



Meeting Agenda

Board of Zoning Appeals

Thursday, January 5, 2023

6:00 PM

Board Room

Notice is hereby given that a meeting of the Board of Zoning Appeals will be held on the date, time, and location listed above. Additional information can be found at www.franklinton.gov/planning. For accommodations due to disabilities or other special arrangements, please contact the Human Resources Department at (615) 791-3216, at least 24 hours prior to the meeting. Accommodations have been made to ensure that the public is able to participate in the meeting. The public may participate in the following ways: • Watch the meeting on FranklinTV or the City of Franklin website. • Watch the live stream through the City of Franklin Facebook and YouTube accounts. • Email comments to planningintake@franklinton.gov to be provided in full to the Commission and included in the minutes, but not read aloud in their entirety during the meeting. Emailed comments are accepted until 12:00 PM (noon) on the day before the meeting. • Comment in-person in the Board Room. Speakers will be asked to fill out a speaker card prior to the meeting starting. Speakers may sit in the Boardroom or wait in the lobby.

CALL TO ORDER

APPROVAL OF MINUTES

1. Consideration Of Approval Of The December 1, 2022 BZA Minutes.

VOTE FOR CHAIR AND VICE CHAIR

2. Consideration Of Election Of Chair And Vice Chair Pursuant To Section 4.1.2 Of The Bylaws.

ANNOUNCEMENTS

APPLICATIONS

3. **Variance Request** To Allow Parking Within A Landscape Frontage Area, For The Property Located At 701 Cool Springs Boulevard (FZO §7.5).

Sponsors:

Amy Diaz-Barriga, Ariella Stanford

4. **Variance Request** To Allow An Encroachment With A Maximum Of 7 Feet Into A Side Yard Setback, For The Property Located At 1108 Harpeth Industrial Court (FZO §3.21.5).

Sponsors:

Amy Diaz-Barriga, Ariella Stanford

5. **Variance Request** To Allow Parking Within The Riverside Drive Frontage Area For A Proposed Principal Building, and a **Variance Request** To Allow Parking Within The Oak Meadow Drive Frontage Area For A Proposed Principal Building, and a **Variance Request** To Increase The Maximum Front Yard Setback from 30 Feet to 150 Feet, For The Property Located At 880 Oak Meadow Drive. (FZO §7.5 and §3.18.5).

Sponsors:

Amy
Diaz-
Barriga,
Ariella
Stanford

OTHER BUSINESS**ADJOURN**

Anyone needing accommodations due to disabilities please contact the ADA Coordinator at 615-791-3277 at least 24 hours prior to the meeting.



DRAFT Meeting Minutes

Board of Zoning Appeals

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CALL TO ORDER

Chair Langley called the meeting to order at 06:01 PM.

Board Members Present: Greg Caesar, Jeff Fleishour, Jonathan Langley, William Scales, Joel Tomlin

Board Members Absent: None

APPROVAL OF MINUTES

1. Consideration Of Approval Of The November 3, 2022 BZA Minutes.

Sponsors:

Commissioner Joel Tomlin moved to approve the meeting minutes from November 3, 2022 BZA meeting. Commissioner Williams Scales seconded the motion.

Vote Talley: 5-0

ANNOUNCEMENTS

Ms. Diaz-Barriga announced and apologized that the overhead screens were not working for the meeting. Also, the Surface Pros will be available for pick up on Monday, December 19th from 2:45-4 pm. The IT department will be available to help with set-up and testing so that everyone will be ready for the January meeting.

Lastly, Ms. Diaz-Barriga announced that this would be the last meeting for Commissioner Joel Tomlin who has served on the BZA since 2013. Mr. Tomlin's vacancy will allow another citizen to serve the community. Ms. Diaz-Barriga thanked Commissioner Tomlin for his service to the community and presented him with a gift.

APPLICATIONS

2. **Appeal of Administration Decision** Regarding An Interpretation Of The Floodway Fringe Overlay District (FFO) Boundaries, Based On A Federal Emergency Management Agency (FEMA) Letter Of Map Revision Based On Fill For The Property Located At The Water's Edge PUD Subdivision - Section 7 (Map 106 Parcel 18601) (F.Z.O. 4.3).

Sponsors:

Amy Diaz-
Barriga,
Ariella
Stanford

Staff Presentation: Ariella Stanford. Ms. Stanford stated that the applicant is requesting an appeal of an administrative decision to interpret the city's FFO boundaries for section 7 of the Water's Edge PUD Subdivision. The request is based on a letter of map revision based on fill in a document issued by FEMA on November 2, 2022. The zoning ordinance states that the FFO boundary shall coincide with the boundaries of the 100-year flood plain, excluding floodways as adopted in section 17.6 Floodplain Protection. This request is for the BZA to interpret the FFO boundary based on the FEMA approved floodplain boundary change as identified in the letter of map revision based on fill. Staff recommends a motion to approve the applicant's request to interpret the FFO boundary on the City of Franklin Zoning map based on the letter of map revision based on fill issued by FEMA on November 2, 2022, for section 7 of the Water's Edge PUD Subdivision.

Applicant Presentation: Kyle Griffin. Mr. Griffin stated that he would be happy to answer any questions related to the removal of the 50 lots in section 7 from the FFO.

Commissioner Caesar asked for map clarification of what the dark blue and light blue colors represent.

Ms. Diaz-Barriga explained that the dark blue color represents the floodway, and the light blue represents the floodway fringe. The floodway fringe coincides with the flood plain which has been analyzed by FEMA. The light blue area represents what is changing.

Chair Langley asked if there were any citizens who would like to speak regarding the appeal of this administration decision, there were none.

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

Vote Tally: 5-0

Chair Langley asked for a motion from the Board.

Commissioner Tomlin motioned to approve the applicant's request to interpret the FFO boundary on the City of Franklin Zoning Map, based on a Letter of Map Revision Based on Fill issued by FEMA on November 2, 2022.

Vote Tally: 5-0, motion passes.

3. **Appeal of Administration Decision** Regarding An Interpretation Of The Floodway Fringe Overlay District (FFO) Boundaries, Based On A Federal Emergency Management Agency (FEMA) Letter Of Map Revision Based On Fill For The Property Located At 122 Harlinsdale Court (Map 063E Parcel 01500) (F.Z.O. 4.3).

Sponsors:

Amy Diaz-
Barriga,
Ariella
Stanford

Staff Presentation: Ariella Stanford. Ms. Stanford stated that the applicant is requesting an appeal of administrative decision to interpret the city's FFO boundaries for 122 Harlinsdale Court in the Harlinsdale Manor Subdivision. The request is based on the letter of map revision based on fill from FEMA, issued on July 2, 2020. The zoning ordinance states that the FFO boundary shall coincide with the boundaries of the 100-year flood plain, excluding floodways as adopted in section 17.6 Floodplain Protection. The request is for the BZA to interpret the FFO boundary based on the FEMA approved floodplain boundary change as identified in the letter of map revision based on fill. Staff recommends a motion to approve the applicant's request to interpret the FFO boundary on the City of Franklin Zoning map based on the letter of map revision on fill, issued by FEMA on July 2, 2020, for the property located at 122 Harlinsdale Court.

Applicant Presentation: Jason Deal with Collier Engineering. Mr. Deal stated that he agrees with staff on the recommendation for approval and asks for approval from the Board.

Chair Langley asked if there were any citizens who would like to speak regarding the appeal of this administration decision (Item #2), there were none.

Chair Langley asked for a motion from the Board.

Commissioner Fleishour motioned to close the public comment, seconded by Commissioner Tomlin.

Vote Tally: 5-0

Commissioner Fleishour motioned to approve based on the LOMR from FEMA regarding fill for the property located at 122 Harlinsdale Court, seconded by Commissioner Scales.

Vote Tally: 5-0, motion passes.

4. **Variance Request** To Allow Parking Within The Riverside Drive Frontage Area For A Proposed Principal Building, and a **Variance Request** To Allow Parking Within The Oak Meadow Drive Frontage Area For A Proposed Principal Building, and a **Variance Request** To Increase The Maximum Front Yard Setback from 30 Feet to 150 Feet, For The Property Located At 880 Oak Meadow Drive. (FZO §7.5 and §3.18.5).

Sponsors:

Amy Diaz-
Barriga,
Ariella
Stanford

Staff Presentation: Ariella Stanford. Ms. Stanford stated that the 13.3-acre lot is located at 880 Oak Meadow Drive and is zoned RC 6 Regional Commerce District. The owner would like to develop the parcel with a two story 100,000 square foot retail space. A site plan has not been submitted for this project. The design of the site has some constraints to consider. The property has a border of slopes greater than 20 percent along Riverside Drive, Oak Meadow Drive and along the access drive to Home Depot. There are also overhead power lines running along Riverside Drive within the public utility and drainage easement, which extends 40 feet into the property from the right of way. The applicant is requesting three variances, 1) to allow parking within the Riverside Drive frontage area, 2) to allow parking within the Oak Meadow Drive frontage area, and 3) to increase the maximum front yard setback from 30 feet to 150 feet. Staff analysis concluded that the BZA may authorize a variance only when the request has met all three criteria required in accordance with the zoning ordinance.

VARIANCE CRITERIA

Criteria 1

Criteria one states that by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time on the enactment of the zoning ordinance, 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 the zoning ordinance.

Criteria 2

The second criteria states that the strict application of the zoning ordinance would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of the property.

Criteria 3

The third criteria 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.

Variance Request No. 1) to allow parking within the Riverside Drive frontage area.

Staff Analysis:

Criteria 1

Ms. Stanford stated that some aspects of the property qualify as an exceptional situation, specifically, the steep slopes immediately adjacent to the right of way. However, it is not exceptional in a way that prevents the ability to development the property under the zoning ordinance. Ms. Stanford further explained that in the absence of a site plan, staff believes there are multiple ways the site could be designed differently so that ADA parking could be placed to the side or behind

the principal building and fire access can be provided in order to comply with the zoning ordinance. Staff finds this criterion has not been met.

Criteria 2

Ms. Stanford stated that staff finds that the strict application of the zoning ordinance would not result in particular and exceptional practical difficulties to or undue hardship upon the owner of the property. The variance request is unique to the applicant's proposed plan and not generally to all potential designs of the site, meaning that the applicant could design a plan for the site that meets the requirements of the zoning ordinance. Ms. Stanford further explained that the expectation of the city is that the applicant designs their site in a way that meets the requirements of the zoning ordinance and does not use the variance process to avoid inconvenience or financial hardship. Staff finds that the proposed plan introduces a self-imposed hardship, one that can be resolved by redesigning the building to meet the zoning ordinance. Staff finds this criterion has not been met.

Criteria 3

Ms. Stanford stated that the design of the site would not be a detriment to the public good, but it would impair the intent of the zoning ordinance. The zoning ordinance introduced the requirements for frontage, starting with the 2019 Zoning Ordinance Update as a direct response to the adoption of Envision Franklin in 2017. Two of the core guiding principles are exceptional design and vibrant neighborhoods. One characteristic of exceptional design, as outlined in Envision Franklin, is that parking should be secondary to the building and its relationship to the street, and that views from the street should not be of parking lots. Examples of vibrant neighborhoods include pedestrian friendly neighborhoods that make walking and biking more enjoyable along the streets. The intent of the zoning ordinance is to reinforce the principles of Envision Franklin by keeping parking to the side or behind principal buildings. This site is not designed in a way that meets the intent of the zoning ordinance. Staff finds this criterion is not met.

Variance Request No. 2) to allow parking within the Oak Meadow Drive frontage area.

Staff Analysis:

Criteria 1

Ms. Stanford explained, as previously said, there are steep slopes immediately adjacent to the roadway. However, it is not exceptional in a way that prevents the ability to accommodate development under the zoning ordinance. For this specific request, staff finds criteria 1 has not been met for the same reasons stated in variance request No. 1.

Criteria 2

Ms. Stanford stated that the strict application of the zoning ordinance would not result in peculiar and exceptional practical difficulties to or undue hardship upon the owner of the property. The variance request is unique to the applicant's proposed design and not generally to all potential designs for the site. Staff finds that the proposed plan introduces a self-imposed hardship, one that can be resolved by redesigning to meet the zoning ordinance. Staff has determined that this criterion has not been met.

Criteria 3

The design of the site would not be a detriment to the public good, but it would impair the intent of the zoning ordinance to align with the principles of Envision Franklin. Parking should be secondary to the building and its relationship to the street and views from the street should not be a parking lot. The intent of the zoning ordinance is to reinforce the principles of Envision Franklin by keeping parking to the side or behind principal buildings. The site is not designed in a way that meets the intent of the zoning ordinance. Staff finds this criterion is not met.

Variance Request 3) to increase the maximum front yard setback from 30 feet to 150 feet.

Staff Analysis:

Criteria 1

Ms. Stanford stated that the property has a border of slopes greater than 20 percent along Riverside Drive, some on Oak Meadow Drive and along the access drive to Home Depot that runs beside the property. In addition, there are overhead power lines running along Riverside Drive, which are within the public utility and drainage easement that exceeds 40 feet into the property from the right of way. The maximum setback for landscape frontage is 30 feet given the topographic conditions and the depth of the easement. It would not be possible for the setback to be less than 40 feet. Ms. Stanford concluded by stating that criteria 1 has been met.

Criteria 2

Ms. Stanford stated that staff finds that the strict application of a provision enacted under the zoning ordinance would result in exceptional practical difficulties for the owner of the property due to the slopes and the public utility and drainage easement. The front setback must be more than the required maximum of 30 feet. The property cannot comply with the strict application of the maximum setback required in this situation. The setback must be more than 40 feet to

accommodate the steep slope and easement along Riverside Drive. Staff finds that the requirements for this criterion have been met.

Criteria 3

Ms. Stanford stated that the design of the site would not be a detriment to the public good, but it would impair the intent of the zoning ordinance. Two of the core guiding principles of Envision Franklin are exceptional design and vibrant neighborhoods. The characteristics of exceptional design would activate the street by creating an inviting pedestrian experience and street views should not be a parking lot. A vibrant neighborhood would include pedestrian friendly neighborhood that make walking and biking more enjoyable along the streets. The intent of the zoning ordinance is to reinforce the principles of Envision Franklin by keeping buildings close to the street. The setback requirement for this site is a maximum of 40 feet and the request of 150 feet setback seems unnecessary and far from the intent of the zoning ordinance. Therefore, staff find that the requirements for this criterion have not been met.

Ms. Stanford noted that the current wording for the request of the 150-foot setback would not only apply to the front yard setback along Riverside Drive, but also to the front yard setback along Oak Meadow Drive. While the applicant has not specifically requested that setback, it appears that the current design would also be reliant on a setback significantly over 30 feet along Oak Meadow Drive, as well.

Ms. Stanford indicated that the recommended motion to the BZA, from staff, is to defer the variance request 1) to allow parking within the Riverside Drive frontage area, 2) to allow parking within the Oak Meadow Drive frontage area, and 3) to increase the maximum front yard setback from 30 feet to 150 feet for the property located at 880 Oak Meadow Drive for a proposed principal building. Deferral is recommended because the criterion for granting a variance is not supported by sufficient evidence and without a proper site plan review it is the staff's professional opinion that the site could be designed in many ways. Ms. Stanford suggested that a proper site plan review with grading sheets and engineering and fire review could bring to light a unique set of conditions that may support the need for a variance.

Chair Langley asked for clarification regarding the additional setback on Oak Meadow Drive.

Ms. Stanford explained that the current wording of the proposal, the request for a front 150-foot setback would not only apply to Riverside Drive, but also to the front setback on Oak Meadow Drive. Although the applicant did not specifically ask for a 150 setback on Oak Meadow Drive, staff believes the front setback would also have to apply to Oak Meadow Drive.

Chair Langley also asked staff for a high-level overview including Envision Franklin guidelines and the zoning ordinance along with the goals of the city for this area.

Ms. Diaz-Barriga explained that Envision Franklin is the long-range land use plan for the city and was adopted in 2017. There have been land use plans for many years but Envision Franklin, along with long range goals, also details very specific characteristics of how sites should be laid out, primary/secondary uses of the land and what the character should be in a certain area. After the adoption of Envision Franklin, the zoning ordinance update immediately followed in 2019 that codifies all the principles. The zoning ordinance supports Envision Franklin goals and provides a way to execute those goals. The subject property falls within the regional commerce design concept, which coincides with the zoning district regional commerce six. The goals of regional commerce design concept align with Envision Franklin. The goal is a mixed-use environment consisting of activated streets where people live, work and play. Buildings are pulled to the street so that pedestrians are moving back and forth interacting with the buildings easily. Ms. Diaz-Barriga noted an example of compliance with the zoning ordinance located on the south side of Oak Meadow Drive in the same area. There are a mix of uses in several buildings, all the parking is behind the building or parallel parking along the street.

Chair Langley asked for the applicant representative to come forward and state their name for the record.

Applicant Presentation: Greg Gamble. Mr. Gamble provided hard copies of the maps for the Board members.

Commissioner Fleishour asked Ms. Diaz-Barriga if the nursing home adjacent to Home Depot conforms to the zoning ordinance.

Ms. Diaz-Barriga stated that Somerby was approved under the previous version of the zoning ordinance and was not required to comply with the current updated zoning ordinance.

Mr. Gamble began by stating that the request for the variance is justified not only for the building design that is proposed but also for the site constraints that exist on the property. Mr. Gamble provided a preliminary unofficial site plan of how the site could be developed. He also added that appropriate dimensions can be provided for the setback along Oak Meadow Drive. Mr. Gamble stated that the site is a complicated situation, but he is hopeful a resolution can be decided on. Riverside Drive runs parallel to I-65 has been closed off and gated until last year because it did not meet the city of Franklin's design standards. The property owners submitted a site plan, rebuilt Riverside Drive and it's now in compliance with the new standards. A sidewalk along the western side of Riverside Drive has also been added. Mr. Gamble noted on page two of the handout the slopes on the property but also noted the stormwater basin that will handle all the stormwater runoff in the area. The stormwater basin was installed with the construction of Riverside Drive. The red area on the handout indicates the 3 to 1 slope with Riverside Drive sitting lower than the site. There is an access drive that runs along the back to Home Depot. Mr. Gamble stated that it is difficult for the fire department to provide emergency services to this area because of the 3 to 1 slope of the property. Also, in the handout, Mr. Gamble pointed out the right of way line of Riverside Drive, the center line of the power line poles, and the electric line that runs between the right of way drive and the easement. These power line poles handle significant infrastructure for Middle Tennessee Electric. The power lines will remain above ground so that they are easily serviced by MTE as these lines handle major electrical transmission for a large part of Franklin. Because the power lines will be above ground, there are required OSHA safety zones that extend on either side of the power line poles. There must be a certain amount of space between the building and electrical poles that is a safe distance. The proposed building fronts Riverside Drive and according to the zoning ordinance, parking is not permitted within the area notated with the red dashed lines and the right of way on Riverside Drive and the right of way on Oak Meadow Drive. There is space to adequately serve and meet the safety needs of the fire department. Mr. Gamble explained that regardless of the building design, there are several limitations and restrictions on this property. The site plan is conceptional at this point due to the significant cost of an official site plan, as requested by staff. The applicant is hesitant to invest significantly at this point in the process, because of the limitations and restrictions of the site.

Commissioner Caesar asked if a specific line could be drawn showing the exact location for emergency services in relationship to the building. The argument presented appears to show that the biggest barrier is working around the fire/emergency services.

Mr. Gamble explained that it is one of the barriers of development of this property. If all the parking in front of the building is removed, it significantly impacts the developability of the property.

Commissioner Caesar asked where the line is, in relationship of the building, for fire and emergency services to execute their business and how far back would the building need to sit.

Mr. Gamble made an educated guess by stating that the distance could be 40 feet from the right of way and then another 40 feet for a total of 80 feet.

Commissioner Caesar stated that if currently there is 150 feet, then only half of that would be necessary.

Mr. Gamble agreed that it would be about half or so of the 150 feet and then some.

Mr. Gamble stated that if the building is located at the existing grade of 706 feet which is a plateau and the existing grade of Riverside Drive is 702 feet, a 10 percent slope on the entrance drive coming in would be needed. The maximum slope on the parking lot is 5 percent. The maximum slope on the parking spaces is 2 percent and 1 percent pedestrian area. The 150-foot setback takes into consideration the maximum slopes that are required by the City of Franklin Engineering when designing a site from Riverside Drive to the building at the existing grade. To move the building closer to meet the engineering standards, the site would have to be lowered which is a significant undertaking in grade change and earthwork. Mr. Gamble stated that the site has significant constraints that cannot be avoided no matter what type of building is proposed for the site. The zoning ordinance for regional commerce requires parking in the front or side of the building to be parallel and "we understand this." Mr. Gamble explained that this complex site is different, but parking is being addressed in light of the zoning requirements. Mr. Gamble concluded by stating that he would be happy to answer any questions.

Chair Langley asked if there were any citizens who would like to speak regarding the variance request for the property

located at 880 Oak Meadow Drive, there were none.

Commissioner Fleishour motioned to close the public comment, seconded by Commissioner Tomlin.
Vote Tally: 5-0

Ms. Diaz-Barriga confirmed that the front half of the property is being proposed for improvements.

Chair Langley asked staff for clarity on the impact of the variance request on the addition of the 150-foot setback for Oak Meadow Drive.

Ms. Diaz-Barriga explained that the language used in the title is that the front setback be extended to 150 feet. The site has two front setbacks, Riverside Drive and Oak Meadow Drive. The applicant addressed Riverside Drive but did not address the constraints of Oak Meadow Drive. Staff overlooked this originally but the same applies to Oak Meadow Drive. This can be discussed or deferred until additional information is provided, if necessary. Ms. Diaz-Barriga concluded by saying that she wanted to bring it to the Board's attention that the front setback would apply to both streets.

Chair Langley asked the Board if anyone had factual questions to ask staff or Mr. Gamble to better understand the proposal.

Commissioner Caesar asked Mr. Gamble if there were similar constraints along Oak Meadow Drive that prevent the building from being closer to the road, as there are along Riverside Drive.

Mr. Gamble stated that the stormwater management area is the lowest point of the site where the stormwater will go before it exits out into the regional system. The stormwater management area is best suited in a shared open space lot. Staff indicated that the stormwater area didn't have to be in an open space lot if it's a unified site plan. The total distance is approximately 80 feet to the closest point of the building. This distance does exceed the regional commerce front setback of 0-30 feet. This area would need to be reserved for stormwater infrastructure.

Chair Langley asked Mr. Gamble what the setback distance was from the right/left side of the diagram moving south.

Mr. Gamble estimated a distance between 80 and 90 feet but did not have the exact numbers.

Chair Langley asked about the two stormwater areas at the intersection of Oak Meadow and Riverside Drive and what the distance is in this area.

Mr. Gamble stated that it is probably around 150 feet.

Chair Langley asked for verification from staff about the area at the intersection of Oak Meadow and Riverside Drive. If the applicant requests a variance on a setback in this area, the setback will have to be over 90 feet because it would apply to the entire side along Oakview Drive, correct?

Ms. Diaz-Barriga confirmed by saying the setback line becomes parallel to the curve of Oak Meadow and the curve of Riverside Drive.

Mr. Gamble asked how the applicant would address this area regarding setback distance.

Ms. Diaz-Barriga explained off the top of her head, staff would need to see what the maximum distance is of this area, then the board would determine what distance the setback could not exceed so that it can be a variation up to a maximum point.

Commissioner Fleishour asked Mr. Gamble about the contours of the property back toward the open parcel.

Mr. Gamble stated that the tree line is the highest point of the property elevation, and it slopes down toward Riverside Drive. The entirety of Riverside Drive sits lower than the entirety of the property.

Chair Langley noted the exhibit that illustrates the terrain changes.

Mr. Fleishour added that if the side is lowered, it would have to be lowered all the way back of the property.

Mr. Gamble stated that for the front setback along Oak Meadow Drive, if the range was between 80 and 200 feet, we would be within that limitation on Oak Meadow Drive. Mr. Gamble estimated the numbers based on the parking lot dimensions and a 60-foot parking bay. Mr. Gamble added that he would be glad to provide specific dimensions.

Chair Langley suggested that each variance request would need its own motion for discussion purposes even though the requests are interrelated.

Chair Langley asked if there was a motion from the Board.

Commissioner Caesar motioned to defer the three variance requests for the property located at 880 Oak Meadow Drive, seconded by Commissioner Fleishour.

Commissioner Caesar explained his rationale for the motion to defer by stating that the Board could provide productive feedback to Mr. Gamble regarding the development of this parcel. Obviously, the setback is a question and without having a better understanding of the facts, the item would probably not be approved. A deferment would allow time for the applicant to provide more information to the Board so that it can confidently make a decision on the request.

Chair Langley suggested withdrawing the deferral motion so that the Board can provide guidance to the applicant.

Mr. Gamble requested the motion to be deferred so that discussion can occur.

Ms. Diaz-Barriga asked if the motion is to defer all three requests or just one variance.

Commissioner Caesar replied that the deferral is for all 3 requests.

Chair Langley stated that the deferral would be to the next BZA meeting on January 5, 2023.

Commissioner Fleishour asked Mr. Gamble if he would have enough time before the next meeting.

Mr. Gamble stated that he would have time. Mr. Gamble noted that the variance request is based upon the hardships of the property.

Commissioner Tomlin stated that the applicant, obviously, has put a lot of time and thought into the master planning of the property. Mr. Tomlin asked if the plan would change once approval was received. He also asked if the applicant felt that all the other aspects of the proposal would comply with the City of Franklin requirements.

Mr. Gamble answered by saying yes for the most part, but there would be engineering questions and suggestions that would require potential changes.

Chair Langley stated that the motion is to defer all 3 variance requests to the January 5, 2023, meeting.

Commissioner Caesar asked Commissioner Tomlin to explain in more detail what prompted his previous questions.

Commissioner Tomlin stated that he believes the applicant has tried to formulate a plan that would be the best use of the property. These guys are experienced with the City of Franklin procedures and know what it takes to work through the planning process. Once the proposal is approved and compliant, the applicant will move forward with construction documents and the permitting application process. If the applicant could design a building and a site within the rules of the City of Franklin zoning ordinances.

Ms. Diaz-Barriga reminded the Board that the plan has not been seen by city staff, reviewed by engineering or by fire officials so although the plan might meet all or most of the zoning requirements, a challenge still exists or may exist as the proposal moves through the planning process. Ms. Diaz-Barriga also noted that Gamble Design Collaborative does a good job and has a thorough understanding of the zoning ordinance.

Chair Langley suggested a conceptual design so that each city department has an opportunity to review the plan and provide feedback before the applicant faces the BZA.

Ms. Diaz-Barriga offered to get any questions regarding the proposal answered by the appropriate staff member.

Mr. Squires stated that the motion before the Board is a motion to defer until the next BZA meeting which does not allow a great opportunity for inquiry or discussion about what a plan might look like. Staff will not have the opportunity to offer comments because they haven't seen the plan. The discussion should be about the merits of whether to defer to the next meeting and why you should or should not do that. The applicant has requested deferral so this might guide the discussion as well.

Chair Langley expressed his concern about repeating the same discussion at the January 5, 2023, meeting and still not have a solution to help move the plan forward.

Commissioner Caesar stated that the only problem with a deferral to the next meeting is that the applicant may not receive the information needed from the Board and staff to make forward progress on the plan. Commissioner Caesar asked the Board if deferral should be for one month or more.

Chair Langley stated that from discussion of the proposed plan, the Board can provide feedback and thoughts on the site that could assist the applicant.

Mr. Squires explained that in this situation, city staff have not seen a plan. The role of the BZA is to consider what has been approved or denied regarding variance requests in the past. Until city staff issues recommendations, reviews, plans and all the departments weigh in on the plan, it is difficult to know what the proposal will look like in January. It's difficult, if not impossible, for the Board to make commentary to an applicant right now that will lead them to an approvable plan or to predict how the proposal will look in January.

Commissioner Caesar asked if the Board chooses to approve the variance request, what will happen.

Mr. Squires answered by saying that the variance requests would be approved.

Chair Langley stated that he supports deferral because he has seen the site firsthand and the unique limitations of the property.

Commissioner Scales stated that he agrees with Commissioner Caesar about providing helpful information to the applicant, but Mr. Squires stated that there isn't much we can offer to the applicant because there isn't a plan in place.

Mr. Squires stated that it's an awkward situation because there isn't a plan in place that staff has reviewed so it's unknown what may be required of the applicant before they can seek approval.

Commissioner Scales asked staff how much time would be needed to allow the applicant to gather information to move the application forward in the process.

Ms. Diaz-Barriga stated that submitting a pre-application for the site would be the easiest for the staff but requires a lot of information from the applicant. The pre-application would give staff an opportunity to establish a baseline to look at the plan realistically. The pre-application would include a grading plan among other components that help staff understand why the applicant is requesting a certain variance. The pre-application deadline is late December to submit a pre-application for early January. Ms. Diaz-Barriga stated that she wasn't sure if there would be enough time for staff to review so it could be the February BZA meeting. The more time the city staff has to review the pre-application, the better the recommendations to the applicant.

Commissioner Fleishour stated that the staff report said that not enough information is available to make a favorable recommendation. This would allow the applicant time to gather as much information as possible without committing to a set of civil drawings. Deferral would be the best way to allow time for the applicant to provide the necessary information.

Commissioner Caesar stated that having a goal (time) for the applicant and staff would be a way to keep the process moving and if necessary, a deferral to the February meeting is an option. Commissioner Caesar stated his main concerns about the subject property as the shape of Oak Meadow Drive and Riverside Drive and the area that the roads come together. Also, the powerlines on the same side of the property, the two frontage yards and the significant slope all create unique limitations of the property. Without a deferral, Mr. Caesar stated that he could not support approval of the variance request.

Commissioner Scales suggested an amendment to the motion to extend the deferral to the February 2, 2023, BZA meeting, seconded by Commissioner Fleishour.

Mr. Gamble requested the deferral to be one month at a time and if necessary, deferred to February. A site plan will not be submitted but meetings with fire and engineering among others will be requested.

Commissioner Scales withdrew his amendment with agreement from Commissioner Fleishour.

Chair Langley stated that once the applicant has meetings with city departments, staff will be better informed about the plan for the site and can provide insight to the Board.

Chair Langley stated that the motion on the floor is to defer the variance request to the January 5, 2023, BZA meeting, for the property located at 880 Oak Meadow Drive.

Vote Tally: 5-0, the motion passes.

OTHER BUSINESS

Chair Jonathan Langley asked if there was any further business. There was none.

ADJOURN

Commissioner Fleishour motioned to adjourn the December 1, 2022 meeting, seconded by Commissioner Tomlin.

Vote Tally: 5-0

There being no further business, the meeting adjourned at 07:04 PM.

Chair

Date



File #: 21-04052

DATE: December 8, 2022
TO: Board of Zoning Appeals
FROM: Amy Diaz-Barriga, Asst Director of Planning Development
Ariella Stanford, Planner

SUBJECT:

Variance Request To Allow Parking Within A Landscape Frontage Area, For The Property Located At 701 Cool Springs Boulevard (FZO §7.5).

PURPOSE:

PROJECT INFORMATION

COF Project Number: 8027
Applicant: Eric Parl
Owner: Highwoods Realty Limited Partnership

BACKGROUND/STAFF COMMENTS:

Vicinity Zoning/Land Use

Site: RC-12 Regional Commerce 12, Office
North: RC-12 Regional Commerce 12, Office
South: RC-6 Regional Commerce 6, Office
East: RC-6 Regional Commerce 6, Office
West: RC-12 Regional Commerce 12, Office

Applicable Zoning Ordinance Provisions

20.10 Variance

- A. The purpose of a variance is to:
1. Provide limited relief from the requirements of this Ordinance in cases where strict application of a particular requirement would create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this Ordinance; and
 2. Address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.
- B. Variances are not intended merely to remove inconveniences or financial burdens that the requirements of this Ordinance may impose on property owners in general.

7.5 Landscape Frontage

Parking shall be located behind or to the side of the principal building, but no closer to the street than the front facade, unless it is parallel parking.

Background

The subject property is located at 701 Cool Springs boulevard, and is zoned RC-12 Regional Commerce 12 District. The applicant is proposing a retail building along Carothers Parkway. The proposed building has a Landscape Frontage type, which requires parking to be behind or to the side

of the building facade. There is currently an existing surface parking lot that will service the proposed building. The existing parking lot is located to the side of the proposed retail building, and it is approximately 8 feet closer to the property line than the front facade of the proposed building. The applicant is requesting to allow parking to encroach into a landscape frontage area for the proposed principal building location.

Staff Analysis

The BZA may authorize a variance only when the request has met all three criteria in accordance with F.Z.O §20.10.6 and State law. The staff has completed an analysis of the request in light of these criteria:

1. Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the Zoning Ordinance 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 Ordinance.

The parking lot is already existing on the site, and there are multiple restrictions that are preventing the proposed building from being 8 feet closer to the street, thereby negating the need for this request. There are multiple utility easements that are preventing the building from being closer to the property line than the parking lot. The Mallory Valley Utility Easement also has an existing utility water backflow system that is preventing the sidewalk access to the building from being any closer to the lot line. Because the existing conditions of the site are preventing development and access to the building from being any closer to the front lot line, Staff finds this requirement met.

2. The strict application of any provision enacted under the Zoning Ordinance would result in peculiar and exceptional practical difficulties for or exceptional or undue hardship for the owner of the property.

Staff finds that the application of a provision enacted under the Zoning Ordinance would result in undue hardship upon the owner of the property. According to the Zoning Ordinance, the building is required to front Carothers Parkway, and is required to have a sidewalk with a width of 8' for access to the front of the building. The existing utility backflow system is preventing the sidewalk and building from being any closer to the lot line. Therefore, staff finds that this criteria is met.

3. Such relief may be granted without substantial detriment to the public good and without substantially impairing the purpose and intent of the Zoning Ordinance.

Staff finds that this proposed plan would not cause substantial detriment to the public good. Staff also finds that it would not impair the intent of the Zoning Ordinance. Because this proposal complies with the Zoning Ordinance in fronting Carothers Parkway and having sidewalk access to the front of the building, as well as trying to place the building as far forward as possible, it is evident that this proposal is deviating from the Zoning Ordinance in the smallest margin possible. This shows their effort to meet the intent of the Zoning Ordinance. Staff finds that this criteria is met.

FINANCIAL IMPACT:

None.

RECOMMENDATION:

RECOMMENDED MOTION: Staff recommends the Board of Zoning Appeals move to approve the variance request to allow parking within a landscape frontage area, for the property located at 701 Cool Springs Boulevard, because the criteria for granting a variance have been met.

701 COOL SPRINGS BOULEVARD
TAX MAP 062, PARCEL 01107
BOARD OF ZONING APPEALS
5 JANUARY, 2023

Legend

-  701 Cool Springs Blvd
-  AG Agricultural District
-  ER Estate Residential District
-  R1 Residential 1 District
-  R2 Residential 2 District
-  R3 Residential 3 District
-  R4 Residential 4 District
-  R6 Residential 6 District
-  MR Mixed Residential District
-  PD Planned District
-  OR Office Residential District
-  CI Civic Institutional District
-  NC Neighborhood Commercial
-  CC Central Commercial District
-  DD Downtown District
-  1ST Avenue District
-  5TH Avenue District
-  RC6 Regional Commerce 6 District
-  RC12 Regional Commerce 12 District
-  GO General Office District
-  LI Light Industrial District
-  HI Heavy Industrial District

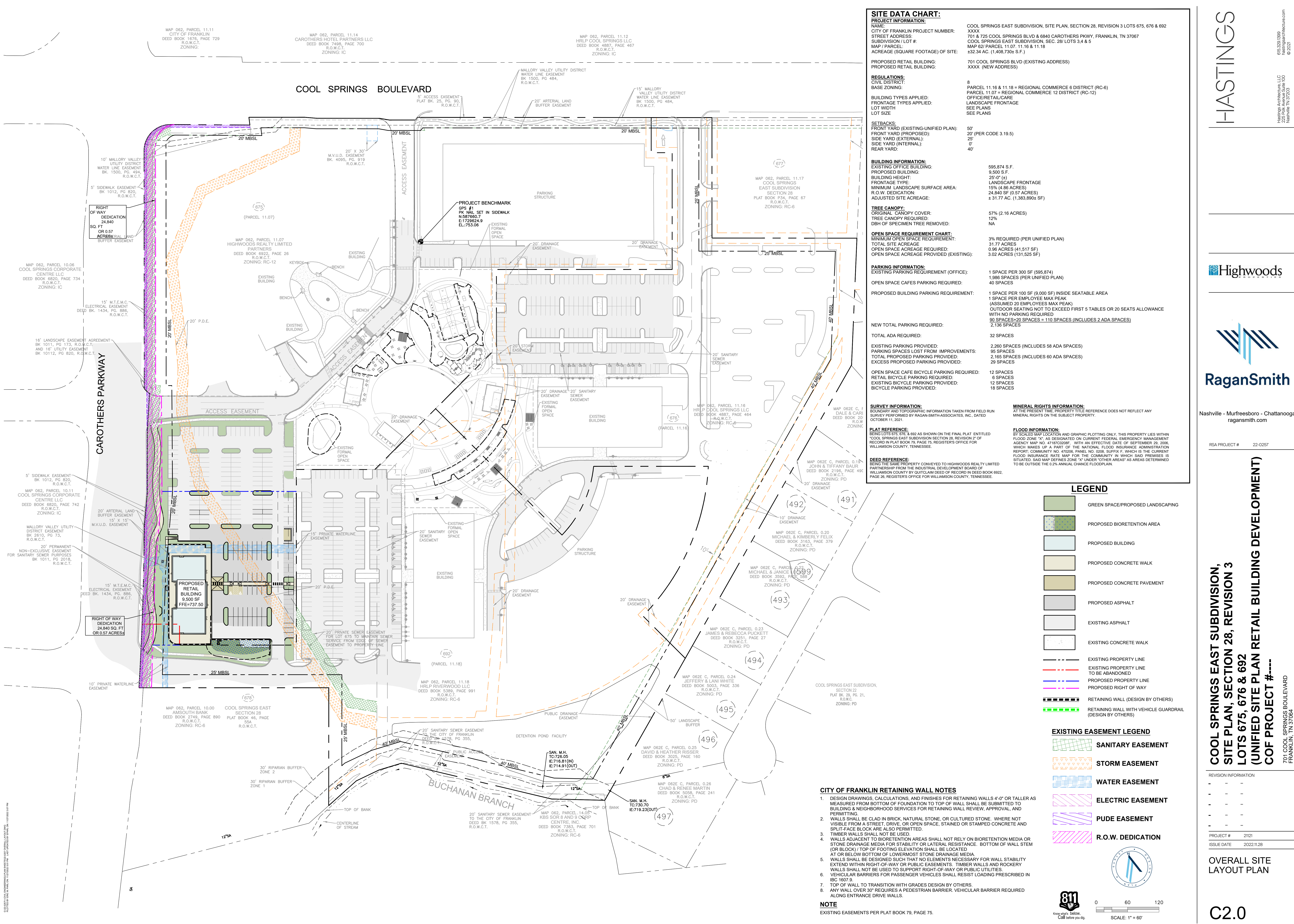
This map was created by the Franklin Planning Department.
It was compiled from the most authentic information available.
The City is not responsible for any errors or omissions contained herein.
All data and materials (c) copyright 2022. All rights reserved.



0 250 500 1,000
Feet



HISTORIC
FRANKLIN
TENNESSEE



SITE DATA CHART:	
PROJECT INFORMATION:	
NAME:	COOL SPRINGS EAST SUBDIVISION, SITE PLAN, SECTION 28, REVISION 3 LOTS 675, 676 & 692
CITY OF FRANKLIN PROJECT NUMBER:	XXXX
STREET ADDRESS:	701 & 725 COOL SPRINGS BLVD & 6840 CAROTHERS PKWY, FRANKLIN, TN 37067
SUBDIVISION / LOT #:	COOL SPRINGS EAST SUBDIVISION, SEC. 28/ LOTS 3,4 & 5
MAP / PARCEL:	MAP 62/ PARCEL 11.07, 11.16 & 11.18
ACREAGE (SQUARE FOOTAGE) OF SITE:	332.34 AC. (1,408,730± S.F.)
PROPOSED RETAIL BUILDING:	701 COOL SPRINGS BLVD (EXISTING ADDRESS)
PROPOSED RETAIL BUILDING:	XXXX (NEW ADDRESS)
REGULATIONS:	
CIVIL DISTRICT:	8
BASE ZONING:	PARCEL 11.16 & 11.18 = REGIONAL COMMERCE 6 DISTRICT (RC-6)
BUILDING TYPES APPLIED:	PARCEL 11.07 = REGIONAL COMMERCE 12 DISTRICT (RC-12)
FRONTAGE TYPES APPLIED:	OFFICE/RETAIL/CAFE
LOT WIDTH	LANDSCAPE FRONTAGE
LOT SIZE	SEE PLANS
SETBACKS:	
FRONT YARD (EXISTING-UNIFIED PLAN):	50' (PER CODE 3.19.5)
FRONT YARD (PROPOSED):	20'
SIDE YARD (EXTERNAL):	25'
SIDE YARD (INTERNAL):	0'
REAR YARD:	40'
BUILDING INFORMATION:	
EXISTING OFFICE BUILDING:	595,874 S.F.
PROPOSED BUILDING:	9,500 S.F.
BUILDING HEIGHT:	25'-0" (4)
FRONTAGE TYPE:	LANDSCAPE FRONTAGE
MINIMUM LANDSCAPE SURFACE AREA:	15% (4.86 ACRES)
R.O.W. DEDICATION:	24,840 SF (0.57 ACRES)
ADJUSTED SITE ACREAGE:	± 31.77 AC. (1,383,890± SF)
TREE CANOPY:	
ORIGINAL CANOPY COVER:	57% (2.16 ACRES)
TREE CANOPY REQUIRED:	12%
DBH OF SPECIMEN TREE REMOVED:	NA
OPEN SPACE REQUIREMENT CHART:	
MINIMUM OPEN SPACE REQUIREMENT:	3% REQUIRED (PER UNIFIED PLAN)
TOTAL SITE ACREAGE:	31.77 ACRES
OPEN SPACE ACREAGE REQUIRED:	0.96 ACRES (41,517 SF)
OPEN SPACE ACREAGE PROVIDED (EXISTING):	3.02 ACRES (131,525 SF)
PARKING INFORMATION:	
EXISTING PARKING REQUIREMENT (OFFICE):	1 SPACE PER 300 SF (595,874)
EXISTING PARKING PROVIDED:	1,988 SPACES (PER UNIFIED PLAN)
OPEN SPACE CAFES PARKING REQUIRED:	40 SPACES
PROPOSED BUILDING PARKING REQUIREMENT:	1 SPACE PER 100 SF (9,500 SF) INSIDE SEATABLE AREA
PROPOSED BUILDING PARKING PROVIDED:	1 SPACE PER EMPLOYEE MAX PEAK (ASSUMED 20 EMPLOYEES MAX PEAK)
OUTDOOR SEATING NOT TO EXCEED FIRST 5 TABLES OR 20 SEATS ALLOWANCE WITH NO PARKING REQUIRED	
90 SPACES=20 SPACES = 110 SPACES (INCLUDES 2 ADA SPACES)	
2,136 SPACES	
NEW TOTAL PARKING REQUIRED:	
TOTAL ADA REQUIRED:	32 SPACES
EXISTING PARKING PROVIDED:	2,260 SPACES (INCLUDES 58 ADA SPACES)
PARKING SPACES LOST FROM IMPROVEMENTS:	95 SPACES
TOTAL PROPOSED PARKING PROVIDED:	2,165 SPACES (INCLUDES 60 ADA SPACES)
EXCESS PROPOSED PARKING PROVIDED:	29 SPACES
OPEN SPACE CAFE BICYCLE PARKING REQUIRED:	12 SPACES
RETAIL BICYCLE PARKING REQUIRED:	6 SPACES
EXISTING BICYCLE PARKING PROVIDED:	12 SPACES
BICYCLE PARKING PROVIDED:	6 SPACES
SURVEY INFORMATION:	
BOUNDARY AND TOPOGRAPHIC INFORMATION TAKEN FROM FIELD SURVEY PERFORMED BY RAGAN-SMITH ASSOCIATES, INC., DATED OCTOBER 11, 2021.	
MINERAL RIGHTS INFORMATION:	
AT THE PRESENT TIME, PROPERTY TITLE REFERENCE DOES NOT REFLECT ANY MINERAL RIGHTS ON THE SUBJECT PROPERTY.	
FLOOD INFORMATION:	
BY SCALED MAP LOCATION AND GRAPHIC PLOTTING ONLY, THIS PROPERTY LIES WITHIN FLOOD ZONE "C" AS DESIGNATED ON CURRENT FEDERAL EMERGENCY MANAGEMENT AGENCY MAP NO. 47187C020208F. WITH AN EFFECTIVE DATE OF SEPTEMBER 29, 2006, WHICH MAKES UP A PART OF THE NATIONAL FLOOD INSURANCE ADMINISTRATION REPORT: COMMUNITY NO. 472006, PANEL NO. 0208, SUFFIX F, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PREMISES IS SITUATED. SAID MAP SERVES ZONE "C" UNDER OTHER AREAS AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.	
PLAT REFERENCE:	
BEING LOTS 675, 676, & 692 AS SHOWN ON THE FINAL PLAT, ENTITLED "COOL SPRINGS EAST SUBDIVISION SECTION 28, REVISION 2" OF RECORD IN PLAT BOOK 79, PAGE 75, REGISTER'S OFFICE FOR WILLIAMSON COUNTY, TENNESSEE.	
DEED REFERENCE:	
BEING THE SAME PROPERTY CONVEYED TO HIGHWOODS REALTY LIMITED PARTNERSHIP FROM THE INDUSTRIAL DEVELOPMENT BOARD OF WILLIAMSON COUNTY BY QUITCLAIM DEED OF RECORD IN DEED BOOK 682, PAGE 26, REGISTER'S OFFICE FOR WILLIAMSON COUNTY, TENNESSEE.	

LEGEND	
	GREEN SPACE/PROPOSED LANDSCAPING
	PROPOSED BIORETENTION AREA
	PROPOSED BUILDING
	PROPOSED CONCRETE WALK
	PROPOSED CONCRETE PAVEMENT
	PROPOSED ASPHALT
	EXISTING ASPHALT
	EXISTING CONCRETE WALK
	EXISTING PROPERTY LINE
	EXISTING PROPERTY LINE TO BE ABANDONED
	PROPOSED PROPERTY LINE
	PROPOSED RIGHT OF WAY
	RETAINING WALL (DESIGN BY OTHERS)
	RETAINING WALL WITH VEHICLE GUARDRAIL (DESIGN BY OTHERS)
EXISTING EASEMENT LEGEND	
	SANITARY EASEMENT
	STORM EASEMENT
	WATER EASEMENT
	ELECTRIC EASEMENT
	PUDE EASEMENT
	R.O.W. DEDICATION

- CITY OF FRANKLIN RETAINING WALL NOTES**
- DESIGN DRAWINGS, CALCULATIONS, AND FINISHES FOR RETAINING WALLS 4'-0" OR TALLER AS MEASURED FROM BOTTOM OF FOUNDATION TO TOP OF WALL SHALL BE SUBMITTED TO BUILDING & NEIGHBORHOOD SERVICES FOR RETAINING WALL REVIEW, APPROVAL, AND PERMITTING.
 - WALLS SHALL BE CLAD IN BRICK, NATURAL STONE, OR CULTURED STONE. WHERE NOT VISIBLE FROM A STREET, DRIVE, OR OPEN SPACE, STAINED OR STAMPED CONCRETE AND SPLIT-FACE BLOCK ARE ALSO PERMITTED.
 - TIMBER WALLS SHALL NOT BE USED.
 - WALLS ADJACENT TO BIORETENTION AREAS SHALL NOT RELY ON BIORETENTION MEDIA OR STONE DRAINAGE MEDIA FOR STABILITY OR LATERAL RESISTANCE. BOTTOM OF WALL STEM (OR BLOCK) / TOP OF FOOTING ELEVATION SHALL BE LOCATED AT OR BELOW BOTTOM OF LOWERMOST STONE DRAINAGE MEDIA.
 - WALLS SHALL BE DESIGNED SUCH THAT NO ELEMENTS NECESSARY FOR WALL STABILITY EXTEND WITHIN RIGHT-OF-WAY OR PUBLIC EASEMENTS. TIMBER WALLS AND ROCKERY WALLS SHALL NOT BE USED TO SUPPORT RIGHT-OF-WAY OR PUBLIC UTILITIES.
 - VEHICULAR BARRIERS FOR PASSENGER VEHICLES SHALL RESIST LOADING PRESCRIBED IN IBC 1607.9.
 - TOP OF WALL TO TRANSITION WITH GRADES DESIGN BY OTHERS.
 - ANY WALL OVER 30' REQUIRES A PEDESTRIAN BARRIER. VEHICULAR BARRIER REQUIRED ALONG ENTRANCE DRIVE WALLS.
- NOTE**
EXISTING EASEMENTS PER PLAT BOOK 79, PAGE 75.

HASTINGS

Highwoods

RaganSmith

Nashville - Murfreesboro - Chattanooga
ragansmith.com

RSA PROJECT # 22-0257

COOL SPRINGS EAST SUBDIVISION,
SITE PLAN, SECTION 28, REVISION 3
LOTS 675, 676 & 692
(UNIFIED SITE PLAN RETAIL BUILDING DEVELOPMENT)
COF PROJECT #----

701 COOL SPRINGS BOULEVARD
FRANKLIN, TN 37064

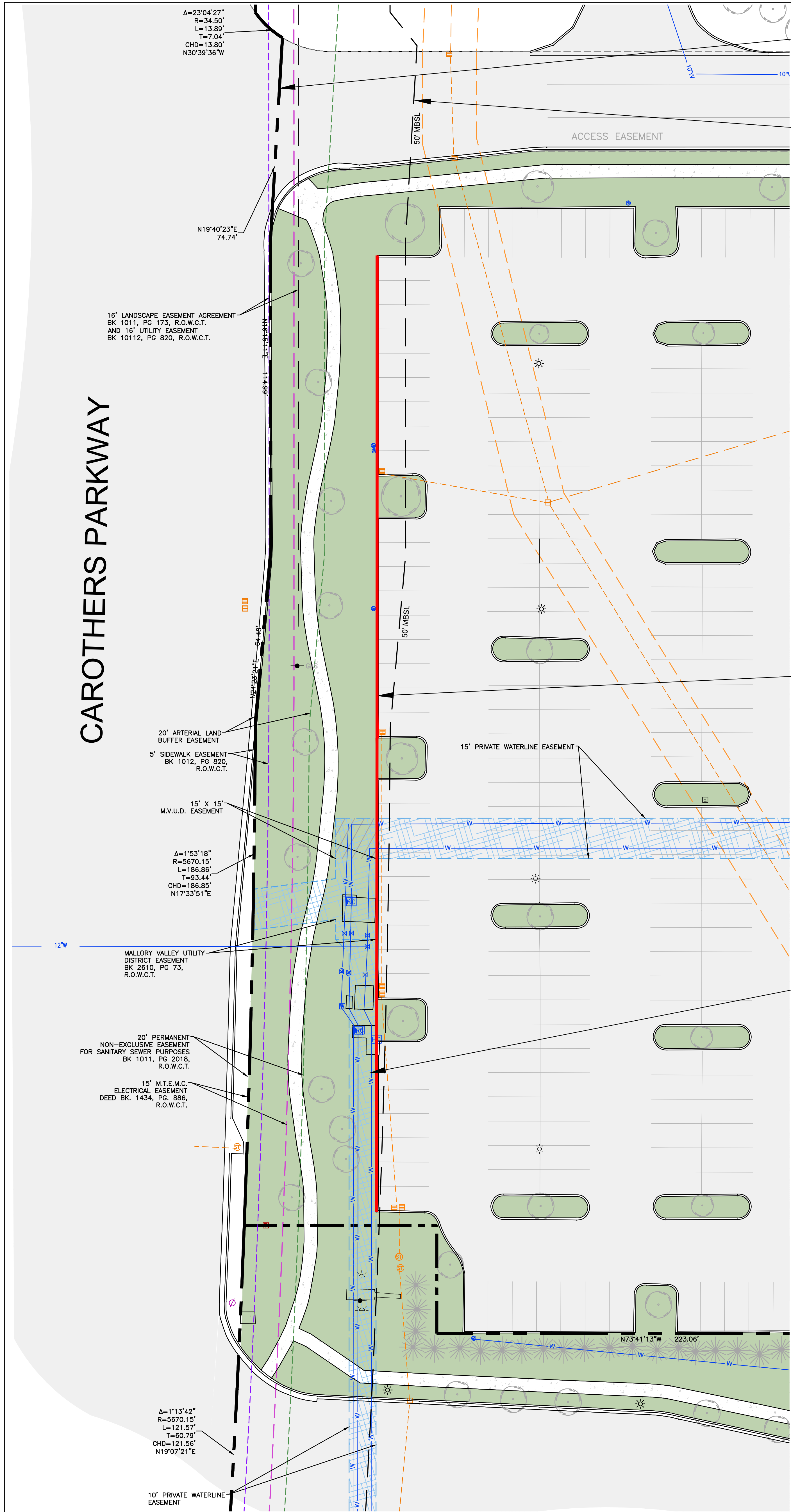
REVISION INFORMATION

PROJECT #	2121
ISSUE DATE	2022.11.28

OVERALL SITE LAYOUT PLAN

C2.0

Page 18 of 68



EXISTING CONDITIONS

EXISTING
PROPERTY LINE

EXISTING
50' MBSL

RIGHT-OF-WAY
DEDICATION

NEW 50' MBSL WITH
RIGHT-OF-WAY
DEDICATION

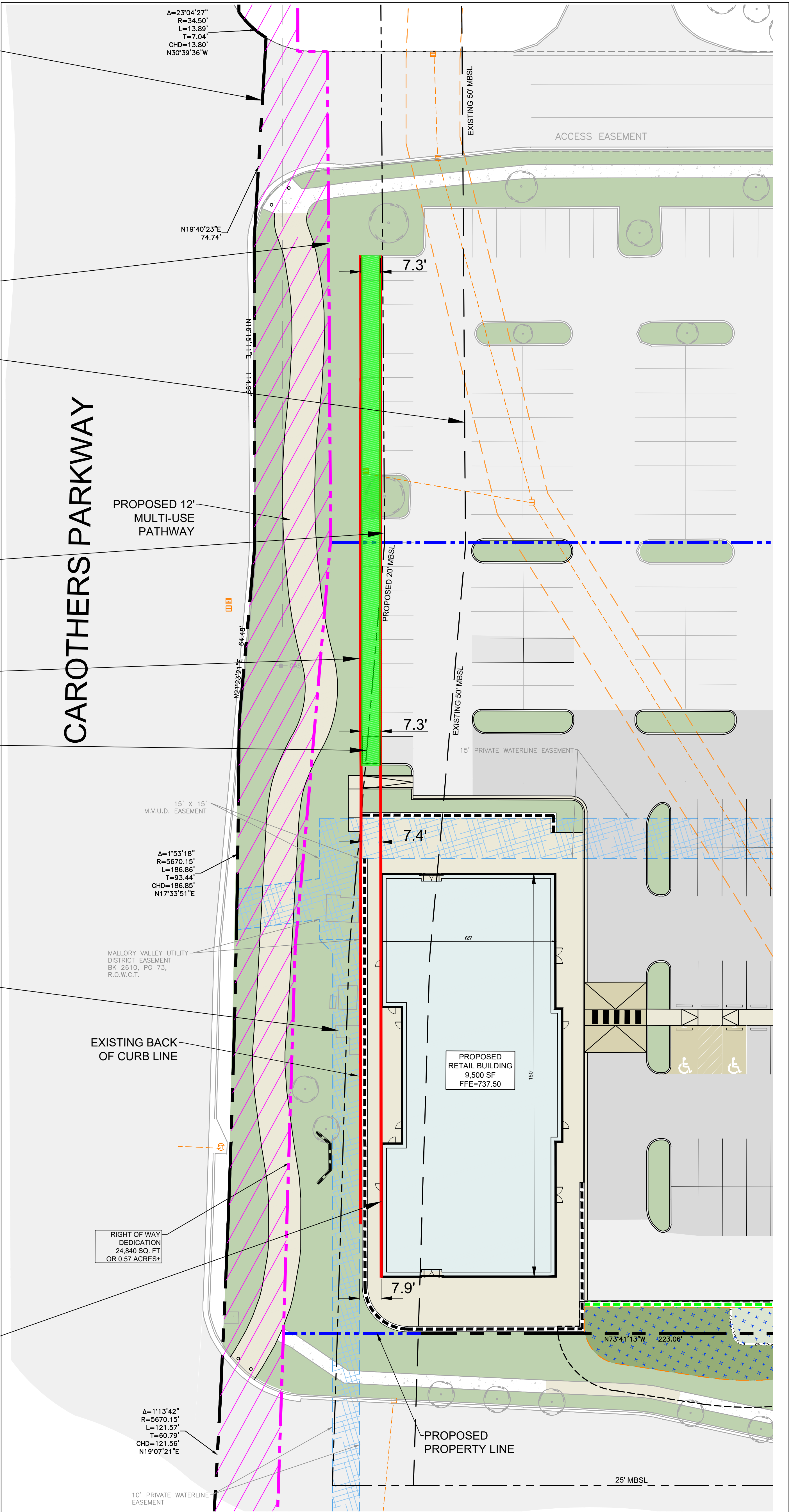
UDO REVISION MBSL=
ENVISION FRANKLIN
(PROPOSED 20' MBSL)

EXISTING PARKING
CURBLINE

BZA VARIANCE FOR
ADJACENT PARKING
TO REMAIN IN FRONT
OF PROPOSED
BUILDING FACADE

EXISTING UTILITY
EASEMENT

PROPOSED
BUILDING LOCATION



PROPOSED CONDITIONS

Cool Springs East Subdivision – Proposed Retail BZA Application

PHOTO EXHIBIT



Street View (Looking South towards proposed retail front)



Existing utility water backflow system along subject front parking curb alignment
(Looking Northwest towards Carothers from proposed building)



Existing utility water backflow system along subject front parking curb alignment
(Looking Northwest towards Carothers from proposed building)

December 5, 2022

ELECTRONIC DELIVERY

Ms. Ariella Stanford
City of Franklin
Planning and Sustainability Department
109 3rd Avenue South
Franklin, Tennessee 37064

**RE: BOARD OF ZONING APPEALS (BZA) SUBMITTAL
COOL SPRINGS OFFICE PARK RETAIL
701 COOL SPRINGS BLVD
RAGANSMITH JOB# 22-0257**

Dear Ariella:

Per our Pre-application meeting on November 7, 2022; we are submitting this Variance request application for BZA review and approval for a proposed retail building's front façade location relative to the existing parking frontage alignment. The proposed retail building will be located along Carothers Parkway and sits at the southwest corner of the property addressed as 701 Cool Springs Boulevard (Tax map 062, Parcel 11.07). The subject property is zoned RC12 with a Landscape Frontage Type further as described in Chapter 7 of the City of Franklin Zoning Ordinance. This Variance request is based on **City of Franklin Zoning Ordinance Code 7.5 (Landscape Frontage)**, that reads: **"Parking shall be located behind or to the side of the principal building, but no closer to the street than the front façade, unless it is parallel parking."**

Variance request (per code 7.5): To allow the adjacent existing parking to remain as is relative to the proposed building front façade location.

As we understand it, the scope of a Variance application is a request to grant relief from certain zoning requirements for property in situations based on the following three criteria:

1. Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property ... or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition, such piece of property is not able to accommodate development as required under this Ordinance;

Response: City of Franklin Zoning Ordinance Code 7.5 (Landscape Frontage); Due to existing public and private utilities and their associated easements and clearance requirements, we are not able to locate a proposed building's front façade (Carothers Parkway side) so that the adjacent existing parking is "no closer to the street than the front façade of a building". As such, the proposed building front façade is approximately 8' behind the adjacent existing parking, as shown in the supporting exhibit.

Further, the required minimum building setback line (MBSL) within the Unified Plan is currently 50'. This existing condition restricts the building's location ability to meet said Landscape Frontage requirement. While we are requesting a revision to the UDO to reduce this to a 20' MBSL to align with current RC12 policy, we are still unable to meet the parking frontage due to the existing location of said utilities and their associated easements. It should also be noted that the proposed building has several zoning and building code related items that restricts its ability to be located any closer to the required frontage alignment. Some examples would be the requirement to have doors along the front (Carothers Parkway facing side) and the required pathway to the doors along said frontage

NASHVILLE

315 Woodland Street
P.O. Box 60070
Nashville, TN 37206
(615) 244-8591

MURFREESBORO

1500 Medical Center Parkway
Suite 2 J
Murfreesboro, TN 37129
(615) 546-6050

CHATTANOOGA

1410 Cowart Street
Suite 200
Chattanooga, TN 37408
(423) 490-9400



for reasons of fire code, utility access, and a second means of ingress/egress. Based on all these existing and proposed conditions, the subject property is not able to accommodate development as required under this Ordinance and therefore this Zoning Variance is being requested.

2. The strict application of any provision enacted under this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional hardship upon the owner of such property; and

Response: City of Franklin Zoning Ordinance Code 7.5 (Landscape Frontage); Due to the location of existing public and private utilities and their associated easements and clearance requirements, we are not able to place the proposed building front façade so that it is even or in front of the adjacent existing parking frontage alignment. Relocating the existing private and public utilities to accommodate the building/parking frontage alignment requirements would result in peculiar and exceptional practical difficulties and be an exceptional hardship to all public and private parties / owners associated with this property. It should also be noted that the right-of-way dedications and required right-of-way improvements, required with this proposed development also puts horizontal and vertical hardships on the relocation of said existing utilities to accommodate the proposed building and its required location.

3. Such relief may be granted without substantial detriment to the public good and without substantially impairing the purpose and intent of the zoning map and this Ordinance. In accordance with State law, all three criteria must be met to grant a variance. Variances are typically considered for dimensional requirements, such as encroachments into setbacks. Variances cannot be considered for use regulations. They also do not include financial burdens that an applicant may perceive to be incurred if asked to fully comply with the City's regulations.

Response: City of Franklin Zoning Ordinance Code 7.5 (Landscape Frontage); By granting this requested Zoning Variance, there would be no substantial detriment to the public good and by meeting the Zoning Ordinance to the best of the property's ability (approximately 8.0' shy of meeting the Zoning Ordinance-landscape frontage), it does not substantially impair the purpose and intent of the zoning map and this Ordinance. This Zoning Variance request is not for any use regulations and no financial burdens were considered with this Zoning Variance request.

Please contact me directly if there are any comments or concerns.

Sincerely,

RAGANSMITH ASSOCIATES, INC.

Eric M. Parl, P.E.
Project Manager

EMP:kib
Attachments



File #: 21-04053

DATE: December 8, 2022
TO: Board of Zoning Appeals
FROM: Amy Diaz-Barriga, Asst Director of Planning Development
Ariella Stanford, Planner

SUBJECT:

Variance Request To Allow An Encroachment With A Maximum Of 7 Feet Into A Side Yard Setback, For The Property Located At 1108 Harpeth Industrial Court (FZO §3.21.5).

PURPOSE:

PROJECT INFORMATION

COF Project Number: 8028
Applicant: Will Butler
Owner: Five Daughters Bakery, LLC

BACKGROUND/STAFF COMMENTS:

Vicinity Zoning/Land Use

Site: LI Light Industrial District, Mixed Nonresidential
North: LI Light Industrial District, Industrial/Office/Civic/Institutional
South: PD Planned District, Mixed Use
East: LI Light Industrial District, Industrial
West: LI Light Industrial District, Retail

Applicable Zoning Ordinance Provisions

20.10 Variance

- A. The purpose of a variance is to:
1. Provide limited relief from the requirements of this Ordinance in cases where strict application of a particular requirement would create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this Ordinance; and
 2. Address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.
- B. Variances are not intended merely to remove inconveniences or financial burdens that the requirements of this Ordinance may impose on property owners in general.

3.21.5 Zoning Districts, Light Industrial District, Dimensional Standards

Principal Building Setbacks	Minimum
Side Yard	10 feet

Background

The subject property is located at 1108 Harpeth Industrial Court. It is zoned Light Industrial (LI) District, and it is located within the Central Franklin Overlay (CFO). The property is currently occupied by Five Daughters Bakery,

and they are requesting an encroachment with a maximum of 7 feet into the side yard setback. The new addition to the building, which is a walk-in cooler that services the bakery, encroaches 7 feet into the required 10 feet setback. This encroachment is a little over 3 feet from the side property line. Part of the original building, which was built in 1973, also encroaches into the side yard setback.

With this request, there is a specific timeline of events to be aware of, which led the applicant to request this variance.

April 20th, 2021: 1st Submission in IDT and Building Permit Application Processed

August 26th, 2021: Submission accepted for review

September 10th, 2021: Conditional Letter of Approval from BNS

February 18th, 2022: Building Permit Issued

March 11, 2022: Footing Inspection

March 30, 2022: Foundation Inspection

End of July, 2022: Temporary Certificate of Use and Occupancy is issued

September 27th, 2022: Resubmittal of plans

September 28th, 2022: Submittal declined due to lack of cover letter

October 17th, 2022: Resubmittal of plans

October 19th, 2022: Review declined

This is a unique situation, as this project received a building permit and passed multiple inspections which were performed by the City of Franklin before being informed that it is not in compliance with the Zoning Ordinance.

Staff Analysis

The BZA may authorize a variance only when the request has met all three criteria in accordance with F.Z.O §20.10.6 and State law. The staff has completed an analysis of the request in light of these criteria:

1. Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the Zoning Ordinance 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 Ordinance.

The shape and size of this lot are unique in nature. The lot is very narrow and it gets gradually more narrow from the back of the lot to the front. As seen from the encroachment into the side yard with the original building footprint, the original building would not comply with the current Zoning Ordinance if it were built today, because of the narrowness and unique shape of the lot. With the front facade of the building being oriented parallel to Harpeth Industrial court to comply with the Zoning Ordinance, the lot line to the left of the building slants towards the building, creating a slanted and strangely narrow lot restriction to the left of the building. Staff finds this requirement met.

2. The strict application of any provision enacted under the Zoning Ordinance would result in peculiar and exceptional practical difficulties for or exceptional or undue hardship for the owner of the property.

Seeing as the addition was granted a Building Permit, and passed multiple inspections from the City of Franklin, having to come into compliance with the Zoning Ordinance at this point would result in undue hardship upon the owner of the property. The property owner was under the impression that their addition was not an issue, so their bakery business is now dependent on this addition, which is a walk-in cooler. Staff finds that this criteria is met.

3. Such relief may be granted without substantial detriment to the public good and without substantially impairing the purpose and intent of the Zoning Ordinance.

Staff finds that this proposed plan would not cause substantial detriment to the public good. Staff also finds that it would not impair the intent of the Zoning Ordinance. The intent of the Zoning Ordinance in this case is to maintain a buffer between buildings and their side lot line that is consistent along a street or within a neighborhood. Because of the strange shape of the lot, the addition that is encroaching into the setback is not much closer to the lot line than the original building, and visibility of the encroachment is very limited. Staff finds that this criteria is met.

FINANCIAL IMPACT:

None.

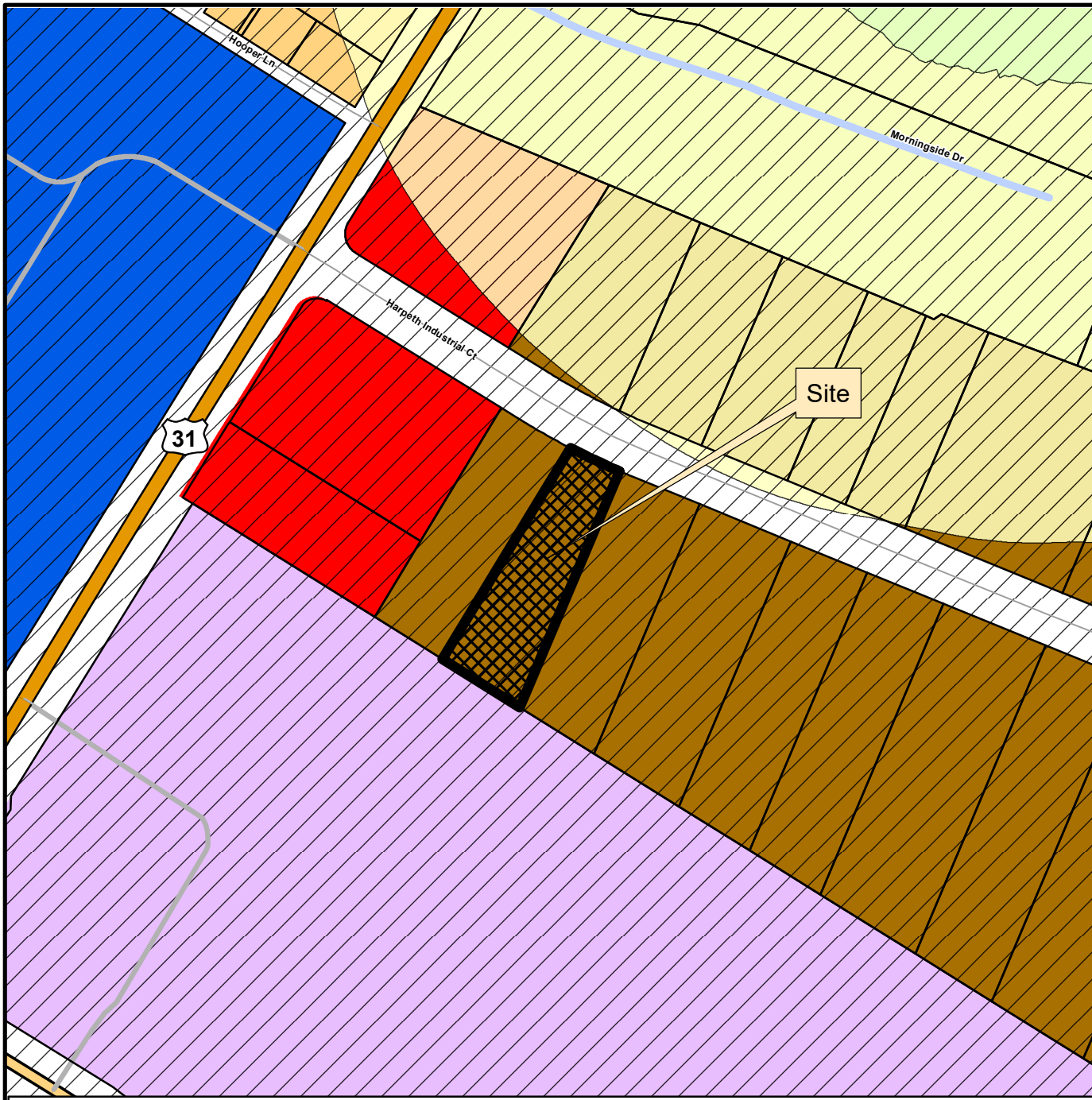
RECOMMENDATION:

RECOMMENDED MOTION: Staff recommends the Board of Zoning appeals move to approve the variance request to allow an encroachment with a maximum of 7 feet into a side yard setback, for the property located at 1108 Harpeth Industrial Court, because the criteria for granting a variance have been met.

1108 HARPETH INDUSTRIAL COURT
TAX MAP 063L, GROUP D, PARCEL 00400
BOARD OF ZONING APPEALS
5 JANUARY, 2023

Legend

-  1108 Harpeth Industrial Court
-  Central Franklin Overlay
-  Hillside/Hillcrest Overlay
-  500 Ft Buffer of Hillside
-  AG Agricultural District
-  ER Estate Residential District
-  R1 Residential 1 District
-  R2 Residential 2 District
-  R3 Residential 3 District
-  R4 Residential 4 District
-  R6 Residential 6 District
-  MR Mixed Residential District
-  PD Planned District
-  OR Office Residential District
-  CI Civic Institutional District
-  NC Neighborhood Commercial
-  CC Central Commercial District
-  DD Downtown District
-  1ST Avenue District
-  5TH Avenue District
-  RC6 Regional Commerce 6 District
-  RC12 Regional Commerce 12 District
-  GO General Office District
-  LI Light Industrial District
-  HI Heavy Industrial District



This map was created by the Franklin Planning Department.
It was compiled from the most authentic information available.
The City is not responsible for any errors or omissions contained hereon.
All data and materials (c) copyright 2022. All rights reserved.



0 250 500 1,000
Feet



HISTORIC
FRANKLIN
TENNESSEE



BOUNDARY LINE
ADJOINING BOUNDARY LINE
ENCE

NEW BUILDING ADDITION

MONUMENT FOUND (5) REBAR, UNLESS NOTED OTHERWISE

A TITLE COMMITMENT SEARCH WAS NOT FURNISHED AT TIME OF SURVEY, THEREFORE THIS SURVEY IS SUBJECT TO AN ACCURATE TITLE COMMITMENT SEARCH.

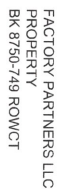
BEARINGS AND DISTANCES TAKE PRECEDENCE OVER SCALE
SEIBACKS ARE AS PER ZONING. PROPERTY IS ZONED L-1 (LIGHT INDUSTRIAL)
PER THE CITY OF FRANKLIN ZONING MAP. SURVEY DOES NOT
ADDRESS CONTEXTUAL SETBACKS.

PROPERTY IS SUBJECT TO COVENANTS, EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD AND NOT OF RECORD.

THE SURVEYOR'S LIABILITY FOR THIS DOCUMENT SHALL BE LIMITED TO THE ORIGINAL PURCHASER, AND DOES NOT EXTEND TO ANY UNNAAMED PERSONS OR ENTITIES WITHOUT AN EXPRESS RE-CERTIFICATION BY THE SURVEYOR WHOSE NAME APPLIES HEREIN.

THIS SURVEY DOES NOT ADDRESS THE EXISTENCE OR NON-EXISTENCE OF WETLANDS AREAS.

SUBJECT TO THE HARPETH VALLEY INDUSTRIAL PARK AS OF PLAT BOOK 3, PG. 40
REGISTERS OFFICE FOR WILLIAMSON COUNTY TENNESSEE.

[illegible]GRAPHIC SCALE $1'' = 20'$

NORTH BASED ON
A SURVEY OF THE PROPERTY SHOWN
DONE BY INITIAL POINT LAND SURVEYING INC
(L KEVIN MOREHEAD TNRLS #2315)
DATED JUNE 01,2016

NAD = NORTH AMERICAN DATUM
BK=BOOK
PB.=PAGE
AC= AIR CONDITIONING UNIT
MBSI = MINIMUM BUILDING SETBACK LINE
ROWC1= REGISTERS OFFICE OF WILLIAMSON COUNTY, TENNESSEE

The perimeter shown here is per a Survey made on the ground, there are no encroachments other than those shown, and the survey is correct to the best of my knowledge, belief and professional opinion.

This tract does not lay within a Special Flood Hazard Area of the Federal Emergency Management Agency according to the Flood Insurance Rate Map 141367 0211 G, Zone XI of the city of Franklin, Williamson County Tennessee, dated Dec. 22, 2016, unless otherwise noted.

Bearing and distance shown take precedence over scale.

I hereby certify that this is a Category-1 survey, and that the Closure of the Unadjusted Traverse is better than 1:10,000. This survey was done in compliance with current Tennessee minimum standards of practice.



GRAYSON W. SMITH TN RLS # 3003
TTL, INC.

OF THE FIVE DAUGHTERS BAKERY LLC PROPERTY
TAX MAP063L GROUP D PARCEL 004.00
RECORDED IN BOOK 8627, PAGE 331
REGISTER'S OFFICE OF WILLIAMSON COUNTY TENNESSEE
1108 HARPETH INDUSTRIAL CT., FRANKLIN TN 37064
DATE 11-3-22

330 North Second Street | Clarksville, TN 37040
931.647.6959 | www.ttlusa.com

SITE PLAN
AND NOTES



Five Daughters' Bakery
Kitchen Building

Architects

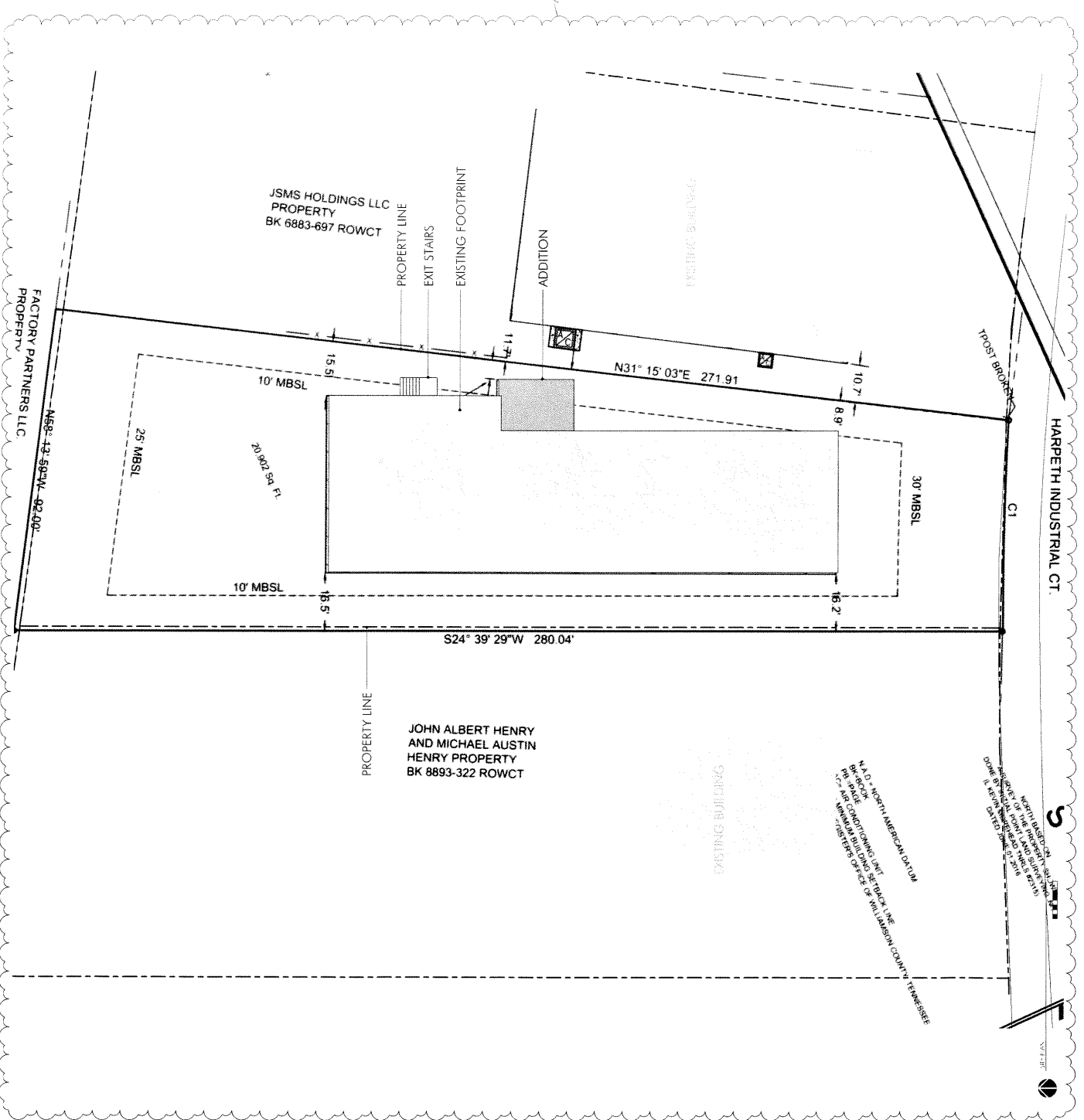
SITE PLAN LEGEND

	PROPOSED BUILDING
	EXISTING BUILDING
	PROPERTY LINE
	EASEMENT

GENERAL NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE TYPICAL SPECIFICATIONS FOR PUBLIC WORKS, PREPARED BY THE TENSILE, AND THE STANDARD SPECIFICATIONS FOR CONSTRUCTION, PREPARED BY THE TENSILE.
2. THE PROPOSED BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE TYPICAL SPECIFICATIONS FOR PUBLIC WORKS, PREPARED BY THE TENSILE, AND THE STANDARD SPECIFICATIONS FOR CONSTRUCTION, PREPARED BY THE TENSILE.
3. THE PROPOSED BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE TYPICAL SPECIFICATIONS FOR PUBLIC WORKS, PREPARED BY THE TENSILE, AND THE STANDARD SPECIFICATIONS FOR CONSTRUCTION, PREPARED BY THE TENSILE.
4. THE PROPOSED BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE TYPICAL SPECIFICATIONS FOR PUBLIC WORKS, PREPARED BY THE TENSILE, AND THE STANDARD SPECIFICATIONS FOR CONSTRUCTION, PREPARED BY THE TENSILE.
5. THE PROPOSED BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE TYPICAL SPECIFICATIONS FOR PUBLIC WORKS, PREPARED BY THE TENSILE, AND THE STANDARD SPECIFICATIONS FOR CONSTRUCTION, PREPARED BY THE TENSILE.
6. THE PROPOSED BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE TYPICAL SPECIFICATIONS FOR PUBLIC WORKS, PREPARED BY THE TENSILE, AND THE STANDARD SPECIFICATIONS FOR CONSTRUCTION, PREPARED BY THE TENSILE.
7. THE PROPOSED BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE TYPICAL SPECIFICATIONS FOR PUBLIC WORKS, PREPARED BY THE TENSILE, AND THE STANDARD SPECIFICATIONS FOR CONSTRUCTION, PREPARED BY THE TENSILE.
8. THE PROPOSED BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE TYPICAL SPECIFICATIONS FOR PUBLIC WORKS, PREPARED BY THE TENSILE, AND THE STANDARD SPECIFICATIONS FOR CONSTRUCTION, PREPARED BY THE TENSILE.
9. THE PROPOSED BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE TYPICAL SPECIFICATIONS FOR PUBLIC WORKS, PREPARED BY THE TENSILE, AND THE STANDARD SPECIFICATIONS FOR CONSTRUCTION, PREPARED BY THE TENSILE.
10. THE PROPOSED BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE TYPICAL SPECIFICATIONS FOR PUBLIC WORKS, PREPARED BY THE TENSILE, AND THE STANDARD SPECIFICATIONS FOR CONSTRUCTION, PREPARED BY THE TENSILE.

SITE PLAN KEYNOTES



DATE: 11/15/2018
DRAWN BY: [Name]
CHECKED BY: [Name]
APPROVED BY: [Name]

SCALE: 1" = 40'





Five Daughters Timeline

Vernon Gerth <vernon.gerth@franklinln.gov>

Sat, Nov 12, 2022 at 4:06 PM

To: Will Butler <willbutler22@gmail.com>; Ariella Stanford <ariella.stanford@franklinln.gov>

Cc: Amy Diaz-Barriga <amy.diaz-barriga@franklinln.gov>; Katherine Harelson <katherine.harelson@franklinln.gov>; "w22bb22@gmail.com" <w22bb22@gmail.com>; Rodney Prince <rodney.prince@franklinln.gov>; Shanna McCoy <shanna.mccoy@franklinln.gov>; Tom Marsh <tomm@franklinln.gov>

Good afternoon Will and Ariella,

As promised, I have included the dates that the footing and foundation inspections were performed for the walk-in cooler in the timeline I sent previously. Please continue to work with Ariella on completing the submittal of your BZA variance request.

Vernon

April 20th, 2021: 1st Submission in IDT and Building Permit Application Processed

August 26th, 2021: Submission accepted for review

September 10th, 2021: Conditional Letter of Approval from BNS

February 18th, 2022: Building Permit Issued

March 11, 2022: Footing Inspection

March 30, 2022: Foundation Inspection

End of July, 2022: Temporary Certificate of Use and Occupancy is issued

September 27th, 2022: Resubmittal of plans

September 28th, 2022: Submittal declined due to lack of cover letter

October 17th, 2022: Resubmittal of plans

October 19th, 2022: Review declined

From: Vernon Gerth

Sent: Wednesday, November 9, 2022 3:59 PM

To: Will Butler <willbutler22@gmail.com>; Ariella Stanford <ariella.stanford@Franklinln.gov>

Cc: Amy Diaz-Barriga <amy.diaz-barriga@franklinln.gov>; Katherine Harelson <katherine.harelson@Franklinln.gov>; w22bb22@gmail.com; Rodney Prince <rodney.prince@franklinln.gov>; Shanna McCoy <shanna.mccoy@franklinln.gov>; Tom Marsh <tomm@franklinln.gov>

Subject: Five Daughters Timeline

Good afternoon Will,

My colleague Katherine Harelson has assembled the following timeline for the Five Daughters Bakery plan submittal and building permit for the renovation project at 1108 Harpeth Industrial Ct. I will assume this is the timeline you requested.

I will also ask Katherine, to forward the dates of the two inspections (i.e. footing and foundation) for the walk-in cooler that has contributed to this situation.

BUILDING PERMIT

1108 Harpeth Industrial ct 149520

LOCATION

PERMIT NO.

REMARKS: Request inspections via our website
at www.franklintn.gov or call (615) 591-5603

McCurry Construction

Applicant / Contractor

NOTICE

No work may be done on any part of a building or structure beyond the point indicated by each of the inspections.

This permit card must be posted securely, be visible from the street, and be protected from the weather.

Removal, alteration, or mutilation of this sign until completion of such work, is prohibited.

DO NOT OCCUPY WITHOUT CERTIFICATE OF OCCUPANCY

POST THIS CARD

CITY OF FRANKLIN

Buildout Five daughters Bakery

Project Name



HISTORIC
FRANKLIN
TENNESSEE



HISTORIC
FRANKLIN
TENNESSEE

Five Daughters Bakery
1108 Harpeth Industrial Ct.
Franklin, TN 37064

To the City of Franklin & Zoning Appeals;

Zoning Relief Request:

Five Daughters Bakery is requesting zoning relief for a structure added to the property at 1108 Harpeth Industrial Ct. The structure was built with an incorrect understanding that our plans had been permitted and approved by the City of Franklin. We were misled by our contractor to believe this addition to our property was approved. He himself also believed it to be approved when our building permit was issued on February 18th, 2022. Our position was further reinforced when the city of Franklin performed a footing inspection on March 11th, 2022, a concrete pouring inspection, and a foundation inspection on March 30th, 2022, all of which were passed by the City of Franklin and permits were issued to begin construction. We did not learn that we encroached on the setback line of the property until July 26th, 2022 at what we thought was going to be our final inspection and after the addition was already built. We also learned that this building was never properly permitted and we could be required to remove it. The original building was built in 1973 and seems to have been built at a time when the current zoning laws were not as stringent. As is clear by the front and side of our building both having areas that encroach upon the 10ft setback. Our current addition encroaches upon this setback and is 3.5ft from the property line.

As a result we are formally requesting relief. The variance application states that we must meet 3 criteria to officially qualify.

- 1) We believe we qualify as an exceptional situation or condition. Our current building is oddly situated with multiple intersect points that fall within the setback area. These areas line up directly with the building addition and suggest that the addition does not impede on our neighbor any more than what was already in place. In addition, it is an exceptional situation in that this was seemingly permitted and regularly inspected by the city of Franklin with no warnings what-so-ever.
- 2) The structure in question is a walk in cooler that is an additional structure to the existing building. This cooler is the central hub for all the products Five Daughters Bakery makes and without it we would be required to shutdown for any degree of time which we might be without it. If we were to be required to remove this addition it would take a significant toll on our business and would greatly impact the 60 employees who work directly at the Five Daughters Bakery kitchen. As well as impacting the additional 75 employees who receive and sell products made from this kitchen.
- 3) We believe this variance does not do any detriment to the public good and does not substantially impair the purpose and intent of the zoning ordinance. We have obtained a letter from our direct neighbor which details his support for us having this structure. In addition, as stated earlier in this request, the building itself has multiple infractions which reach into this setback, our addition is not unsightly, and in fact seems to lineup directly with what was already in place. While we have become aware that this is within the setback our plans appeared to us to be approved and the addition visually appears to be in keeping with what is appropriate for these buildings and this area of Franklin.

Thank you for your consideration,



JSMS HOLDINGS LLC
MARK STILLMAN
135 CARNAVON PKWY
NASHVILLE, TN 37205

11/17/22

From: JSMS Holdings, 1106 Harpeth Industrial Ct.

To: The City of Franklin & whom else it may concern

I'm writing this brief note as acknowledgment and understanding of the variance that is being applied for and requested by our neighbors at 1108 Harpeth Industrial Ct. and the setback between our two properties that join. I've spoken with Will Butler and Five Daughters Bakery, LLC directly in the past and understand the situation they are trying to make right. If through this process my voice can help at all, I wanted to make sure the city of Franklin was aware that I have no qualms or objections to this variance request being approved.

Thank you so much,

A handwritten signature in blue ink that reads "Mark Stillman". The signature is written in a cursive, flowing style.

Mark Stillman, JSMS Holdings LLC, 1106 Harpeth Industrial Ct.



File #: 21-03840

DATE: December 22, 2022
TO: Board of Zoning Appeals
FROM: Amy Diaz-Barriga, Asst Director of Planning Development
Ariella Stanford, Planner

SUBJECT:

Variance Request To Allow Parking Within The Riverside Drive Frontage Area For A Proposed Principal Building, and a **Variance Request** To Allow Parking Within The Oak Meadow Drive Frontage Area For A Proposed Principal Building, and a **Variance Request** To Increase The Maximum Front Yard Setback from 30 Feet to 150 Feet, For The Property Located At 880 Oak Meadow Drive. (FZO §7.5 and §3.18.5).

PURPOSE:

PROJECT INFORMATION

COF Project Number: 8010
Applicant: Greg Gamble
Owner: Franklin Capital Investment LLC

BACKGROUND/STAFF COMMENTS:

Vicinity Zoning/Land Use

Site: RC-6 - Regional Commerce 6, Vacant
North: RC-6 - Regional Commerce 6, Mixed Nonresidential
South: PD - Planned District and GO, Under Construction Mixed-Use and Vacant
East: Interstate I-65
West: RC-6 - Regional Commerce 6, Retail and Assisted Living

Applicable Zoning Ordinance Provisions

20.10 Variance

- A. The purpose of a variance is to:
1. Provide limited relief from the requirements of this Ordinance in cases where strict application of a particular requirement would create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this Ordinance; and
 2. Address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.

B. Variances are not intended merely to remove inconveniences or financial burdens that the requirements of this Ordinance may impose on property owners in general.

7.5 - Frontage Types, Landscape Frontage

The following standards are required:

Parking shall be located behind or to the side of the principal building, but no closer to the street than the front

facade, unless it is parallel parking. Principal buildings shall anchor intersections and any side parking shall be located away from the intersection. Priority shall be given to the higher classification street.

3.18.5 - Zoning Districts, RC6—Regional Commerce 6 District, Dimensional Standards

The following dimensional standards are required:

Principal Building Setbacks

Front yard for collector streets, local streets, or internal drives 5 feet minimum to 30 feet maximum

Background

This 13.3 acre lot is located at 880 Oak Meadow Drive, and is zoned RC-6 Regional Commerce District. The owner wishes to develop the parcel with a two-story, 100,000 square foot retail space. There is no site plan submitted for this project. The plans provided for this property represent the desired design of the site.

This lot has some constraints to consider. The property has a border of slopes greater than 20% along Riverside Drive, Oak Meadow Drive, and the access drive to Home Depot that runs along the property. There are also overhead power lines running along Riverside Drive within the Public Utility and Drainage Easement which extends 40' into the property from the Right-of-Way.

The applicant is requesting three variances:

1. To allow parking within the Riverside Drive frontage area
2. To allow parking within the Oak Meadow Drive frontage area
3. To increase the maximum front yard setback from 30 feet to 150 feet

UPDATED INFORMATION AFTER DEFERRAL

Since this item was deferred at the December BZA Meeting, staff has collected very limited new information regarding the site. After a meeting with the City of Franklin's Planning, Fire, and Engineering Departments for a thorough discussion of the site with the applicant, staff came to the same conclusion that with changes to the layout, the proposal could come closer to compliance with the Zoning Ordinance than the proposed plan. Lance Fittro of the City of Franklin Engineering Department drafted a Staff Suggested Site Layout which has been submitted as an exhibit with this request. This exhibit shows a plausible layout that would come closer to compliance with our Zoning Ordinance than the proposed plan for 880 Oak Meadow Drive.

The pressing obstacles that still remain are the stormwater area along Oak Meadow Drive, and the 40-foot utility easement along Riverside Drive.

Staff Analysis- Request 1: To allow parking within the Riverside Drive frontage area

The BZA may authorize a variance only when the request has met all three criteria in accordance with F.Z.O §20.10.6 and State law. The staff has completed an analysis of the request in light of these criteria:

1. Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the Zoning Ordinance 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 Ordinance.

There are some aspects of this property that qualify it as an exceptional situation, specifically steep slopes immediately adjacent to the right-of-way and access drive. However, it is not exceptional in a way that prevents the ability to accommodate development under the Zoning Ordinance for this specific request. In the absence of a site plan application, staff believes that there are multiple ways that this site could be designed differently, so that ADA parking can be placed to the side or behind the principal building and fire access can be provided, in order to comply with the Zoning Ordinance. Staff finds this criteria is not met.

UPDATED ANALYSIS AFTER DEFERRAL

Since the item was deferred in December, discussion and analysis have shown that it is completely possible to provide the necessary parking with parallel parking in the frontage and/or necessary parking to the side or behind the building, which would be in compliance with the Zoning Ordinance. The necessary ADA Parking can be provided as parallel parking, as shown in the Staff Suggested Site Layout exhibit. This is shown in the Staff Suggested Site Layout exhibit. There is not an exceptional situation with the site itself that prevents compliance with the Zoning Ordinance in this situation. Staff still considers this request a matter of preference, and that the

"hardship" is self-imposed in this situation. Staff finds this criteria is not met.

2. 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 finds that the strict application of the Zoning Ordinance would not result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of the property. The variance request is unique to the applicant's proposed plan and not generally to all potential designs for the site, meaning that the applicant could design a plan for the site that meets the requirements of the Zoning Ordinance. It is the expectation of the City that an applicant designs their site in a way that meets the requirements of the Zoning Ordinance, and not use the variance process to avoid inconvenience or financial hardship. Staff finds that the proposed plan introduces a self-imposed hardship, one that can be resolved by redesigning to meet the zoning ordinance. Staff finds this criteria is not met.

UPDATED ANALYSIS AFTER DEFERRAL

As stated with the previous criteria, discussion and analysis have shown that it is completely possible to provide the necessary parking with parallel parking in the frontage and/or necessary parking to the side or behind the building, which would be in compliance with the Zoning Ordinance. This is shown in the Staff Suggested Site Layout exhibit. There is not a provision enacted under the Zoning Ordinance that would result in undue hardship upon the owner of the property in this case. Staff still considers this request a matter of preference, and that the "hardship" is self-imposed in this situation. Staff finds this criteria is not met.

3. 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 design of this site would not be a detriment to the public good, but it would impair the intent of the Zoning Ordinance. The Zoning Ordinance introduced the requirements for Frontage starting with the 2019 Zoning Ordinance update, as a direct response to the adoption of Envision Franklin in 2017. Two of the core Guiding Principles are Exceptional Design and Vibrant Neighborhoods. One characteristic of Exceptional Design as outlined in Envision Franklin is that parking should be secondary to the building and its relationship to the street, and that views from the street should not be of parking lots. One characteristic of Vibrant Neighborhoods as outlined in Envision Franklin includes pedestrian-friendly neighborhoods that make walking and biking more enjoyable along streets. The intent of the Zoning Ordinance is to reinforce the principles of Envision Franklin by keeping parking to the side or behind principal buildings. This site is not designed in a way that meets the intent of the ordinance. Staff finds this criteria is not met.

UPDATED ANALYSIS AFTER DEFERRAL

With the same rationale as was given at last month's meeting, the design of this site would not be a detriment to the public good, but it would impair the intent of the Zoning Ordinance. Staff finds this criteria is not met.

Staff recommends that the Board of Zoning Appeals move to deny request #1.

Staff Analysis- Request 2: To allow parking within the Oak Meadow Drive frontage area

The BZA may authorize a variance only when the request has met all three criteria in accordance with F.Z.O §20.10.6 and State law. The staff has completed an analysis of the request in light of these criteria:

1. Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the Zoning Ordinance 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 Ordinance.

There are some aspects of this property that qualify it as an exceptional situation, specifically steep slopes immediately adjacent to the right-of-way and access drive. However, it is not exceptional in a way that prevents the ability to accommodate development under the Zoning Ordinance for this specific request. In the absence of a site plan application, staff believes that there are multiple ways that this site could be designed differently, so that ADA parking can be placed to the side or behind the principal building and fire access can be provided, in order to comply with the Zoning Ordinance. Staff finds this criteria is not met.

UPDATED ANALYSIS AFTER DEFERRAL

Since the item was deferred in December, discussion and analysis have shown that it is completely possible to provide the necessary parking with parallel parking in the frontage and/or necessary parking to the side or behind the building, which would be in compliance with the Zoning Ordinance. This is shown in the Staff Suggested Site Layout exhibit. There is not an exceptional situation with the site itself that prevents compliance with the Zoning Ordinance in this situation. Staff still considers this request a matter of preference, and that the "hardship" is self-imposed in this situation. Staff finds this criteria is not met.

2. 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 finds that the strict application of the Zoning Ordinance would not result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of the property. The variance request is unique to the applicant's proposed plan and not generally to all potential designs for the site, meaning that the applicant could design a plan for the site that meets the requirements of the Zoning Ordinance. It is the expectation of the City that an applicant designs their site in a way that meets the requirements of the Zoning Ordinance, and not use the variance process to avoid inconvenience or financial hardship. Staff finds that the proposed plan introduces a self-imposed hardship, one that can be resolved by redesigning to meet the zoning ordinance. Staff finds this criteria is not met.

UPDATED ANALYSIS AFTER DEFERRAL

As stated with the previous criteria, discussion and analysis have shown that it is completely possible to provide the necessary parking with parallel parking in the frontage and/or necessary parking to the side or behind the building, which would be in compliance with the Zoning Ordinance. This is shown in the Staff Suggested Site Layout exhibit. There is not a provision enacted under the Zoning Ordinance that would result in undue hardship upon the owner of the property in this case. Staff still considers this request a matter of preference, and that the "hardship" is self-imposed in this situation. Staff finds this criteria is not met.

3. 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 design of this site would not be a detriment to the public good, but it would impair the intent of the Zoning Ordinance. The Zoning Ordinance introduced the requirements for Frontage starting with the 2019 Zoning Ordinance update, as a direct response to the adoption of Envision Franklin in 2017. Two of the core Guiding Principles are Exceptional Design and Vibrant Neighborhoods. One characteristic of Exceptional Design as outlined in Envision Franklin is that parking should be secondary to the building and its relationship to the street, and that views from the street should not be of parking lots. One characteristic of Vibrant Neighborhoods as outlined in Envision Franklin includes pedestrian-friendly neighborhoods that make walking and biking more enjoyable along streets. The intent of the Zoning Ordinance is to reinforce the principles of Envision Franklin by keeping parking to the side or behind principal buildings. This site is not designed in a way that meets the intent of the ordinance. Staff finds this criteria is not met.

UPDATED ANALYSIS AFTER DEFERRAL

With the same rationale as was given at last month's meeting, the design of this site would not be a detriment to the public good, but it would impair the intent of the Zoning Ordinance. Staff finds this criteria is not met.

Staff recommends that the Board of Zoning Appeals move to deny request #2.

Staff Analysis- Request 3: To increase the maximum front yard setback from 30 feet to 150 feet

The BZA may authorize a variance only when the request has met all three criteria in accordance with F.Z.O §20.10.6 and State law. The staff has completed an analysis of the request in light of these criteria:

1. Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the Zoning Ordinance 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 Ordinance.

The property has a border of slopes greater than 20% along Riverside Dr, Oak Meadow Dr, and the access drive to

Home Depot that runs along the property. There are also overhead power lines running along Riverside Drive, which are within the Public Utility and Drainage Easement, which extends 40 feet into the property from the Right-of-Way. The maximum setback for landscape frontage is 30 feet. Given the topographical conditions and the depth of the easement, it would not be possible for the setback to be less than 40 feet. Staff finds this criteria is met.

UPDATED ANALYSIS AFTER DEFERRAL

With the same rationale as was given at last month's meeting, the setback along Riverside Drive would have to be a minimum of 40' because of the Public Utility and Drainage Easement. The stormwater conditions will impact the setback requirements along Oak Meadow Drive. However, Staff cannot determine the exact amount that would be needed for that setback without further information and analysis. Staff finds this requirement is met.

2. 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 finds that the strict application of a provision enacted under the Zoning Ordinance would result in exceptional practical difficulties for the owner of the property. Due to the slopes and the Public Utility and Drainage Easement, the front yard setback must be more than the required maximum of 30 feet. This property cannot comply with the strict application of the maximum setback requirement in this situation. The setback must be more than 40 feet to accommodate the steep slope and easement along Riverside Drive. Staff finds this requirement is met.

UPDATED ANALYSIS AFTER DEFERRAL

Similarly to the previous criteria, the setback along Riverside Drive cannot comply with the Zoning Ordinance, as it would have to be a minimum of 40' because of the Public Utility and Drainage Easement. And again, the stormwater conditions will impact the setback requirements along Oak Meadow Drive and will likely not allow compliance with the Zoning Ordinance regarding that setback. However, Staff cannot determine the exact amount that would be needed for that setback without further information and analysis. Staff finds this requirement is met.

3. 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 design of this site would not be a detriment to the public good, but it would impair the intent of the Zoning Ordinance. The Zoning Ordinance introduced the requirements for Frontage starting with the 2019 Zoning Ordinance update, as a direct response to the adoption of Envision Franklin in 2017. Two of the core Guiding Principles are Exceptional Design and Vibrant Neighborhoods. Some of the characteristics of Exceptional Design as outlined in Envision Franklin are that buildings should activate the street by creating an inviting pedestrian experience, and views from the street should not be of parking lots. One characteristic of Vibrant Neighborhoods as outlined in Envision Franklin includes pedestrian-friendly neighborhoods that make walking and biking more enjoyable along streets. The intent of the Zoning Ordinance is to reinforce the principles of Envision Franklin by keeping buildings close to the street. While this site does require at least a 40 feet maximum setback, requesting a 150 feet setback seems unnecessary and far from the intent of the Zoning Ordinance. Staff finds this criteria is not met.

UPDATED ANALYSIS AFTER DEFERRAL

With the same rationale as was given at last month's meeting, the design of this site would not be a detriment to the public good, but it would impair the intent of the Zoning Ordinance. As shown by the Staff Suggested Site Layout exhibit, the site layout can easily come closer to compliance with the Zoning Ordinance. For this reason, this proposal does not meet the intent of the Zoning Ordinance. Staff finds this criteria is not met.

Staff recommends the Board of Zoning Appeals move to defer request #3 because the criteria for granting the variance of 150' was not supported by sufficient evidence.

FINANCIAL IMPACT:

Unknown.

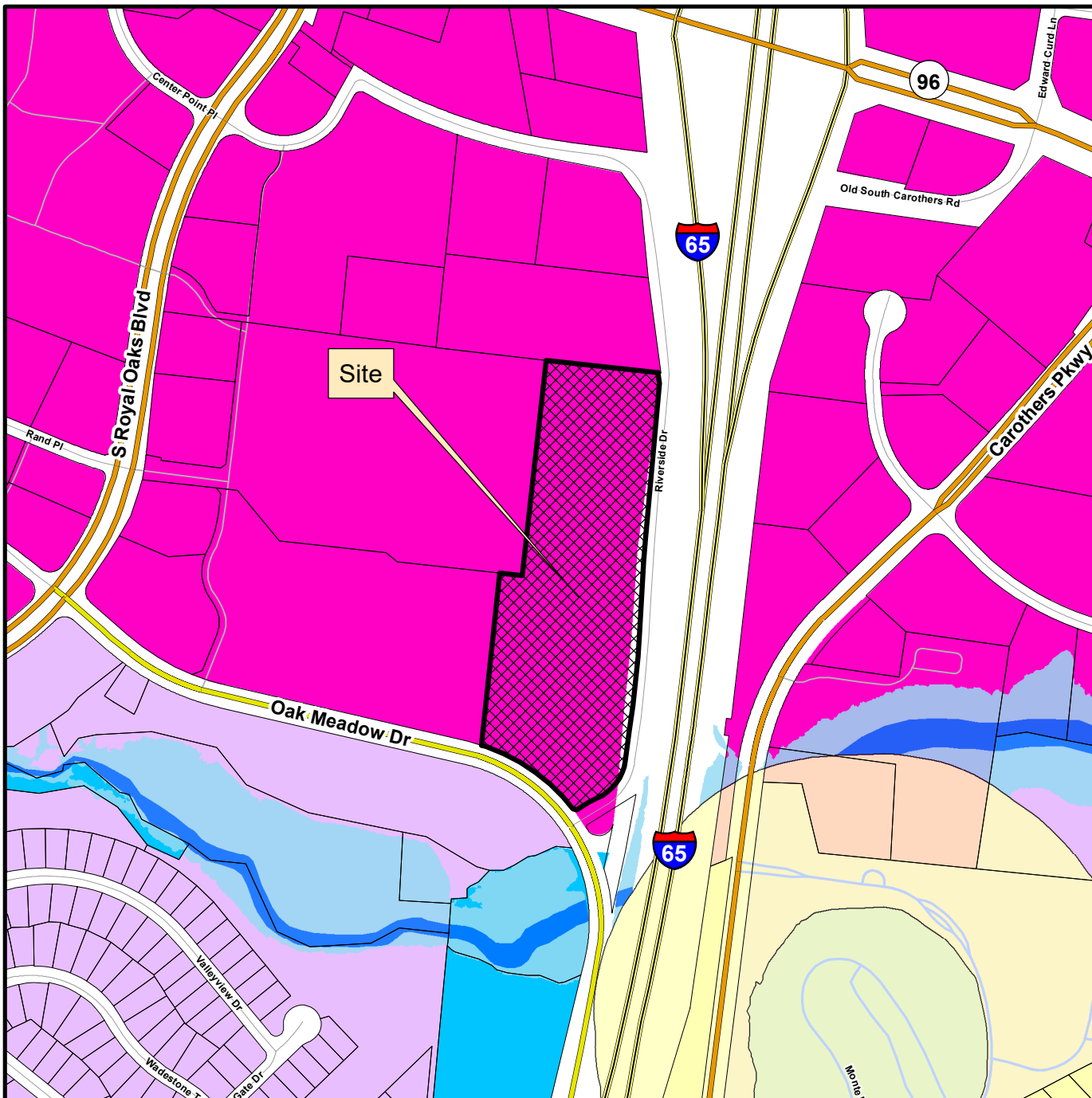
RECOMMENDATION:

RECOMMENDED MOTION: Staff recommends the Board of Zoning appeals move to deny the **Variance Request** To Allow Parking Within The Riverside Drive Frontage Area For A Proposed Principal Building, and deny a **Variance Request** To Allow Parking Within The Oak Meadow Drive Frontage Area For A Proposed Principal Building, and defer a **Variance Request** To Increase The Maximum Front Yard Setback from 30 Feet to 150 Feet, For The Property Located At 880 Oak Meadow Drive because the criteria for granting a variance were not supported by sufficient evidence. Without more information on the stormwater management needs of the site along Oak Meadow Drive, Staff cannot determine the setback needs along Oak Meadow Drive.

880 OAK MEADOW DRIVE
TAX MAP 079, PARCEL 10119
BOARD OF ZONING APPEALS
DECEMBER 1, 2022

Legend

-  880 Oak Meadow Dr
-  Hillside/Hillcrest Overlay
-  500 Ft Buffer of Hillside
-  Floodway Fringe Overlay
-  Floodway Overlay
-  AG Agricultural District
-  ER Estate Residential District
-  R1 Residential 1 District
-  R2 Residential 2 District
-  R3 Residential 3 District
-  R4 Residential 4 District
-  R6 Residential 6 District
-  MR Mixed Residential District
-  PD Planned District
-  OR Office Residential District
-  CI Civic Institutional District
-  NC Neighborhood Commercial
-  CC Central Commercial District
-  DD Downtown District
-  1ST Avenue District
-  5TH Avenue District
-  RC6 Regional Commerce 6 District
-  RC12 Regional Commerce 12 District
-  GO General Office District
-  LI Light Industrial District
-  HI Heavy Industrial District



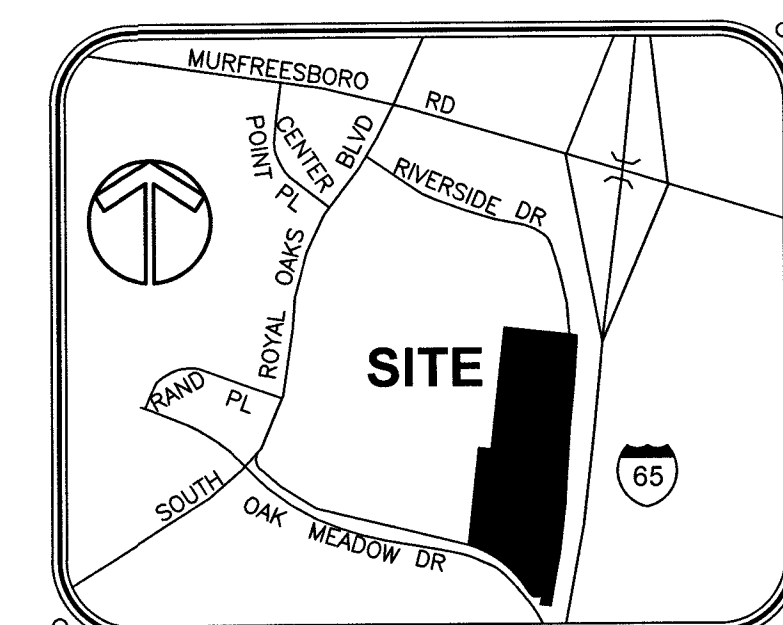
This map was created by the Franklin Planning Department.
It was compiled from the most authentic information available.
The City is not responsible for any errors or omissions contained herein.
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0 250 500 1,000
Feet



880 Oak Meadow Drive - Overall Site Plan

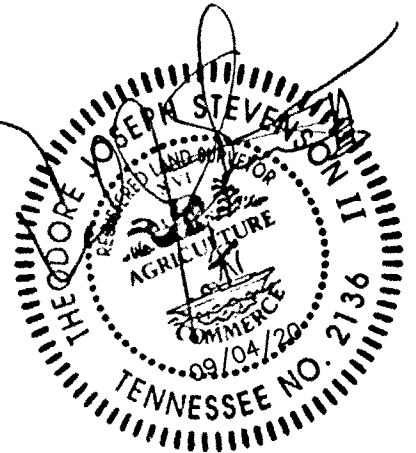


LOCATION MAP

NTS



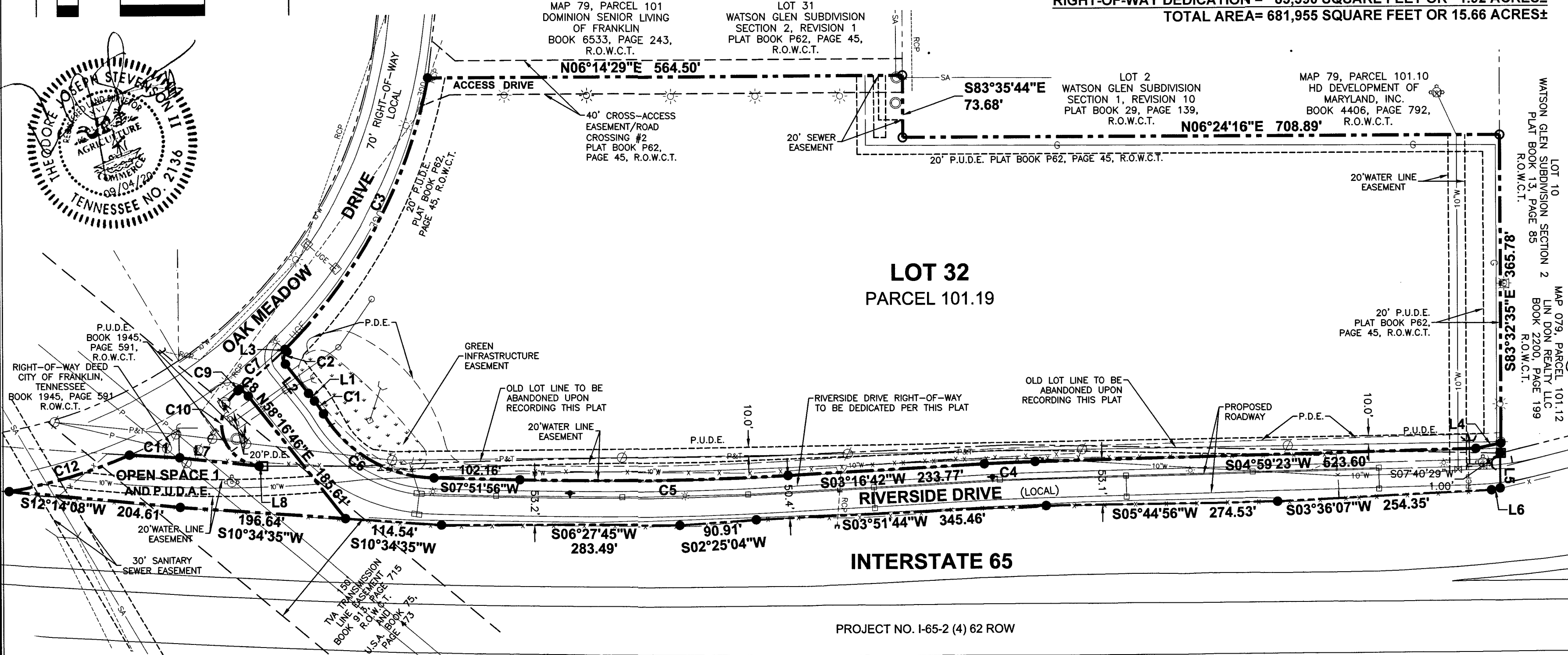
SEE NOTE 2.



GENERAL NOTES

1. THE PURPOSE OF THIS PLAT IS TO CREATE TWO LOTS AND DEDICATE ROAD RIGHT-OF-WAY.
2. BEARINGS SHOWN HEREON ARE BASED ON THE TENNESSEE COORDINATE SYSTEM OF 1983, ZONE 5301, FIPSZONE 4100; NAD 83 DATUM.
3. THE RECORDING OF THIS PLAT VOIDS, VACATES AND SUPERSEDES THE RECORDING OF LOT 32 AS SHOWN ON THE PLAT ENTITLED "WATSON GLEN SUBDIVISION, SECTION 2 - REVISION 1, RESUBDIVISION OF LOT 31" OF RECORD IN PLAT BOOK P62, PAGE 45, REGISTER'S OFFICE FOR WILLIAMSON COUNTY, TENNESSEE.
4. THIS PROPERTY IS CURRENTLY ZONED RC6 (REGIONAL COMMERCE 6). MINIMUM YARD REQUIREMENTS TO BE DETERMINED BY CITY ORDINANCE.
5. BEING PARCEL NUMBER 101.19 AS SHOWN ON WILLIAMSON COUNTY PROPERTY MAP NUMBER 79.
6. THIS SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. ABOVE GRADE AND UNDERGROUND UTILITIES SHOWN WERE TAKEN FROM VISIBLE APPURTENANCES AT THE SITE, PUBLIC RECORDS AND/OR MAPS PREPARED BY OTHERS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPREHEND ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THEREFORE, RELIANCE UPON THE TYPE, SIZE AND LOCATION OF UTILITIES SHOWN SHOULD BE DONE SO WITH THIS CIRCUMSTANCE CONSIDERED. DETAILED VERIFICATION OF EXISTENCE, LOCATION AND DEPTH SHOULD ALSO BE MADE PRIOR TO ANY DECISION RELATIVE THERETO. IS MADE. AVAILABILITY AND COST OF SERVICE SHOULD BE CONFIRMED WITH THE APPROPRIATE UTILITY COMPANY. IN TENNESSEE IT IS A REQUIREMENT, PER "THE UNDERGROUND UTILITY DAMAGE PREVENTION ACT", THAT ANYONE WHO ENGAGES IN EXCAVATION MUST NOTIFY ALL KNOWN UNDERGROUND UTILITY OWNERS, NO LESS THAN (3) THREE NOR MORE THAN (10) TEN WORKING DAYS PRIOR TO THE DATE OF THEIR INTENT TO EXCAVATE AND ALSO TO AVOID ANY POSSIBLE HAZARD OR CONFLICT. TENNESSEE ONE CALL 811.
7. ALL OPEN SPACE SHALL BE PUBLIC UTILITY, DRAINAGE, AND ACCESS EASEMENTS AND SHALL BE MAINTAINED BY THE PROPERTY OWNER(S) OR THE HOA.
8. MAINTENANCE OF ALL STORMWATER MANAGEMENT FEATURES SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER(S) OR THE HOA.
9. NO OBSTRUCTIONS OR ENCROACHMENTS WHICH IMPEDE THE FLOW OF STORMWATER SHALL BE PERMITTED WITHIN PUBLIC DRAINAGE EASEMENTS. THE CITY OF FRANKLIN IS NOT RESPONSIBLE FOR REPAIR OR REPLACEMENT OF ANY ENCROACHMENTS THAT ARE DAMAGED OR REMOVED IN THE COURSE OF MAINTENANCE ACTIVITY WITHIN EASEMENTS.
10. GREEN INFRASTRUCTURE EASEMENTS ARE EXCLUSIVE EASEMENTS DEFINING AREAS SET ASIDE FOR THE CONSTRUCTION, MAINTENANCE, REPAIR, MONITORING, AND OTHER ACTIVITIES NECESSARY FOR THE FURTHERANCE OF WATER QUALITY FEATURES DESIGNATED AS GREEN INFRASTRUCTURE PRACTICES BY THE CITY OF FRANKLIN, AND TO PROVIDE PUBLIC ACCESS TO SUCH FEATURES. ANY AND ALL ACTIVITIES, EXCEPT AS SPECIFICALLY PERMITTED BY NOTATION ON THE CURRENT PLAT OF RECORD AND/OR WITHIN THE RECORDED LONG TERM MAINTENANCE AGREEMENT, SHALL BE STRICTLY PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE CITY ENGINEER OR HIS DESIGNEE.
11. CROSS ACCESS EASEMENTS SHALL PROVIDE PERPETUAL, NON-EXCLUSIVE ACCESS FOR THE PURPOSES OF VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS ACROSS THE CROSS ACCESS EASEMENT. PROPERTY OWNER(S) SHALL MAINTAIN AND KEEP THE CROSS ACCESS EASEMENT WITHIN THEIR DEVELOPMENT IN A COMMERCIALLY REASONABLE CONDITION AND STATE OF REPAIR.
12. BY SCALED MAP LOCATION AND GRAPHIC PLOTTING ONLY, THIS PROPERTY LIES WITHIN FLOOD ZONE "X", AS DESIGNATED ON CURRENT FEDERAL EMERGENCY MANAGEMENT AGENCY MAP NO. 47187C0212F, WITH AN EFFECTIVE DATE OF SEPTEMBER 29, 2006, WHICH MAKES UP A PART OF THE NATIONAL FLOOD INSURANCE ADMINISTRATION REPORT, COMMUNITY NO. 47206, PANEL NO. 0212, SUFFIX F, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PREMISES IS SITUATED. SAID MAP DEFINES ZONE "X" UNDER "OTHER AREAS" AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
13. THE CITY OF FRANKLIN WATER MANAGEMENT DEPARTMENT HAS UNRESTRICTED ACCESS TO ITS DOMESTIC WATER, SANITARY SEWER, RECLAIM WATER LINES OR SYSTEM IMPROVEMENTS LOCATED WITHIN ITS EXCLUSIVE EASEMENTS WITHIN THE DEVELOPMENT. IN THE EVENT LANDSCAPING, FENCING, CONCRETE OR OTHER STRUCTURES ARE INSTALLED OR PLACED WITHIN A CITY OF FRANKLIN EASEMENT, THE CITY OF FRANKLIN SHALL HAVE THE RIGHT TO REMOVE SUCH ENCROACHMENTS WITHIN THE EASEMENT AS MAY BE NECESSARY FOR THE CITY OF FRANKLIN TO REPAIR, MAINTAIN OR REPLACE ITS INFRASTRUCTURE WHICH IS NOW OR IN THE FUTURE MAY BE LOCATED WITHIN THE EASEMENT WITHOUT OBTAINING ANY FURTHER PERMISSION FROM THE PROPERTY OWNER OR HOA. THE PROPERTY OWNER OR HOA SHALL BE RESPONSIBLE FOR REPAIRING AND/OR REPLACING ANY SUCH LANDSCAPING, FENCING, CONCRETE OR OTHER STRUCTURES REMOVED OR DISTURBED BY THE CITY OF FRANKLIN IN COMMON OPEN SPACE LOTS AND IN AREAS OWNED BY THE PROPERTY OWNER OR HOA AT NO EXPENSE TO THE CITY OF FRANKLIN. INDIVIDUAL HOMEOWNERS SHALL BE RESPONSIBLE FOR STRUCTURES REMOVED OR DISTURBED BY THE CITY OF FRANKLIN WITHIN AN EASEMENT ON THE HOMEOWNER'S LOT AT THE HOMEOWNER'S EXPENSE.
14. WITHIN NEW DEVELOPMENTS AND FOR OFF-SITE LINES CONSTRUCTED AS A RESULT OF, OR TO PROVIDE SERVICE TO, THE NEW DEVELOPMENT, ALL UTILITIES (INCLUDING CABLE TELEVISION, ELECTRICAL, NATURAL GAS, SEWER, TELEPHONE, AND WATER LINES) SHALL BE PLACED UNDERGROUND.
15. ALL STREET LIGHT LOCATIONS AND QUANTITIES ARE APPROXIMATE. FINAL POSITIONING AND QUANTITY SHALL BE AT THE DIRECTION OF MTEMC.
16. THE CITY OF FRANKLIN HAS THE RIGHT TO ENTER THE PRIVATE PROPERTY TO PERFORM EMERGENCY MAINTENANCE TO THE PRIVATE SANITARY SEWER SYSTEM AT THE PROPERTY OWNERS EXPENSE. THIS MUST BE DEEMED NECESSARY BY TDEC OF FRANKLIN WATER MANAGEMENT TO CORRECT THE SEWER SYSTEM IN THE EVENT OF DAMAGES TO PUBLIC UTILITIES RESULTING FROM THE PRIVATE SYSTEM. THE SANITARY SEWER SYSTEM SHALL REMAIN OPERATIONAL AND NOT IMPACT CITY OF FRANKLIN PUBLIC SEWER SYSTEM.
17. THE MINERAL RIGHTS FOR THIS PROPERTY ARE HELD BY THE OWNER.
18. SIDEWALKS AND TRAILS OUTSIDE OF PUBLIC RIGHT-OF-WAY SHALL BE PUBLIC ACCESS EASEMENTS AND SHALL BE MAINTAINED BY THE PROPERTY OWNER(S) OR THE HOA.

LOT 32 = 576,821 SQUARE FEET OR 13.24 ACRES±
OPEN SPACE 1 = 21,744 SQUARE FEET OR 0.50 ACRES±
RIGHT-OF-WAY DEDICATION = 83,390 SQUARE FEET OR 1.92 ACRES±
TOTAL AREA = 681,955 SQUARE FEET OR 15.66 ACRES±



LEGEND

- | | | | |
|------------|---|------------|---|
| ○ IR(O) | IRON ROD (OLD) | ○ | UTILITY POLE |
| ● IR(N) | IRON ROD (NEW) | ○ | UTILITY POLE W/ ANCHOR |
| | (5/8" x 18" W/CAP STAMPED "RAGAN SMITH & ASSOCIATES") | ○ | UTILITY POLE W/ LIGHT |
| ○ PK(O) | PK NAIL (OLD) | □ | GAS METER |
| ⊕ | FIRE HYDRANT | □ | TELEPHONE RISER |
| ⊕ | WATER VALVE | —P— | OVERHEAD ELECTRIC POWER LINE |
| ⊕ | WATER METER | —T— | OVERHEAD TELEPHONE LINE |
| ⊕ | CATCH BASIN | —P&T— | OVERHEAD POWER AND TELEPHONE LINES |
| ⊕ | SANITARY SEWER MANHOLE | —SA— | SANITARY SEWER LINE |
| * | LIGHT STANDARD | —W— | WATER LINE |
| P.D.E. | PUBLIC DRAINAGE EASEMENT | P.U.D.A.E. | PUBLIC UTILITY DRAINAGE AND ACCESS EASEMENT |
| R.O.W.C.T. | REGISTER'S OFFICE FOR WILLIAMSON COUNTY, TENNESSEE | RCP | REINFORCED CONCRETE PIPE |
| | | CMP | CORRUGATED METAL PIPE |

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S58°16'46"W	11.48'
L2	S58°16'46"W	44.28'
L3	S53°50'27"W	3.64'
L4	S05°24'15"E	30.30'
L5	S83°42'40"E	41.35'
L6	S05°24'15"E	10.66'
L7	N12°41'55"E	94.77'
L8	N06°59'42"E	5.00'

CURVE TABLE					
CURVE	CENTRAL ANGLE	RADIUS	LENGTH	CHD BRG	CHORD
C1	7°24'39"	144.50'	18.69'	S61°59'06"W	18.68'
C2	91°01'35"	10.50'	16.68'	N76°12'26"W	14.98'
C3	34°47'50"	607.96'	369.23'	N55°27'32"W	363.58'
C4	1°42'40"	2023.50'	60.44'	S04°08'02"W	60.43'
C5	4°35'53"	3976.50'	319.13'	S05°33'59"W	319.04'
C6	57°49'29"	157.00'	158.45'	S36°46'40"W	151.81'
C7	6°45'53"	607.96'	71.78'	N34°40'40"W	71.74'
C8	28°04'25"	27.50'	13.47'	N44°14'34"E	13.34'
C9	0°14'59"	607.96'	2.65'	N31°10'14"W	2.65'
C10	141°58'19"	50.00'	123.89'	S77°58'06"W	94.54'
C11	0°18'13"	11299.49'	59.86'	N09°50'24"E	59.86'
C12	14°06'45"	607.96'	149.75'	N09°51'19"W	149.37'

OWNER/DEVELOPER

FRANKLIN CAPITAL INVESTMENT, LLC
393 MAPLE STREET
GALLATIN, TN 37066
BOB GOODALL
bgoodall@goodallhomes.com

RECORDER'S INFORMATION

10/06/2020 - 01:22:00 PM
20055803
1 PGS. AL-PLAT
BATCH: 712294
PLAT BOOK: P74
PAGE: 95
REC FEE 15.00
DP FEE 2.00
TOTAL 17.00
STATE OF TENNESSEE, WILLIAMSON CO
SHERRY ANDERSON

CERTIFICATE OF OWNERSHIP
I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN HEREON AS OF RECORD IN DEED BOOK 7801, PAGE 489, DEED BOOK 7797, PAGE 146, DEED BOOK 7659, PAGE 820 & DEED BOOK 7300, PAGE 468, R.O.W.C., TENNESSEE, AND ADOPT THE PLAN OF SUBDIVISION OF THE PROPERTY AS SHOWN HEREON AND DEDICATE ALL PUBLIC WAYS AND EASEMENTS AS NOTED. NO LOT(S) AS SHOWN HEREON SHALL AGAIN BE SUBDIVIDED, RESUBDIVIDED, ALTERED, OR CHANGED SO AS TO PRODUCE LESS AREA THAN IS HEREBY ESTABLISHED UNTIL OTHERWISE APPROVED BY THE FRANKLIN MUNICIPAL PLANNING COMMISSION, AND UNDER NO CONDITION SHALL SUCH LOT(S) BE MADE TO PRODUCE LESS AREA THAN IS PRESCRIBED BY THE RESTRICTIVE COVENANTS AS OF RECORD IN BOOK _____, PAGE _____, R.O.W.C., TENNESSEE, RUNNING WITH THE TITLE TO THE PROPERTY. I (WE) FURTHER CERTIFY THAT THERE ARE NO LIENS ON THIS PROPERTY, EXCEPT AS FOLLOWS: BOOK _____, PAGE _____, R.O.W.C., TENNESSEE.
FRANKLIN CAPITAL INVESTMENT, LLC
Bob Goodall
By: Bob Goodall - President DATE 9-8-20

CERTIFICATE OF SURVEY
I (WE) HEREBY CERTIFY THAT THE SUBDIVISION PLAT AS SHOWN HEREON IS CORRECT AND THAT ALL OF THE MONUMENTS SHOWN HEREON HAVE BEEN PLACED AS INDICATED. THIS SUBDIVISION PLAT CORRECTLY REPRESENTS A SURVEY MADE UNDER MY SUPERVISION ON THE 28TH DAY OF JANUARY, THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS GREATER THAN 1:10,000.
TED J. STEVENSON, S. R. S. NO. 2136 DATE 09/04/20

CERTIFICATE OF APPROVAL OF WATER SYSTEM
I HEREBY CERTIFY THAT: (1) THE WATER SYSTEM DESIGNATED IN WATSON GLEN SUBDIVISION, HAVE BEEN INSTALLED IN ACCORDANCE WITH CITY SPECIFICATIONS, OR (2) A PERFORMANCE AGREEMENT AND SURETY IN THE AMOUNT OF \$NA FOR THE WATER SYSTEM HAS BEEN POSTED WITH THE CITY OF FRANKLIN, TENNESSEE, TO ASSURE COMPLETION OF SUCH SYSTEM.
Helen Hubbs DATE 02/20
CITY OF FRANKLIN

CERTIFICATE OF APPROVAL OF SEWER SYSTEM
I HEREBY CERTIFY THAT: (1) THE SEWER SYSTEM DESIGNATED IN WATSON GLEN SUBDIVISION, HAVE BEEN INSTALLED IN ACCORDANCE WITH CITY SPECIFICATIONS, OR (2) A PERFORMANCE AGREEMENT AND SURETY IN THE AMOUNT OF \$NA FOR THE SEWER SYSTEM HAS BEEN POSTED WITH THE CITY OF FRANKLIN, TENNESSEE, TO ASSURE COMPLETION OF SUCH SYSTEM.
Helen Hubbs DATE 02/20
DIRECTOR WATER MANAGEMENT DEPARTMENT
CITY OF FRANKLIN, TENNESSEE

CERTIFICATE OF APPROVAL OF STREETS, DRAINAGE, AND SIDEWALKS
I HEREBY CERTIFY THAT: (1) THE STREETS, DRAINAGE AND SIDEWALKS DESIGNATED IN WATSON GLEN, HAVE BEEN INSTALLED IN ACCORDANCE WITH CITY SPECIFICATIONS, OR (2) A PERFORMANCE AGREEMENT AND SURETY IN THE AMOUNT OF \$176,000 FOR STREETS, \$217,000 FOR DRAINAGE, AND \$176,000 FOR SIDEWALKS HAS BEEN POSTED WITH THE CITY OF FRANKLIN, TENNESSEE, TO ASSURE COMPLETION OF SUCH IMPROVEMENTS.
C. J. H. DATE 10/2/2020
DIRECTOR, STREETS DEPARTMENT
CITY OF FRANKLIN, TENNESSEE

CERTIFICATE OF APPROVAL OF SUBDIVISION NAME, STREET NAMES, AND ADDRESSING
SUBDIVISION NAME AND STREET NAMES APPROVED BY THE WILLIAMSON COUNTY EMERGENCY MANAGEMENT AGENCY
William County Emergency Management Agency DATE 10-2-2020
CITY OF FRANKLIN

CERTIFICATE OF APPROVAL FOR RECORDING
APPROVED BY THE FRANKLIN MUNICIPAL PLANNING COMMISSION, FRANKLIN, WILLIAMSON COUNTY, TENNESSEE, WITH THE EXCEPTION OF SUCH CONDITIONS, IF ANY, AS ARE NOTED IN THE PLANNING COMMISSION MINUTES FOR THE 27th DAY OF AUGUST, 2020, AND THIS PLAT HAS BEEN APPROVED FOR RECORDING IN THE REGISTER'S OFFICE OF WILLIAMSON COUNTY.
C. J. H. DATE 10/5/2020
SECRETARY, FRANKLIN MUNICIPAL PLANNING COMMISSION

CERTIFICATE OF APPROVAL OF MTEMC
MIDDLE TENNESSEE ELECTRIC MEMBERSHIP CORPORATION (MTEMC) WILL PROVIDE ELECTRIC SERVICE TO THE SUBJECT PROPERTY ACCORDING TO THE NORMAL OPERATING PRACTICES OF MTEMC AS DEFINED IN THE RULES AND REGULATIONS, BYLAWS, POLICY BULLETINS AND OPERATIONAL BULLETINS OF MTEMC, AND IN ACCORDANCE WITH THE PLAT APPROVAL CHECKLIST, TREE PLANTING GUIDELINES AND OTHER REGULATIONS CONTAINED ON THE MTEMC WEBSITE AT WWW.MTEMC.COM ("COLLECTIVELY THE REQUIREMENTS"). NO ELECTRIC SERVICE WILL BE PROVIDED UNTIL MTEMC'S REQUIREMENTS HAVE BEEN MET AND APPROVED IN WRITING BY AN AUTHORIZED REPRESENTATIVE OF MTEMC. ANY APPROVAL IS, AT ALL TIMES, CONTINGENT UPON CONTINUING COMPLIANCE WITH MTEMC'S REQUIREMENTS.
E. J. H. DATE 9/10/20
MIDDLE TENNESSEE ELECTRIC MEMBERSHIP CORPORATION

FINAL PLAT
WATSON GLEN SUBDIVISION
SECTION 2, REVISION 2, LOT 32
880 OAK MEADOW DRIVE
COF#7296
9TH CIVIL DISTRICT, CITY OF FRANKLIN, WILLIAMSON COUNTY, TENNESSEE
SCALE: 1"=100'
DATE: SEPTEMBER 4, 2020
JOB NO 14034 WO 1215
SHEET 1 of 1
RAGAN•SMITH
315 WOODLAND ST. NASHVILLE, TN 37206
(615) 244-8591 | tstevenson@ragansmith.com
CONTACT: TED J. STEVENSON II





BZA Submittal | 880 Oak Meadow Drive, Living Spaces

December 21, 2022

City of Franklin Board of Zoning Appeals

Dear Board of Zoning Appeals,

Gamble Design Collaborative, on behalf of Living Spaces, is requesting three variances for property located at 880 Oak Meadow Drive. Living Spaces is requesting a variance to the Front Yard Setback where the proposed building needs to be located more than thirty feet from the front property line. In addition to the front yard setback, two variances are needed for parking frontage to permit perpendicular parking between the proposed building and Riverside Drive and the proposed building and Oak Meadow Drive.

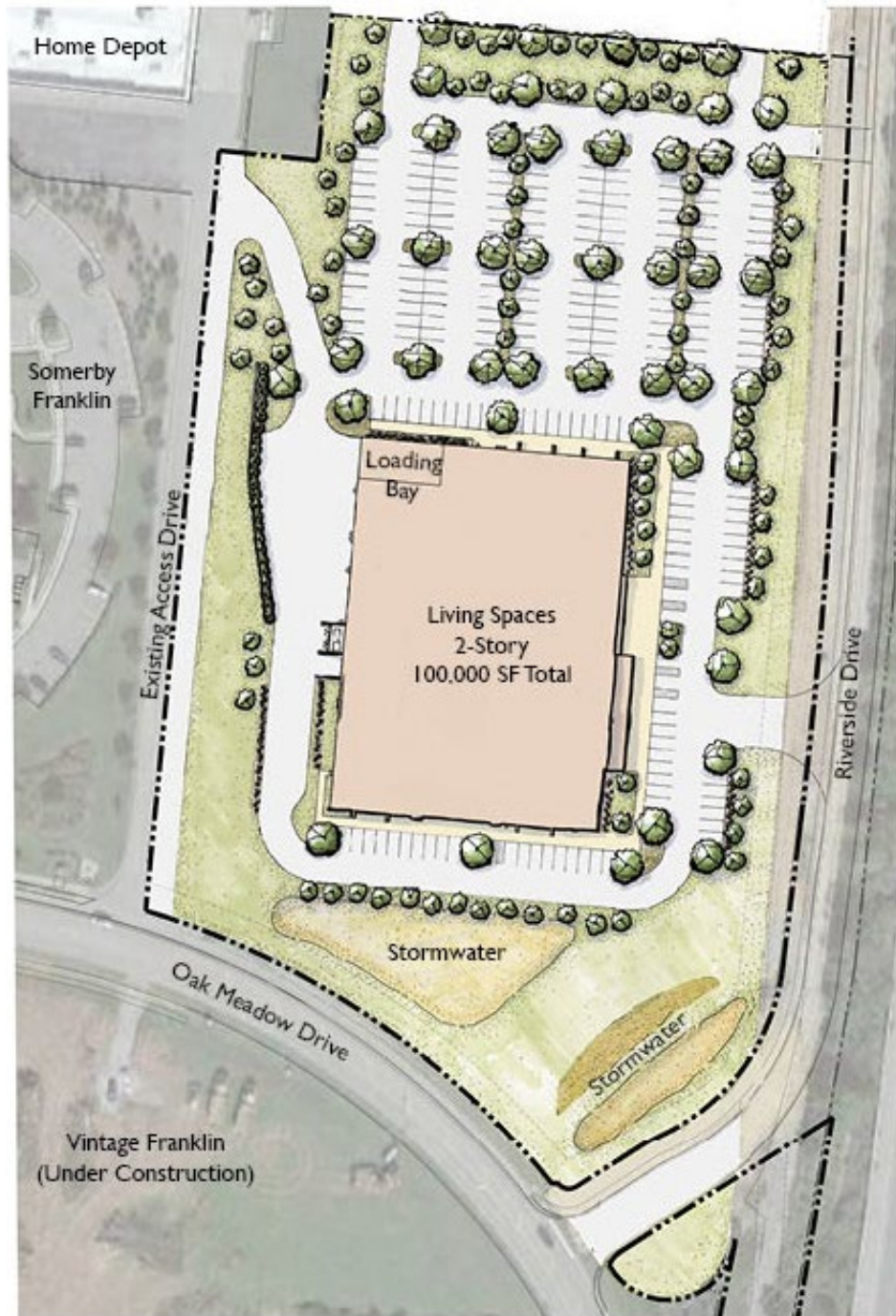


Overall Site Plan

DEVELOPMENT PLANNING DESIGN MANAGEMENT

greg.gamble@gdc-tn.com | 615.975.5765 | 3020 Stansberry Lane, Suite 201, Franklin, TN 37069

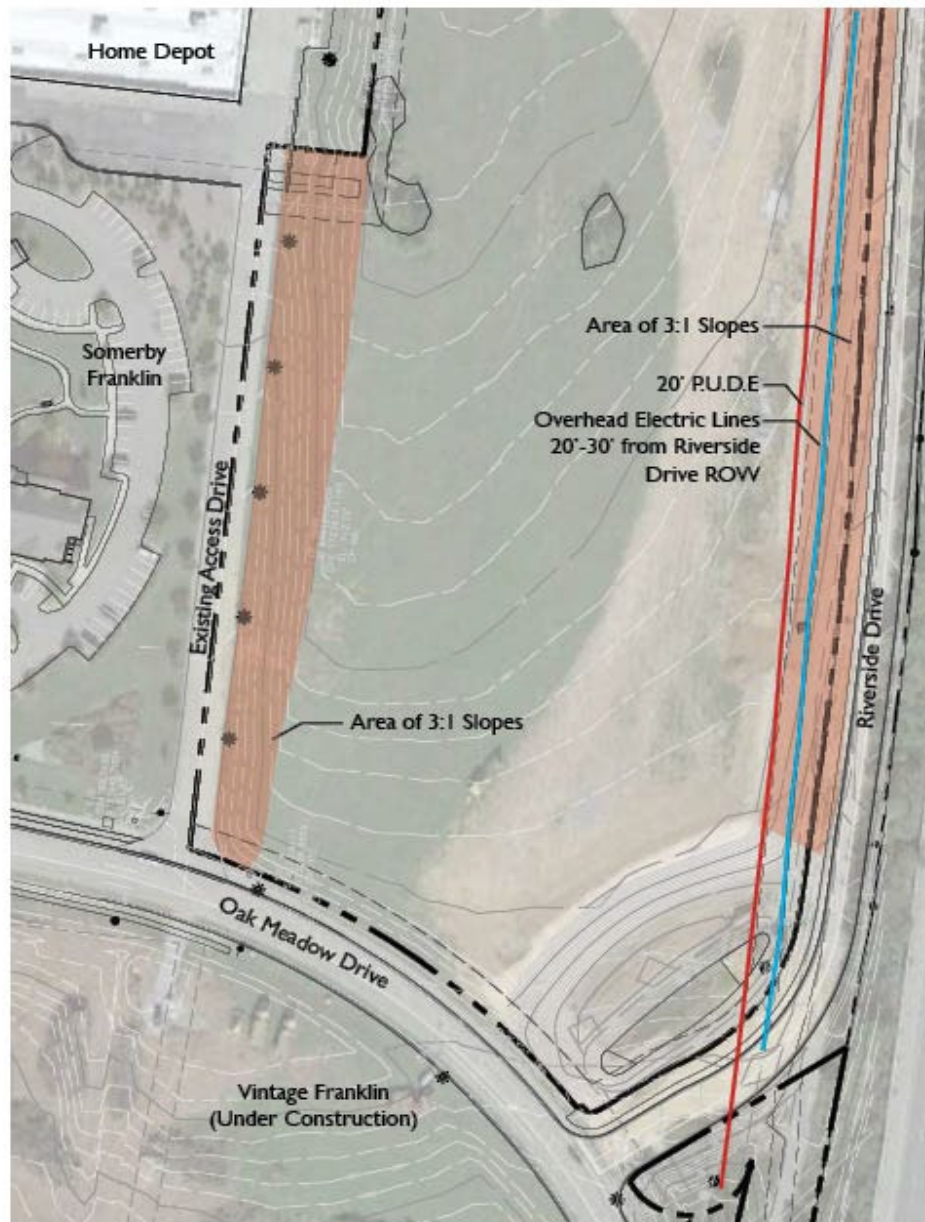
Living Spaces is proposing a two-story, 100,000 SF retail space with a 236-space parking lot (Exhibit A). The building will have a café and rooftop patio for customers.



Enlarged Site Plan **image does not show entirety of lot for purpose of legibility*

Existing Site Constraints

The existing site lies north of Oak Meadow Drive, between Riverside Drive and an access drive for Home Depot. The property has 3:1 slope along both of these drives, as well as an overhead power lines along Riverside drive. These power lines are within a 20' PUDE and will not be relocated underground. Due to these constraints on the property, the applicant is prevented from complying with to the Section 3.18.5 Dimensional standards.



Existing Conditions **image does not show entirety of lot for purpose of legibility*

Variance Request # 1 – To Establish a Front Yard Setback with a maximum of 150 feet along Riverside Drive and Oak Meadow Drive:

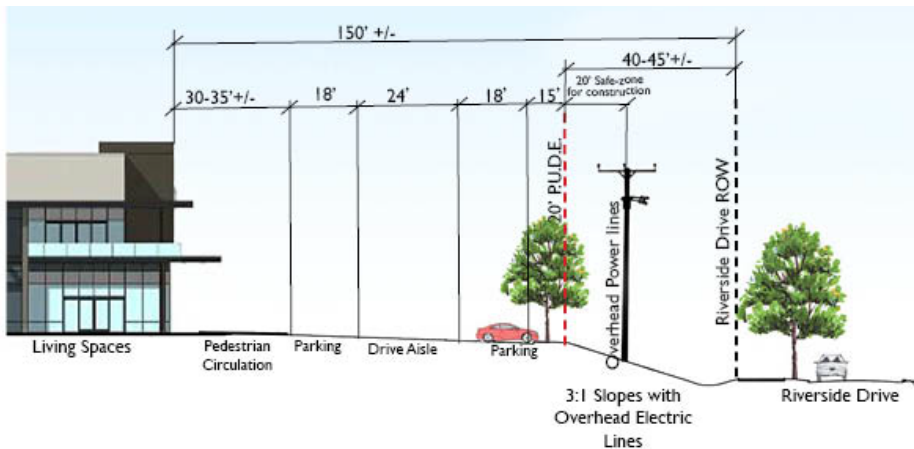
The City of Franklin’s zoning ordinance requires that all buildings in RC-6 be located 5 feet minimum to 30 feet maximum from the front property line.

Section 3.18.5 Dimensional Standards states for Principal Building Setbacks: *The front yard for collector streets, local streets, or internal drives shall be a 5 feet min to 30 feet max.*

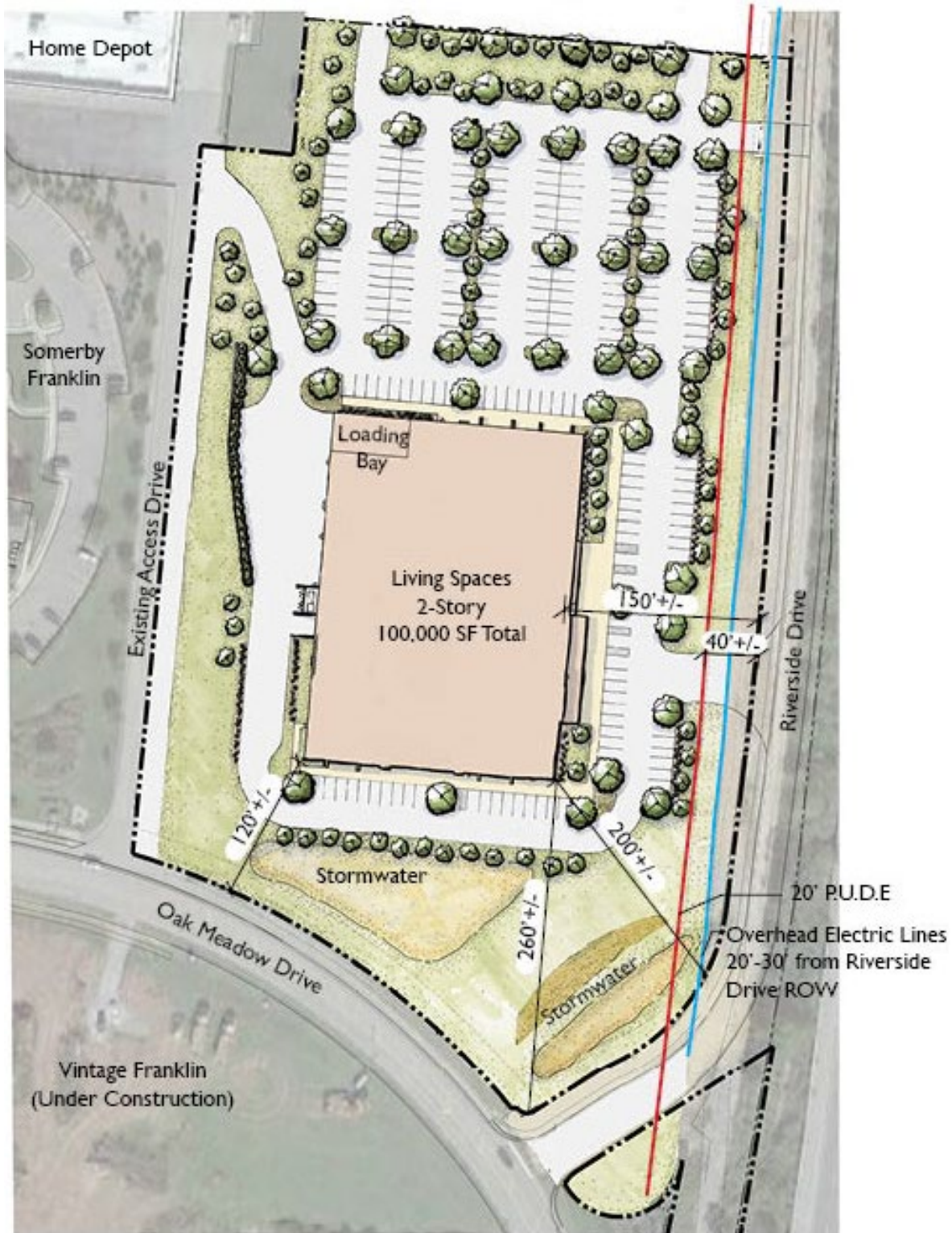
The existing distance from the Right-of-Way Line to the PUDE Easement is 40 feet. As demonstrated, the two-story building would encroach on the overhead power lines and easement if it is located between 5 feet and 30 feet of the Riverside Drive right-of-way line. In addition, Fire requires access to all four sides of the building and cannot access the building from Riverside Drive due to the overhead power lines and the steep slopes. A fire truck with ladder extended would need sufficient clearance from the power lines to access the building roof. Therefore, due to the proximity of the powerline, powerline easement along Riverside Drive, steep slopes, and fire access, the building cannot be located within the front yard setback zone on Riverside Drive and must be located far enough from the powerlines for safety and Fire access to the building. The lowest point of the property is along Oak Meadow Drive, and this area is required for stormwater management infrastructure. Due to the location of the site stormwater features, the front setback along Oak Meadow will range between 120 feet and 260 feet due to the curvature of the drive. The maximum 150 feet setback for the building will accomplish the goals of the site plan to locate the building outside of the required storm infrastructure and existing easements.



Existing Conditions at Riverside Drive



Front Building Setback: 150'+/- from property line



Site Plan*image does not show entirety of lot for purpose of legibility

Variance Criteria #1: Front Setback

Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of this Ordinance 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 ordinance.

The 3:1 slope along Riverside Drive, combined with the overhead powerlines that run parallel with the right-of-way line, create significant issues with placing the building within the front setbacks required by the zoning ordinance. The Public Utility and Drainage Easement for the overhead powerlines extends into the property 40 feet. Any future building would be placed within the Public Utility and Drainage Easement if it followed the 5 feet to 30 feet required by the zoning ordinance. The 3:1 slopes also create a situation where Riverside Drive is around 10' below the upper 'flat' portion of the property. In order to create an access drive that meets the requirements of the city of Franklin, 150' would be needed. More would be needed to create ADA access to the 12' multi-use trail along Riverside Drive. ADA parking would also need to be located close to the building to create a reasonable access point. Parking in the frontages facing the two streets would be needed to accomplish this. The 10' grade difference and overhead powerlines also create conflicts for emergency and fire access.

The stormwater infrastructure required for the property will be located along Oak Meadow and will prevent the building from being located in an area 5 feet to 30 feet from the right-of-way line.



Enlargement*image does not show entirety of lot for purpose of legibility



BZA Submittal | 880 Oak Meadow Drive, Living Spaces

Variance Criteria #2: Front Setback

The strict application of any provision enacted under this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of such property.

MTEMC and TVA will not allow the burial of the three-phase powerlines that run along Riverside Drive. Following the zoning ordinance and placing the building in the required 5'-30' setback would mean that the second floor of the building will be extremely close to the powerlines, and buildings are not permitted in the easement. The stormwater infrastructure proposed along Oak Meadow can only be located in that location as it is the lowest point of the property.

Variance Criteria #3

Such relief may be granted without substantial detriment to the public good and without substantially impairing the purpose and intent of the zoning map and the Ordinance.

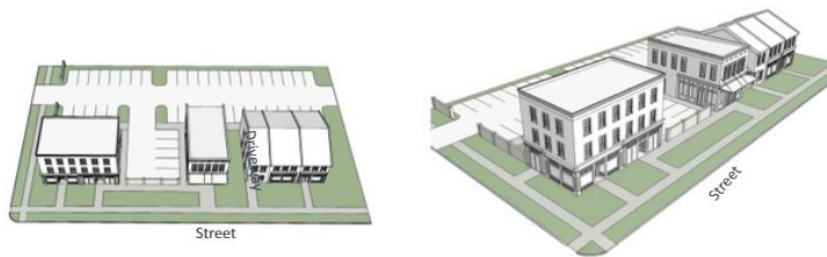
By allowing the building to be located further than 30' from the property line along Riverside Drive and Oak Meadow Drive, significant conflicts are avoided with the overhead powerlines, steep slopes located along Riverside Drive, emergency access around the building, and stormwater infrastructure.

Variance Request 2 – To allow for limited parking within the Landscape Frontage

The City of Franklin’s zoning ordinance requires that all new parking be located to the side or the rear of a building for properties in the Regional Commerce 6 (RC-6). The only permitted Frontage Types are 7.5 Landscape Frontage or 7.6 Urban Frontage.

Section 7.5 Landscape Frontage states: *Parking shall be located behind or to the side of the principal building, but no closer to the street than the front façade, unless it is parallel parking. Principal buildings shall anchor intersections and any side parking shall be located away from the intersections. Priority shall be given to the higher classification street.*

7.5 Landscape Frontage



The steep slopes along the property boundaries and the location of the overhead power lines limit the position of the building on the property, limit the locations of emergency access, and limit the locations of accessible parking.

The site plan must include a route around the building for fire and emergency vehicle access due to poor access from the adjacent roadways. This results in an interior drive approximately at grade with the proposed building on all four sides. Due to the topographic constraints of the property, the parking lot areas must be located off of these interior driveways.

The location of the building due to topographic and infrastructure constraints significantly increases the landscape frontage area. This increase reduces the area for required parking. Approximately 84 parking spaces are needed along Riverside Drive in the frontage area, and 20 parking spaces along Oak Meadow to meet the needs for the proposed use.



Riverside Drive Parking: 84 perpendicular parking spaces within the Landscape Frontage**image does not show entirety of lot for purpose of legibility*

Oak Meadow Drive Parking: 20 perpendicular parking spaces within the Landscape Frontage**image does not show entirety of lot for purpose of legibility*



BZA Submittal | 880 Oak Meadow Drive, Living Spaces

Variance Criteria #1

Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of this Ordinance 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 ordinance.

The 3:1 slope along Riverside Drive, combined with the overhead powerlines that run parallel with the right-of-way line, create significant issues with placing the building within the front setbacks required by the zoning ordinance. The Public Utility and Drainage Easement for the overhead powerlines extends into the property 40 feet. The 3:1 slopes also create a situation where Riverside Drive is around 10' below the upper 'flat' portion of the property making fire protection impossible from Riverside Drive. In order to create an access drive that meets the requirements of the city of Franklin, 100' would be needed. More would be needed to create ADA access to the 12' multi-use trail along Riverside Drive. ADA parking needs to be located close to the building to create a reasonable access point. Parking in the frontages facing the two streets would be needed to accomplish appropriate ADA access to the building and circulation around the building for emergency / fire apparatus. The requirement to have parking on the side or behind the building significantly limits the development of the property and would reduce the parking lot to serve the building to a small fraction of the site.

Variance Criteria #2

The strict application of any provision enacted under this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of such property.

The requirement to have parking on the side or behind the building significantly limits the development of the property and would reduce the parking lot to serve the building to a small fraction of the site. Strict application of the zoning ordinance requirement for frontage creates an exceptional difficulty for the development of the property.

Variance Criteria #3

Such relief may be granted without substantial detriment to the public good and without substantially impairing the purpose and intent of the zoning map and the Ordinance.

Granting the variance for parking frontage provides safe and clear access for fire apparatus around the building, and areas of refuge during an emergency event. The parking located in front of the building provides clear and easily accessible ADA parking. The parking areas proposed are in keeping with the existing uses, site designs, and are compatible with the adjacent neighbors.



BZA Submittal | 880 Oak Meadow Drive, Living Spaces

We appreciate your review of these requests and look forward to discussing them with you at the January Board of zoning appeals hearing.

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg Gamble', written in a cursive, flowing style.

Greg Gamble
Landscape Architect



BZA Submittal | 880 Oak Meadow Drive, Living Spaces

November 7, 2022

City of Franklin Board of Zoning Appeals

Dear Board of Zoning Appeals,

Gamble Design Collaborative, on behalf of Living Spaces, is requesting three variances for property located at 880 Oak Meadow Drive. Living Spaces is requesting a variance to the Front Yard Setback where the proposed building needs to be located more than thirty feet from the front property line. In addition to the front yard setback, two variances are needed for parking frontage to permit perpendicular parking between the proposed building and Riverside Drive and the proposed building and Oak Meadow Drive.



Overall Site Plan

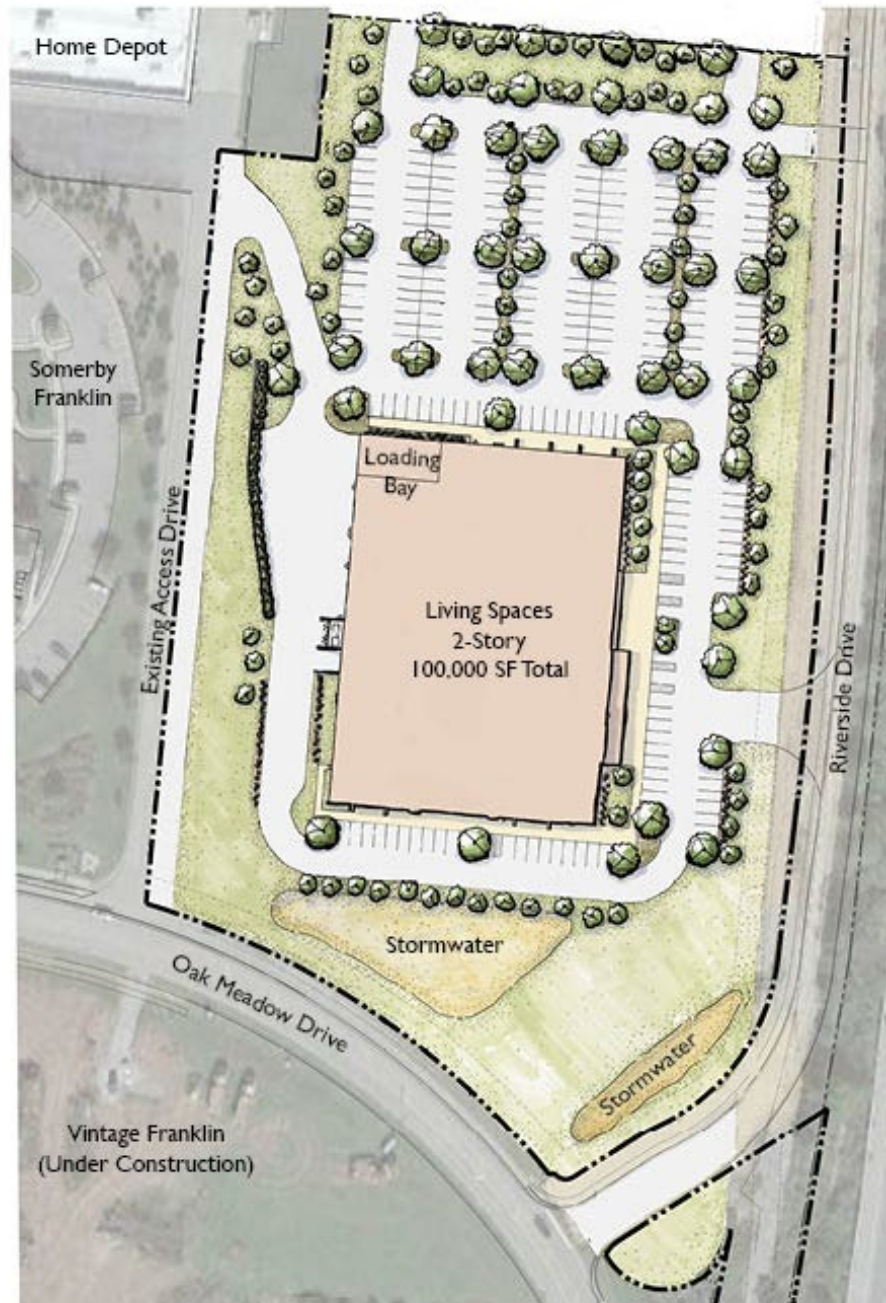
DEVELOPMENT PLANNING DESIGN MANAGEMENT

greg.gamble@gdc-tn.com | 615.975.5765 | 3020 Stansberry Lane, Suite 201, Franklin, TN 37069



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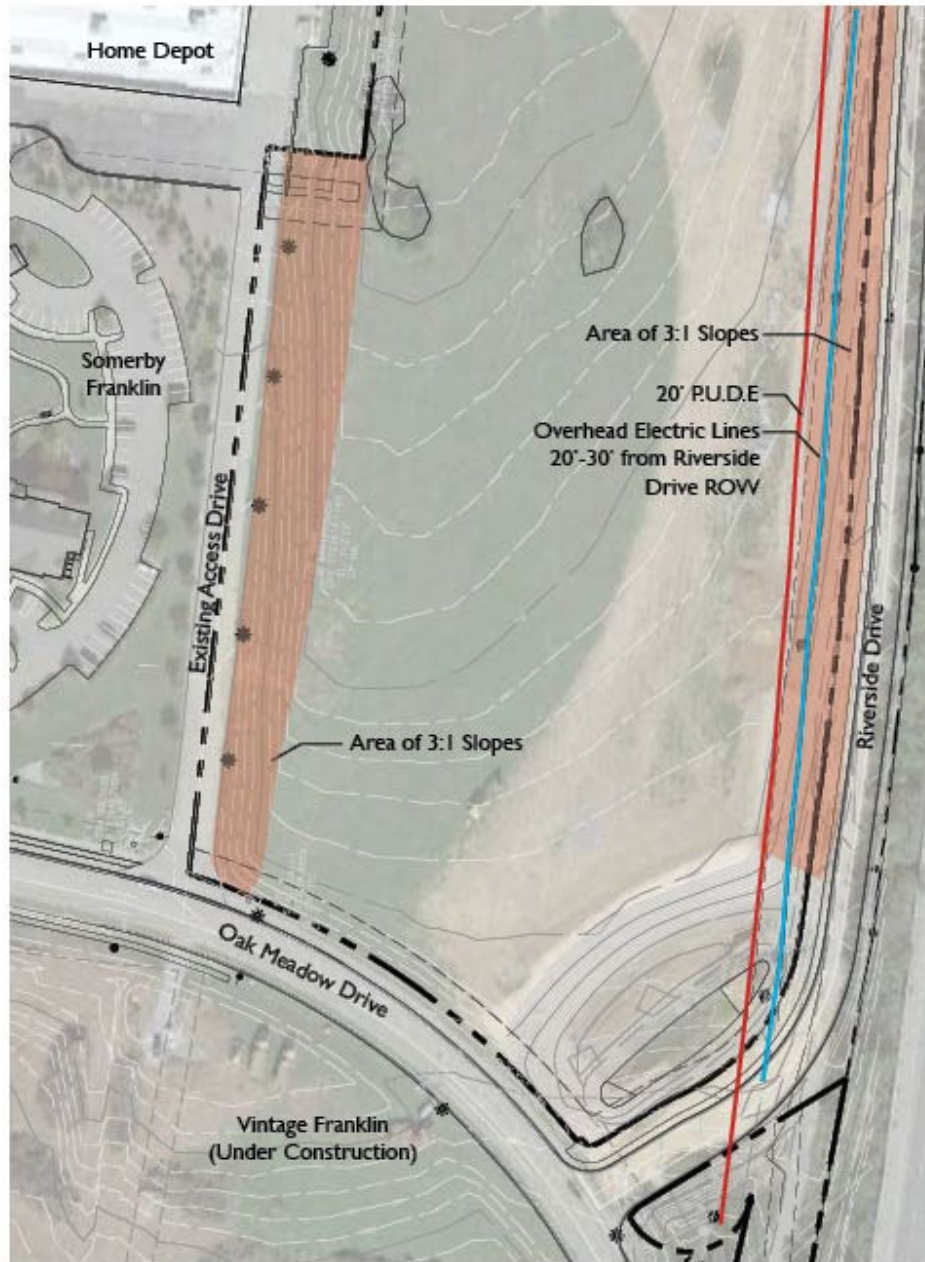
Living Spaces is proposing a two-story, 100,000 SF retail space with a 236-space parking lot (Exhibit A). The building will have a café and rooftop patio for customers.



Enlarged Site Plan **image does not show entirety of lot for purpose of legibility*

Existing Site Constraints

The existing site lies north of Oak Meadow Drive, between Riverside Drive and an access drive for Home Depot. The property has 3:1 slope along both of these drives, as well as an overhead power lines along Riverside drive. These power lines are within a 20' PUDE and will not be relocated underground. Due to these constraints on the property, the applicant is prevented from complying with to the Section 3.18.5 Dimensional standards.



Existing Conditions *image does not show entirety of lot for purpose of legibility

Variance Request # 1 – Front Yard Setback:

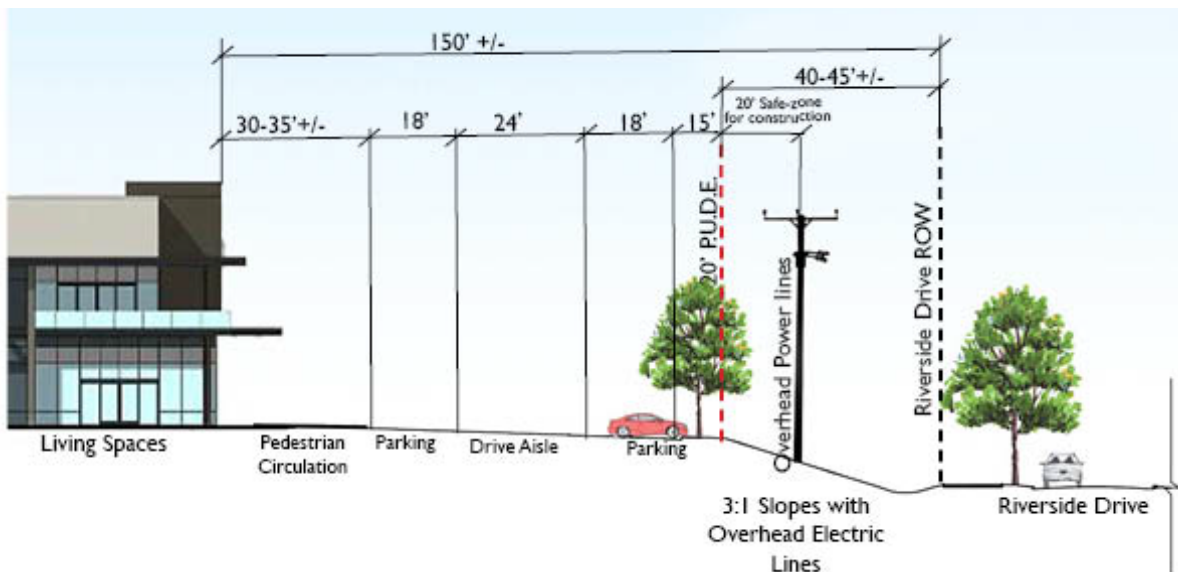
The City of Franklin's zoning ordinance requires that all buildings in RC-6 be located 5 feet minimum to 30 feet maximum from the front property line.

Section 3.18.5 Dimensional Standards states for Principal Building Setbacks: *The front yard for collector streets, local streets, or internal drives shall be a 5 feet min to 30 feet max.*

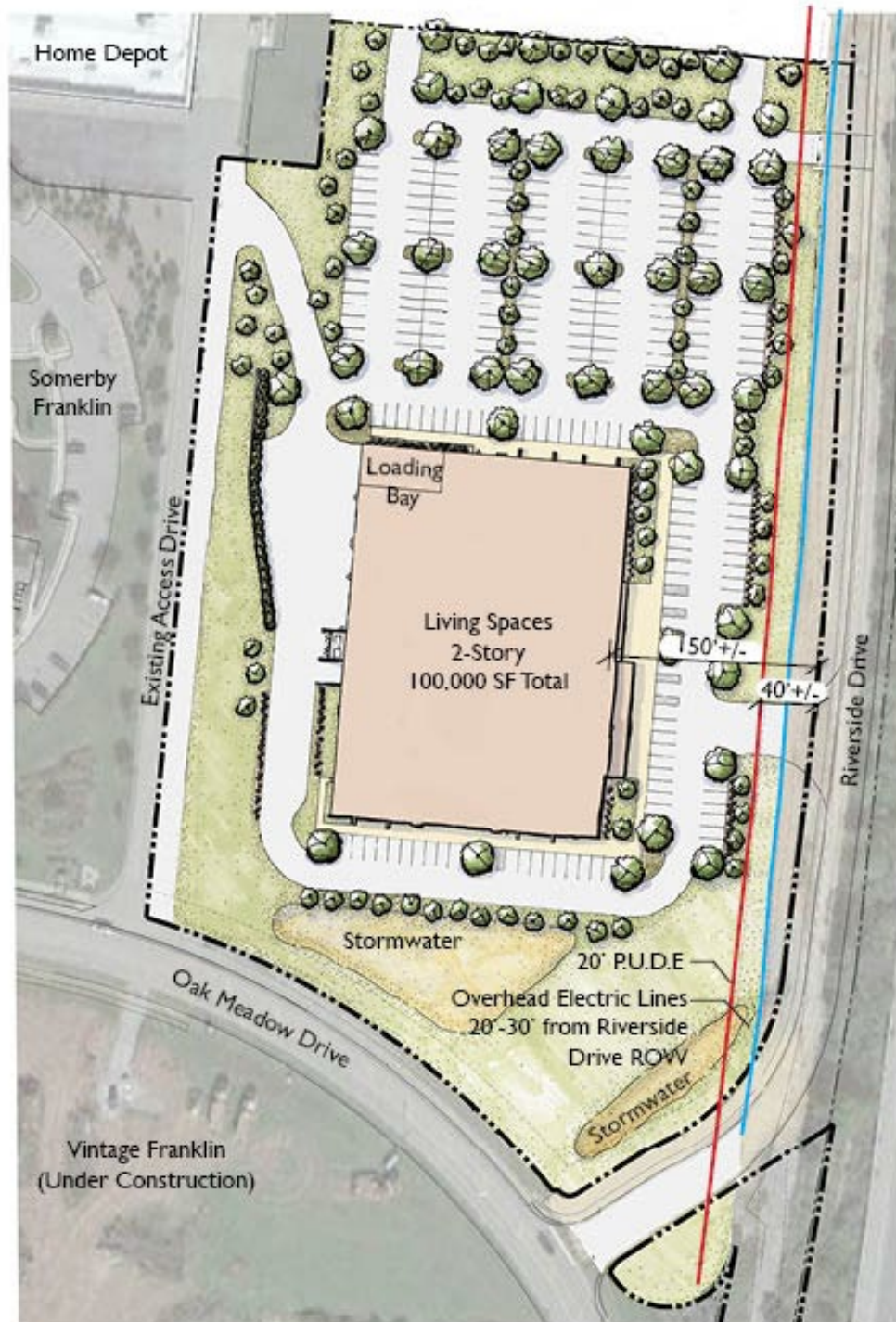
The existing distance from the Right-of-Way Line to the PUDE Easement is 40 feet. As demonstrated, the two-story building would encroach on the overhead power lines and easement if it is located between 5 feet and 30 feet of the Riverside Drive right-of-way line. In addition, Fire requires access to all four sides of the building and cannot access the building from Riverside Drive due to the overhead power lines and the steep slopes. Therefore, due to the proximity of the powerline, powerline easement along Riverside Drive, steep slopes, and fire access, the building cannot be located within the front yard setback zone and must be located far enough from the powerlines for safety and Fire access to the building.



Existing Conditions at Riverside Drive



Front Building Setback: 150'+/- from property line



Site Plan*image does not show entirety of lot for purpose of legibility

Variance Criteria #1

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The 3:1 slope along Riverside Drive, combined with the overhead powerlines that run parallel with the right-of-way line, create significant issues with placing the building within the front setbacks required by the zoning ordinance. The Public Utility and Drainage Easement for the overhead powerlines extends into the property 40 feet. Any future building would be placed within the Public Utility and Drainage Easement if it followed the 5 feet to 30 feet required by the zoning ordinance. The 3:1 slopes also create a situation where Riverside Drive is around 10' below the upper 'flat' portion of the property. In order to create an access drive that meets the requirements of the city of Franklin, 150' would be needed. More would be needed to create ADA access to the 12' multi-use trail along Riverside Drive. ADA parking would also need to be located close to the building to create a reasonable access point. Parking in the frontages facing the two streets would be needed to accomplish this. The 10' grade difference and overhead powerlines also create conflicts for emergency and fire access.



Enlargement*image does not show entirety of lot for purpose of legibility

Variance Criteria #2

The strict application of any provision enacted under this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of such property.

MTEMC and TVA will not allow the burial of the three-phase powerlines that run along Riverside Drive. Following the zoning ordinance and placing the building in the required 5'-30' setback would mean that the second floor of the building will be extremely close to the powerlines, and buildings are not permitted in the easement.

Variance Criteria #3

Such relief may be granted without substantial detriment to the public good and without substantially impairing the purpose and intent of the zoning map and the Ordinance.

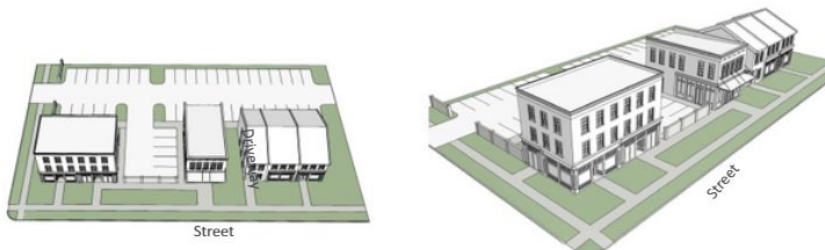
By allowing the building to be located further than 30' from the property line, it would avoid significant conflicts with the overhead powerlines and steep slopes located along Riverside Drive and allows emergency access around the building.

Variance Request 2 – Parking Frontage

The City of Franklin's zoning ordinance requires that all new parking be located to the side or the rear of a building for properties in the Regional Commerce 6 (RC-6). The only permitted Frontage Types are 7.5 Landscape Frontage or 7.6 Urban Frontage.

Section 7.5 Landscape Frontage states: *Parking shall be located behind or to the side of the principal building, but no closer to the street than the front façade, unless it is parallel parking. Principal buildings shall anchor intersections and any side parking shall be located away from the intersections. Priority shall be given to the higher classification street.*

7.5 Landscape Frontage



The steep slopes along the property boundaries and the location of the overhead power lines limit the position of the building on the property, limit the locations of emergency access, and limit the locations of accessible parking.

BZA Submittal | 880 Oak Meadow Drive, Living Spaces

The site plan must include a route around the building for fire and emergency vehicle access due to poor access from the adjacent roadways. This results in an interior drive approximately at grade with the proposed building on all four sides. Due to the topographic constraints of the property, the parking lot areas must be located off of these interior driveways.



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BZA Submittal | 880 Oak Meadow Drive, Living Spaces

We appreciate your review of these requests and look forward to discussing them with you at the December Board of zoning appeals hearing.

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg Gamble', is written over a light gray circular background.

Greg Gamble
Landscape Architect