



Meeting Agenda

Board of Zoning Appeals

Thursday, March 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.franklintn.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@franklintn.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 February 2, 2023 BZA Minutes.

ANNOUNCEMENTS

APPLICATIONS

2. A **Variance Request** To Allow One 18-Foot Wide Garage Door For The Property Located At 1544 Fleetwood Drive (2018 F.Z.O. 5.3.5).

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 6:01 pm.

Commissioners Present: Jeff Fleishour, Greg Caesar, Jonathon Langley, Lee Reeves, and William Scales

Commissioners Absent: None

APPROVAL OF MINUTES

1. Consideration Of Approval Of The January 5, 2023 BZA Minutes.

Sponsors:

A motion was made by Commissioner Greg Caesar, seconded by Commissioner Jeff Fleishour to the Approve Minutes from the February 2, 2023, meeting. The motion carried 5-0

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The Maximum Front Yard Setback from 30 Feet to 150 Feet, For The Property Located At 880 Oak Meadow Drive, has been withdrawn by the applicant.

Sponsors:

Ms. Diaz-Barriga explained that 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.

OTHER ANNOUNCEMENTS

Chair Langley stated that there are speaker cards available for citizens to fill out that would like to comment on one of the items being heard this evening.

Chair Langley also stated that, according to the bylaws, each side, for or against, has seven minutes for discussion.

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

Staff Presentation: Ariella Stanford. Ms. Stanford stated that 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 most 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 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 find these 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 find 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. Considering the first criteria for a variance request, Ms. Stanford stated that 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. Considering the second criteria for a variance request, 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, additional parking is necessary to serve the visitor's center and for ADA compliance. Staff finds that this criteria is met.

3. Considering the third criteria for a variance request, 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 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.

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.

Applicant Presentation: Sarah Dexheimer, Architect for Orcutt Winslow. Ms. Dexheimer did not have any additional comments regarding the variance request and thanked the staff for their assistance with the application.

Chair Langley asked if there were any citizens who would like to comment on the Variance Request. There were none.

Commissioner Fleishour motioned to close the public comment section, seconded by Commissioner Reeves. The motion carried 5-0.

Commissioner Caesar asked how much additional square footage is being added to the proposed improvement to the visitor center and will this affect the number of parking spaces.

Ms. Diaz-Barriga stated that a new site-plan has not been submitted. Referencing the old plan, and this would be an assumption, Ms. Diaz-Barriga explained, but yes, they are expanding the old footprint.

Commissioner Caesar stated that approval of the variance requests tonight may be premature because the proposed larger building may need more parking spaces creating approval of another variance request.

Ms. Diaz-Barriga stated that it is her understanding that the number of parking spaces shown in your packet of information is the number required for the ultimate buildout.

Commissioner Reeves expressed his concerns about the mechanicals of the building being visible from the street. He asked the applicant if there was a plan to screen or relocate the mechanicals.

Ms. Dexheimer explained that the building is proposed to be built on/into the hillside with the parking side view of the two stories and the view of one story on the hillside. The mechanicals will be set into or setback into the hillside and screened off from the public view. Ms. Dexheimer stated that they are trying to maintain two front facades.

Commissioner Caesar motioned to approve both variance requests for the allowance of one additional parking bay within the West Fowlkes frontage area and to allow the front façade of a proposed principal building to be oriented in a non-parallel manner to the frontage because the three criteria for a variance request have been met for the property located at 1140 Columbia Avenue, Commissioner Scales seconded the motion. The motion carried 5-0.

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

Staff Presentation: Ariella Stanford. Ms. Stanford stated 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. 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 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, change the location, and reconfigure the parking lot that currently exists in the frontage area. Ms. Stanford stated that staff analysis determined 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 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 regarding 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.

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.

Applicant Presentation: Dick Wells, CFO of Church of the City and JC Elder, Architect with Bauer Askew. Mr. Wells stated that First Baptist Church relocated to the current location, now known as Church of the City, in 1986. The north parking area has not changed since 1986 as it provides a level entrance for families with small children in strollers and for individuals with disabilities. Acreage on the east and west sides of the church was purchased in the 1990's. A new worship center was built, and additional south side parking was added. The next step for the church, to better serve the community, is a concept called the Village. The Village would serve foster children, foster\adoptive families, special needs individuals, and single parents (Car Ministry). At the request of Mayor Moore, COTC will also include a focus on mental health in the community by teaming up with The Refuge Center for Counseling. The Village would consist of 3 buildings providing 50,000 square feet of space completely located on the east side of the current building. To address current congestion at the north entrance to the church, a new entrance from Hwy. 96 further away from the bypass has been discussed. The white house on the corner of Mack Hatcher and Hwy. 96 would not be changed in any way. Mr. Wells stated that COTC would like to improve the north parking area by reshaping and beautifying it with landscaping according to the zoning ordinance. Mr. Wells thanked the Board for hearing the request and thanked the staff for their insight and assistance during the process along with the recommendation of approval.

Mr. Elder provided a hard copy diagram of the current site plan to the Board and staff. Mr. Elder specifically noted page 2 that provides the historical parking data that the city asked the church to analyze over the last year. Mr. Elder noted that from May through August of 2022, specifically August 7th. The data shows peak parking loads at the 9 a.m. and 11 a.m. times of 1220-1228 cars. The 1228 number is the threshold being used to determine how many parking spaces would be required on the site. The yellow area on Page 3 illustrates the area of non-compliance with the current zoning ordinance. There are 256 spaces that are not in compliance. The building is set 792 feet from the road which is in an extraordinary condition. Mr. Elder stated that the illustration on page 4 shows the existing site plan if it were to be brought into compliance with the current zoning ordinance. The result is 783 parking spaces, which is drastically lower than 1228 spaces, a reduction of 401 spaces. The illustration on page 5 represents the proposed project. The illustration shows that to bring the entire property into compliance with this new development and if the parking frontage requirement remains the same, the Church is still not able to achieve the number of spots needed for Sunday Church attendance. Mr. Elder explained that page 6 represents the plan being proposed through the site plan submittal process. This page shows exactly what the staff recommended. The parking lot is further from Murfreesboro Road with less non-compliant spaces than the current lot with all landscaping/onsite parking design requirements adherence. The topography of the site shows a difference of between 10-30 feet in elevation from Murfreesboro Road compared to the parking lot. The elevation along Murfreesboro Road is higher than the parking lot. Mr. Elder stated that in addition to the elevation difference, the landscape/buffer requirements and the scenic corridor overlay requirements for landscaping, the screening of the parking lot should be accomplished.

Chair Langley stated that the documents provided by Mr. Elder helped answer questions about the existing and proposed site.

Mr. Wells stated that the loss of 200 parking spaces in the north parking area would mean a hardship for families with small children. These families would be faced with parking along the side of the Church or in the south lot, then have to walk around the entire building to get to the front entrance.

Chair Langley asked the citizens who would like to comment on the Variance Request to come up to the microphone and state their name and address.

Tim Engle, 109 DeeJay Drive. Mr. Engle represents the Henley neighborhood board. Mr. Engle stated that Henley is the largest community that shares a border with Church of the City. The residents have real concerns given the magnitude of the project. Mr. Engle explained that the leadership of the church have been more than willing to address the concerns of the Henley residents. Mr. Engle stated that the Henley neighborhood is in support of the variance request. The willingness of the church to extend the parking lot buffer zone to 35 feet and the substantial landscape plan to enhance the privacy are important accommodations for the city and the Henley community. In closing, Mr. Engle asked the BZA to consider the concerns and input of the Henley residents by approving this variance request.

Caitlin Munsie, 1158 Olde Cameron Lane. Ms. Munsie stated that she is one of the parents with multiple children who uses the north parking area and north entrance to attend the 9 am Sunday church service. The north entrance provides easy access for parents with strollers. Ms. Munsie encourages the BZA to approve the variance request.

Jeffrey Yocca, 309 Battery Court. Mr. Yocca respectfully disagrees with the plans that Church of the City has for the construction of "The Village." Mr. Yocca stated that the Henley neighborhood does not have a public entrance into the neighborhood. He further stated that he cannot imagine how the city approved of such a situation.

Dr. W. Chris King, 307 Battery Court. Dr. King stated that he is a licensed professional engineer specializing in environmental engineering. The parking availability falls well short of what is needed for church services. With the addition of more buildings and more parking spaces, the water runoff will be much faster and through the Henley subdivision. Dr. King stated that all the interrelated issues need to be addressed at one time. Dr. King stated the church is doing wonderful things, but it is a disservice to the city and the citizens if all the questions are not answered. The result of the unanswered questions may be significant flooding for the Henley community and potentially for the church as well.

Scott Stein, 623 Band Drive. Mr. Stein stated that the church has been very kind about meeting with the Henley homeowners, but in the meetings, it was stated that there would not be a net increase in the parking spaces. Mr. Stein requested that the BZA delay any final decisions regarding the variance request to holistically consider all of the issues surrounding the site plan.

Chair Langley asked if there were any other citizens who would like to speak regarding this variance request. There were none.

Commissioner Caesar motioned to close the public comment, seconded by Commissioner Scales. The motion carried 5-0.

Chair Langley asked the staff to review the site plan application process with the BZA and the audience. The BZA isn't tasked with stipulating the number of parking spaces allowed. Specific parking spaces are determined at the site plan level of the process.

Ms. Diaz-Barriga explained that the request, right now, is to allow more than the allowable parking within the frontage. Under the current zoning ordinance, the parking lot is non-compliant. The church can leave the parking lot as it stands or, as is understood now, the church would like to reconfigure the parking area to be compliant with the zoning ordinance. Staff feels that the request can be supported and meet the intent of the zoning ordinance following the three conditions; 1) parking spaces would not increase, 2) parking no closer to Murfreesboro Road than currently exists and 3) appropriate landscaping in terms of screening. If the variance is granted, the church plan would move forward with the site plan. The site plan would be reviewed by city staff which consists of a 30 member DRT from all the different departments. This would include stormwater calculations and how the plan appropriately meets the zoning ordinances. The analysis of parking requirements and number of spaces will be discussed at the site plan level. Any site that is designated as civic institutional use, the site plan would go before the Franklin Municipal Planning Commission. At that point, there would be an opportunity for public comment on the site plan. The applicant would have the opportunity to analyze their parking and justify their parking requirements as spelled out in the zoning ordinance. This information would

be reviewed by staff to determine if what is being proposed is appropriate or not.

Commissioner Reeves asked for confirmation that the variance request is specifically for the front parking area before the site plan approval. Mr. Reeves also asked if the variance request submittal prior to the site plan approval was typical.

Ms. Diaz-Barriga stated that she has seen variance requests submitted along with a site plan and prior to site plan submittal. It is the applicant's choice to submit the variance request prior to the site plan approval.

Commissioner Caesar stated that as part of the approval of the variance request, the BZA may limit the number of parking spaces that are allowed. Mr. Caesar asked the applicant if there would be an increase in the number of cars during the "peak" hours with the construction of the three new buildings.

Mr. Elder stated that "The Village" buildings being proposed would see usage on a Monday through Saturday (8-5pm) basis. It is not the intent to increase the peak loading on Sunday mornings.

Commissioner Caesar asked if there would be an increase in pedestrian traffic to the site.

Mr. Elder stated that there are improvements being made to increase sidewalks throughout the campus. The perimeter road takes care of vehicular traffic, and the core of the campus is all pedestrian based.

Commissioner Fleishour asked if there would be a way to incorporate the back entrance to Henley so that they could come and go more easily.

Mr. Elder stated that this would be a question for the city staff. South Royal Oaks is technically still owned by the church. The church may have had discussions with the city about turning the road over to the city.

Mr. Wells stated that the final site plan will depend on the approval of the variance request.

Ms. Diaz-Barriga stated that a traffic impact analysis by the engineering team would be completed and addressed at the site plan level.

Commissioner Scales asked if there would be a residential component of The Village.

Mr. Elder stated that there would not be a residential component.

Commissioner Reeves asked if it would be acceptable to approve the variance request based on what has been presented, which is to move the line back 63 feet further from Murfreesboro Road.

Ms. Diaz-Barriga stated that it would meet the conditions that staff is proposing.

Commissioner Reeves asked if this would be acceptable to the applicant.

Mr. Elder stated that the site plan is a work in progress. The measurement from Murfreesboro Road could be 63 feet, 63.6 feet or 67 feet. If the Board said that the line needed to be further back from the current parking lot, the applicant would be open to that.

Chair Langley stated that general dimensions have been presented without survey drawings.

Commissioner Fleishour asked if underground detention was planned.

Mr. Elder explained that 3 acres would be needed for the bio detention ponds, swales and rain gardens based on the amount of parking. In addition to the pond, storm water cleaning techniques will be incorporated into the plan.

Commissioner Scales asked why the applicant chose to propose the variance request at this point in the process.

Mr. Wells stated the variance was requested at this time to improve the parking area functionally and visually prior to the

site plan submittal. The final site plan is dependent on the outcome of the variance request.

Mr. Elder stated that the team felt like it was important to have this question answered to allow the best possible site plan to be submitted to the city.

Commissioner Reeves motioned to approve the variance request with the following three criteria: 1) 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 Murfreesboro Road frontage area, 2) the parking lot in the frontage area be no closer than 460 feet from the existing property line, 3) Landscaping must be installed meeting today's Zoning Ordinance criteria for parking lot perimeter screening for any parking within the Murfreesboro Road Frontage Area for the property located at 828 Murfreesboro Road, Jonathan Langley seconded the motion.

Chair Langley stated that when a variance is requested without an approved site plan, the Board has to understand the goals of the potential site plan to make a decision. The Board's task is somewhat limited with the variance request as one piece of the plan.

Commissioner Caesar stated that the goal of the zoning ordinance is to pull buildings closer to the streets to promote walking and biking. It really doesn't matter whether the line is 397 feet back or 460 feet back from the street. It will still be a big parking lot in front of the building, no matter how it is screened with landscaping.

Commissioner Reeves stated that as the applicant explained, the church doesn't have to change the north parking lot at all or add landscaping, but the parking areas can be improved. The approval of the variance request will allow for improvement. The building can't be moved.

Commissioner Caesar stated that one way to move the building would be to not approve the parking lot or the front. Perhaps the applicant hasn't done some of the plans because the BZA's approval is needed so that they can design the area the way they want it designed. What is the point in requiring them to move the parking area back 50-60 feet?

Commissioner Reeves stated that because this is the request presented to us by the applicant.

Commissioner Caesar stated that the parking spots should be limited somehow. Mr. Caesar explained that he could not support the motion as it stands.

Commissioner Reeves stated that part of the zoning ordinance is the aesthetics of the area and the plan achieves that. Chair Langley stated that the motion on the floor is for approval of the variance request for the property located at 828 Murfreesboro Road.

Chair Langley called the vote.

The motion carried 3-2. Commissioners Reeves, Scales, and Langley voted in favor. Commissioners Fleishour and Caesar voted against it.

OTHER BUSINESS

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

ADJOURN

Commissioner Caesar moved to adjourn the February 2, 2023, BZA Meeting, seconded by Commissioner Fleishour. The motion carried 5-0.

There being no further business, the meeting adjourned at 07:19 pm.

Chair

Date



File #: 21-04282

DATE: February 9, 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 One 18-Foot Wide Garage Door For The Property Located At 1544 Fleetwood Drive (2018 F.Z.O. 5.3.5).

PURPOSE:

PROJECT INFORMATION

COF Project Number: 8111
Applicant: Norman Gershon
Owner: Norman Gershon

BACKGROUND/STAFF COMMENTS:

Vicinity Zoning / Land Use

Site: PD – Planned District / Residential
North: PD – Planned District / Residential
South: PD – Planned District / Residential
East: PD – Planned District / Residential
West: PD – Planned District / Residential

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.

5.3.5 – Residential Development, Garage Standards, Garage Dimensions

Individual street facing garage doors located on the front, side, or corner façade shall be a maximum of nine (9) feet in width. Garages that are not street facing may have garage doors up to 18 feet in

width, but in no case may a 2-car garage door be less than 16 feet in width.

Background

The subject parcel is located at 1544 Fleetwood Drive and is zoned PD – Planned District. The property is within the Westhaven Subdivision, which is vested under the 2018 Zoning Ordinance. The 2018 Zoning Ordinance states that street-facing garages must be a maximum of 9 feet in width. The single-family detached home on this property has a two-car garage that faces the street. The garage currently has 2 garage doors that are each 8 feet in width, and they are separated by roughly 2 feet of brick wall and a pillar. The applicant has stated that the current garage doors are barely wide enough to fit their car. The variance request is to allow one 18-foot wide garage door.

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.

There are no exceptional conditions pertaining to the property itself that prevent development according to the Zoning Ordinance. However, it is a strange condition that the existing garage doors barely fit a standard midsize car. The applicant is unfortunately suffering the consequences of the garage doors being built narrow for their car, but this situation is not imposed on the applicant because of an exceptional condition of the property itself. Because of this, staff finds that this criteria is not met.

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

The application of the Zoning Ordinance does not result in any undue hardship upon the owner of the property in this situation. The Zoning Ordinance allows street-facing garages to be a maximum of 9 feet in width. The applicant is restricted by the 8-foot wide garage doors that were originally built, not the regulations of the Zoning Ordinance. There is no condition of the property that prevents compliance with the Zoning Ordinance. Therefore, staff finds that this criteria is not met.

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

Staff finds that this proposed change to the garage 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 case is to ensure that street-facing garages “blend with the dwelling and reduce garage-dominated views from the street” (2018 F.Z.O 5.3.5). If the proposed 18-foot wide garage door could be designed in a way that gives the appearance of two doors and helps it blend with the house, it could come closer to meeting the intent of the Zoning Ordinance. The applicant submitted an example of what that might look like, for reference. If this condition could be met, staff finds that this criteria is met.

FINANCIAL IMPACT:

N/A

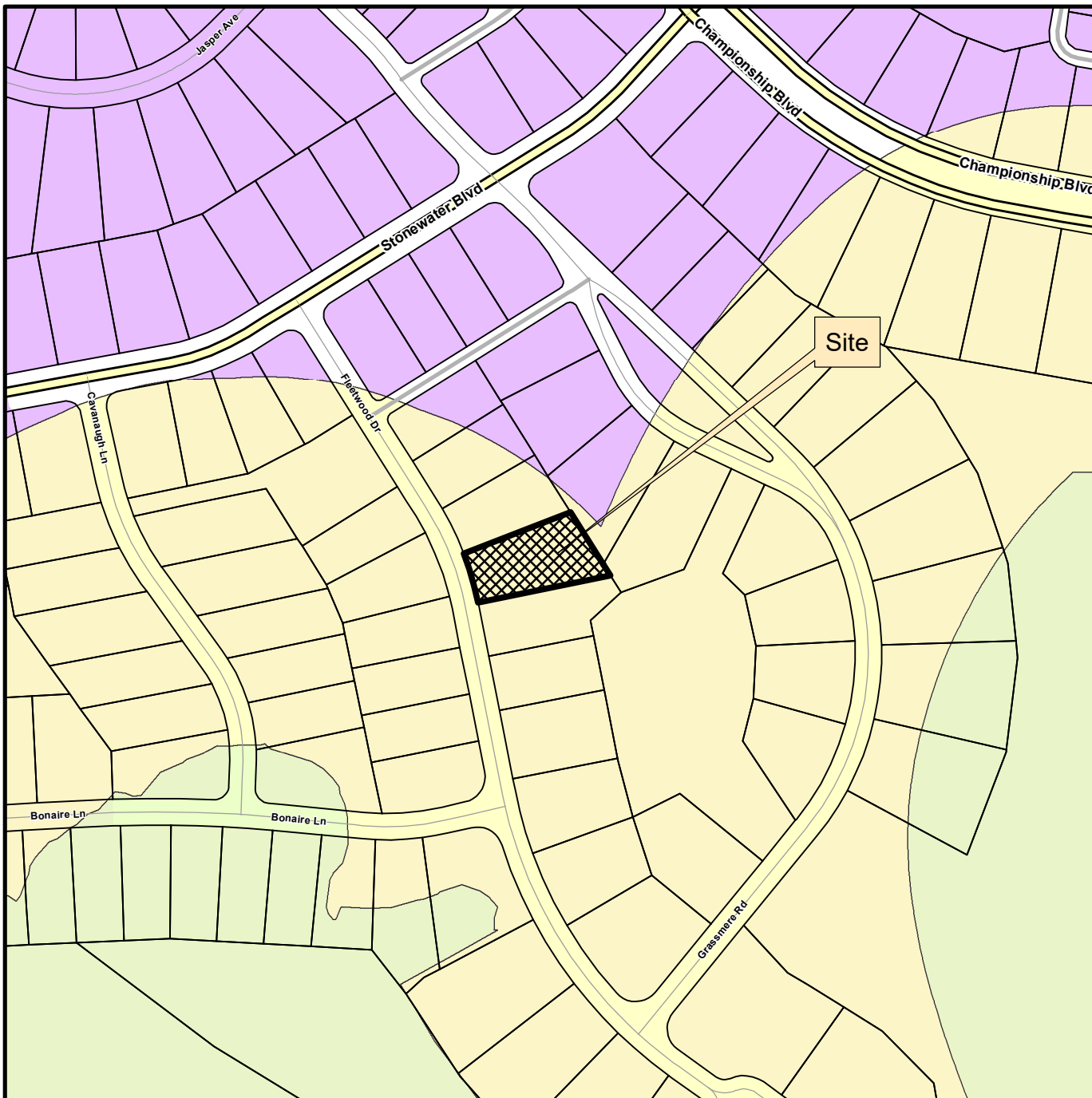
RECOMMENDATION:

RECOMMENDED MOTION: Staff recommends that the Board of Zoning Appeals move to deny the Variance Request to allow one 18-foot wide garage door for the property located at 1544 Fleetwood Drive.

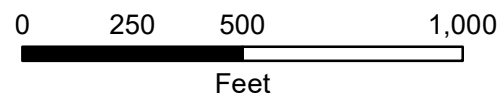
1544 FLEETWOOD DRIVE
TAX MAP 077A, GROUP A, PARCEL 04200
BOARD OF ZONING APPEALS
2 MARCH 2023

Legend

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



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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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HISTORIC
FRANKLIN
TENNESSEE

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Franklin, Tennessee 37064

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E-Mail: norman.gershon@comcast.net

Feb. 6, 2023

City of Franklin, TN

07a) BZSA Variance

To whom it may concern,

This is my Justification Letter requesting a variance to the existing regulation concerning garage doors facing streets.

Our home was built prior to the existing regulation concerning garage door widths, and has only eight foot doors. The newer cars are now wider and it is very difficult to use the garage. I do not want to rebuild my house to accommodate our two cars so I propose to remove the center pillar between the two doors and install a single 18 foot door. Naturally all the necessary structural work will be done to prevent the garage from collapsing will be done.

Because we don't want the garage to be different from our neighbors it will be designed to resemble two doors of 9 feet each but in fact it will be one door of 18 feet. A drawing of the proposed door is enclosed.

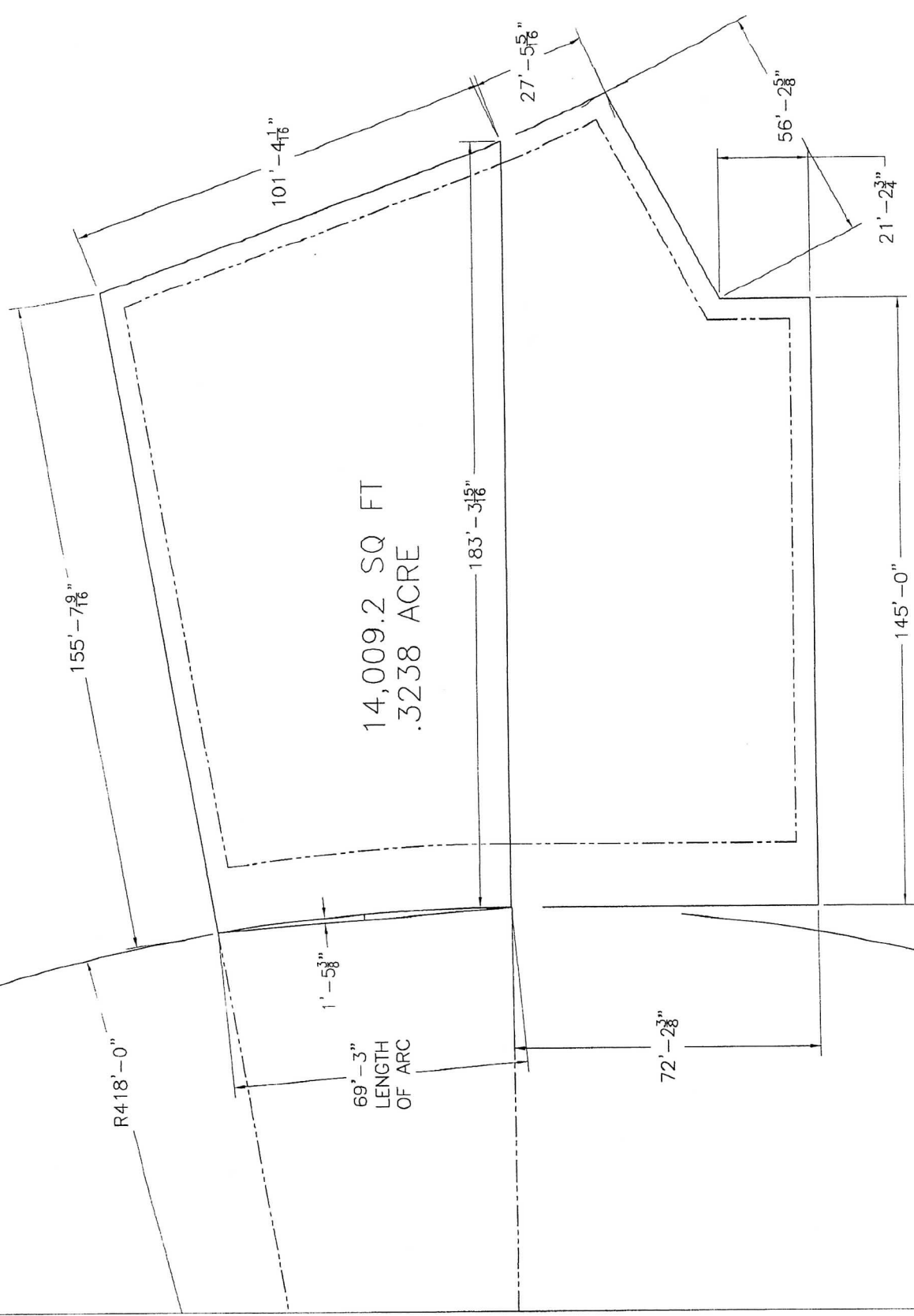
There will be absolutely no change in the structure of the house or its placement on the existing parcel. It will merely be a single door resembling two doors. All distances from the house's boundaries will be maintained and should cause no inconvenience or unsightliness to our neighbors or passers-by.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read 'N B Gershon', written in a cursive style.

Norman B. Gershon

E x H i g h t
" A "



5

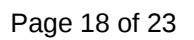


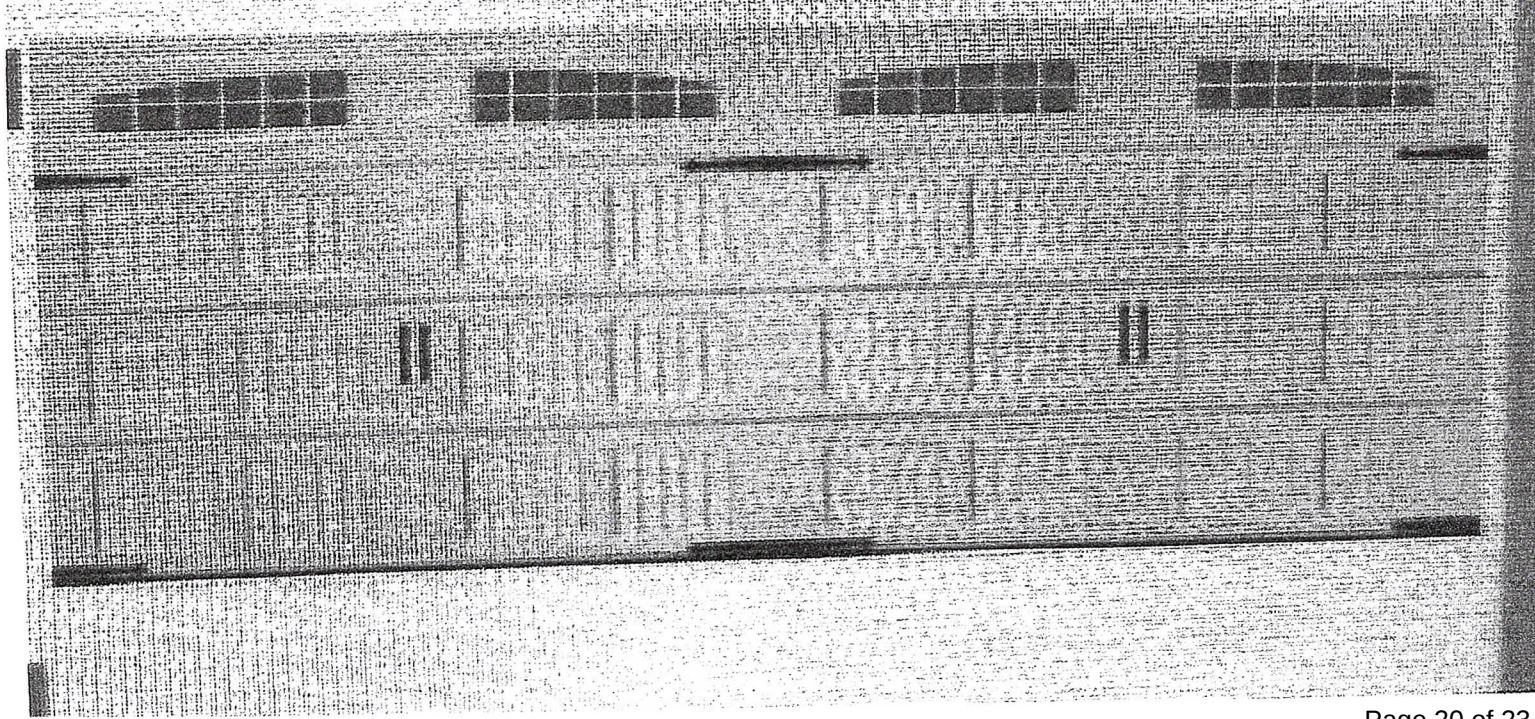
Exhibit 1

Exhibit 1



Exhibit 2

This is a white garage
Door and will fit between
The existing columns



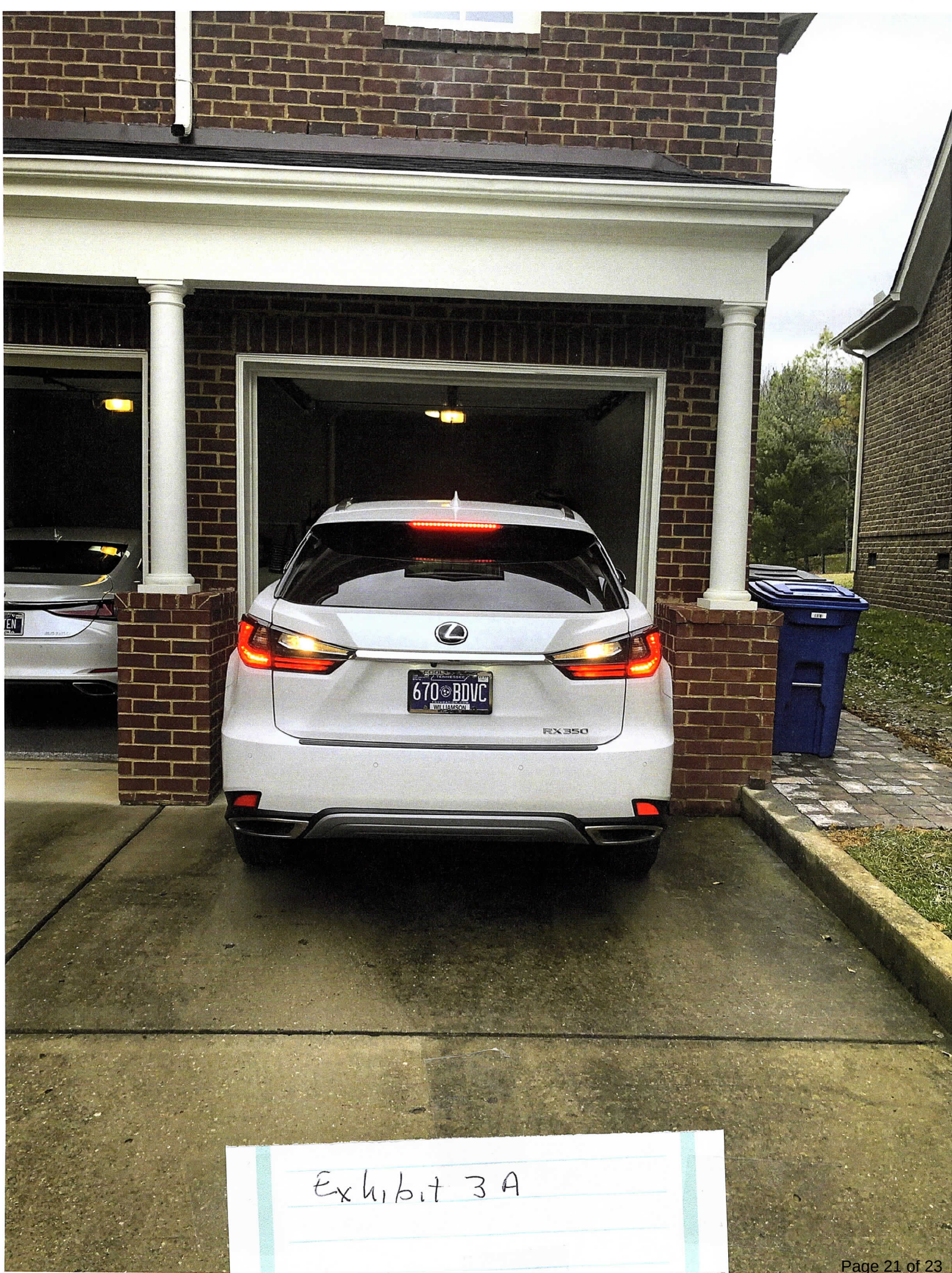


Exhibit 3A



Exhibit 3B

DOOR 8 FEET

DOOR 8 FEET

23.58 FEET

37 FEET

9.75 FEET

13.42 FEET

11.58 FEET