANDARDS VARIANCE:

(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 36-7-4-918.5) that:

DECISION CRITERIA – DEVELOPMENT STANDARDS VARIANCES

- 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:

Staff finds the approval of the proposed variances, to allow the drive-thru canopy to encroach 4.2 feet into the side yard setback, and to allow the dumpster enclosure to be located within a front yard area, will not be injurious to the public health, safety or general welfare of the community. A reduction of the required fifteen-foot side yard setback to 10.8 feet, for the open-sided canopy, where the only encroachment is the horizontal canopy -no support posts- will have no meaningful impact on the public health, safety or general welfare of the community. Approval of the dumpster enclosure variance will allow a safe traffic pattern for refuse collection vehicles on-site, without disruption of the drive-thru lanes or off-site traffic. Therefore, staff finds approval would not be injurious to the general welfare.

- 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:

Staff finds the use and value of adjacent properties will not be affected in a substantially adverse manner. The proposal for the canopy setback encroachment represents the least variance necessary, as the canopy is an open-sided structure, support posts would be outside of the minimum setback, and the building massing would not crowd or encroach on adjacent properties. Additionally, approval to allow the dumpster enclosure to be located within a front yard area will not substantially impact adjacent properties, as the structure itself will be constructed from the same materials as the main building, and the proposed location allows for on-site pickup of refuse material, without interruption to the operations or traffic-flow of the overall commercial subdivision. Moreover, the proposed dumpster enclosure location represents the least variance necessary, as the subject property will be corner lot with a drive-thru restaurant use, and locating the enclosure any closer to an ordinance-compliant (non-front yard) location would cause disruptions to the drive-thru lanes, and/or skew the overall site, unnecessarily.

- 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:

Staff finds the strict application of the ordinance will result in a practical difficulty in the use of the property, as petitioners have requested the least variances necessary in order to complete the project at the site. The petitioner desires a covered ordering queue for employee & customer comfort; strictly reducing the canopy coverage any further, or moving it further from the property line would serve no practical benefit, as the proposed canopy is open-sided, the support posts are already designed to be outside of the minimum setback, and the building massing of the structure would not crowd or encroach on adjacent properties. Additionally, since the property will be a corner lot, and petitioners will utilize the site for a drive-thru restaurant use, there is a practical difficulty in locating the dumpster enclosure on the north or west sides of the site and still maintaining the necessary traffic flow. Therefore, there is a practical difficulty in strictly applying the terms of the ordinance.

STAFF RECOMMENDATION – DEVELOPMENT STANDARDS VARIANCES

Based on the written findings above, staff recommends **approval** of the petition with the following conditions:

- The north setback encroachment is limited a maximum encroachment of 4.2 feet. The only structural encroachment permitted is the horizontal overhead canopy, and the vertical support posts for the canopy must be located outside of the minimum 15 foot setback.
- The dumpster enclosure must be constructed of the same brick material and color as the primary structure, and the metal gates, doors, and coping must coordinate with the primary structure design.
- Gates & doors on the dumpster enclosure must remain closed, except when immediate access to the area is required.