



Meeting Agenda

Board of Zoning Appeals

Thursday, February 2, 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 January 5, 2023 BZA Minutes.

ANNOUNCEMENTS

2. The Variance Request To Increase The Maximum Front Yard Setback from 30 Feet to 150 Feet, For The Property Located At 880 Oak Meadow Drive, has been withdrawn by the applicant.

APPLICATIONS

3. A **Variance Request** To Allow The Front Facade Of A Proposed Principal Building To Be Oriented In A Non-Parallel Manner To The Frontage, And A **Variance Request** To Allow One Additional Parking Bay Within The West Fowlkes Street Designated Frontage Area For A Proposed Principal Building, For The Property Located At 1140 Columbia Avenue (F.Z.O 6.11 and 7.4).

Sponsors:

Emily Wright,
Amy Diaz-Barriga,
Ariella Stanford

4. A **Variance Request** To Allow More Than The Permitted Amount Of Parking Within The Parking Frontage Area Along Murfreesboro Road, For The Buildings Located At 828 Murfreesboro Road (F.Z.O 7.4).

Sponsors:

Emily Wright, 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 06:04 PM

Board Members Present: Greg Caesar, Jeff Fleishour, Jonathan Langley

Board Members Absent: William Scales, Lee Reeves

APPROVAL OF MINUTES

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

Sponsors:

A motion was made by Commissioner Caesar, seconded by Commissioner Fleishour to the Minutes from the December 1, 2022, meeting. The motion carried 3-0

VOTE FOR CHAIR AND VICE CHAIR

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

Sponsors:

Commissioner Fleishour nominated Jonathon Langley for Chair. Chair Langley accepted the nomination.
Vote Tally: 3-0.

Commissioner Fleishour nominated Greg Caesar for Vice-Chair. Commissioner Caesar accepted the nomination.
Vote Tally: 3-0

ANNOUNCEMENTS

Ms. Diaz-Barriga stated there were no 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

Staff Report: Ariella Stanford. Ms. Stanford stated that 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.

Ms. Stanford explained that 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 considering 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 conditions, such a piece of property is not able to accommodate development as required under this Ordinance.

The parking lot already exists on the site with multiple restrictions that prevent 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 is 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 find that this criterion 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 find 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 criterion is met.

RECOMMENDED MOTION: Ms. Stanford stated that the 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.

APPLICANT PRESENTATION: Eric Parl, applicant. Mr. Parl stated that he did not have anything to add to the staff presentation but would be happy to answer any questions.

Chair Langley asked if there were any citizens who would like to comment on the Variance Request (701 Cool Spring Boulevard), there were none.

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

Vote Tally: 3-0

Motion passes

Chair Langley asked if the Board had any questions for the staff or applicant.

Commissioner Caesar asked the applicant if the goal was to maintain the existing parking instead of redesigning the

parking area.

Mr. Parl confirmed that Commissioner Caesar was correct.

Commissioner Caesar moved to approve the variance request for the property located at 701 Cool Springs Boulevard because the criteria for granting a variance have been met, seconded by Commissioner Fleishour.

Vote Tally: 3-0

Motion passes

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

Staff Report: Ariella Stanford. Ms. Stanford stated that 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.

Ms. Stanford explained that 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

Ms. Stanford stated that 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 narrower 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 criterion 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 find 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 criterion is met.

RECOMMENDED MOTION: Ms. Stanford stated that 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.

Applicant Presentation: Isaac Meek, representing Five Daughters Bakery. Mr. Meek stated that the only information he would like to add is a letter in full support of the variance request from the neighbor that the variance would affect.

Chair Langley confirmed that the Board and staff did receive the letter from the neighboring business.

Chair Langley asked if there were any citizens who would like to comment on the Variance Request (1108 Harpeth Industrial Court), there were none.

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

Vote Tally: 3-0

Motion passes

Chair Langley asked if the Board had any questions for the staff or applicant.

Commissioner Caesar asked Mr. Meek if the lighter colored structure in the photograph would be considered the area of new construction.

Mr. Meek stated "yes."

Chair Langley followed up with a related question about the cinder blocks and what represents the new vs. old construction in the photos provided by the applicant.

Mr. Meek stated that the part that's unpainted is the new area.

Commissioner Fleishour asked about the walk-in cooler.

Mr. Meek explained that it was actually an addition that was converted into an internal walk-in cooler. The walk-in cooler is a part of the building.

Chair Langley asked the staff if this area was part of the original plans needed for building permits.

Ms. Diaz-Barriga stated that the process of inspection is beginning now.

Mr. Meek stated that the area was not included in the original plans that were submitted in August. The contractor made a mistake but corrected the plan, including the area under discussion, and was resubmitted in November. Five Daughters received a permit in February which Mr. Meek believed was for the correct resubmitted plan but the permit was actually for the plan submitted originally in August. For some reason, the resubmitted plan (correct plan) was not approved or didn't make it through the steps of the approval process. When the city came out for the inspection, they began operating off the plans submitted in August.

Commissioner Fleishour stated/asked for confirmation if the city inspectors did not realize that the addition was not on the approved drawings.

Mr. Meek confirmed that this is correct.

Chair Langley stated that if there were no additional questions, he would entertain a motion.

Commissioner Fleishour motioned to approve the variance request to allow an encroachment with a maximum 7 feet into the side yard setback for the property located at 1108 Harpeth Industrial Court because the criteria for granting a variance have been met, seconded by Commissioner Caesar.

Commissioner Caesar noted the frustration of Mr. Meek and Five Daughters Bakery and apologized for the unfortunate situation created by human error.

Chair Langley stated that he agrees with the staff analysis and recommendation because of the exceptional condition and shape of the property.

Chair Langley stated that we have a motion for approval and a second.

Vote Tally: 3-0.

Motion passes

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

Staff Report: Ariella Stanford. Ms. Stanford stated that 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 feet retail space. There is no site plan submitted for this project. The plans provided for this property represent the desired design of the site.

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

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.

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. There is not an exceptional situation with the site itself that prevents compliance with the Zoning Ordinance in this situation. Staff still consider this request a matter of preference, and that the "hardship" is self-imposed in this situation. Staff finds this criterion 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.

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 consider this request a matter of preference, and that the "hardship" is self-imposed in this situation. Staff finds this criterion 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.

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 criterion 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. Staff will not read the full criteria moving forward, only provide analysis of each.

Criteria 1. 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 consider this request a matter of preference, and that the "hardship" is self-imposed in this situation. Staff finds this criterion is not met.

Criteria 2. 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 consider this request a matter of preference, and that the "hardship" is self-imposed in this situation. Staff finds this criterion is not met.

Criteria 3. 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 criterion 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

As a reminder this request to both Riverside Drive and Oak Meadow Drive. Unless the motion clarifies it, the motion would apply to both streets.

Criteria 1. 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. Staff find this requirement is met.

Criteria 2. 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 find this requirement is met.

Criteria 3. 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 criterion 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.

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.

Applicant Presentation: Jeff Rosiak. Mr. Rosiak stated that he will explain the changes since the deferral at the December meeting. Mr. Rosiak stated that the zoning ordinances provide excellent guidance in most situations. In this situation, the existing site geometry, existing site topography, existing overhead electrical transmission lines and the site location at the corner of Oak Meadow and Riverside Drive, strict adherence to the zoning ordinance is not possible. The frontage requirements and the existing contextual pattern of development are at odds with each other. The site requires a creative solution that deviates from the code. Because any proposed development is required to front a public street and the building orientation is required to parallel the street, the location of the front door becomes a critical early design decision. In this case, the low point of the site is along Oak Meadow Drive. This is where the stormwater area will be located, which requires the front door to be located along Riverside Drive. The 3 to 1 slope were discussed along the eastern and western property lines including Riverside Drive and the electrical transmission lines along Riverside Drive. Even though the door fronts Riverside Drive, the conditions of the site force the building away from Riverside Drive. Since the December deferral meeting, GDC has provided a concept sketch illustrating how the building could front Riverside Drive. At the existing grade of Riverside Drive the illustration shows how the maximum allowable slopes that still allow for emergency access and ADA access push the building frontage well beyond the permitted setback zone. Mr. Rosiak stated that it is understood that the intent of the code is to provide a walkable, pedestrian friendly environment. A pedestrian friendly zone between the parking area and the building has been incorporated into the plan. The conditions of the site along with the incorporation of the pedestrian friendly zone push the setback to a max of 150 feet. There is some flexibility in the site design under the MTE electrical line that would allow room to shorten the setback. The setback along Oak Meadow is labeled as a max setback of 120 feet. Also, since the December deferral meeting, the planning and engineering staff have generated a concept that shows how the building can be pushed closer to Riverside Drive and how parallel parking can be accommodated. GDC believes that this concept makes the hardships unique to the site evident. For the concept to work, the access drive to the front door of the building has been removed entirely. Instead, the primary entrance is 400 feet further to the north along the northern property line. Parking is similarly separated from the front door of the building. These factors combine in a way that removes the viable use as contemplated in the C6 zoning. In either case, most of the parking is located remotely from the front door which is why the variance requests (#1 & #2) became necessary. Variance request 1 & 2 request head in parking with proximity to the front door along Riverside Drive and Oak Meadow frontages keeping in mind the parking areas are elevated 12 feet from the existing surrounding street network. Mr. Rosiak noted that the site is surrounded by existing development and granting the requested variances would allow the site to be developed in a pattern like the existing development pattern. Mr. Rosiak referred to an ariel illustration in the application packet that references the pattern of the surrounding development in the area. Mr. Rosiak stated that the buildings are pushed back from the street and make use of head in parking, therefore establishing a clear pattern of development. Mr. Rosiak stated that he would be happy to answer any questions from the staff or Board.

Chair Langley asked if there were any citizens who would like to comment on the Variance Request (Riverside Drive and Oak Meadow Drive), there were none.

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

Vote Tally: 3-0

Motion passes

Chair Langley asked for additional comments regarding the variance requests from staff.

Ms. Diaz-Barriga stated that the purpose of this meeting is to interpret the code and to determine if the criteria for the variance request has been met. Ms. Diaz-Barriga explained that a site plan has not been submitted and to a degree we are speaking in hypothetical terms. Without a site-plan submittal, a solution is difficult to find. Staff met and came up with an alternative plan and found a way to provide parking in front of the building in a way that meets the zoning ordinance. It allows for fire access around the building in the form of an internal drive. The two drive isles would be 11 feet in width, which is acceptable for a fire truck to use. Parallel parking on one or both sides of the drive isle and parallel parking in front of the building for ADA accessibility, if needed. Parking under utility lines has been approved in the past. The alternative plan, created by staff, could be supported by the BZA to allow the setback to be extended.

Commissioner Caesar expressed concerns about the fire access and the parking under the electrical transmission lines.

Ms. Diaz-Barriga stated that the engineering department concluded that construction of a small retaining wall on the side closest to I-65 would allow parallel parking as well as comply with the zoning ordinance. The engineering staff explained that by doing this, the amount of parking spaces proposed by the applicant as shown on their original site plan are met on this plan, but in a different format.

Commissioner Fleishour noted that the applicant is adamant about the proposed entrance location of the building. Mr. Fleishour asked for the staff's opinion regarding the building entrance.

Ms. Diaz-Barriga stated that staff finds no reason why the entrance should be accommodated in the applicant's proposed location. Staff provided an alternative that would comply with the 3 to 1 slope and would allow the fire truck turnaround to get up into the site and around the building. There is nothing in the ordinance that requires that vehicular access be right in front of the door entrance. Ms. Diaz-Barriga stated further that what the applicant proposes goes against the intent of the city's long-term goals. Parking and vehicular access is meant to be secondary. The frontage requirements of the zoning ordinance bring the buildings closer to the street with vehicular access and parking available to the sides and the rear of the building.

Chair Langley stated that he would entertain a motion if the Board were ready.

Commissioner Caesar asked if Chair Langley would prefer the three variance requests to be presented as independent motions?

Chair Langley indicated that either way would be acceptable.

Commissioner Caesar motioned to approve the variance request to allow parking within the Riverside Drive frontage area for the property located at 880 Oak Meadow Drive, seconded by Commissioner Fleishour.

Chair Langley expressed his frustration with the situation. Basically, the Board and staff are being asked to design the site during the meeting, on the "fly". The Board and staff have provided feedback and guidance, but it appears that no progress has been made. The staff has spent time in meetings and provided exhibit drawings to advise the applicant of alternate solutions that follow the zoning ordinance as it's written, without variances needed. Chair Langley stated that he cannot support the variance request without more details provided by the applicant. For example, a sort of report that is a balance between a full site plan and a conceptual drawing.

Commissioner Caesar supported his motion by stating that since there are electrical transmission lines and the property is not adjacent to another property as it faces the interstate, strict adherence to the ordinance, for this property, is less of a concern. Mr. Caesar stated that he agrees with the frustration mentioned by Chair Langley. The goal would be to provide

clear exceptions that would be acceptable to allow the property to be functional.

Ms. Diaz-Barriga stated that the only variance needed following the staff's alternative plan would be a variance for the setback. The parking plan explained on the staff's exhibit is permitted per the zoning ordinance. The parallel parking does not need a variance. Both sides of the building could use the internal drive and parallel parking. Again, the only variance needed would be variance request number 3 regarding front yard setback.

Commissioner Fleishour asked if it would be necessary to cap the parking.

Ms. Diaz-Barriga stated that to cap the parking spaces relates to the design of the site. The site is adjacent to the interstate and if the variance requests are approved that go against the ordinance, it will be clearly visible from the interstate.

Chair Langley explained that the city has new long-range plans and guidelines to implement the plans. It's not the position or purpose of the Board to grant variances in every instance of a "unique site." It's the job of BOMA and the Planning Commission to set the guidelines for zoning ordinances.

Chair Langley stated that there is a motion on the floor for approval of the first variance request for this item.

Commissioner Caesar motioned to approve the variance request to allow parking within the Riverside Drive frontage area, seconded by Commissioner Fleishour.

There being no further discussion, Chair Langley asked the Board to vote.

Vote Tally: 2-1

Commissioners Caesar and Fleisher voted in favor of the motion and Chair Langley voted against the motion.

Motion passes.

Chair Langley recapped the second variance request for this item as a variance request to allow parking within the Oak Meadow Drive frontage area for a proposed principal building.

Chair Langley asked for a motion from the Board.

Commissioner Caesar motioned to disapprove the variance request to allow parking within the Oak Meadow Drive frontage area because the criteria for a variance have not been met, Commissioner Fleishour seconded the motion.

Commissioner Caesar stated that he believes the Oak Meadow Drive frontage does not have the high-powered transmission lines to contend with or the high visibility from the interstate. For these reasons, Commissioner Caesar recommended disapproval of the variance request.

There being no further discussion, Chair Langley asked for the Board to vote.

Mr. Rosiak asked if he could add comments regarding this variance request.

Chair Langley stated that the motion process had begun, and that discussion was over. The motion on the floor is for disapproval.

Chair Langley asked the Commissioners to vote.

Vote Tally: 3-0

Motion passes

Chair Langley stated that the third variance request is to increase the maximum front yard setback from 30 feet to 150 feet for the property located at 880 Oak Meadow Drive.

Commissioner Caesar asked if it would be appropriate to share a thought at this time.

Mr. Squires stated that at this point, a motion should be discussed.

Commissioner Caesar motioned to defer the variance request to increase the maximum front yard setback from 30 feet to 150 feet to the February 2, 2023, BZA meeting because not enough information has been provided by the applicant, seconded by Commissioner Fleishour.

Commissioner Caesar stated that more information is needed to determine exactly how much front yard setback would be required. The Board can't provide any more guidance than has already been given, based on the information provided by the applicant.

Commissioner Fleishour stated that the specifics of the variance request are too broad and could be considered an open variance, if approved.

Mr. Rosiak asked if he could comment.

Chair Langley stated that the motion process had already begun.

Commissioner Caesar asked if there was a way to provide more feedback so that the Board is not faced with the same situation at the next meeting.

Mr. Squires explained that there really isn't a mechanism for that directly. The motion that was made is to defer the variance request to the next meeting. The discussions that should be taking place should be about the reasons the deferral motion was made. The discussion should not include communication or feedback about the site.

Chair Langley stated that he cannot support the deferral motion because he believes that in order to move forward with development of this property, a new plan with a new variance request is needed.

There being no further discussion, Chair Langley asked the Board to vote.

Vote Tally: 2-1

Commissioner Caesar and Fleishour voted in favor of the motion. Chair Langley voted against the motion.

Motion passes.

OTHER BUSINESS

Chair Langley stated that there was no further business.

ADJOURN

Commissioner Caesar motioned to adjourn the January 5, 2023, BZA meeting, seconded by Commissioner Fleishour.

Vote Tally: 3-0

There being no further business, the meeting adjourned at 06:56 PM.

Chair

Date



File #: 21-04177

DATE: January 12, 2023
TO: Board of Zoning Appeals
FROM: Emily Wright, Director of Planning and Sustainability
Amy Diaz-Barriga, Asst Director of Planning Development
Ariella Stanford, Planner

SUBJECT:

A **Variance Request** To Allow The Front Facade Of A Proposed Principal Building To Be Oriented In A Non-Parallel Manner To The Frontage, And A **Variance Request** To Allow One Additional Parking Bay Within The West Fowlkes Street Designated Frontage Area For A Proposed Principal Building, For The Property Located At 1140 Columbia Avenue (F.Z.O 6.11 and 7.4).

PURPOSE:

PROJECT INFORMATION

COF Project Number: 8065
Applicant: Gary Vogrin
Owner: John M. Hull

BACKGROUND/STAFF COMMENTS:

Vicinity Zoning/Land Use

Site: CI Civic Institutional / Institutional
North: R-6 Residential and CC Central Commercial / Retail, Residential Single Family, and Residential Multifamily
South: CC Central Commercial and PD Planned District / Institutional and Mixed Residential
East: CC Central Commercial / Mixed Nonresidential and Office
West: CI Civic Institutional and R-6 Residential / Institutional and Residential Single Family

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.

6.11 Civic Building, Building Orientation

The front facade shall face the public street, private street, or internal drive, in that priority order. The front facade shall be parallel to the frontage.

7.4 Parking Frontage

A maximum of 2 bays of parking with a single drive aisle shall be permitted between the building and the street.

Background

The subject property is located at 1140 Columbia Ave and is zoned Civic Institutional (CI) District. This property is the location of the historic Carter House, an extremely historically significant site. The property owners have been finalizing their master plan for the site, which includes a new visitor's center. They submitted a Site Plan back in 2018 and it was approved, but it has since expired. Their plan for the site was designed in collaboration with the Historic Zoning Commission (HZC) and was designed in a way that respects the historic nature of the site and minimizes disturbance of the majority of the grounds. The previously approved plan was approved by the SHPO (State Historic Preservation Office) and the Historic Zoning Commission. The previous Site Plan complied with the Zoning Ordinance at the time, but it no longer complies with the frontage requirements of the current Zoning Ordinance. The new plan would like to utilize a Parking Frontage type, which requires no more than one drive aisle with two bays of parking. Both the expired plan and the new plan propose improvements to the existing parking lot, which would have more than one bay of parking. The existing parking lot is currently located in a non-parallel manner in the frontage area. For this reason, they are also requesting to allow the front facade of the visitor's center to be oriented in a non-parallel manner to the frontage. The non-parallel orientation would allow the building to be oriented parallel to the existing parking lot.

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:

Request 1: To Allow The Front Facade Of A Proposed Principal Building To Be Oriented In A Non-Parallel Manner To The Frontage

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 historical significance of this site makes it an exceptional situation. The historically significant area of the site that should be preserved (according to the HZC), is the corner of the lot, at the intersection of West Fowlkes Street and Columbia Avenue. This is the location of the original historic areas of the site, which includes the historic Carter House, its original outbuildings, and the historic open spaces. In order to limit disturbance to that area, the visitor's center must be located at its proposed location. In addition, the existing parking lot is located in a non-parallel orientation due to the slopes that are oriented in a non-parallel manner at that location on the site. The location of the visitor's center is dependent on the location and orientation of the parking lot and the slopes at that location. As shown in the submitted exhibits, there are areas of varying slopes that restrict the location of both the parking lot and the visitor's center. The parking lot also sits on the lower elevation of the site, and to relocate the parking lot and the curb cut would cause a greater impact of disturbance to the site. The proposed design would minimize disturbance of the historically significant areas of the site, and it would allow the visitor's center to create a buffer between the parking lot and the original historic areas of the site. Considering these extraordinary conditions on the site, Staff finds this criteria 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 front façade of the proposed building must be oriented in a parallel manner to the frontage. As explained in the previous criteria, there are multiple factors that are restricting the location of both the visitor's center and the parking. With the location of the parking lot, the topography of the site, and the historically significant area to preserve, orienting the building parallel to the frontage would result in a difficult and unnatural design for the site, and the visitor's center would intrude further into the historically significant area. 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 having the front façade of the visitor's center facing West Fowlkes Street and orients the parking lot and visitor's center in a way that fits the topography of the site, 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.

Request 2: To Allow One Additional Parking Bay Within The West Fowlkes Street Designated Frontage Area For A Proposed Principal Building

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 historical significance of this site makes it an exceptional situation. In addition, the parking lot already exists on the site, and there are multiple restrictions that are preventing its relocation. As shown in the submitted exhibits, there are areas of varying slopes that restrict the location and orientation of the parking lot and the visitor's center. The slopes create an area of low elevation, which is the location of the proposed parking lot and visitor's center. The area of lower elevation that the slopes create has a unique shape which limits its ability to accommodate parking in compliance with the Zoning Ordinance. Because of the slopes directly behind and to the side of the proposed visitor's center, the necessary additional parking must be located in the building's frontage area. Additionally, it is not an option to relocate the parking lot and the curb cut, as it would cause a greater impact of disturbance to the area of historical significance on the site. One of the primary goals for this design is to respect the historical significance of the site. The proposed design would minimize disturbance to the historically significant areas, and the visitor's center would create a buffer between the parking lot and the original historic areas of the site. Considering these extraordinary conditions on the site, Staff finds this criteria 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 site is only

allowed to have one parking bay between the front façade and the street. As explained in the previous criteria, there are multiple factors that are restricting the location of parking. With the location of the parking lot, the additional parking is necessary to serve the visitor's center and for ADA compliancy. 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 places the additional parking at the back end of the lot so that it is less visible and orients the parking lot and visitor's center in a way that fits the topography of the site, 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:

unknown.

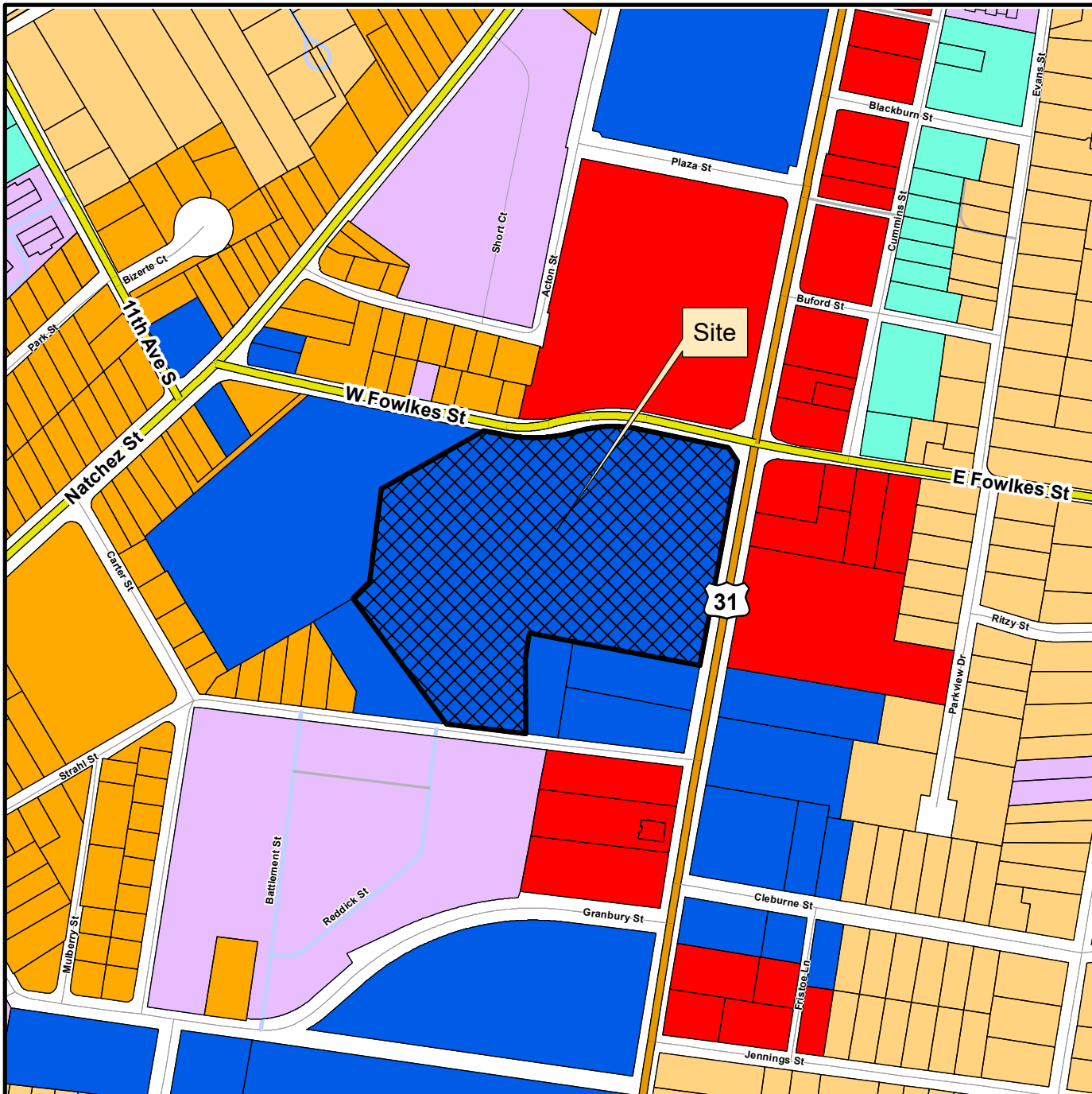
RECOMMENDATION:

RECOMMENDED MOTION: Staff recommends the Board of Zoning Appeals move to approve the **Variance Request** To Allow The Front Facade Of A Proposed Principal Building To Be Oriented In A Non-Parallel Manner To The Frontage, And the **Variance Request** To Allow One Additional Parking Bay Within The West Fowlkes Street Designated Frontage Area For A Proposed Principal Building, For The Property Located At 1140 Columbia Avenue.

1140 COLUMBIA AVENUE
TAX MAP 078, GROUP G, PARCEL 01000
BOARD OF ZONING APPEALS
2 FEBRUARY 2023

Legend

-  1140ColumbiaAve
-  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



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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



HISTORIC
FRANKLIN
TENNESSEE

**HISTORIC CARTER HOUSE VISITOR CENTER
BOARD OF ZONING APPEALS 1/9/23 SUBMITTAL**



BOARD OF ZONING APPEALS SUBMITTAL
1140 COLUMBIA AVE., FRANKLIN, WILLIAMSON CO., TN
PARCEL ID: 078G G 01000
COF # 6683

OWNER

State of Tennessee
312 Rosa L. Parks Ave.
24th Floor
Nashville, TN 37243
Contact: Doug Freeman
(Development Manager)
615.339.7806
doug.freeman@tn.gov

LANDSCAPE ARCHITECT
/ APPLICANT

KV+D

KISER VOGRIN DESIGN

ARCHITECT

orcutt | winslow

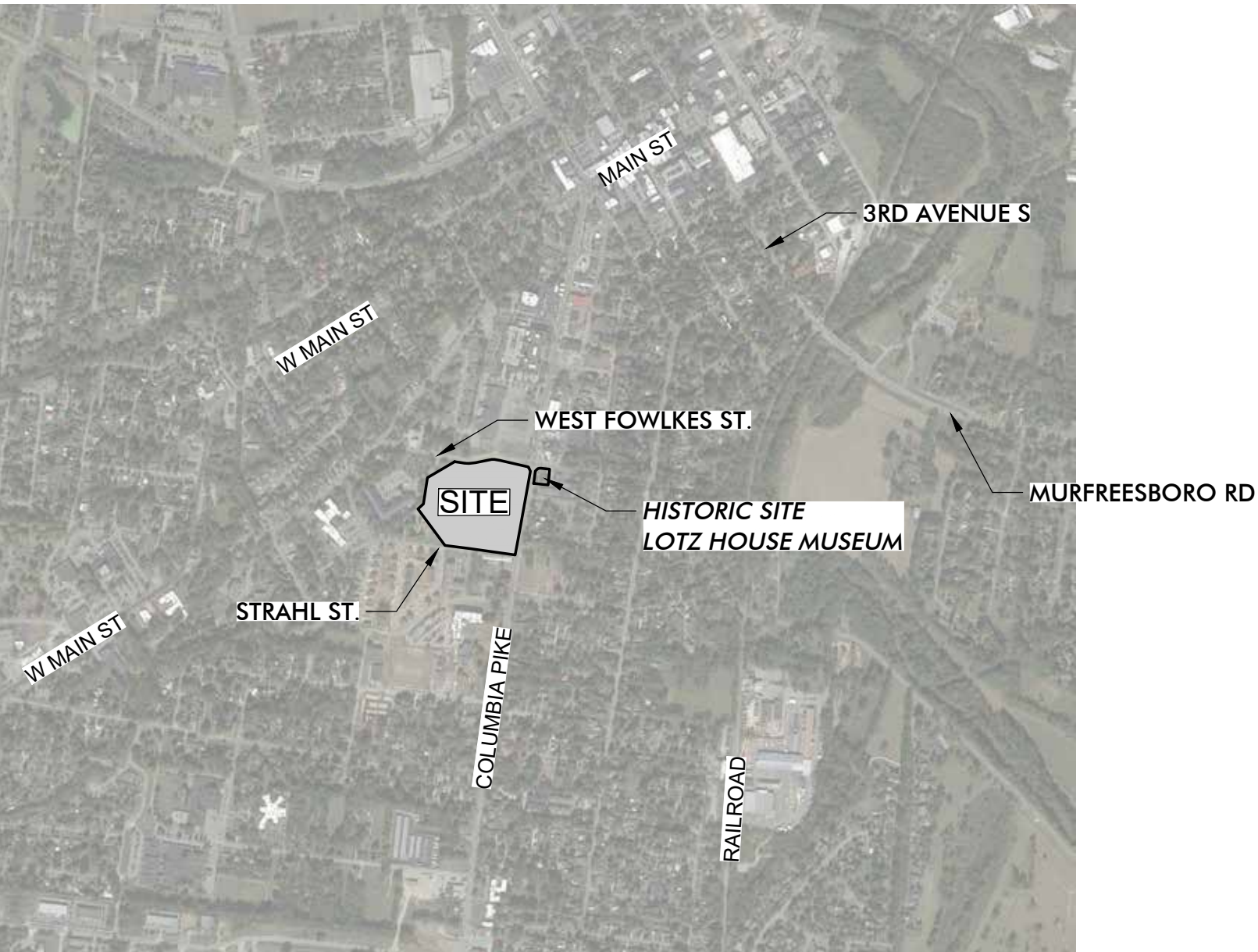
CIVIL ENGINEER

Barge Cauthen

& ASSOCIATES

Barge Cauthen & Associates
6606 Charlotte Pike
Ste. 210
Nashville, TN 37209
Contact: Dan Barge III
615.356.9911
db3@bargecauthen.com

SHEET INDEX:		BZA Submittal
C0.0	COVER	01-09-2023
C1.0	OVERALL EXISTING SITE	01-09-2023
C1.1	ENLARGED EXISTING SITE	01-09-2023
L1.0	STATE OF TENNESSEE APPROVED CARTER HOUSE MASTER PLAN	01-09-2023
C2.0	OVERALL SITE PLAN	01-09-2023
C2.1	ENLARGED R.O.W. ACCESS PLAN	01-09-2023
C3.0	OVERALL GRADING & DRAINAGE PLAN	01-09-2023
C3.1	ENLARGED GRADING & DRAINAGE PLAN	01-09-2023
L2.0	ENLARGED LANDSCAPE PLAN	01-09-2023
A1.0	VISITOR CENTER ARCHITECTURAL ELEVATIONS	01-09-2023



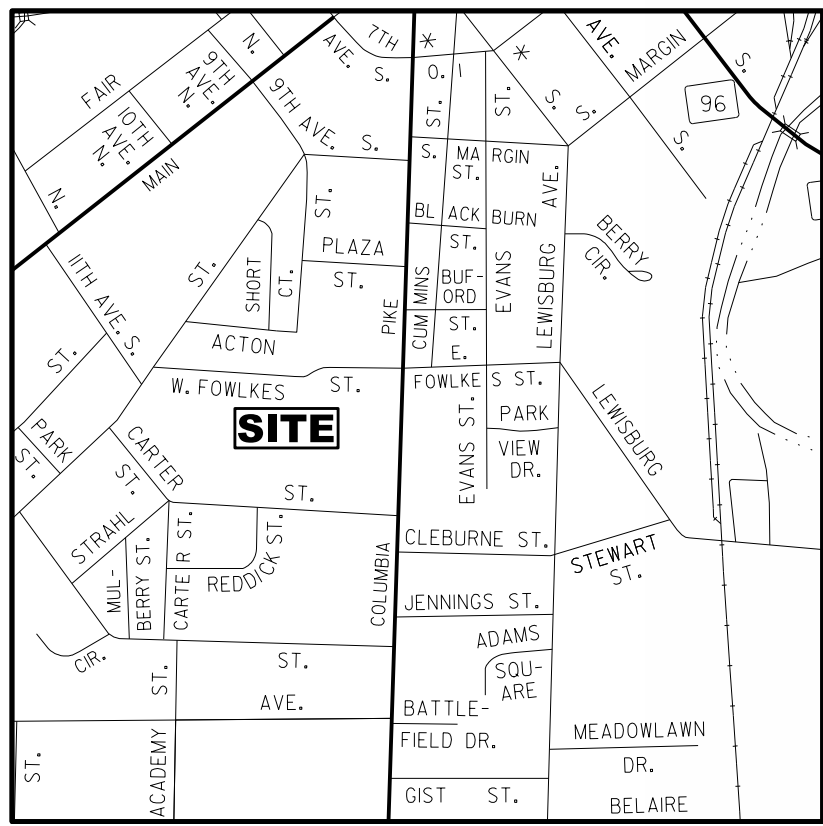
SITE VICINITY MAP (NTS)

SITE DATA
PROJECT NAME: CARTER HOUSE VISITOR CENTER
COF PROJECT NUMBER: 6683
SUBDIVISION: XX
MAP, PARCEL NUMBERS: 078G G 01000
ADDRESS: 1140 COLUMBIA AVE.
CITY: FRANKLIN
COUNTY: WILLIAMSON
STATE: TENNESSEE
CIVIL DISTRICT: 9
EXISTING ZONING: CI - CIVIL & INSTITUTIONAL
CHARACTER AREA OVERLAY: Central Franklin (CFCO-3, CFCO-7)
OVERLAYS: HPO, CAO
APPLICABLE DEVELOPMENT STANDARDS: TRADITIONAL
SITE ACREAGE: 8.77 AC +/-
SITE SQUARE FOOTAGE: 382,021 SF +/-
MINIMUM PERIMETER REQUIRED SETBACK LINES:
YARD FRONTING ON ANY STREET: 0'-20'
SIDE YARD: 0'
REAR YARD: 0'
BUILDING SQUARE FOOTAGE: +/- 9,600 GROSS SF
BUILDING HEIGHT: 2 STORIES, SEE ARCHITECTURAL PLANS
BUILDING OCCUPANCY: OFFICE, MUSEUM
BUILDING CONSTRUCTION: XXXXXX
LANDSCAPE SURFACE RATIO REQUIRED: 0.10
LANDSCAPE SURFACE RATIO PROVIDED: 0.63
PARKING REQUIRED: TBD x 1.20
PARKING PROVIDED: 54 SPACES
TREE CANOPY: (SEE LANDSCAPE PLANS)
FORMAL OPEN SPACE: (SEE LANDSCAPE PLANS)

KVD PROJECT# : 22076
COF # : 6683
Sheet #:

C0.0

DATE: 01-09-2023



VICINITY MAP

SITE DATA CHART

PROJECT NAME:	CARTER HOUSE VISITOR CENTER
PROJECT #:	COP 6663
SUBDIVISION:	XX
MAP AND PARCEL:	078G G 01000
ADDRESS:	1140 COLUMBIA AVE
CITY:	FRANKLIN
COUNTY:	WILLIAMSON
STATE:	TENNESSEE
CIVIL DISTRICT:	NINTH
EXISTING ZONING:	CI CIVIC AND INSTITUTIONAL
CHARACTER AREA OVERLAY:	CENTRAL FRANKLIN (CFCA-3, CFCA-7)
OTHER APPLICABLE OVERLAYS:	HPO, CAD
APPLICABLE DEVELOPMENT STANDARD:	TRADITIONAL
ACREAGE OF SITE:	8.77 ACRES +/-
SQUARE FOOTAGE OF SITE:	382,021 SQUARE FEET +/-
LAND USE:	CIVIC
MINIMUM REQUIRED SETBACK LINES:	
YARD FRONTING ON ANY STREET:	0'-20'
SIDE YARD:	0'
REAR YARD:	0'
OWNER:	STATE OF TENNESSEE
ADDRESS:	312 8TH AVENUE NORTH NASHVILLE, TN 37243
PHONE NO.:	615-339-7809
E-MAIL ADDRESS:	doug.freeman@tn.gov
CONTACT NAME:	DOUG FREEMAN (DEVELOPMENT MANAGER)
ENGINEER:	BARGE CAUTHEN & ASSOCIATES, INC.
ADDRESS:	6806 CHARLOTTE PIKE, SUITE 210 NASHVILLE, TN 37220
PHONE NO.:	615-356-9911
FAX NO.:	615-352-4737
E-MAIL ADDRESS:	615@bcaughen.com
CONTACT NAME:	MR. DAN BARGE II, P.E.
BUILDING SQUARE FOOTAGE:	9,600 GROSS SF +/-
BUILDING HEIGHT:	(2 STORIES - SEE ARCHITECTURAL PLANS)
LANDSCAPE SURFACE RATIO:	(SEE LANDSCAPE PLANS)
MINIMUM LANDSCAPE SURFACE RATIO:	0.10
MINIMUM PARKING REQUIREMENT:	TBD
MAXIMUM PARKING LIMIT:	TBD x 1.20
PARKING PROVIDED:	47 SPACES
TREE CANOPY:	(SEE LANDSCAPE PLANS)
FORMAL OPEN SPACE:	(SEE LANDSCAPE PLANS)

NO EVIDENCE HAS BEEN FOUND THAT MINERAL RIGHTS ARE HELD BY ANYONE OTHER THAN THE PROPERTY OWNER
(PREVIOUSLY APPROVED BY THE CITY OF FRANKLIN 7/17/18)

LINE TABLE

LINE	BEARING	LENGTH
L1	S79°03'55"E	39.08'
L2	N79°03'46"E	125.43'
L3	S76°59'13"E	216.31'
L4	S25°51'57"E	34.36'

CURVE TABLE

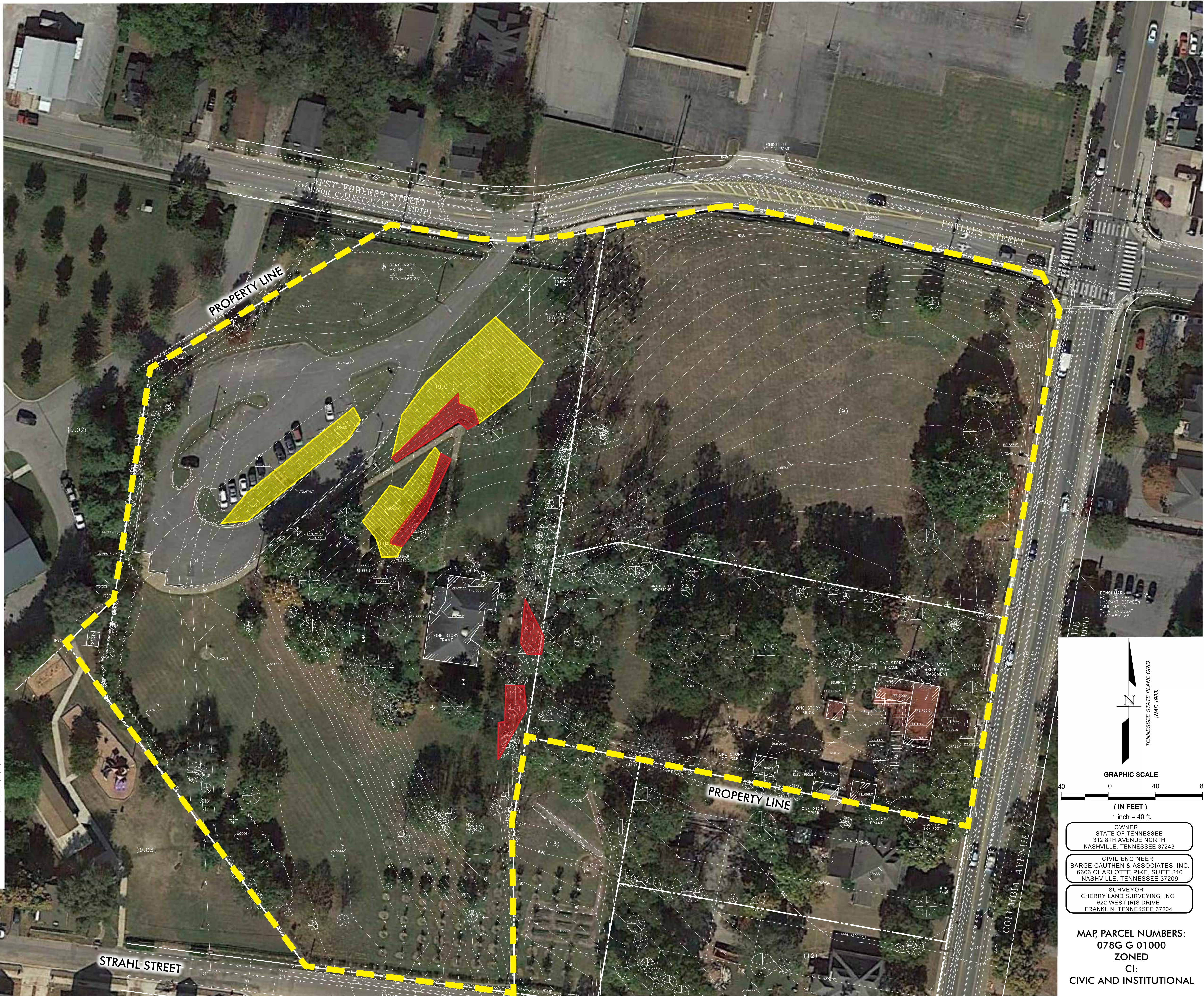
CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA
C1	102.27'	324.00'	101.85'	S88°06'30"E	18°05'09"
C2	14.87'	225.00'	14.87'	N80°57'21"E	03°47'10"
C3	41.78'	130.22'	41.60'	S85°04'20"E	18°22'53"
C4	22.95'	275.00'	22.94'	S79°22'40"E	04°46'54"

Owners Table

Tax Map	Control Map	Group	Parcel	Owner	Deed Book	Page
78F	78G	G	9	State of Tennessee	1845	826
78G	78G	G	9.01	State of Tennessee	370	467
78G	78G	G	9.02	Williamson County	1845	824
78G	78G	G	9.03	Williamson County	782	392
78F	78G	G	10	State of Tennessee	95	59
78F	78G	G	11	Franklins Charge Inc.	6670	536
78F	78G	G	12	Franklins Charge Inc.	6670	541
78F	78G	G	13	City of Franklin	6676	433

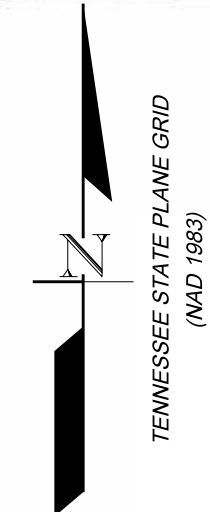
SLOPE LEGEND

EXISTING SLOPES	
14-19.99%	
20%+	



OVERALL EXISTING SITE

CARTER HOUSE VISITOR CENTER
FRANKLIN, WILLIAMSON COUNTY, TN



GRAPHIC SCALE



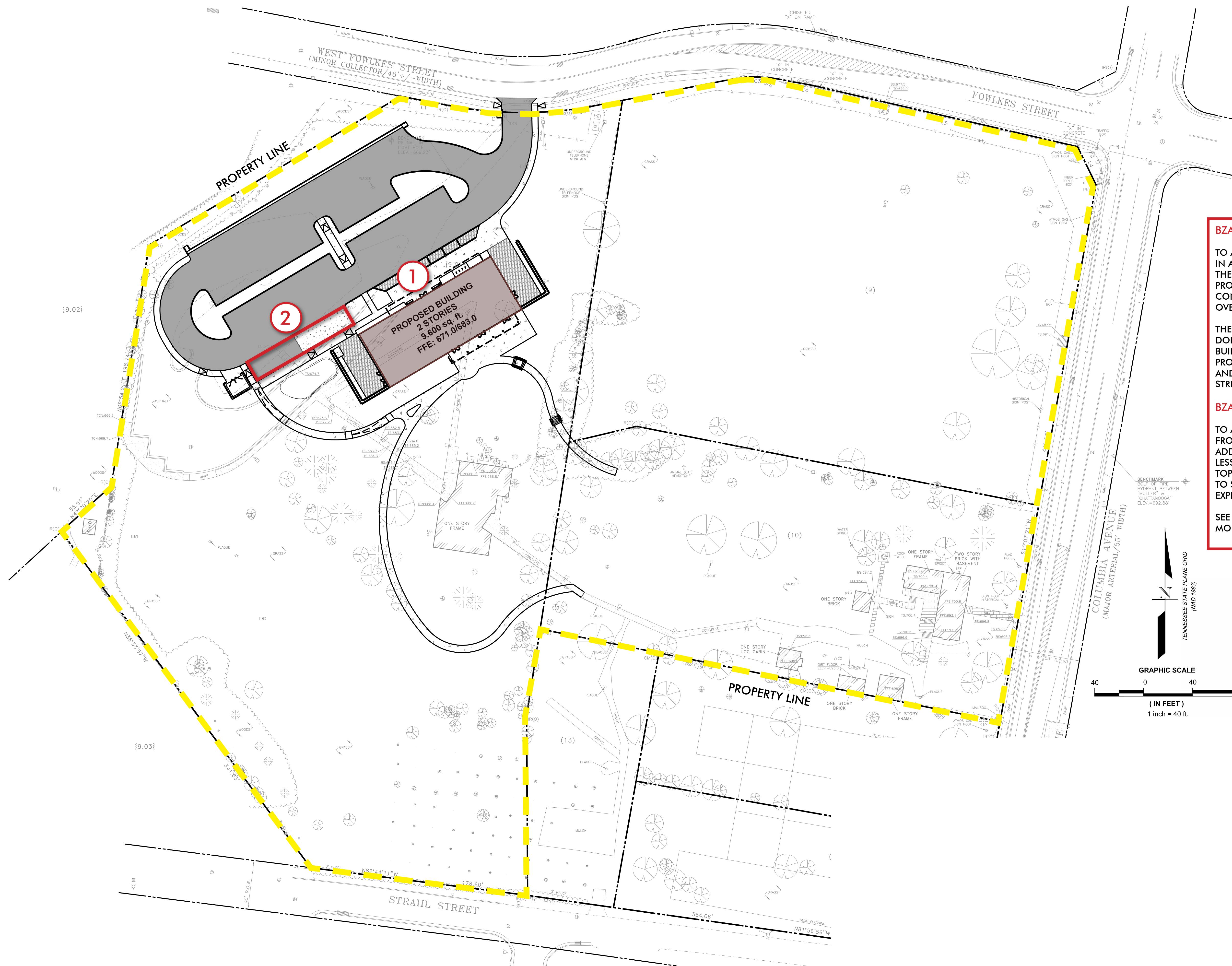
(IN FEET)

1 inch = 40 ft.

OWNER STATE OF TENNESSEE 312 8TH AVENUE NORTH NASHVILLE, TENNESSEE 37243
CIVIL ENGINEER BARGE CAUTHEN & ASSOCIATES, INC. 6806 CHARLOTTE PIKE, SUITE 210 NASHVILLE, TENNESSEE 37209
SURVEYOR CHERRY LAND SURVEYING, INC. 622 WEST IRIS DRIVE FRANKLIN, TENNESSEE 37204

MAP, PARCEL NUMBERS:
078G G 01000
ZONED
CI:
CIVIC AND INSTITUTIONAL





BZA REQUEST #1

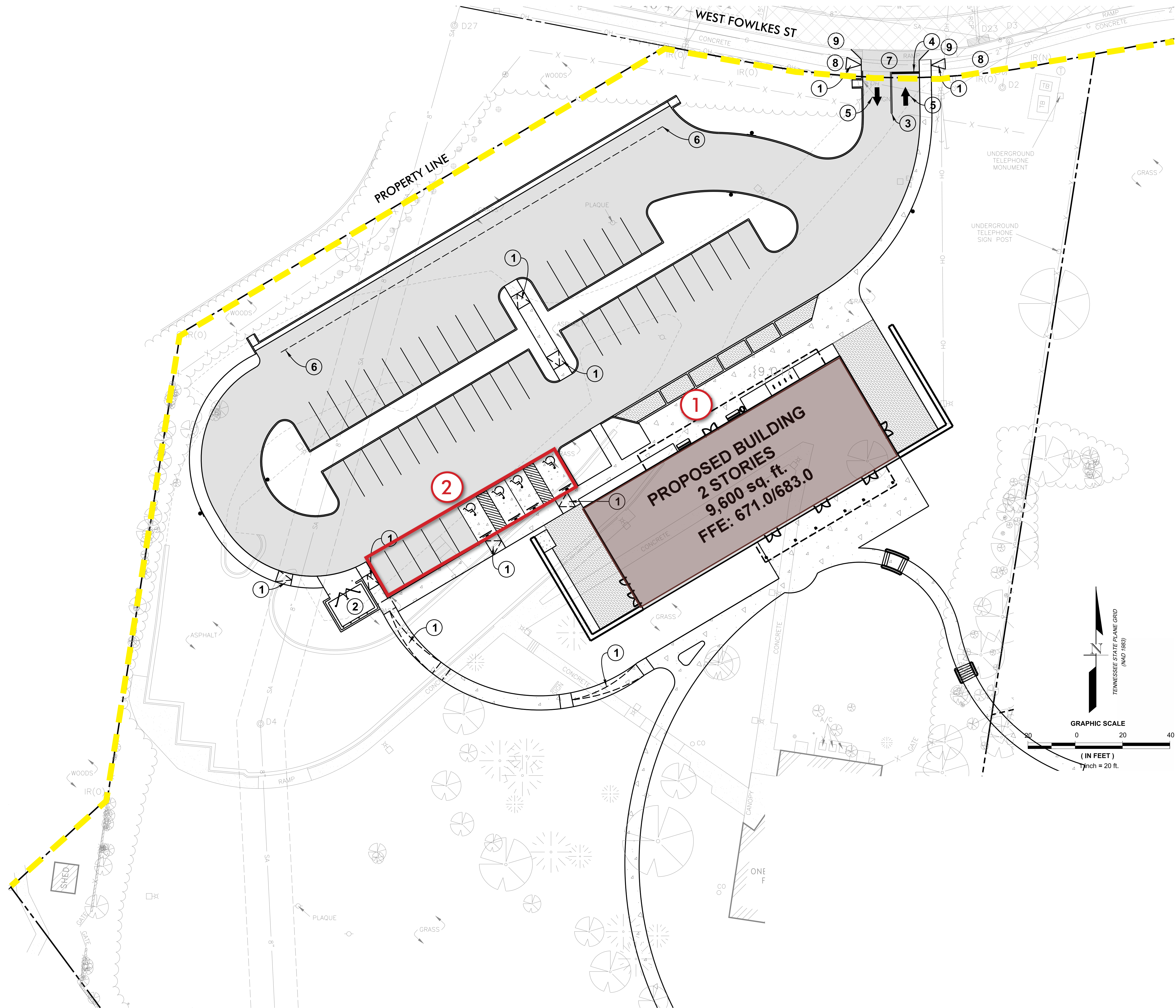
TO ALIGN THE FRONT FACADE OF THE BUILDING IN A NON-PARALLEL ORIENTATION TO LEAVE THE PARKING IN THE CURRENT LOCATION TO 1) PROVIDE LESS DISTURBANCE TO THE SITE AND 2) CONTINUE TO SCREEN THE PARKING FROM THE OVERALL SITE EXPERIENCE.

THE ORIENTATION OF THE BUILDING/ENTRY DOES MEET THE REQUIREMENTS OF THE "CIVIC" BUILDING TYPE, THAT THE MAIN ENTRANCE IS PROMINENTLY LOCATED ON THE FRONT FACADE, AND THAT THE FRONT FACADE FACES THE PUBLIC STREET, JUST NOT IN A PARALLEL ORIENTATION.

BZA REQUEST #2

TO ALLOW 3 BAYS OF PARKING WITHIN THE FRONTAGE AREA TO ALLOW FOR ADA PARKING/ ADDITIONAL PARKING SPACES TO PROVIDE LESS DISTURBANCE TO THE SITE DUE TO TOPOGRAPHICAL CONSTRAINTS AND CONTINUE TO SCREEN THE PARKING FROM THE OVERALL SITE EXPERIENCE.

SEE SUPPLEMENTAL JUSTIFICATION NARRATIVE FOR MORE INFORMATION.



- BZA REQUEST #1**
- TO ALIGN THE FRONT FACADE OF THE BUILDING IN A NON-PARALLEL ORIENTATION TO LEAVE THE PARKING IN THE CURRENT LOCATION TO 1) PROVIDE LESS DISTURBANCE TO THE SITE AND 2) CONTINUE TO SCREEN THE PARKING FROM THE OVERALL SITE EXPERIENCE.
- THE ORIENTATION OF THE BUILDING/ENTRY DOES MEET THE REQUIREMENTS OF THE "CIVIC" BUILDING TYPE, THAT THE MAIN ENTRANCE IS PROMINENTLY LOCATED ON THE FRONT FACADE, AND THAT THE FRONT FACADE FACES THE PUBLIC STREET, JUST NOT IN A PARALLEL ORIENTATION.
- BZA REQUEST #2**
- TO ALLOW 3 BAYS OF PARKING WITHIN THE FRONTAGE AREA TO ALLOW FOR ADA PARKING/ ADDITIONAL PARKING SPACES TO PROVIDE LESS DISTURBANCE TO THE SITE DUE TO TOPOGRAPHICAL CONSTRAINTS AND CONTINUE TO SCREEN THE PARKING FROM THE OVERALL SITE EXPERIENCE.
- SEE SUPPLEMENTAL JUSTIFICATION NARRATIVE FOR MORE INFORMATION.



OVERALL GRADING AND DRAINAGE PLAN (PREVIOUSLY APPROVED BY CITY OF FRANKLIN 7/17/18)

CARTER HOUSE VISITOR CENTER

FRANKLIN, WILLIAMSON COUNTY, TN

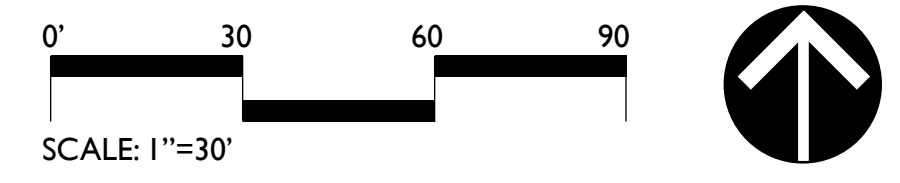


CARTER HOUSE L-401 PLANT SCHEDULE					
ABBR.	QTY	BOTANICAL NAME	COMMON NAME	CAL/HT/SPR/CONT	NOTES
TREES					
JVR	6	<i>Juniperus virginiana</i> 'Brodie'	Brodie Eastern Red Cedar	8' Ht. Min.	FTG
QUS	10	<i>Quercus shumardii</i>	Shumard Oak	3" Cal./ 16' Ht./ 7' Spr.	Specimen; Req'd by COF
SHRUBS					
TMD	55	<i>Taxus x media</i> 'Densiflora'	Dense Yew	30" Ht./ 30" Spr.	Full Plants
ANNUALS / PERENNIALS / GROUNDCOVER / ORNAMENTAL GRASSES					
GSC	23	<i>Gelsemium sempervirens</i> 'Carolina'	Yellow Jessamine	1 Gal.	Full Plants, 2nd Yr Growth
PAB	18	<i>Pennisetum alopecuroides</i> 'Little Bunny'	Little Bunny Fountain Grass	1 Gal.	Full Plants, 2nd Yr Growth
JACKLIN IRISH LINKS MIXTURE: +/- 60,500 SQ FT (Refer to sheet L-601, Detail 11)					
SOD: +/- 16,750 SQ FT					
Key Legend: Cal/Ht/Spr/Cont: This column provides suggested plant size when installing; Cal=Caliper (diameter of the tree trunk); Ht= Height of foliage; Spr= Spread (diameter of plant foliage; Cont= Container in Gallon size Full: Plants shall have dense growth in height and width; ST: Single Trunk; MT: Multi-Trunk (3 Stems) 2nd Yr. Growth: A plant that has been growing for 2 years before install FTG (Full to Ground): Plant has foliage from top to bottom Specimen: Refers to Tree/Shrubs that shall be top grade for each species and type. Plants shall exhibit exceptionally heavy, symmetrical, appearance as be unquestionably and outstandingly superior in form, compactness and shape Spacing: Refers to how far apart to plant plantings (from center to center of plants) when in massings. Otherwise, if plant stands alone, use scale on drawing to measure how far away to plant in relation to other plants					

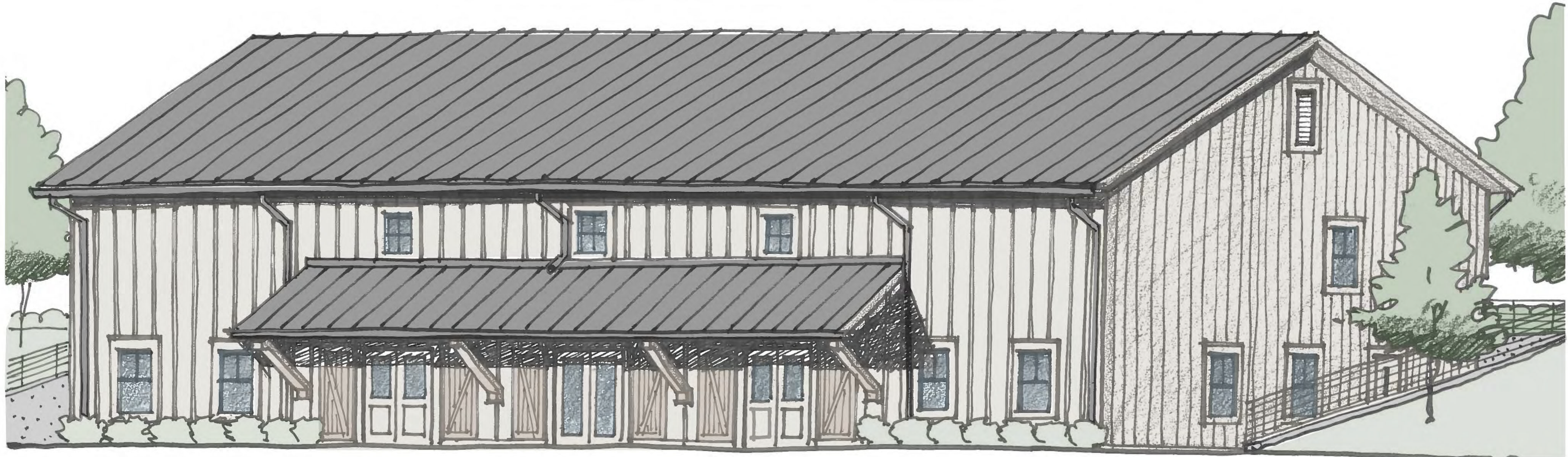
LANDSCAPE KEY

	SOD		LANDSCAPE - PROPOSED BIORETENTION AREA (CITY OF FRANKLIN REQUIRES 1 TREE/400 SF + 75% LANDSCAPE MATERIAL)
	NON-COMBUSTIBLE MULCH EDGING (REQUIRED BY CITY OF FRANKLIN) (REFER TO SHEET L-601, DETAIL 9)		LANDSCAPE - JACKLIN IRISH LINKS MIXTURE (REFER TO SHEET L-601, DETAIL 11)

ENLARGED LANDSCAPE PLAN (PREVIOUSLY APPROVED BY CITY OF FRANKLIN 7/17/18)
CARTER HOUSE VISITOR CENTER
FRANKLIN, WILLIAMSON COUNTY, TN

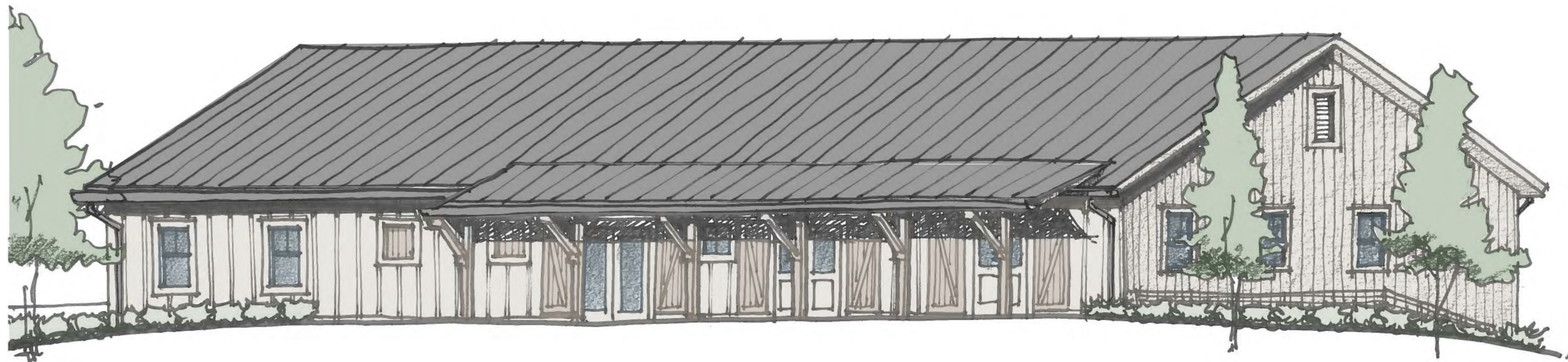


L2.0
January 9, 2023
Project #22076



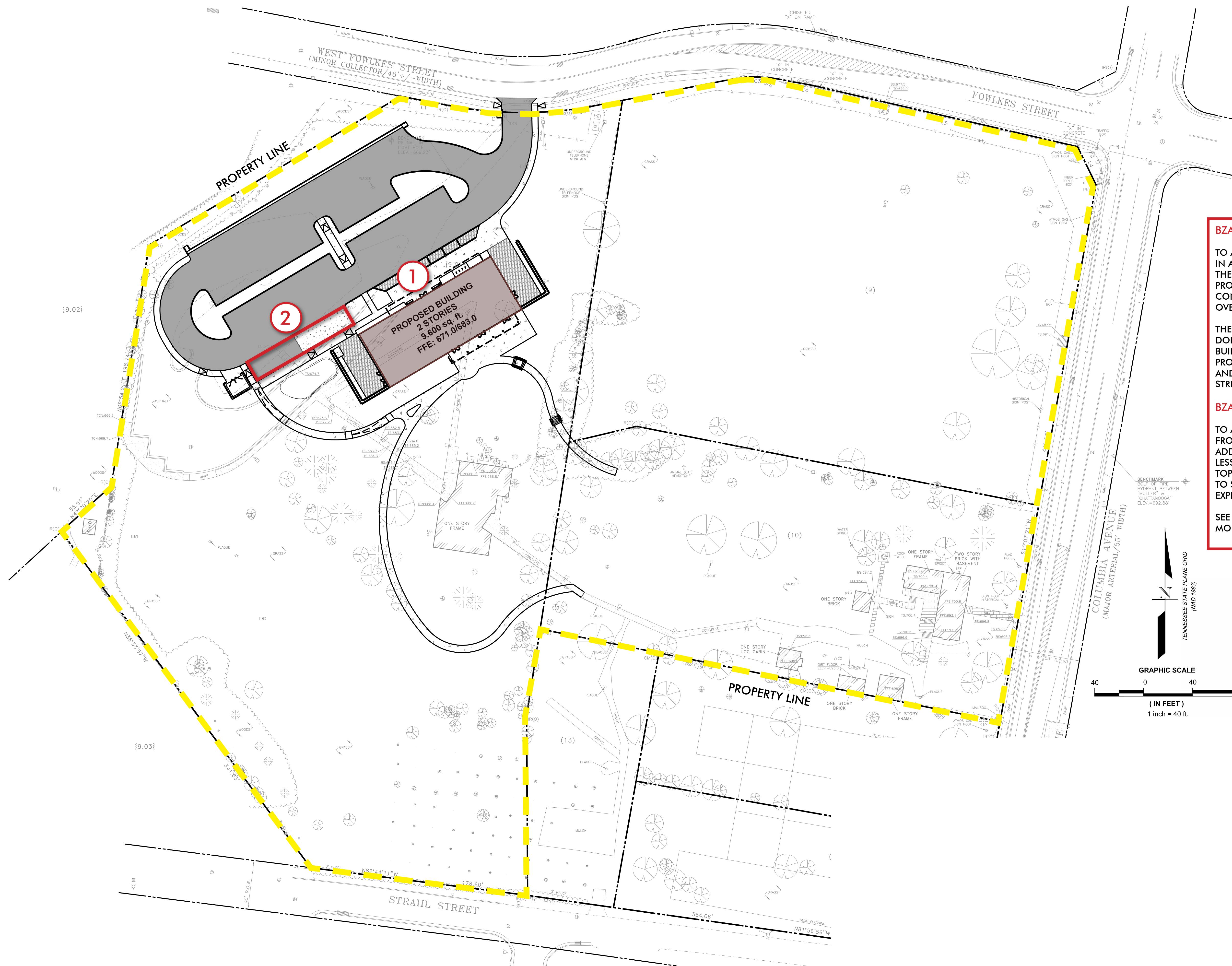
North/West Elevation

Natural wood board and batten siding
with 5v crimp roofing



South/East Elevation

VISITOR CENTER ARCHITECTURAL ELEVATIONS (PREVIOUSLY APPROVED BY CITY OF FRANKLIN 7/17/18)
CARTER HOUSE VISITOR CENTER
 FRANKLIN, WILLIAMSON COUNTY, TN



BZA REQUEST #1

TO ALIGN THE FRONT FACADE OF THE BUILDING IN A NON-PARALLEL ORIENTATION TO LEAVE THE PARKING IN THE CURRENT LOCATION TO 1) PROVIDE LESS DISTURBANCE TO THE SITE AND 2) CONTINUE TO SCREEN THE PARKING FROM THE OVERALL SITE EXPERIENCE.

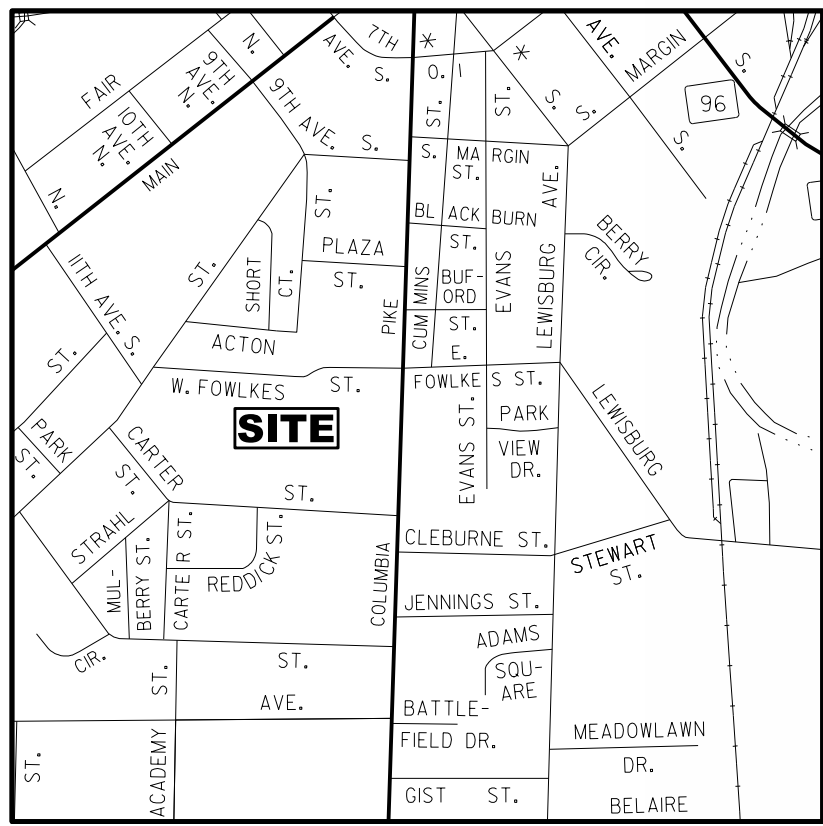
THE ORIENTATION OF THE BUILDING/ENTRY DOES MEET THE REQUIREMENTS OF THE "CIVIC" BUILDING TYPE, THAT THE MAIN ENTRANCE IS PROMINENTLY LOCATED ON THE FRONT FACADE, AND THAT THE FRONT FACADE FACES THE PUBLIC STREET, JUST NOT IN A PARALLEL ORIENTATION.

BZA REQUEST #2

TO ALLOW 3 BAYS OF PARKING WITHIN THE FRONTAGE AREA TO ALLOW FOR ADA PARKING/ ADDITIONAL PARKING SPACES TO PROVIDE LESS DISTURBANCE TO THE SITE DUE TO TOPOGRAPHICAL CONSTRAINTS AND CONTINUE TO SCREEN THE PARKING FROM THE OVERALL SITE EXPERIENCE.

SEE SUPPLEMENTAL JUSTIFICATION NARRATIVE FOR MORE INFORMATION.





VICINITY MAP

SITE DATA CHART

PROJECT NAME:	CARTER HOUSE VISITOR CENTER
PROJECT #:	COP 6663
SUBDIVISION:	XX
MAP AND PARCEL:	078G G 01000
ADDRESS:	1140 COLUMBIA AVE
CITY:	FRANKLIN
COUNTY:	WILLIAMSON
STATE:	TENNESSEE
CIVIL DISTRICT:	NINTH
EXISTING ZONING:	CI CIVIC AND INSTITUTIONAL
CHARACTER AREA OVERLAY:	CENTRAL FRANKLIN (CFCA-3, CFCA-7)
OTHER APPLICABLE OVERLAYS:	HPO, CAD
APPLICABLE DEVELOPMENT STANDARD:	TRADITIONAL
ACREAGE OF SITE:	8.77 ACRES +/-
SQUARE FOOTAGE OF SITE:	382,021 SQUARE FEET +/-
LAND USE:	CIVIC
MINIMUM REQUIRED SETBACK LINES:	
YARD FRONTING ON ANY STREET:	0'-20'
SIDE YARD:	0'
REAR YARD:	0'
OWNER:	STATE OF TENNESSEE
ADDRESS:	312 8TH AVENUE NORTH NASHVILLE, TN 37243
PHONE NO.:	615-339-7809
E-MAIL ADDRESS:	doug.freeman@tn.gov
CONTACT NAME:	DOUG FREEMAN (DEVELOPMENT MANAGER)
ENGINEER:	BARGE CAUTHEN & ASSOCIATES, INC.
ADDRESS:	8806 CHARLOTTE PIKE, SUITE 210 NASHVILLE, TN 37220
PHONE NO.:	615-356-9911
FAX NO.:	615-352-4737
E-MAIL ADDRESS:	6153524737@bcaughen.com
CONTACT NAME:	MR. DAN BARGE II, P.E.
BUILDING SQUARE FOOTAGE:	9,600 GROSS SF +/-
BUILDING HEIGHT:	(2 STORIES- SEE ARCHITECTURAL PLANS)
LANDSCAPE SURFACE RATIO:	(SEE LANDSCAPE PLANS)
MINIMUM LANDSCAPE SURFACE RATIO:	0.10
MINIMUM PARKING REQUIREMENT:	TBD
MAXIMUM PARKING LIMIT:	TBD x 1.20
PARKING PROVIDED:	47 SPACES
TREE CANOPY:	(SEE LANDSCAPE PLANS)
FORMAL OPEN SPACE:	(SEE LANDSCAPE PLANS)

NO EVIDENCE HAS BEEN FOUND THAT MINERAL RIGHTS ARE HELD BY ANYONE OTHER THAN THE PROPERTY OWNER
(PREVIOUSLY APPROVED BY THE CITY OF FRANKLIN 7/17/18)

LINE TABLE

LINE	BEARING	LENGTH
L1	S79°03'55"E	39.08'
L2	N79°03'46"E	125.43'
L3	S76°59'13"E	216.31'
L4	S25°51'57"E	34.36'

CURVE TABLE

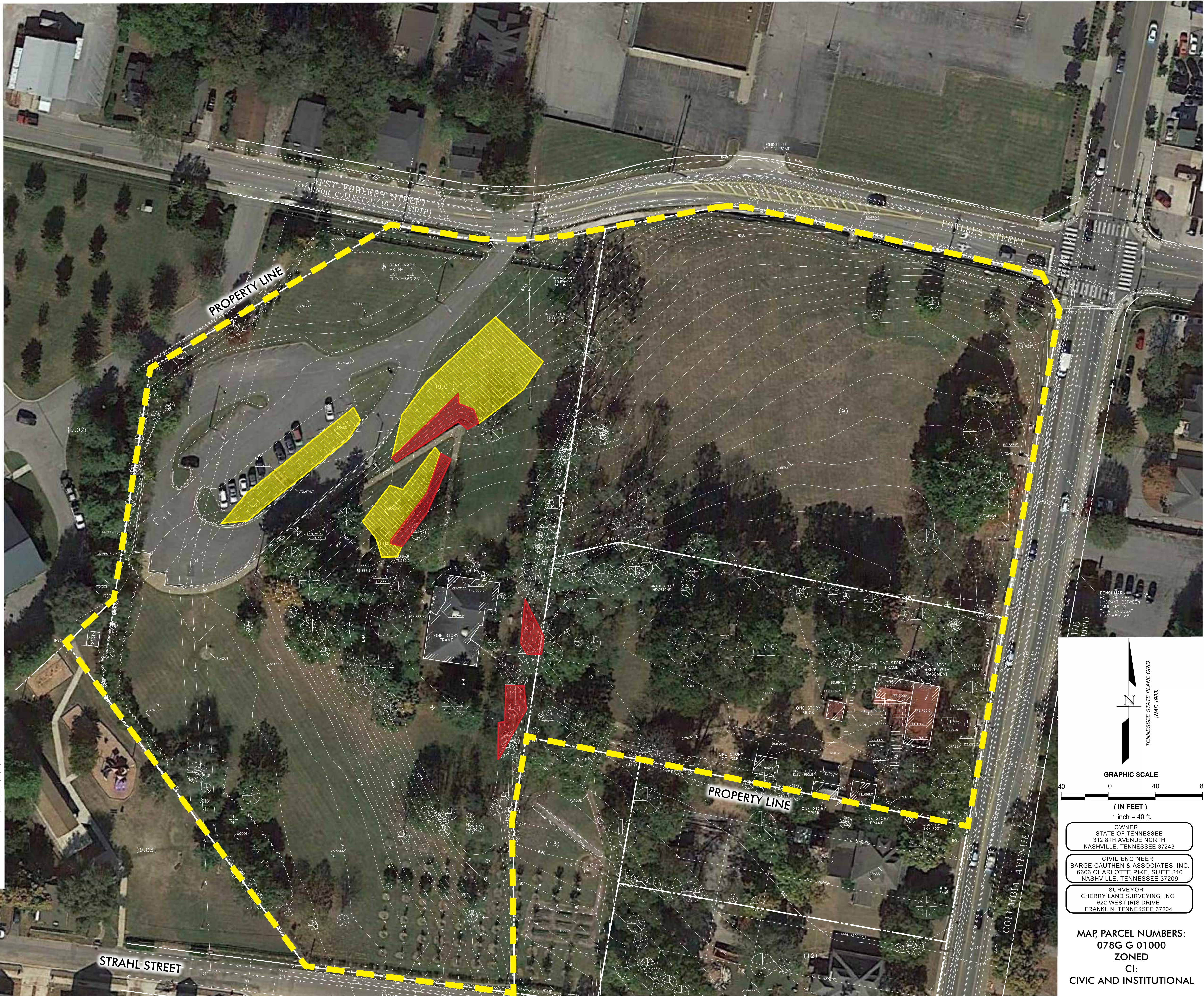
CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA
C1	102.27'	324.00'	101.85'	S88°06'30"E	18°05'09"
C2	14.87'	225.00'	14.87'	N80°57'21"E	03°47'10"
C3	41.78'	130.22'	41.60'	S85°04'20"E	18°22'53"
C4	22.95'	275.00'	22.94'	S79°22'40"E	04°46'54"

Owners Table

Tax Map	Control Map	Group	Parcel	Owner	Deed Book	Page
78F	78G	G	9	State of Tennessee	1845	826
78G	78G	G	9.01	State of Tennessee	370	467
78G	78G	G	9.02	Williamson County	1845	824
78G	78G	G	9.03	Williamson County	782	392
78F	78G	G	10	State of Tennessee	95	59
78F	78G	G	11	Franklins Charge Inc.	6670	536
78F	78G	G	12	Franklins Charge Inc.	6670	541
78F	78G	G	13	City of Franklin	6676	433

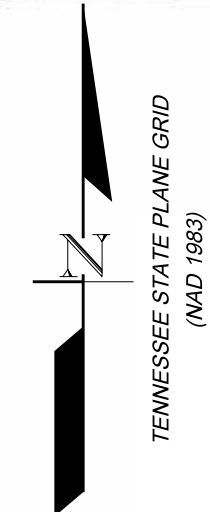
SLOPE LEGEND

EXISTING SLOPES	
14-19.99%	
20%+	



OVERALL EXISTING SITE

CARTER HOUSE VISITOR CENTER
FRANKLIN, WILLIAMSON COUNTY, TN



GRAPHIC SCALE

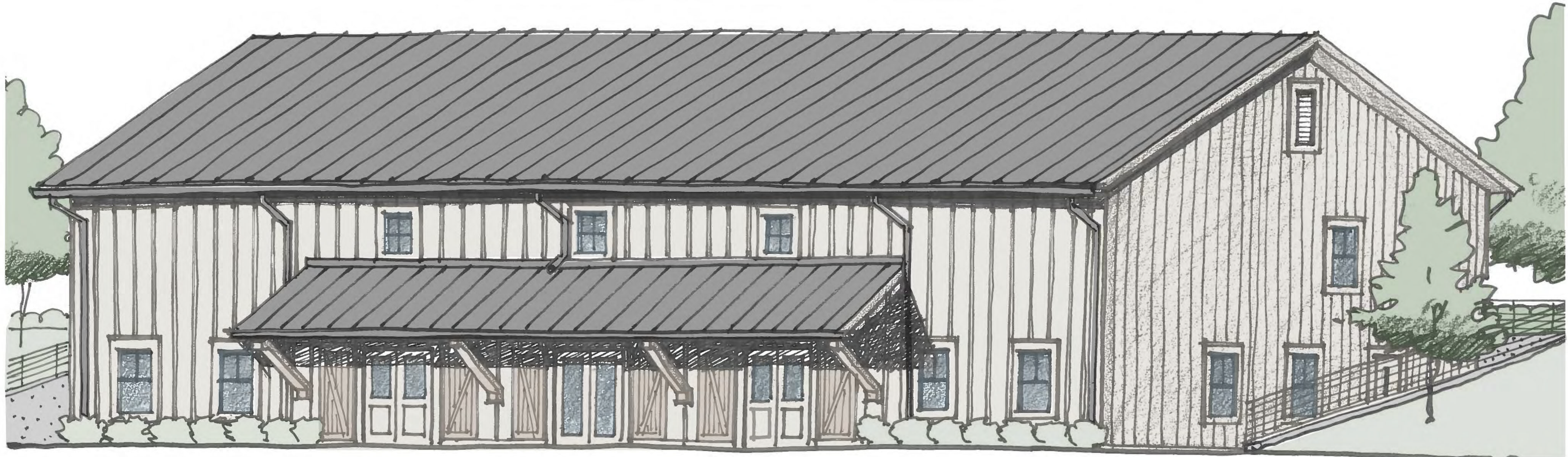


(IN FEET)

1 inch = 40 ft.

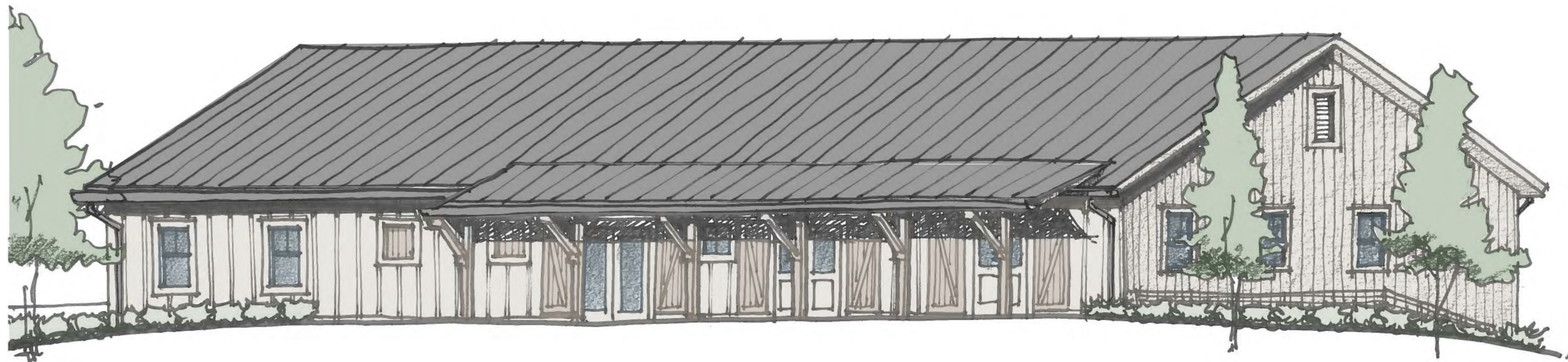
OWNER STATE OF TENNESSEE 312 8TH AVENUE NORTH NASHVILLE, TENNESSEE 37243
CIVIL ENGINEER BARGE CAUTHEN & ASSOCIATES, INC. 8806 CHARLOTTE PIKE, SUITE 210 NASHVILLE, TENNESSEE 37209
SURVEYOR CHERRY LAND SURVEYING, INC. 622 WEST IRIS DRIVE FRANKLIN, TENNESSEE 37204

MAP, PARCEL NUMBERS:
078G G 01000
ZONED
CI:
CIVIC AND INSTITUTIONAL



North/West Elevation

Natural wood board and batten siding
with 5v crimp roofing



South/East Elevation

VISITOR CENTER ARCHITECTURAL ELEVATIONS (PREVIOUSLY APPROVED BY CITY OF FRANKLIN 7/17/18)
CARTER HOUSE VISITOR CENTER
 FRANKLIN, WILLIAMSON COUNTY, TN

January 9, 2023

Ariella Stanford
Planner | Planning and Sustainability Department
109 3rd Avenue South
Franklin, Tennessee 37064

RE: **Carter House Visitor Center- BZA Submittal**
1140 Columbia Ave.
Franklin, TN

City of Franklin Project No: TBD
KVD Project No. 22076

Ariella~

On behalf of our client, State of Tennessee, please find attached our BZA Application Submittal in the form of the attached graphics, owner affidavit and project justification/narrative outline below.

Project Background History:

The co-applicants of this submittal (Kiser + Vogrin Design and Orcutt Winslow) have been working with the State of Tennessee since 2014 to prepare the overall Carter House Master Plan and Vision Book as well as detailed Site Plans Submittal to the City of Franklin for construction of a New Visitor Center in 2017. The Site Plans were approved by the City of Franklin on 7/17/2018 and have since expired. The construction of the project remained on hold due to budget issues.

The State of Tennessee has requested that we resubmit the previously approved Site Plan, but since 2017, the City of Franklin Zoning Ordinance has been updated and 2 elements the Site Plan design are not fully in compliance with the Zoning Ordinance and thus the request for 2 BZA Requests. These are:

1) ZO Section 6.11 Civic Building, Building Orientation and Entry, Façade Location:

*The front facade shall face the public street, private street, or internal drive, in that priority order.
The front facade shall be parallel to the frontage.*

The previously approved site plan denotes the Visitor Center in a non-parallel orientation, but the building/entry does meet the requirements of the "Civic" Building Type, that the main entrance IS prominently located on the front façade, and that the front façade faces the public street. We respectfully request that the proposed Visitor Center Building Orientation to be in a non-parallel fashion to West Fowlkes Street. Please see the justification narrative below.

2) ZO Section 7.2 Overview of Frontage Types, Parking Frontage (Civic Building):

Parking Frontage: Intended for areas where front access to buildings by vehicles is desired but where some level of walkability is maintained. This frontage has a moderate setback and a low street screen, except at the driveway or internal drive. A parking area with a maximum of two

bays of on-site parking and a drive aisle is provided between the building and the street or internal drive.

The previously approved site plan denotes the Visitor Center with 3 bays of parking in front of the building (which exceeds the maximum 2 bays of parking per the ZO). We respectfully request the use of 3 bays of parking in front of the Visitor Center for pedestrian accessibility and site preservation design elements per the justification narrative below.

We have provided site plan graphics to paint a picture of the proposed site plan design and its relationship to the overall Carter House Campus Master Plan with support of the below justification narrative.

BZA Justification Narrative

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;

- **BZA Request #1 - Front door parallel to frontage road**

The topography and historic nature of the site do not allow us to meet the criteria of the zoning ordinance for the front door to be parallel to the frontage road (W Fowlkes Street). The front door- along with its covered entrance porch- does face W Fowlkes Street, but is not literally parallel to this road.

Due to the topography and historic nature of the site, we are limited in the area available to place the curb cut. By keeping the curb cut at its current location in the lower elevation of the site, we are able to minimize disturbance to the upper portions of the historic site.

In working with an historic site of national prominence, one of our primary goals was to limit the area of site disturbance wherever feasible. Our design team coordinated with an archeological consultant, who surveyed the entire site early in the process. Due to the topography and the desire to limit site disturbances, we placed the building parallel with the hillside and set the building into the hill to make the grounds more handicapped accessible. Guests will enter the building at the lower level from the parking lot, then take the elevator to the upper level and exit out onto the historic grounds. Currently there is a long ramp system to get from the parking level up to the visitors center, and then another ramp up to the site from the visitor's center. The new Visitors Center is intended to function as a 'bridge' between the lower areas of the campus off W Fowlkes Street- where visitors park and are received and oriented- and the original historic areas of the Carter House site, including the house itself, its original outbuildings and historic open spaces.

By keeping the building in its current location, we are limiting disturbances to the upper portions of the historic site, and working within the areas that have been previously disturbed.

- **BZA Request #2 - One tray of parking between the front door and frontage road.**

The topography of the site does not allow for us to meet the criteria of one tray of parking between the front door and the frontage road, due to limited space at the lower elevation of the site.

Our intent was to keep the parking in the same general location to reduce site disturbance. In order to obtain the required number of spaces, to provide separation from the parking lot and the historic site and provide required stormwater retention, it is necessary to have more than one tray of parking due to the limited area to locate the parking at the lower elevations of the site. By using the topography and locating our building parallel to the hillside, we are able to use the building as a separation between the parking lot and the historic site and structures. This places the parking in front of the building, which as has been stated is the current configuration.

Landscaping will be provided throughout the parking lot and along West Fowlkes Street.

By keeping the parking in its current location, we are limiting disturbance to the site and providing a separation between the parking lot and the historic grounds.

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

- **BZA Request #1 - Front door parallel to the frontage road**

The topography and historic nature of the site does not allow for us to meet the criteria of the zoning ordinance for the front door to be parallel to the frontage road (W Fowlkes Street). The front door does face W Fowlkes Street, but is not literally parallel to it.

Due to the historic nature of the site, we are attempting to limit site disturbance, especially within the upper portion of the historic grounds. We are limited in realistic locations for the curb cut at the lower portion of the site, and feel that utilizing the current curb cut as proposed is the best and most responsible solution.

Due to topography and limited site area at the bottom of the hill, we are not able to make the building literally parallel to Fowlkes without creating disturbances to the historic grounds and opening the historic site up to views of the parking lot. By locating the building into the hillside, we are creating a separation between the historic grounds and the parking lot while creating a more accessible entry.

By keeping the building in the proposed location, we are limiting disturbances to the historic site.

- **BZA Request #2 - One tray of parking between the front door and the frontage road.**

The topography of the site does not allow for us to meet the criteria of one tray of parking between the front door and the frontage road or locating the parking behind the building.

We are not able to reduce the parking lot to one tray in front of the building due to limited site area at the lower elevations, parking count requirements and storm water

retention area requirements. By retaining parking in the same general existing location, we are able to reduce disturbance to the site.

We are not able to locate the parking lot behind the visitors center for the following reasons: (1) our desire to work with the existing topography wherever feasible; (2) the need to preserve and protect the historic grounds; (3) our desire to create a visual and functional separation between the parking lot and the historic grounds; (4) the proposed site plan allows us to keep the rural and historic feel of the site when visitors are interacting with the historic grounds and structures at the upper level.

By keeping the parking in its current location, we are limiting site disturbances and providing a separation between the parking lot and the historic grounds.

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.*

- **BZA Request #1 - Front door parallel to the frontage road**

The focus of this project is to preserve and enhance the historic grounds and historic structures. The proposed Visitor's Center building is intended to be more of an outbuilding that does not take away the focus from the historic structures- principally the Carter House itself, original outbuildings and historic open spaces. By limiting site disturbances, we are creating a better space for the current and future community.

Having the building set back off the road and placing it parallel to the hillside allows us to make the grounds/topography more handicapped accessible. Guests will enter the building at the lower level from the parking lot, then will take the elevator to the upper level and exit out onto the historic grounds. The current configuration requires a long outdoor ramp system to get from the parking level up to the visitor's center, and then another ramp up to the site from the visitor's center.

- **BZA Request #2 - One tray of parking between the front door and the frontage road**

By locating the building parallel to the hillside and retaining the parking in front of the building, we are creating a separation between the historic grounds and the parking lot to better preserve the nature of the site. By retaining parking in its current general location, we are limiting disturbance to the site. Due to limited site area at the lower elevations and the need for storm water retention, we are not able to reduce the parking to one tray and keep the required number of spaces.

Locating the parking lot and ADA parking in front of the building allows us to create a more accessible entry through the building from the parking lot to the upper historic grounds. This configuration also allows for dedicated accommodation of tour buses, again with access from the existing curb cut at W Fowlkes Street and visually isolated from the upper historic grounds.

We look forward to the opportunity for our project to make a positive impact in Franklin.

Sincerely,

Gary M. Vogrin



Kiser + Vogrin Design, LLC

Copy:

Carly Wansing, RA, Orcutt Winslow Architects

Doug Freeman, Senior Development Manager, State of Tennessee Real Estate Asset Management



File #: 21-04178

DATE: January 12, 2023
TO: Board of Zoning Appeals
FROM: Emily Wright, Director of Planning and Sustainability
Amy Diaz-Barriga, Asst Director of Planning Development
Ariella Stanford, Planner

SUBJECT:

A **Variance Request** To Allow More Than The Permitted Amount Of Parking Within The Parking Frontage Area Along Murfreesboro Road, For The Buildings Located At 828 Murfreesboro Road (F.Z.O 7.4).

PURPOSE:

PROJECT INFORMATION

COF Project Number: 8066
Applicant: JC Elder
Owner: Church of the City

BACKGROUND/STAFF COMMENTS:

Vicinity Zoning/Land Use

Site: CI Civic Institutional, Institutional
North: R-3 Residential, Residential Single Family
South: R-2 Residential, Residential Single Family
East: GO General Office and R-3 Residential, Institutional and Residential Single Family
West: R-2 Residential, Residential Single Family

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.

7.4 Parking Frontage

A maximum of 2 bays of parking with a single drive aisle shall be permitted between the building and the street.

Background

The subject property is located at 828 Murfreesboro Road, and is zoned Civic Institutional (CI) District. The property is currently occupied by the Church of the City, and the church is considering the addition of three new buildings. There is no site plan submitted for this project. The plans provided for this property represent the desired design of the site. In order to service the new buildings, the church will also need more parking. The property has a Parking Frontage type, which requires no more than two bays (rows) of parking with a single drive aisle serving the bays (rows). The existing parking lot that services the church is located in the frontage area and exceeds this limitation, therefore making it nonconforming. The applicant is requesting to allow more than the permitted amount of parking, to change the location, and to reconfigure the parking lot that currently exists in the frontage area.

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 existing design of the site presents a significant challenge for future expansion of the building. The site is nearly 45 acres, but the existing church building was placed towards the back of the property. With the church building in its current location towards the back of the lot, it would not be possible for the current site to come into compliance with the frontage requirements of the Zoning Ordinance (see the attached parking exhibit created by City staff). The undeveloped land that is behind and to the side of the current building would not be able to accommodate the parking required for the existing building to become fully in compliance with frontage requirements. The only way to conform with the frontage requirements of the Zoning Ordinance would be to relocate the church building. With that in consideration, it would be extremely difficult to comply with the current frontage requirements of the Zoning Ordinance with an expansion proposal. Although there are no topographical restrictions or unique aspects in regards to the shape of the lot, the current layout of the church building and parking present an exceptional situation for this property. Therefore, Staff finds that this criteria is 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 strict application of a provision enacted under the Zoning Ordinance would result in exceptional practical difficulties for the owner of the property. As stated previously, it would be extremely difficult for the current church building to come into compliance with the frontage requirements of the Zoning Ordinance because the entire church building would have to be relocated. The frontage requirements, which were implemented after this site was originally built, create a unique hardship for this property. Staff finds 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.

The design of this site would not be a detriment to the public good, but it may impair the intent of the

Zoning Ordinance. The intent of the Zoning Ordinance in this situation is that parking is secondary to the building and its relationship to the street, so the pedestrian experience is enhanced and that views from the street are not of parking lots. However, Staff has concluded that there are three conditions that could help ensure that the proposal meets the intent of the Zoning Ordinance. The first condition would be that the amount of parking in the frontage area, in terms of number of spaces, is equal to or less than the amount of parking that is currently nonconforming in the frontage area. The second condition is that the parking lot in the frontage area be no closer to Murfreesboro Road than the current parking lot exists today. The third is that there should be landscaping installed meeting today's Zoning Ordinance criteria for parking lot perimeter screening for any parking within the Murfreesboro Road Frontage Area. If these conditions are implemented, Staff finds that this criteria is met.

FINANCIAL IMPACT:

N/A

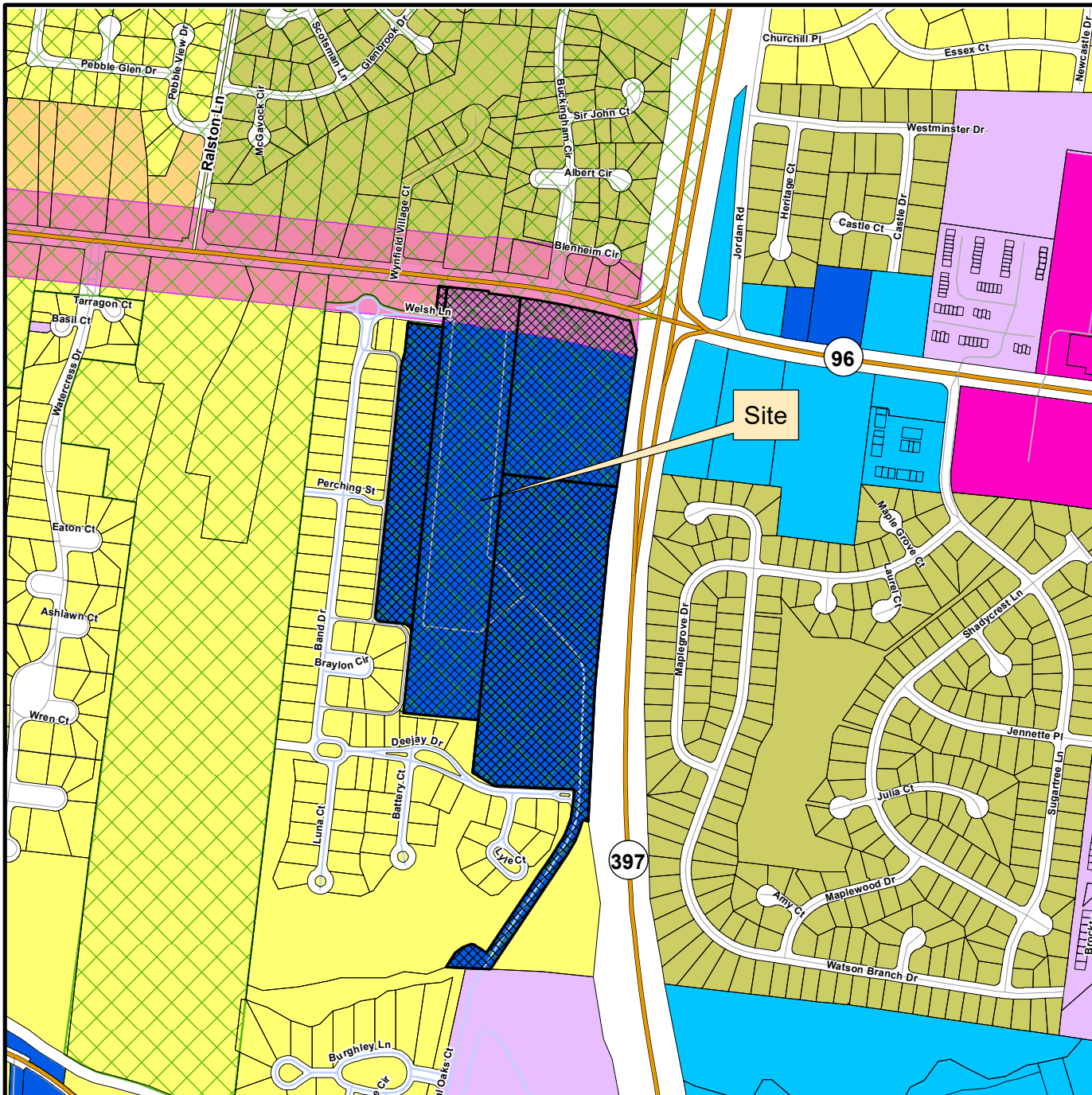
RECOMMENDATION:

RECOMMENDED MOTION: Staff recommends the Board of Zoning Appeals move to **approve the Variance Request with the three conditions specified in the staff report** to allow more than the permitted amount of parking within the parking frontage area along Murfreesboro Road, for the buildings located at 828 Murfreesboro Road.

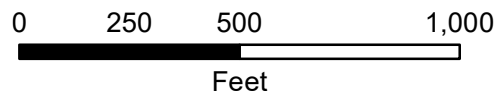
828 MURFREESBORO ROAD
TAX MAP 079, PARCEL 09602
BOARD OF ZONING APPEALS
2 FEBRUARY 2023

Legend

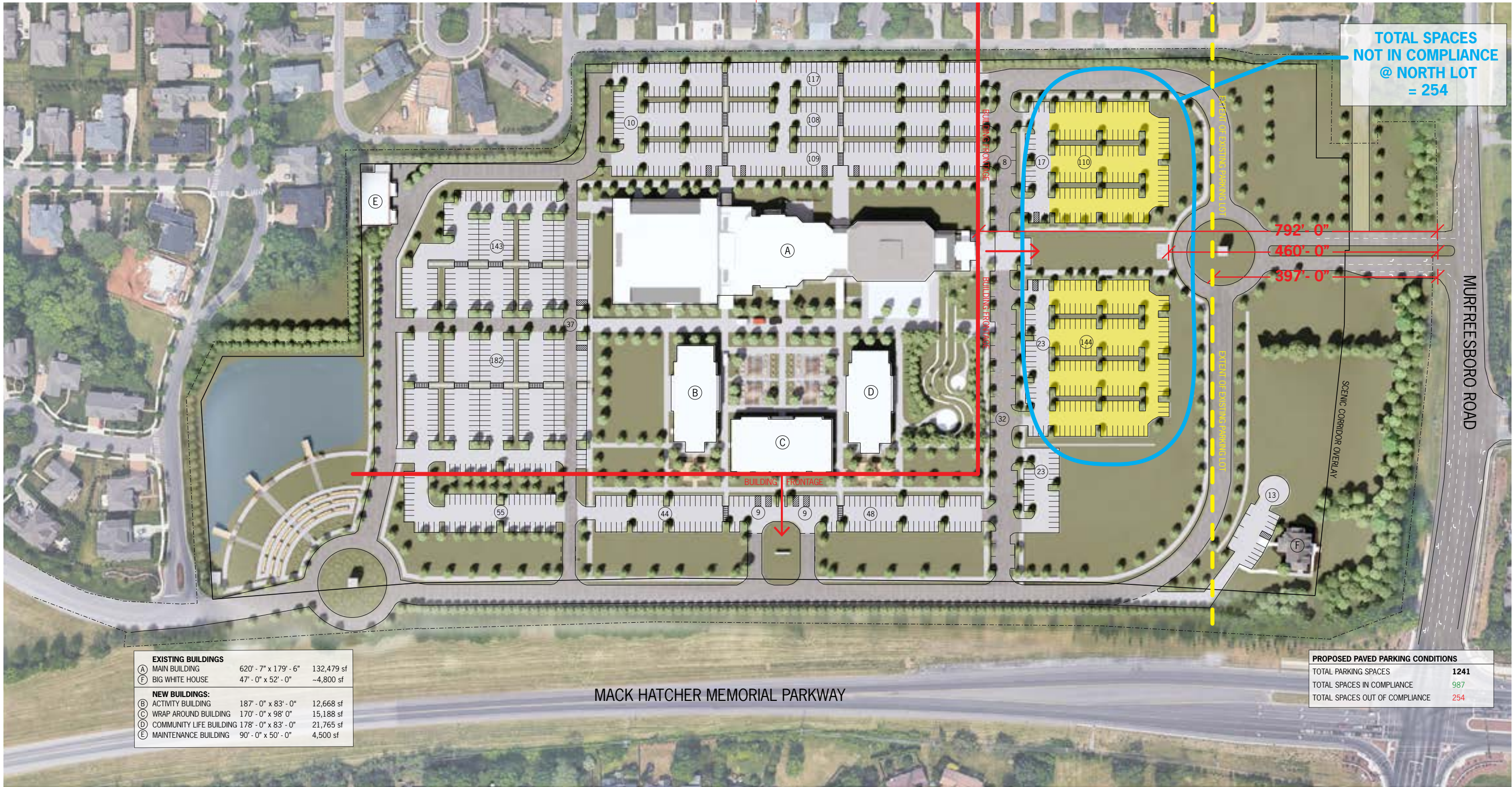
-  828 Murfreesboro Road
-  Central Franklin Overlay
-  Scenic Corridor Overlay
-  AG Agricultural District
-  ER Estate Residential District
-  R1 Residential 1 District
-  R2 Residential 2 District
-  R3 Residential 3 District
-  R4 Residential 4 District
-  R6 Residential 6 District
-  MR Mixed Residential 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

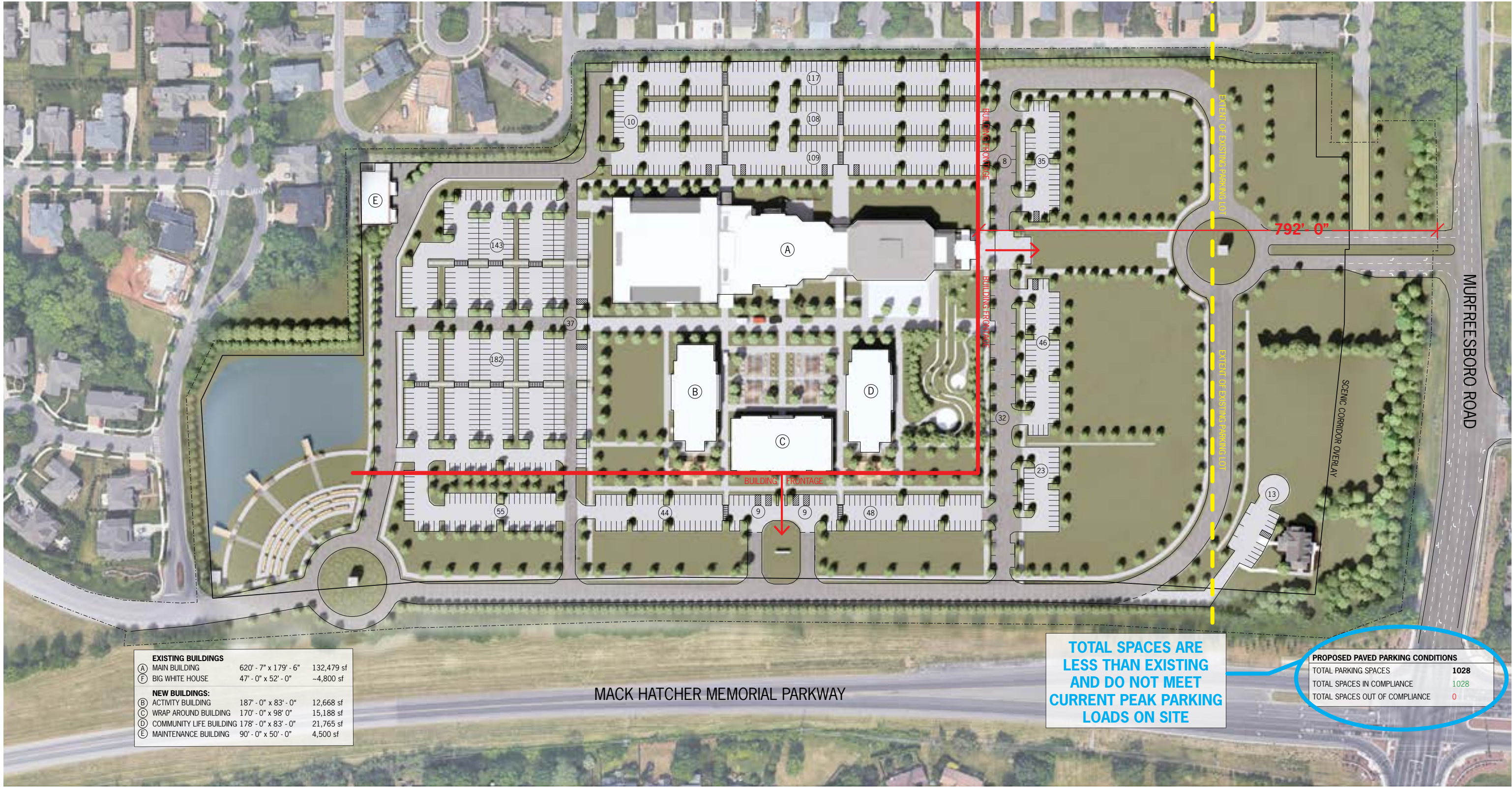


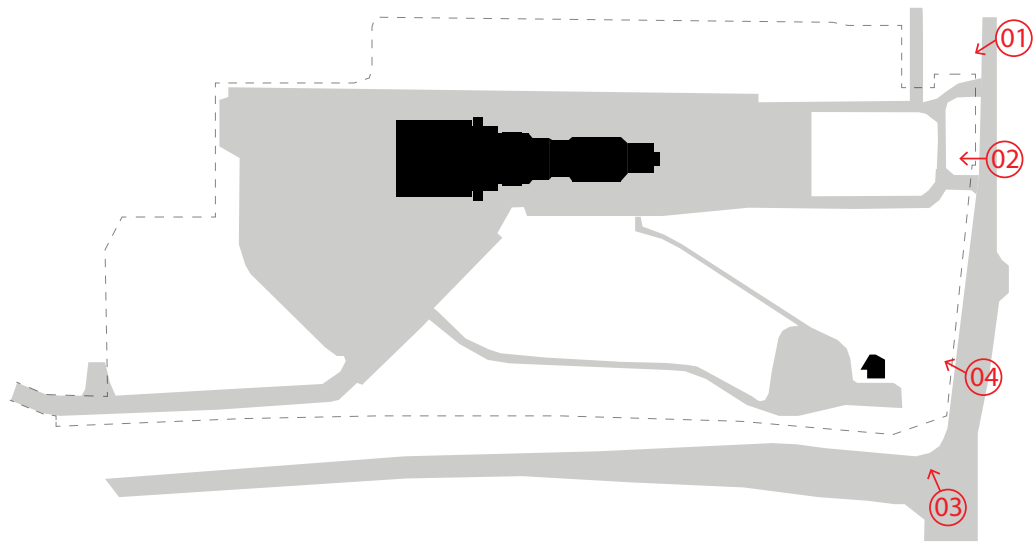
This map was created by the Franklin Planning Department.
It was compiled from the most authentic information available.
The City is not responsible for any errors or omissions contained herein.
All data and materials (c) copyright 2022. All rights reserved.



HISTORIC
FRANKLIN
TENNESSEE







EXISTING SITE IMAGERY

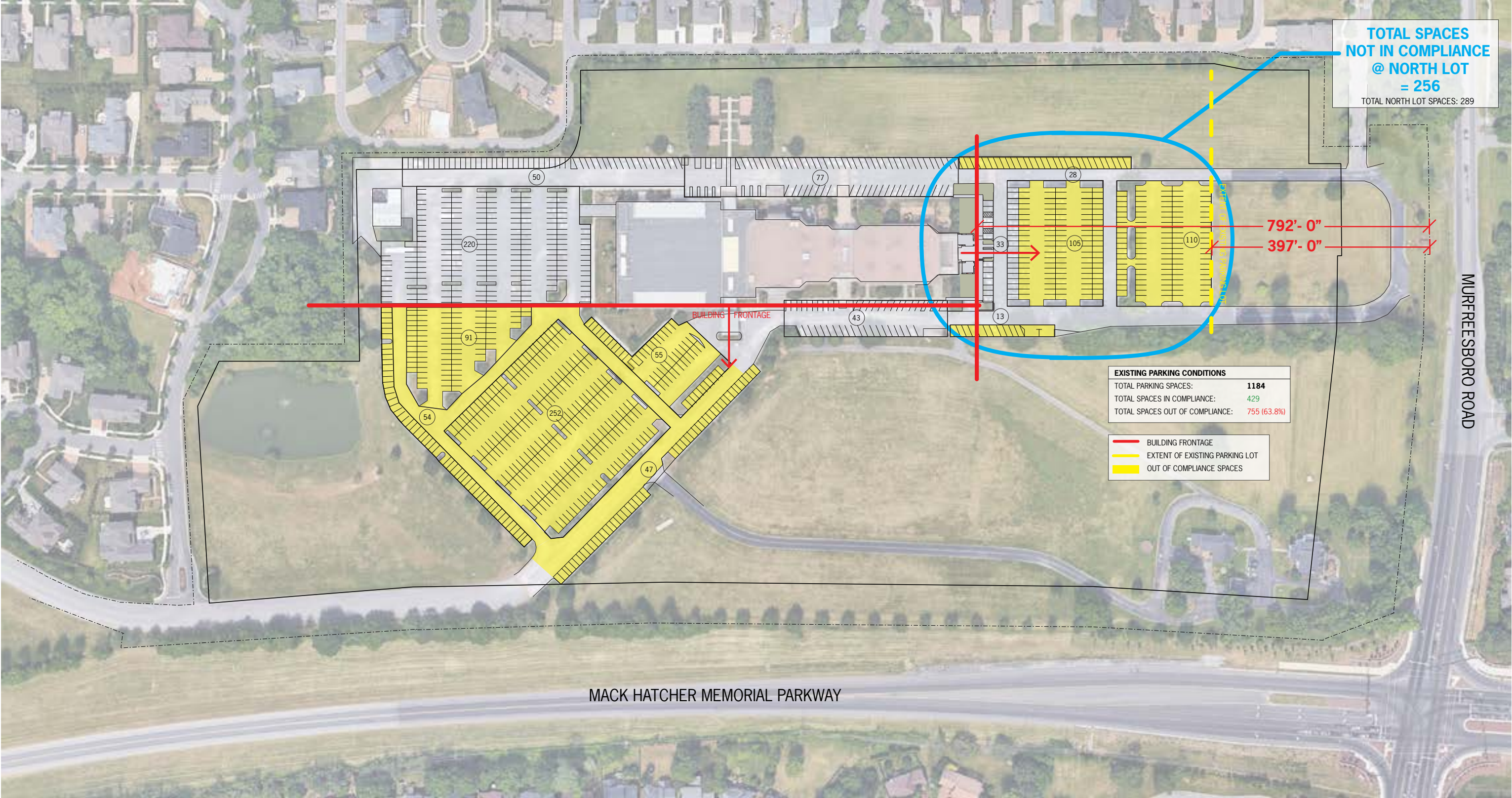
THE VILLAGE
AT CHURCH OF THE CITY

BOARD OF ZONING APPEALS EXHIBIT

BAUER ASKEW
architecture . pllc

in association with
TOWN PLANNING & URBAN DESIGN COLLABORATIVE

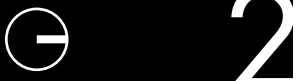
16 JANUARY 2023



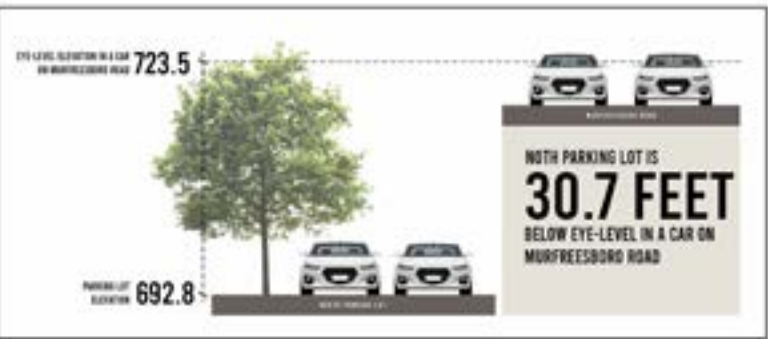
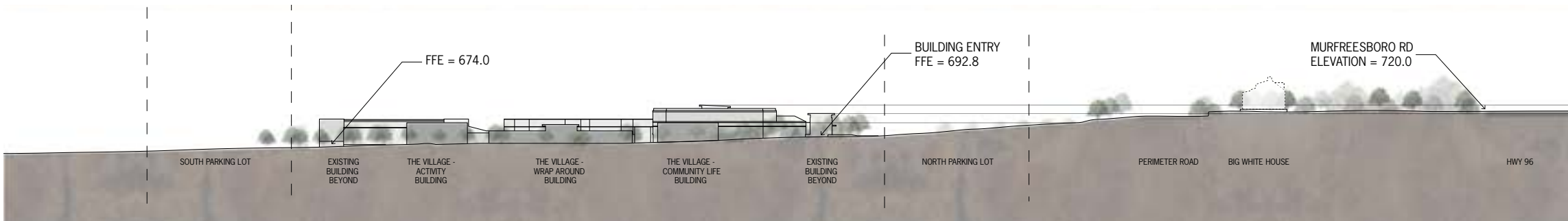
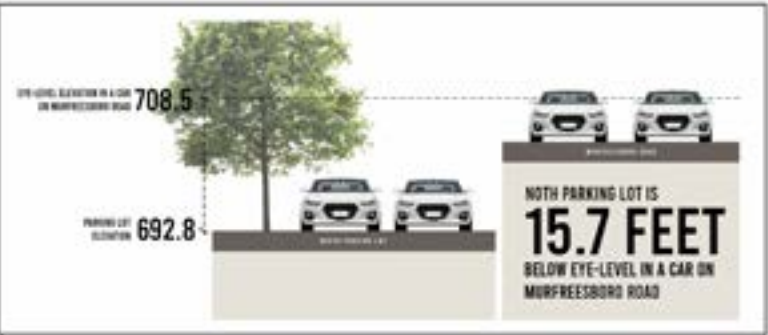
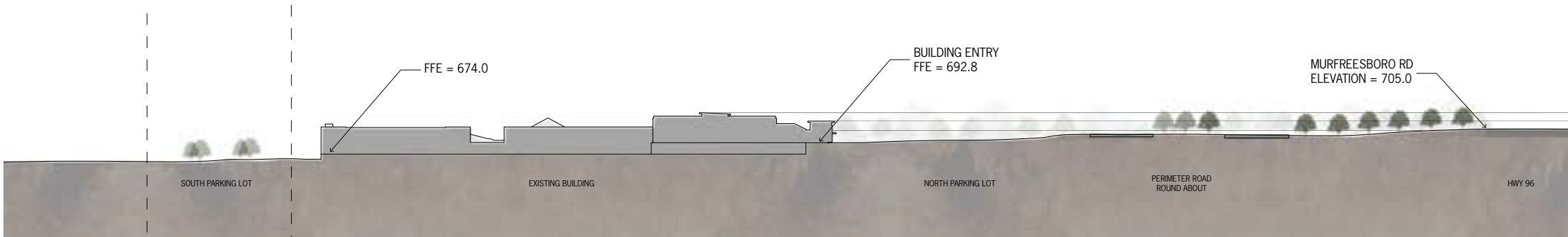
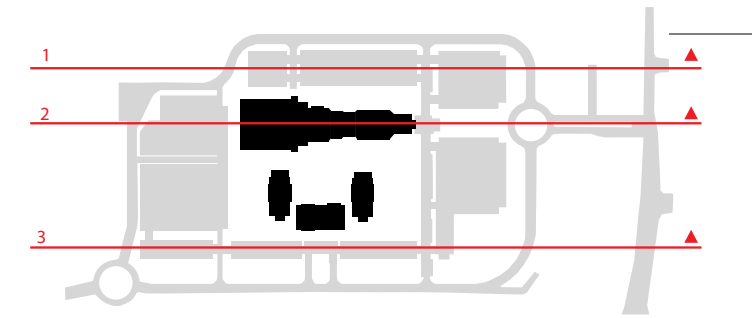
EXISTING SITE PLAN

THE VILLAGE
AT CHURCH OF THE CITY

BAUER ASKEW
architecture . pllc



The sections through the site illustrate the difference in topography from the northeast corner of the site to the North entry of the existing building. The elevation difference will largely obscure any parking areas from view along Highway 96.



SITE SECTIONS

THE VILLAGE
AT CHURCH OF THE CITY

BAUER ASKEW
architecture . pllc

5

BOARD OF ZONING APPEALS EXHIBIT

in association with
TOWN PLANNING & URBAN DESIGN COLLABORATIVE

16 JANUARY 2023

PARKING REQUIREMENTS

The COF Zoning Ordinance does not establish a minimum parking requirement for CI zoning (CotC’s Current Zoning Classification – Civic & Institutional). The Ordinance lists the minimum parking requirement as ‘Variable’ in Chart 10.1.6. To satisfy the requirements of Section 10.1.5.C which determines a baseline calculation of minimum parking for the ‘variable’ designation, the Design Team explored other applicable zoning standards in Williamson County, Davidson County and other local municipalities, such as Brentwood and Spring Hill, as well as national standards. These comparable standards list the minimum count between 0.20 and 0.35 vehicles per seat with the most common being 1 space per 4 seats (0.25 vehicles per seat). However, the City noted this would not be sufficient for the property and requested parking data (3 months minimum) for the property be utilized to establish a baseline parking quantity for the project.

CURRENT PARKING AND ATTENDANCE DATA

Church of the City compiled recent data regarding attendance and parking on the campus, as illustrated to the right. This data helps establish a baseline for the required minimum number of parking spaces on the site based on current attendance. The average number of attendees over this four-month period (May-August 2022) is 2221 attendees at the 9:00a service and 2056 attendees at the 11:00a service. The average number of parking spaces utilized is 1023 at the 9:00a service and 975 at the 11:00a service. The current average parking ratio on the campus is 1 car per 2.58 attendees at the 9:00a (historically highest attended) service and 1 car per 2.71 attendees at the 11:00a service.

It should be noted August is historically one of the highest attended months of the year for Church of the City, so this data reflects one of the highest peak loads on the site, outside of Christmas and/or Easter Services. The peak parking total for one service noted in the data collected occurred on 08/07/2022 at the 11a service and was 1228 total vehicles.

EXISTING PARKING TOTAL

The existing property currently includes 1,184 total parking spaces. However, not all spaces are utilized on a typical Sunday.

EXISTING PARKING UTILIZATION

The charts to the right track the overall utilization of the existing parking lots per Sunday for the same date range as the previous page. The amount of non-utilized parking spaces is noted for each service by date. Additionally, the charts track the number of cars parked on existing grass areas of the property for the same date range. It is anticipated that more efficient and convenient parking layouts throughout the campus will increase the efficacy and utilization of parking lots on the property.

RECOMMENDED PARKING CALCULATION

Church of the City does not anticipate utilizing the Activity Center (part of The Village proposed development) as an additional Worship venue, except for annual peak large gatherings (i.e. Christmas, Easter, etc.). Therefore, the improvements proposed as part of The Village project represent no increase to the typical weekly number of attendees on Sunday.

As there is no anticipated peak loading increase anticipated for Sunday services and Sunday services generate the greatest peak loading on the site, the proposed number of parking spaces at 1241 exceeds the peak loading requirement (1228) by 1%.

Church of the City Total Attendance Average

	9:00a				
Date	Total Worship	Utilization	Total KidCity	Total	% KidCity
5/1/2022	1617	69%	576	2193	26%
5/8/2022	1965	83%	612	2577	24%
5/15/2022	1573	67%	587	2160	27%
5/22/2022	1498	64%	557	2055	27%
5/29/2022	1384	59%	415	1799	23%
6/5/2022	1520	65%	491	2011	24%
6/12/2022	1584	67%	482	2066	23%
6/19/2022	1666	71%	413	2079	20%
6/26/2022	1457	62%	478	1935	25%
7/3/2022	1466	62%	473	1939	24%
7/10/2022	1567	67%	518	2085	25%
7/17/2022	1958	83%	532	2490	21%
7/24/2022	1651	70%	545	2196	25%
7/31/2022	1729	73%	560	2289	24%
8/7/2022	1800	76%	587	2387	25%
8/14/2022	1938	82%	625	2563	24%
8/21/2022	1878	80%	627	2505	25%
8/28/2022	1961	83%	685	2646	26%
Average	1678	71%	542	2221	24%

11:00a

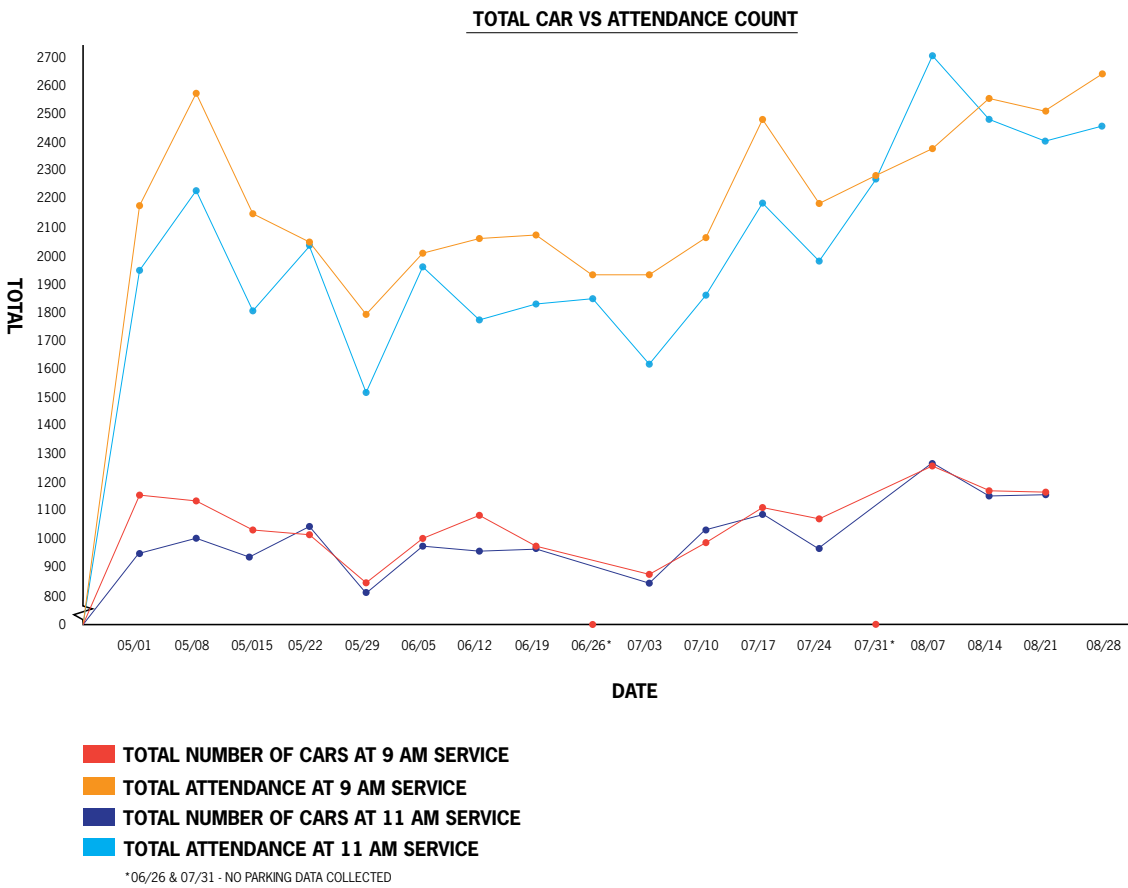
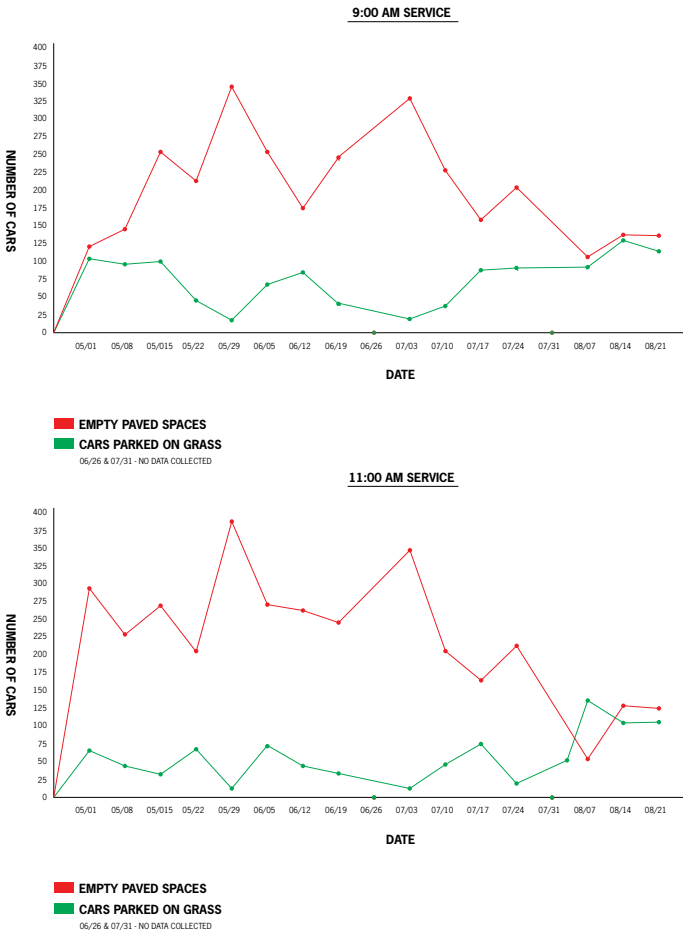
Total Worship	Utilization	Total KidCity	Total	% KidCity
1543	65%	398	1941	21%
1824	77%	411	2235	18%
1433	61%	375	1808	21%
1662	71%	381	2043	19%
1203	51%	314	1517	21%
1617	69%	370	1987	19%
1399	59%	384	1783	22%
1509	64%	313	1822	17%
1490	63%	370	1860	20%
1302	55%	312	1614	19%
1520	65%	366	1886	19%
1820	77%	371	2191	17%
1578	67%	399	1977	20%
1829	78%	441	2270	19%
2134	91%	580	2714	21%
1978	84%	509	2487	20%
1931	82%	473	2404	20%
1978	84%	490	2468	20%
1653	70%	403	2056	20%

CotC Total Parking Average

	9:00a		11:00a	
Date	Total Cars*	Ratio**	Total Cars*	Ratio**
5/1/2022	1131	2.30	912	2.86
5/8/2022	1099	2.37	962	2.71
5/15/2022	991	2.63	906	2.88
5/22/2022	976	2.67	1005	2.59
5/29/2022	818	3.19	772	3.38
6/5/2022	961	2.71	947	2.75
6/12/2022	1050	2.48	924	2.82
6/19/2022	936	2.78	932	2.80
6/26/2022	not included in totals			
7/3/2022	837	3.11	808	3.23
7/10/2022	956	2.73	985	2.65
7/17/2022	1069	2.44	1051	2.48
7/24/2022	1030	2.53	949	2.75
7/31/2022	not included in totals			
8/7/2022	1223	2.13	1228	2.12
8/14/2022	1139	2.29	1121	2.32
8/21/2022	1127	2.31	1125	2.32
8/28/2022	not included in totals			
Average	1023	2.58	975	2.71

*Total Car count adjusted by -40 spaces for Construction during this time period

**Ratio based on Total Number of Seats - 2606



January 09, 2023
January 16, 2023 (revised)

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

**RE: Board of Zoning Appeals (BZA) Submittal
The Village at Church of the City
828 Murfreesboro Road
Franklin, Tennessee 37064
BAA Project # 21021**

Ms. Stanford:

Based on recent discussions with staff and administration, our office, on behalf of Church of the City, is submitting this Variance request application for BZA review and approval for a proposed development on the Church of the City campus located at 828 Murfreesboro Road (Map 79, Parcels 94.00, 95.00 and 96.02). The current property is zoned as Civic and Institutional District (CI) and includes multiple existing buildings and parking areas. As noted below, the church's existing campus has been iteratively developed since 1985 and was established prior to the current Zoning Ordinance's adoption.

Project Introduction

Church of the City is a non-denominational religious institution located at 828 Murfreesboro Road, Franklin, Tennessee 37064. The church's mission is 'Practicing the Way of Jesus' and their vision is 'to see the fame and deeds of God renewed and known in our time.' As part of that vision, the church is seeking to re-imagine and expand the ministry opportunities on their existing campus located at the corner of Mack C. Hatcher Memorial Parkway and Murfreesboro Road. The existing campus is arguably one of the most visible properties in the City of Franklin, with thousands of cars passing this corner each day.

Church of the City has adopted as a core ministry pursuit the "flourishing of our city" and believes that God has called the church to plant a ministry center called, "The Village," on their Franklin property where they will be able to meet the needs of our city's most vulnerable populations (i.e. foster children, foster and adoptive families, adults and children with mental health/counseling needs, solo parents, etc.). The "Village at Church of the City" is the re-imagined long-term vision and master plan for the church's current existing campus in Franklin.

Brief History of the Current Property

Church of the City's original campus at 828 Murfreesboro Road consisted of a 14-acre property where the original church building, infrastructure and parking were constructed in 1985. As additional properties were acquired, the current 2,300 seat worship center with additional parking was added in 1998 as another addition to the original building. The church currently owns 44.37 acres with the original buildings and parking occupying approximately 17 acres of the property.

Project Intent

With the church's reinvigorated vision to be a prominent resource for the surrounding community of Franklin, there is renewed energy and focus to re-imagine, enhance, and

maximize the current campus. One of the core tenets of this new vision is to blend social services provided by the church and adjacent organizations with the social life of the congregation attending Church of the City.

The Village at Church of the City will resource and support a number of different social issues that challenge the City of Franklin, Williamson County and the greater Middle Tennessee region in forward-thinking ways. These issues were identified based on feedback from state, city (including Mayor Ken Moore), and community leadership through a series of meetings and discussions as part of a listening tour conducted by Church of the City.

Phase I of The Village at Church of the City will focus on six key challenges that the surrounding community faces:

- Mental health & suicide prevention
- Reliable transportation for single moms
- Space for kids awaiting foster placement
- Foster family support
- Children aging out of the State Foster Care system
- Children, Youth and Adults with Special Needs

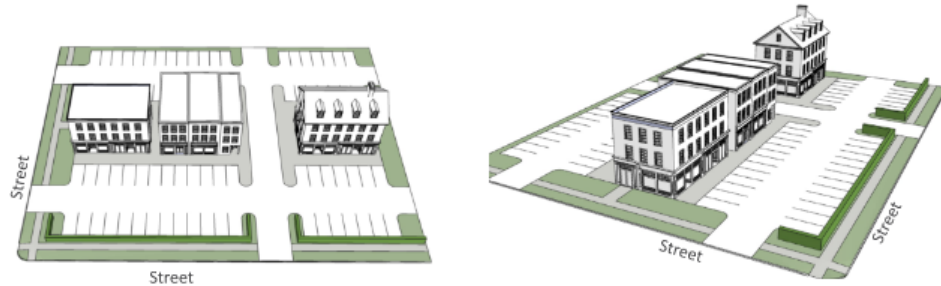
The proposed development intends to improve the overall campus in addition to The Village buildings. As part of campus improvements, the owner desires to improve all existing parking areas and internal vehicular circulation to increase efficacy and utilization, as well as safety for congregants and their families.

It should be noted that all uses proposed as part of The Village project have been reviewed by City of Franklin staff and are permitted under the existing Civic and Institutional District (CI) zoning classification.

Summary of Variance Request

This specific request addresses the existing parking lot to the north of the existing primary structure. This existing parking area is out of compliance with the current Zoning Ordinance Parking Frontage requirements but is allowed to remain as a legal nonconformity. The project intends to improve this parking lot and the frontage condition by altering the parking spaces to have a more efficient and aesthetically pleasing layout and bring the lot into current on-site parking design requirements, including sustainable stormwater management requirements. Planning Staff has indicated the current interpretation of Section 7.1.1.A.1 has been that if the existing parking lot is altered, it must be brought into compliance with the current Parking Frontage requirements. It is not possible to eliminate over 160 existing parking spaces to bring this frontage into compliance, due to the parking capacity required for the church to continue to operate. Additionally, there is no other location on the site to relocate this amount of parking, thus making it impossible to utilize the rest of the property. Therefore, the project is requesting variance to allow more than the permitted amount of parking but not more than is existing within the Parking Frontage area along Murfreesboro Road, for the buildings located at 828 Murfreesboro Road (F.Z.O 7.4).

7.4 Parking Frontage



VARIANCE REQUEST

The project is requesting variance to allow more than the permitted amount of parking but not more than is existing within the Parking Frontage area along Murfreesboro Road, for the buildings located at 828 Murfreesboro Road (F.Z.O 7.4).

It is our understanding the intent of a Variance request is to grant relief from specific zoning requirements for a specific property based on the following requirements.

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 piece of property is not able to accommodate development as required under this Ordinance.

Response: The exceptional situation or condition for this specific property is the location of the existing building and existing parking areas within the overall property which were established prior to the adoption of the current zoning ordinance. The north elevation of the existing building is located 792 feet from the property line along Murfreesboro Road (Highway 96). Due to this exceptional distance of the primary building's location from the road, there is no language in the current Zoning Ordinance that addresses such an extraordinary condition with respect to frontage types. The northern entry for the primary building is the church's main entry utilized throughout the week and also the primary entry for children and families on Sunday morning. Additionally, for the church to continue to operate at the current attendance level, the existing number of spaces at the North parking lot are required (per the attached parking analysis exhibit), cannot be eliminated, and are not able to be relocated to other portion of the property. This is due to the remainder of the property being brought into compliance with current Zoning Ordinance frontage requirements as part of this project.

The proposed alterations to the north parking lot seek to satisfy the church's parking capacity requirements, the existing conditions of the site and the current Zoning Ordinance to the greatest degree possible. While not bringing the property along Murfreesboro Road fully into compliance with the Parking Frontage requirement, the proposed alterations bring the

existing frontage more into compliance with Chapter 7. This is accomplished in four ways:

- a. Fewer non-compliant spaces
The existing north parking lot includes 256 non-compliant parking spaces (per the attached existing site plan exhibit). The proposed improvements include 254 non-compliant parking spaces in the same general area of the site (per the attached proposed site plan exhibit).
 - b. Further distance from Murfreesboro Road (Highway 96)
The proposed improvements reorganize the existing spaces at the north parking lot more efficiently and locate the spaces 63 feet further from Murfreesboro Road (Hwy 96) than this existing parking lot, per the attached exhibit.
 - c. Existing topography and increased landscape buffer
Per the attached exhibit, the north parking area will be located below eye level of a car along Murfreesboro Road and largely screened from view. The parking area in question is over 450 feet from the property line along the road and will be screened by the increased Scenic Corridor Overlay landscape buffer included in the current Zoning Ordinance.
 - d. Adherence to current parking design standards
All improved parking areas on the site will be brought into compliance with current on-site parking requirements included in the current Zoning Ordinance (landscape islands, maximum slopes, etc.) with the potential for permeable pavers and other sustainable stormwater techniques utilized in this area to lessen stormwater impacts on the site.
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; and

Enforcement of the current Parking Frontage requirement would cause undue hardship upon the church and its congregation due to the lack of parking the site would be able to support.

- a. Enforcement of the current Parking Frontage requirement on the northern portion of the property would reduce the parking allowed along the northern portion of the site by 163 parking spaces (104 spaces allowed v. 267 spaces existing) from what is existing today (per the attached exhibits). This amount of parking spaces is needed for the church to continue to meet at its current attendance levels.
- b. It would be considered a peculiar and exceptional practical difficulty and undue hardship to redevelop the entire property to relocate the existing building, especially given the church's non-profit status and its existence for good of the residents of Franklin.
- c. It would cause an undue hardship on the property owner to be unable to utilize the northern portion of the property as a parking area, as it has existed since 1986. This amount of

parking spaces is required for the church to maintain its current attendance levels (as noted in the attached exhibit).

- d. Due to the current zoning ordinance and the existing building location on the property, additional parking areas are not allowed beyond what is currently shown to be developed on any other portion of the property due to frontage requirements.
 - e. Continuing to utilize the current north parking lot as it exists currently causes significant topographical concerns regarding accessibility and safety for the project. City of Franklin on-site parking standards require a maximum slope of 5%, whereas the existing parking area exceeds 11% in some areas. As this is a civic/institutional campus, the site is open to the public and should be as accessible, safe and pedestrian-friendly as possible. Additionally, the current parking area does not reflect the current stormwater regulations required by the current Zoning Ordinance.
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.

Response: It is our understanding this variance would apply only to this specific property and situation. The purpose and intent of the ordinance is to improve the frontage condition which the project is doing by bringing the property more in compliance with the current Zoning Ordinance, beautifying the portion of the property facing Murfreesboro Road (Highway 96) and the Scenic Corridor Overlay, while allowing the church to continue to utilize this existing portion of the site for parking. From the public perspective along Murfreesboro Road (Hwy 96), they will no longer see a large parking lot but will view the increased landscaping of the scenic corridor. As this is a non-profit religious institution that is seeking to enhance their already substantial benefit to the community, there would be no substantial detriment to the public good nor would this impair the purpose and intent of the Zoning map or Ordinance.

In summary, the Parking Frontage requirement applied to this existing unique property creates a hardship for the church to continue their ministry. The proposed improvements are designed to both satisfy the intent of the current zoning ordinance while accommodating the existing conditions of the property. We appreciate your consideration and review of this request. Please do not hesitate to contact me directly with any questions and/or comments.

Respectfully:



JC Eder, LEED AP BD+C
Architect

Attachments: BZA Exhibit, Owner's Affidavit
cc: John Shiffert, Director of Capital Projects, Church of the City; file

From: bob collins <collinsrcc@cs.com>
Sent: Monday, January 30, 2023 4:32 PM
To: Planning Intake <planningintake@franklintn.gov>
Subject: Variance application, 828 Murfreesboro Rd.

ATTENTION COF staff: *This email originated from outside the City of Franklin. Please use discretion when clicking on attachments & links from unknown senders or suspicious emails.*

We have only one entrance and exit to our subdivision and since we already have a traffic congestion problem particularly during peak hours, I am concerned that this may cause even more traffic congestion at this already high volume intersection. I hope allowances have been planned to solve this potential problem.

Robert Collins
Buckingham Park Subdivision
113 Blenheim Circle
Franklin, TN 37064
(615)476-3662
Collinsrcc@cs.com

[Sent from the all new AOL app for iOS](#)

From: carmen johnson <carmen.johnson10@att.net>
Sent: Tuesday, January 31, 2023 3:30 PM
To: Planning Intake <planningintake@franklintn.gov>
Subject: Variance Application - 828 Murfreesboro road - Church of the city

ATTENTION COF staff: *This email originated from outside the City of Franklin. Please use discretion when clicking on attachments & links from unknown senders or suspicious emails.*

Concerning the submitted variance request for 828 Murfreesboro Road,

I live directly across the street at 105 Blenheim Circle, Buckingham Park Subdivision.

We are currently challenged with exiting Buckingham on Sunday Mornings/Evenings. Additional parking will create more of a challenge. It can take approximately to 7-10 minutes to exit the subdivision. It is difficult to turn left AND right.

Please consider the homeowners. The church worshipers do not show much compassion and let us exit.

Thanks,
Carmen Johnson