



DRAFT Meeting Minutes

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.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

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

5/4/23
Date

