



Meeting Agenda

Board of Zoning Appeals

Thursday, May 4, 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 March 2, 2023 BZA Minutes.

ANNOUNCEMENTS

APPLICATIONS

2. **Variance Request** To Allow Parking To Extend Beyond The Rear Of A Nonresidential Principal Building With Yard Frontage, For The Property Located At 264 Natchez Street (F.Z.O. §7.3).

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

Thursday, March 2, 2023

6:00 PM

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CALL TO ORDER

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

Board Members Present: William Scales, Greg Caesar, Jonathon Langley, Lee Reeves

Board Members Absent: Jeff Fleishour

APPROVAL OF MINUTES

1. Consideration Of Approval Of The February 2, 2023 BZA Minutes.

Sponsors:

A motion was made by Commissioner Scales, seconded by Commissioner Reeves, to Approve the Minutes from the February 2, 2023, meeting. The motion carried 4-0

ANNOUNCEMENTS

Ms. Diaz-Barriga did not have any 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

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

Ms. Stanford explained that 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.

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. 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 find that 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. 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 find that 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. 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 can be met, staff find that this criterion is met.

Staff recommend 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.

Applicant Presentation: Norman Gershon. Mr. Gershon explained that the Westhaven HOA suggested that he submit the garage plans to the City of Franklin because the proposed changes would be governed under the city ordinances.

Chair Langley asked if there were any citizens present that would like to comment on the application. There were none.

Commissioner Caesar moved to close the public comment, seconded by Commissioner Reeves. The motion carries 4-0.

Chair Langley asked staff if the Westhaven design guidelines, as part of the PUD, would impact the Board's analysis of the request.

Ms. Diaz-Barriga stated that there is a pattern book, but staff did not find any guidelines specific to garage doors. In this case, the zoning ordinance would apply to the application.

Commissioner Caesar asked staff which boundary, when looking on the plat, represents the side yard and which represents the side yard setback boundary.

Ms. Stanford stated that the side yard setback is 3.5 feet.

Mr. Caesar referenced the application documents and asked if it can be assumed that one of the lines would be considered the 3.5 feet setback.

Ms. Diaz-Barriga stated that the drawing isn't labeled but the documents do say that there should be ten feet of separation between the buildings. The documents are misleading as more space is shown as you move to the back of the property.

Chair Langley asked for a motion from the Board to further discuss the specifics of the variance request.

Commissioner Caesar made a motion to approve the variance request because of the narrowness and shallowness of the property relative to the structure that is there and that the strict application of the provision would result in peculiar and exceptional practical difficulties for the owner with the condition that the center pillar must remain in place to advance the appearance of a two door garage, seconded by William Scales.

Chair Langley stated that, based on staff comments, the width of the center pillar would point to a denial of the request.

Commissioner Caesar stated that if the pillar remains where it is now, it would only add an additional 3 or 4 inches. Moving from two individual doors to one large white door is a much different look than the appearance of two carriages.

Commissioner Reeves stated that all the homes on Fleetwood Drive have the same configuration. The dimensions of the Lexus 350 is about six and a quarter feet wide. Although the space for the car is tight, there shouldn't be a problem getting the car in the space.

Commissioner Scales stated that he has some of the same concerns as Mr. Caesar. Is it possible to provide more room for the cars while maintaining the center pillar.

Mr. Caesar stated that to maintain the intent of the ordinance, a formal division of some sort is needed to break up the single garage door.

Chair Langley stated that he supports the motion but that the struggle is how to keep the pillar in place.

Chair Langley stated that there is a motion and a second.

Commissioner Caesar suggested that he reword the motion so that it is clearly worded.

Ms. Diaz-Barriga stated that she had the wording as a motion to approve the variance on the condition that the pillar remain in place.

Greg Caesar made a motion to approve the variance request with the condition that the center pillar must remain in place; William Scales seconded the motion. The motion carries 4-0.

OTHER BUSINESS

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

ADJOURN

Commissioner Scales moved to adjourn the meeting, seconded by Commissioner Reeves. The motion carried 4-0.

There being no further business, the meeting adjourned at 06:17 p.m.

Chair

Date



File #: 21-04577

DATE: April 17, 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:

Variance Request To Allow Parking To Extend Beyond The Rear Of A Nonresidential Principal Building With Yard Frontage, For The Property Located At 264 Natchez Street (F.Z.O. §7.3).

PURPOSE:

PROJECT INFORMATION

COF Project Number: 8167
Applicant: Greg Gamble
Owner: African American Heritage Society Museum, Alma McLemore (Representative)

BACKGROUND/STAFF COMMENTS:

Vicinity Zoning/Land Use

Site: CI Civic and Institutional District / Residential
North: R-6 Residential District / Residential
South: CI Civic and Institutional District, R-6 Residential District / Residential
East: CI Civic and Institutional District, R-6 Residential District / Residential, Institutional
West: R-6 Residential 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.

7.3 - Frontage Types, Yard Frontage, Vehicular Access and Parking

Parking for any nonresidential uses shall be located to the rear of the principal building.

Background

The subject parcel is located at 264 Natchez Street and is zoned CI Civic and Institutional District. The property is located within the Historic Preservation Overlay and the Central Franklin Overlay District. The African American Heritage Foundation is proposing to renovate the historic Merrill-Williams Home to its original condition and use the facility as a Community Center. The existing structures on the property are a 2-story home located at the center of the lot, and a detached garage in the northern corner of the lot. The home is a historic structure and cannot be relocated or rebuilt without jeopardizing its status on the National Register of Historic Places. To comply with the existing structures, the proposed location of parking extends beyond the rear of the principal building. Nonresidential properties with Yard Frontage are required to locate parking to the rear of the principal building. For this reason, the applicant is requesting a Variance to allow parking to extend beyond the rear of the principal building. The applicant has also provided a parking chart which displays the number of parking spaces that are needed according to their building use; however, the building use listed is not correct. The building use listed is Office, but Office is not a permitted use in the Civic Institutional Zoning District. While no Zoning Determination has been formally provided, it is likely that the proposed Community Center would fall under Charitable, Fraternal, or Social Organization as its building use. The parking requirement for this use is listed as 'variable'. The property was recently rezoned, which may explain the discrepancy. For this reason, Staff is under the assumption that the parking chart is inaccurate, and the amount of parking provided in the plans is the amount needed for the Community Center. In addition, this project has received approval with conditions from the Historic Zoning Commission. The proposal is the most sensitive to the architectural qualities of the site's contributing structure and presents the least amount of adverse impact on the contributing status of the historic structure and the context of the overall historic district.

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 property is exceptional due to its historical condition. Because the home and the detached garage are historic structures, they cannot be relocated or rebuilt without jeopardizing their status on the national registry of historic places. This extremely limits the possible location for necessary parking. The amount of parking provided in the plan is required to accommodate parking for the existing historic structure, and the location of parking is the most logical orientation, given the location of the existing structures. The distance between the rear of the structure and the back lot line can only accommodate one drive aisle and a single row of parking. The parking must extend beyond the rear of the building to accommodate the ADA required parking spaces, and to allow for ADA access to the structure's rear door and ramp. Staff finds 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 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 parking must be located to the rear of the principal building. With the location of the existing structures, and their

inability to move the structures, the applicant is not able to comply with this requirement of the Zoning Ordinance. The only plausible location for ADA parking extends beyond the rear of the principal building, as shown in the proposed layout. This regulation of the Zoning Ordinance creates an exceptional hardship for the owner of the 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.

Staff finds that this proposed plan would not cause substantial detriment to the public good. The intent of the Zoning Ordinance in this case is for parking to be secondary to the building and its relationship to the street, so that views from the street are not of parking lots. The proposed plan locates parking as far to the rear as possible. The proposed plan also includes landscaping to provide a buffer between the parking and 11th Avenue. Because the proposed parking is situated as far from Natchez Street as it can be, staff finds this proposal to meet the intent of the Ordinance. Staff finds 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 To Allow Parking To Extend Beyond The Rear Of A Nonresidential Principal Building With Yard Frontage, For The Property Located At 264 Natchez Street, because the criteria for granting a variance have been met.

264 NATCHEZ STREET
TAX MAP 078G, GROUP H, PARCEL 00100
BOARD OF ZONING APPEALS
MAY 4, 2023

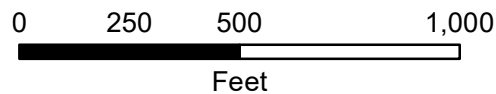
**All properties shown
are within the Central
Franklin Overlay.
Overlay not shown
for purpose of clarity.

Legend

-  264 Natchez Street
-  Historic Preservation 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 hereon.
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HISTORIC
FRANKLIN
TENNESSEE



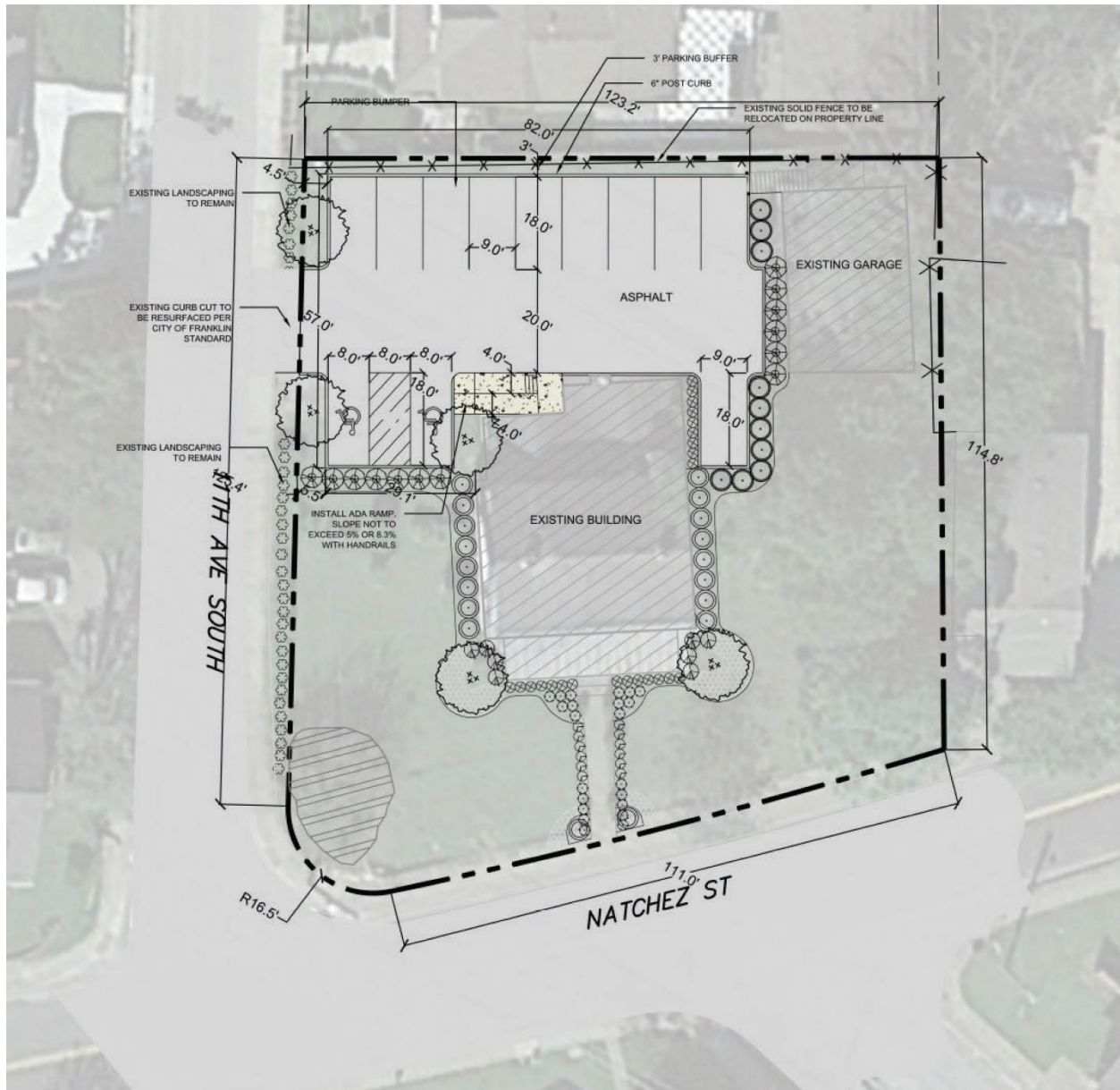
BZA Submittal | 264 Natchez Street

April 4, 2023

City of Franklin Board of Zoning Appeals

Dear Board of Zoning Appeals,

Gamble Design Collaborative, on behalf of The African American Heritage Foundation, is requesting a variance for property located at 264 Natchez Street. They are requesting a variance to the location of parking in Landscape Frontage where the proposed parking needs to be located between the building and the right of way line on 11th Avenue.



DEVELOPMENT PLANNING DESIGN MANAGEMENT

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



BZA Submittal | 264 Natchez Street

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

The City of Franklin's zoning ordinance requires that all new parking be located to the side or the rear of a building when using (7.3) Yard Frontage.

Section 7.3 Yard Frontage states: *Certain residential building types may further limit parking placement. Parking for any nonresidential uses shall be located to the rear of the principal building.*

The home located at 264 Natchez Street is a historic structure and cannot be relocated or rebuilt without jeopardizing its status on the national registry of historic places. Parking must be provided to accommodate parking for the structure. It is located to the rear of the structure per the requirement of the zoning ordinance, however the parking pads extend beyond the building into the side yard along 11th Avenue.

Variance Criteria #1

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

The parking provided in the plan is required to accommodate parking for the existing historic structure. The distance in the backyard of the structure is sufficient for a drive isle and one side of parking. The parking must extend into the side yard to accommodate the ADA required parking for access to the structure's rear door and ramp. The requirement to have parking only behind the building significantly limits the use of the property and would reduce the parking area to serve the building.

Variance Criteria #2

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

Following the zoning ordinance and placing the parking in the rear yard of the existing structure would not accommodate the ADA parking requirements for a parking space and a loading zone with sidewalk accommodations to the rear door of the building. Parking in the side yard is necessary to accommodate the requirements for parking required in Chapter 10 of the City of Franklin Zoning Ordinance.



BZA Submittal | 264 Natchez Street

Variance Criteria #3

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

The parking located in the side yard of the structure provides clear and easily accessible ADA parking. The parking area proposed is just opposite a parking area on 11th Avenue. The parking area proposed will be screened with landscape from Natchez Street, and does not encroach on the public sidewalk along 11th Avenue.

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

Sincerely,

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

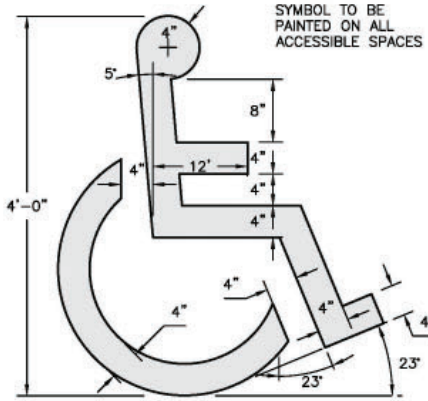
Greg Gamble
Landscape Architect

SITE GENERAL NOTES

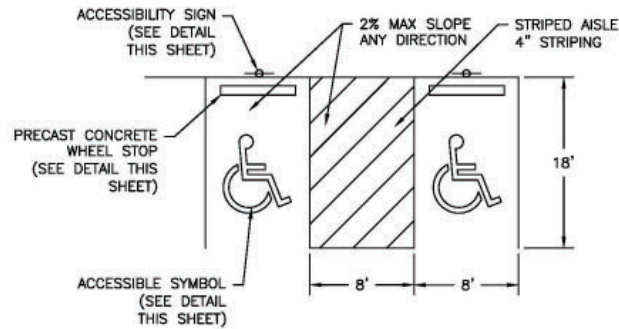
1. The contractor shall verify the location of all existing utilities in the proximity of the construction area and report any discrepancies to the owner's representative prior to beginning work.
2. The contractor shall conform to all local, state and federal codes and obtain all permits prior to beginning work.
3. The contractor shall check all finished grades and dimensions and report any discrepancies to the owner's representative prior to beginning work.
4. Dimensions are to the face of curb, edge of concrete and face of building unless noted otherwise.
5. Proposed building footprint is for graphic purposes only. Contractor shall use the current architectural drawings for building stakeout and verify that there are no discrepancies with these plans.
6. All traffic markings shall conform to the manual of uniform traffic control device (mutcd). All pavement marking shall be thermoplastic unless directed otherwise by the owner's representative.
7. Exterior door landings shall be provided per the local building code. Contractor shall coordinate door locations and adjacent sidewalk/landing grades with these plans and report any discrepancies to the owner's representative.

Federal Compliance Note

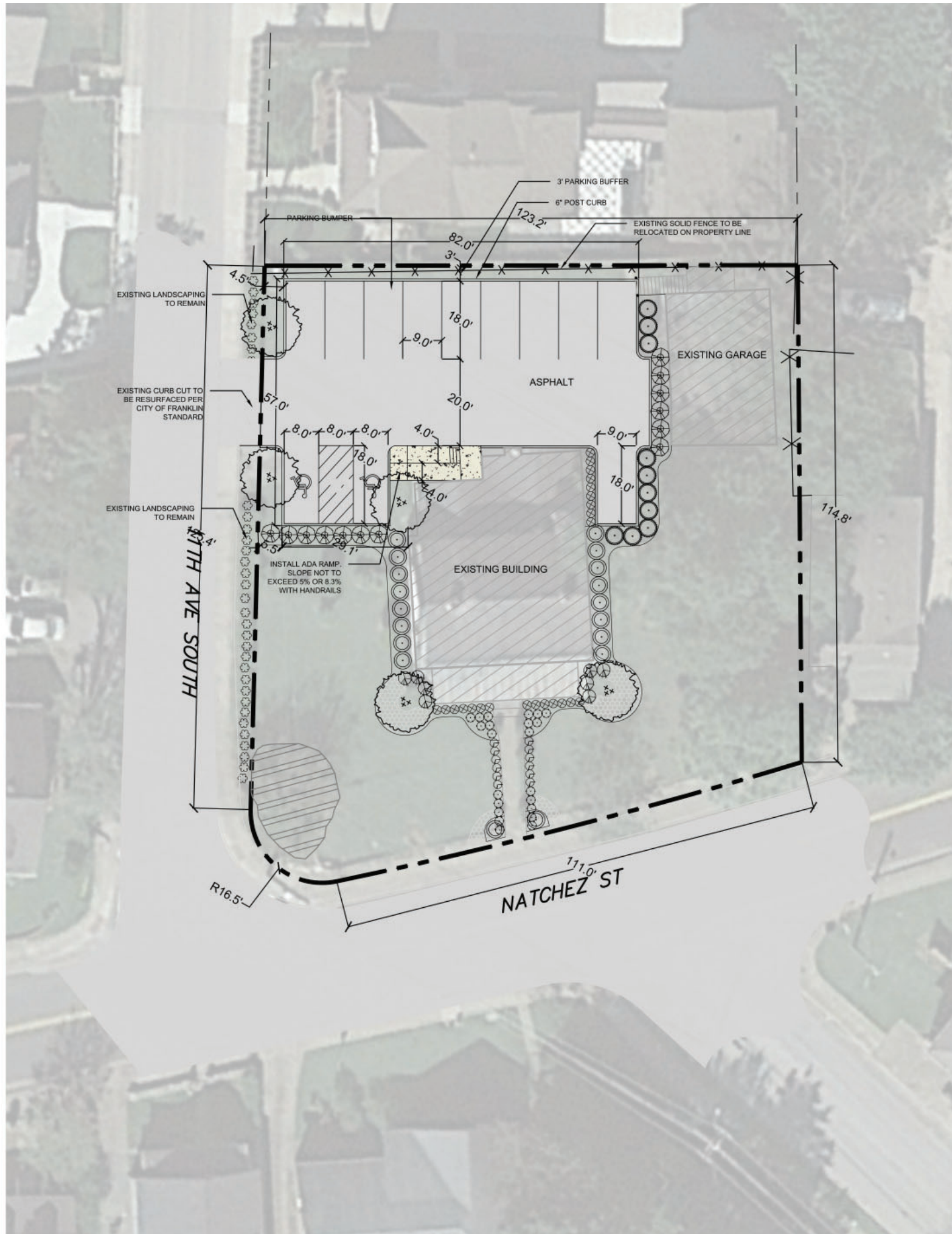
All development within the boundaries of this plan meets the requirements of the Americans with Disabilities Act and the Fair Housing Act.
ADA: <https://www.ada.gov/>
U.S. Justice Dept.: <https://www.justice.gov/crt/fair-housing-act-2>



PAINTED ACCESSIBLE SYMBOL
NOT TO SCALE



ACCESSIBLE SPACES
NOT TO SCALE



TENNESSEE STATE PLANE
COORDINATE SYSTEM - NAD 1983
VERTICAL DATUM - NAVD 1988

LEGEND

---	PROPERTY LINE
-X-X-	EXISTING FENCE
-OIE-	EXISTING OVERHEAD POWER LINE
-SA-SA-	EXISTING SANITARY SEWER
-ST-ST-	EXISTING STORM SEWER
-W-W-	EXISTING WATER LINE

- (A) PINWOOD LANDSCAPE FENCE TO BE INSTALLED.
- (B) STANDARD CURB AND GUTTER PER MPW ST-200
- (C) BLD SETBACK/SIDE YARD PER GOVERNING AUTHORITY CODE.
- (D) EXIT PORCH. SEE ARCHITECTURAL PLANS FOR EXACT SIZE, LOCATION FOR STOOPS, STAIRS AND/OR RAMPS THAT MAY BE REQUIRED. RAMP PAVEMENT FLUSH WITH THE TOP OF STOOP.
- (E) ACCESSIBLE PARKING SIGN. SEE DETAIL SHEET D-1.
- (F) PARKING SPACE STRIPING. STRIPES SHALL BE PAINTED 4" SOLID WHITE.
- (G) GUTTER ONLY
- (H) COMMERCIAL DRIVEWAY RAMP PER MPW STANDARD DETAIL, ST-324
- (I) CROSSWALK PER MPW DETAIL.
- (J) METRO BIKE LANE TO BE INSTALLED FOR FUTURE USE PER STANDARD DETAIL, ST-503
- (K) STANDARD CONCRETE PUBLIC SIDEWALK PER STANDARD DETAIL, ST-210
- (L) 6" POST CURB PER MPW ST-201
- (M) 2" CURB CUT
- (N) 2" SIDEWALK CHASE
- (O) PARKING BUMPER

EXISTING PUBLIC ROAD	GRASS STRIP/ GREEN SPACE
ASPHALTIC CONCRETE	CONCRETE SIDEWALK
PRIVATE DRIVE	PROPOSED BUILDING
PROPOSED DRIVEWAY RAMP	PROPOSED CURB & GUTTER
STORMWATER TREATMENT & CONVEYANCE	PRETREATMENT CELLS
PERMEABLE PAVEMENT	BIORETENTION (LVL2)

DEVELOPMENT / SITE DATA TABLE

FRANKLIN ZONING REGULATORY INFORMATION	
ZONING	CI (CIVIC)
USE	COMMUNITY CENTER/ OFFICE
TOTAL AREA	0.38 AC
LANDSCAPE BUFFER	3' (N) w/ FENCE
FRANKLIN PARKING REQUIREMENTS	
OFFICE AREA	1,502 SF
PARKING REQUIRED	6 SPACES (4 SPACES/ 1,000 SF)
TOTAL PARKING PROVIDED	12 SPACES