

CITY OF FRANKLIN
BOARD OF ZONING APPEALS
Meeting Minutes
October 6, 2022

Commissioners Present:

Greg Caesar
William Scales
Jonathan Langley, Chair

Staff Present:

Amy Diaz-Barriga
Chelsea Randolph
Lori Jorosz
Bill Squires
Ariella Stanford

CALL TO ORDER

Chair Langley called the meeting to order at 6:01 p.m.

ANNOUNCEMENTS

Ms. Diaz-Barriga welcomed William Scales to BZA board along with Ariella Stanford. Ms. Stanford will take over Ms. Randolph's duties for this board after this meeting.

Chair Langley welcomed Ms. Stanford and Mr. Scales.

APPROVAL OF MINUTES

1. Consideration of Approval of the August 4, 2022, Meeting Minutes.

Commissioner Greg Caesar made a motion to approve the minutes from the August 4, 2022, BZA meeting. Commissioner Scales seconded the motion.

Vote: 3-0

APPLICATIONS

2. Variance Request To Exceed The Maximum Allowed 10-Footcandles By 14.1-Footcandles On A Privately Owned Sports Court For The Property Located At 701 Cool Springs Boulevard (F.Z.O. 14.2.1.A Sight Lighting Illumination Values).

Staff Presentation: Chelsea Randolph. The subject parcel is located at 701 Cool Spring Boulevard and is zoned Regional 12 Commerce District or RC 12. A commercial office building is located on the subject property and there has been a recent site plan submittal that has approved revitalization of the open space areas adjacent to the commercial space. Part of the revitalization is a sports court which is privately owned, but the owner intends to have it open to the public and available for use until 10 p.m., at which time the lights will shut off by a timer. The zoning ordinance requires the maximum light level be ten-foot candles, but the applicant is requesting to exceed that maximum by up to 14.1-foot candles for the approved sports court. The staff analyzes variance request using the 3 criteria to determine if the request is appropriate.

- 1) The first criteria states that by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the zoning or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition such a piece of property is not able to accommodate development as required under this zoning ordinance. Ms. Randolph explained that the property is a privately owned sports court on commercially zoned property. This type of sports court is usually attached to a public park or school and the ordinance makes concessions for such uses by not imposing a maximum light level. In the past eight years, no sports courts of this nature have been reviewed or approved. And because of the extraordinary and exceptional situation or condition of the use of a commercial, private sports court staff find this criterion met.
- 2) The second criteria says that the strict application of any provision enacted under the zoning ordinance would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of the property. Staff can find no peculiar and exceptional practical difficulties or exceptional or undue hardship upon the owner. If this variance is not granted the use of the sports court can be limited by the zoning ordinance requirement if the candles of additional height request is not granted. The proposed use of the sports court would not be prohibited. Ms. Randolph stated that staff finds this criterion not to be met.
- 3) Criteria number three states that such relief may be granted without substantial detriment to the public good and without substantially impairing the purpose and intent of the zoning ordinance. The applicant's proposal of additional height candles will not cause substantial detriment to the public good. The site is in a commercially zoned area with no residential areas adjacent to it with the required light levels being met. In terms of intent, the zoning ordinance does grant exceptions for the foot candle requirements in section 14.2 D for limited uses, including public parks and school sports courts. Such uses listed in this section have a means to regulate both the timing and operation of the sports courts. This property has no such parameters that regulate its use in an enforceable way. Therefore, relief cannot be granted without substantially impairing the purpose and intent of the zoning ordinance. Staff find this criterion not met.

Ms. Randolph stated that staff recommends that the Board of Zoning Appeals move to disapprove the variance request to exceed the maximum allowed ten-foot candles by 14.1-foot candles on a privately owned sports court for the property located at 701 Cool Springs Boulevard because the criteria for granting a variance has not been met.

Applicant Presentation: Chuck Gannaway with Hastings Architecture representing Highwood's Properties. Mr. Gannaway stated that the property is at the corner of Carruthers and Cool Springs Boulevard is part of an office campus. There are three office buildings on the site with more than 32 acres of land. It's difficult to energize or bring to life these areas after 5 p.m. and on the weekends. Mr. Gannaway explained that the goal is to reimagine the green space with strictly as an investment in the outdoor amenity creating an active green space. Other amenities include an event lawn, pavilion, small café building, outdoor meeting space and a playground. Another part of the goal is to extend the life of the campus providing encouragement of a healthy lifestyle. If the sports court can be illuminated people may be more likely to stay in the area after 5 p.m. allowing the traffic to disperse. The light is focused on the sports court and would be on a timer and not be operational after 10 p.m. This is a unique condition as the court is surrounded by office buildings and a parking garage. Allowing the court to be illuminated will go a long way to bringing life back to the campus.

Chair Langley asked Mr. Gannaway for an example of how a 14-foot candle and a 10-foot candle would compare.

Mr. Gannaway stated that lighting is based on illumination engineering society standards for courts. The area cannot be "under" illuminated in case someone is injured due to the lack of illumination.

Chair Langley asked for a comparison to a parking lot.

Ms. Diaz-Barriga stated that the maximum candle per zoning ordinance is 10.

(inaudible comment)

Commissioner Scales asked if it is necessary under this standard or is it a range that the developers would like to have?

Mr. Gannaway stated that there is a range of average coverage needed but with the computer-generated lighting there are inconsistencies in what constitutes an accurate range. From a standard of engineering and lighting design, a range of lighting that is recommended.

Danny Streit. DHS Lighting Design, an Architectural Lighting Design firm. Mr. Streit stated that for recreational use of a sports court, the average would be 20-foot candles. There will be a aiming diagram done for the court if the variance request is approved.

Chair Langley opened the floor for public comment, there was none.

Commissioner Caesar motioned to close the public comment portion, seconded by Commissioner Scales.

Vote: 3-0

Commissioner Caesar asked staff if the question pertains to the lighting of the court and not the use of the court?

Ms. Randolph stated that the staff is not concerned about the use primarily but the standard itself.

Commissioner Scales asked what the standard on and off times would be for the lights under normal circumstances?

Mr. Gannaway stated that the lights will not be on unless someone turns the lights on. Once the lights are turned on there is a timer set that will turn the lights off.

Commissioner Scales asked if an event is held, would the lights have to be continually reset as the time expires.

Mr. Gannaway stated that from the light control standpoint the landlord or owner would be able to configure the settings so that the lights would stay on in certain situations. This feature would not be available to the public.

Commissioner Scales asked if the applicant had a response to the 2 criteria that were not met according to the staff comments.

Mr. Gannaway stated that they believe this is an exceptional condition because this area is not a park, it's a private development. Highwood Properties have property managers and security that would monitor the sports court activity.

Commissioner Caesar stated that his concerns are for the security of this area if illuminated in the middle of a desolate area.

Mr. Gannaway stated that there may be outdoor concerts or other events going on in the area. Security currently checks the three buildings on the site along with the buildings across the street.

Commissioner Caesar moved to approve the applicant's variance request of 14.1-foot candles from the maximum of 10-foot candles to illuminate the sports court, seconded by Commissioner Scales.

Commissioner Caesar stated his rationale for motion as the fact that there has not been a request such as this one and that there are no sports courts of this nature in the area. The strict application of this ordinance would result in a particular peculiar and exceptional practical difficulty for the owner of the property. There would not be detriment to the public interest.

Commissioner Caesar stated that he would like the opportunity to discuss the approved time for the variance to exist.

Ms. Randolph stated that she would recommend having Mr. Squires help with the language so that it is correctly stated.

Commissioner Scales expounded on the security aspect of the lighting of the area that may draw people to the court. There is a neighborhood very close to the sports court.

Commissioner Caesar stated that work life in 2022 is very different than work life of 2010. There are concerns about the illumination of the court in the proximity of a neighborhood and the attention the illumination would receive. The illumination is not the concern, but the people the illumination will attract is the concern. Commissioner Caesar stated that it is his hope that Highwoods is a well-known building management organization that will monitor the sports court closely.

Chair Langley stated that this is a unique situation that would not apply to other situations but if this variance is approved it is going to apply in perpetuity. Ordinarily we would not want 20-foot candles in a parking lot.

Mr. Squires stated (inaudible/ no microphone) that what the board is addressing is the item before you and nothing else. Another plan would need to be submitted, reviewed and approved/disapproved for an additional sports court.

Commissioner Caesar stated that the variance is for this sports court and the illumination of this sports court. If a second sports court is built on the property, the same variance may or may not necessarily apply.

Mr. Squires answered by saying that another plan would need to be submitted for the specific request.

Ms. Diaz-Barriga explained that impervious surfaces have triggered the balance of stormwater detention features in the past, thus triggering plan revisions.

Chair Langley stated that what he understood is that if a site plan was required, another variance would be required, as well.

Mr. Squires answered yes that another variance request would be required.

Chair Langley stated that he felt better about approving the variance request specific to the sports court. It's unlikely that the same situation would occur.

Commissioner Caesar stated that he was more concerned about the lighting and when the lights must be off in the regional commerce district.

Ms. Diaz-Barriga stated that there is no time in which the lights must be lowered or powered off. Maximums were set for this reason.

Commissioner Scales asked Commissioner Caesar if he wanted to discuss a limitation of when the lights could be on or off.

Commissioner Caesar stated that yes, to avoid the 2 a.m. games that could be played. The Commission should provide good guidance for the occupant and for the owner of the property while looking out for those that would be affected by a 2 a.m. game.

Commissioner Scales asked If there is a way to limit the time the lights can be on?

Mr. Squires stated that it isn't terribly common to restrict lighting given the circumstances. It would be reasonable feedback to the developer.

Commissioner Caesar stated that he would not want to be too constrictive. How does 10 pm on the weekdays and midnight on the weekends sound or 10 p.m. across the board.

Mr. Squires (inaudible/no microphone)

Commissioner Caesar motioned to amend the motion to include a 10 p.m. cut off time for the lights. The candles cannot exceed the traditional maximum level, which is ten-foot candles, seconded by Commissioner Scales.

Chair Langley asked the commissioners to vote on the amendment.
Vote: 3-0.

Chair Langley stated that now we are back to the main motion as amended.

Commissioner Scales asked about the sound from the sports court and how it could affect the neighborhood.

Mr. Gannaway stated that no sound studies had been conducted but the building and parking garage will help block the sound. The nearest home is 730 feet away from the sports court.

Chair Langley stated that for a tennis court or a multipurpose court the lights would probably be the same light level.

Commissioner Caesar said on behalf of the citizens of Franklin, I think it is important to have opportunities for citizens to get and be active.

There was no further discussion, Chair Langley asked for the Commissioner to vote.
Vote: 3-0

3. Variance Request To Waive The Substantial Improvement Requirement To Raise The First Floor Elevation Of A Historic Structure Above The Base Flood Elevation (To Remain In Place) Located Within The Historic Preservation Overlay, Central Franklin Overlay, And The Floodway Fringe Overlay At 728 Fair Street (F.Z.O. 17.6.4.B).

Staff Presentation: Chelsea Randolph. Ms. Randolph explained the subject property consists of 8.19 acre parcel zoned R for residential 4 district. The historical home was constructed in 1915 and is located within the Historic Preservation Overlay, the central Franklin Overlay, and the Floodway Fringe Overlay. The house is a contributing historical structure to the Hincheyville Historic District. And the Historic Zoning Commission provided a favorable recommendation to the BZA at its September 2022 meeting for the building to remain at its existing first floor elevation. By maintaining the first-floor elevation the proposal is the most sensitive to the architectural qualities of the contributing structure and presents the least amount of adverse impact. The variance request is to allow the first-floor elevation height to remain at its current position below the base flood elevation for the property located at 728 fifth Street. There are three criteria staff considers for this type of variance request. A showing of good cause, good and sufficient causes.

- 1) The building status is a contributing building of the Hincheyville Historic District and the need to take measures to maintain the status amounts to good and sufficient cause for granting a variance. This proposal is the most sensitive to the architectural qualities of the contributing structure and presents the least amount of adverse impact to the historic structure and the context to the overall district. Staff finds that this criterion is met.
- 2) The second criteria determines that if there is a failure to grant the variance an exceptional hardship would result. The subject property sits on below base flood elevation. The proposal is to keep the historic house at its existing level to keep its contributing status on the National Register of Historic Places. The HZC determined that raising the first floor elevation of the historic structure would result in the removal of the property's contributing status and would amount to exceptional hardship for the owner of the property. And for these reasons, staff find this criterion met.

- 3) The third criteria determines that the granting of a variance will not result in increased flood heights. Additional threats to public safety, extraordinary public expense, create nuisance costs, fraud on or victimization of the public, or conflict with existing laws and ordinances. The house has been standing for 107 years. There are no recorded reports of water damage nor water collecting in the home at its current first floor elevation. Furthermore, the HZC has approved the project plans as proposed and recommends approval of the variance request to maintain the structures, contributing status and the integrity of the historic district. Based on the recommendation of the HZC along with analysis of exhibits provided by the applicant, staff find that granting the variance would not result in any of the outcomes previously discussed. Staff believes that the third criterion has been met.

Staff recommends the BZA move to approve the variance request to waive the substantial improvement requirement to raise the first-floor elevation of a historic structure above the base flood elevation. The subject property is located within the historic preservation overlay of the Central Franklin Overlay and the floodway fringe overlay at 728 Fair Street. Staff believes the criteria for granting a variance have been met.

Applicant Presentation: Amanda McCreary with Chisel Workshop and we are representing the client on the project. In the application exhibits you can see that to raise the existing floor 6 feet, the contributing status would be lost along with the front porch. The front porch is historic and one of the defining features of the house. This situation was triggered because of the renovation of the inside the house.

Chair Langley asked if there was anyone from the public who would like to speak, the was none.

Chair Langley declared the public comment portion closed.

Commissioner Caesar motioned to close the public comment portion, seconded by Commissioner Scales.

Chair Langley stated that he is ready to entertain a motion.

Commissioner Caesar motioned to approve the variance for 728 Fair Street, seconded by Commissioner Scales.

There was no discussion.

Chair Langley asked the members to vote:
Vote: 3-0

4. Variance Request To Reduce The Minimum Garage Setback For A Front Loading Garage From 20-Feet To 6-Inches Behind The Front Facade And Front Door At 1141 Carter Street (F.Z.O. 6.3 – Building Type, House, Front-Facing Garage Setback).

Staff Presentation: Chelsea Randolph. The subject parcel is located at 1141 Carter Street and is zoned R6 residential sixth district and within the Central Franklin Overlay. The zoning ordinance requires that front facing garages be at least 20 feet behind the front façade and front door as

well as 22 feet from the sidewalk. There is no sidewalk adjacent to this property today. The 20-foot setback for front facing garages has been part of the zoning ordinance since 2019 when it changed from a ten foot setback behind the front façade. The staff's analysis is based off the 3 criteria we discussed in the first ordinance request.

- 1) The property is one of five single family residential lots along Carter Street. The parcel is approximately 84 feet in width and approximately 70 feet in depth. The depth of the lot is shallower than many of the properties in this area. The zoning of the property is E6 which requires that the front step back among other criteria, state the subject be no closer than any adjacent existing building. In this case, the adjacent building is approximately 15 feet from the front line. R6 also requires a 15-foot rear setback. These setbacks require a smaller than average building envelope because of the uniqueness of the depth of this property. Staff find that this criterion has been met.
- 2) The owners have indicated that they plan on building a two-car garage with a living space above it, placing the garage 20 feet behind the front facade and front door. This would make the garage out of compliance with the required 15-foot setback as stated in the zoning ordinance, 3.8.5 and discussed in criteria one. The staff finds that the strict application of criteria two would prevent the construction of the attached two car garage without violating some portion of the zoning ordinance. Staff finds this to be a practical difficulty, therefore this criterion has been met.
- 3) The proposed attached two car garage meets the intent of the ordinance in the narrowest margin due to the garage being set back from the front façade of the house by six inches on the far side. The applicant has attempted to lessen the deviation from the ordinance by stepping the front garage back incrementally, where the garage is closest to the front façade and front door. The applicant explained to staff that the requested setback was to account for the second floor of the primary structure. This request meets the required side yard setbacks along the adjacent residential lots and would not cause substantial detriment to the public good if a variance were to be approved. The staff finds that this criterion is met.

Ms. Randolph stated that staff recommends the Board of Zoning Appeals move to approve the variance request to reduce the minimum garage setback for a front-loading garage from 20 feet to six inches because the criteria for granting a variance have been met.

Applicant Presentation: Derrick Johnson, Peggy Newman Designs, representing the applicant. Mr. Johnson stated that Ms. Randolph summed up the application nicely and would be happy to answer any questions.

Chair Langley opened the floor for public comment, there was none.

Commissioner Caesar motioned to close the public comment portion, seconded by Commissioner Scales.

Vote: 3-0

Commissioner Caesar motioned to approve item #4, seconded by Commissioner Scales.

Commissioner Caesar asked for confirmation that there is no existing driveway on the property as of today. It appears there may be a driveway....is that on 1141 Carter Street or the adjacent property?

Mr. Johnson stated that there is not a driveway on the property.

Commissioner Caesar suggested the possibility of an entry from the back of the property.

Ms. Randolph stated this is a single-family home and it has been submitted through the Building and Neighborhood Services Department. Ms. Jorosz may be able to speak on this question.

Ms. Jorosz (inaudible/no microphone use) stated that there did not appear to be enough space for a driveway entrance from the rear because it is supposed to be five feet off the property line. The side and rear yard setback is 3 feet...(inaudible).

Commissioner Caesar asked if there was enough space for the driveway to come into the garage from the rear.

Commissioner Caesar motioned to approve a variance to adjust the minimum setback for a front-loading garage from 20 feet to 6 inches behind the front façade and front door at 1141 Carter Street because the criteria for granting a variance have been met, seconded by Commissioner Scales.

Chair Langley stated his concern that the garage is 40 % of the width of the home. This board does not necessarily provide comments on design but looking at this lot and other homes in the neighborhood and how the styles don't align causes one to think more about the size of the garage. The context of the subject property does not match the context of the other homes in the area, and this is a concern.

Commissioner Scales mentioned that the designs of the other homes in the area do not match the subject property. It is also a concern about how close the garage would be to the road. How far would the garage be from the road?

Commissioner Caesar stated that it is roughly 14 feet from the road.

Chair Langley stated that the garage setback is to break up the front façade so that there isn't a single "plane" on building across the front. The configuration on the lot with the garage setback makes it difficult to develop. The addition of the garage adds to the square footage of the house.

Commissioner Caesar remarked that it would be difficult to ask the developer to move the garage back further as there is not much backyard area. It was optimistic to consider a rear entry to the property for the garage. Aesthetically, entering the garage from the rear would improve the look of the house. Looking at the drawings, it appears that there would not be space to configure a rear entrance to the garage. Given the unique shape of the property there are not a lot of ways to configure the garage and driveway.

Commissioner Caesar asked staff if there were any community concerns that the Commission may not have heard about.

Ms. Randolph stated that there were none.

Chair Langley asked the Commissioners to vote.

Vote: 3-0

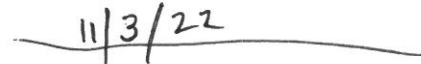
Chair Langley asked for a motion to adjourn the meeting.

Commissioner Scales motioned to adjourn the October 6, 2022, meeting, seconded by Commissioner Caesar.

Vote: 3-0

Chair Langley declared the meeting adjourned.


Chairman


11/3/22
Date