



Meeting Agenda

Board of Zoning Appeals

Thursday, September 7, 2023

6:00 PM

Board Room

CALL TO ORDER

CITIZEN COMMENTS (Open for citizens to be heard on any issue or concern, including those related to items on the agenda. Please submit a Speaker Card at the beginning of the meeting if you would like to address the Commission. If you would like to speak on an agenda item, the Chair will hold your comment until the public comment period associated with the item. As provided by law, the Commission shall make no decisions or consideration of action of citizen comments for items not on the agenda, except to refer the matter to the Planning Director/Staff for administrative consideration, or to a schedule the matter for consideration at a later date. Those addressing the Commission are requested to come to the microphone and identify themselves by name and address for the official record. The Chair may restrict the period for public comment, including the length of the public comment period, the number of individuals who can speak and the length of time each individual may speak. When time allows, the standard individual public comment time is two minutes.)

Comments on agenda items may be made in person at city hall or by emailing planningintake@franklintn.gov by noon on the day prior to the meeting. Emailed comments will be provided to the Commission and included in the minutes, but not read aloud in their entirety during the meeting.

APPROVAL OF MINUTES

1. Consideration Of Approval Of Minutes For August 3, 2023.

ANNOUNCEMENTS

APPLICATIONS

2. A **Variance Request** To Allow A Principal Building To Be Located Up To 225 Feet From The Front Lot Line, For The Property Located At 1005 Merylinger Court (F.Z.O. 3.18.5).

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

Thursday, August 3, 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.franklin.tn.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@franklin.tn.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: Jonathan Langley, William Scales, Jeff Fleishour, Lee Reeves

Board Members Absent: Greg Caesar

Staff Present: Bill Squires, Lori Jarosz, Amy Diaz-Barriga, Ariella Stanford

CITIZEN COMMENTS (Open for citizens to be heard on any issue or concern, including those related to items on the agenda. Please submit a Speaker Card at the beginning of the meeting if you would like to address the Commission. If you would like to speak on an agenda item, the Chair will hold your comment until the public comment period associated with the item. As provided by law, the Commission shall make no decisions or consideration of action of citizen comments for items not on the agenda, except to refer the matter to the Planning Director/Staff for administrative consideration, or to a schedule the matter for consideration at a later date. Those addressing the Commission are requested to come to the microphone and identify themselves by name and address for the official record. The Chair may restrict the period for public comment, including the length of the public comment period, the number of individuals who can speak and the length of time each individual may speak. When time allows, the standard individual public comment time is two minutes.)

Comments on agenda items may be made in person at city hall or by emailing planningintake@franklin.tn.gov before noon on the day of the meeting. Emailed comments will be provided to the Commission and included in the minutes, but not read aloud in their entirety during the meeting.

APPROVAL OF MINUTES

1. Consideration Of Approval Of The July 6, 2023 BZA Minutes.

Sponsors:

Commissioner Lee Reeves motioned to approve the minutes from the July 6, 2023, BZA meeting, seconded by Commissioner William Scales.

Vote Tally: 4-0

Motion passes

ANNOUNCEMENTS

Ms. Diaz-Barriga stated that training has been set for September 14, 2023, at 5 pm in the City Hall Board Room with snacks provided.

APPLICATIONS

2. **A Variance Request To Allow A 2.4-Foot Encroachment Into A 5-Foot Side Yard Setback For A Paved Driveway, For The Property Located At 2013 Orange Leaf Circle (F.Z.O. 3.10.7)**

Sponsors: Emily Wright, Amy Diaz-Barriga, Ariella Stanford

Staff Presenting: Ariella Stanford. Ms. Stanford stated that the subject property is located at 2013 Orange Leaf Circle and is zoned PD Planned District. The setbacks are determined by the BOMA through the adoption of a development plan, and memorialized by the plat that is recorded. The platted side yard setbacks are 5 feet. A critical lot plan was submitted and approved by the Building and Neighborhood Services Department, which established the approved plan for the driveway. The approved plan for the driveway shows an 18-foot wide driveway, and is compliant with the 5-foot side yard setbacks. The existing driveway was not built according to the approved plan and is not compliant with the 5-foot side yard setbacks. The existing driveway extends farther east (towards the back of the property) than the approved plan, and closer to the side lot line. The existing driveway is 5.07 feet from the side yard setback at the front of the property, and 2.67 feet from the side lot line at the back of the driveway. This means the driveway encroaches up to 2.4 feet into the side yard setback. The applicant is requesting a variance for the existing driveway to remain as is, encroaching 2.4 feet into the side yard setback.

Ms. Stanford explained that she would present the staff analysis according to the three criteria in which the BZA may authorize a variance.

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 approved critical lot plan shows the driveway being a reasonable width and depth and is compliant with the setback requirements. There are no exceptional topographic conditions or extraordinary conditions pertaining to the property itself that prevent the property from accommodating development as shown in the approved critical lot plan or as required under this Ordinance. 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 for or exceptional or undue hardship for the owner of the property. As shown by the approved critical lot plan, there is a logical and reasonable layout which would allow the driveway to comply with the Zoning Ordinance requirements. For this reason, staff does not find that the strict application of any provision enacted under the Zoning Ordinance creates a hardship for the owner of the property. 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.

Staff finds that the existing driveway does 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, and to ensure aesthetic consistency between properties. The intent in this case is also to ensure proper drainage is provided between properties. Staff did not consult with Engineering on the impact of this driveway on the drainage of the site. If proper drainage is not allowed, it could result in a negative impact on the neighboring property or the street. For this reason, Staff cannot determine whether the driveway would be a detriment to the public good. Staff finds this criterion is not met.

Staff recommends the Board of Zoning Appeals move to deny the Variance Request to allow a 2.4-Foot Encroachment Into A 5-Foot Side Yard Setback For A Paved Driveway, For The Property Located At 2013 Orange Leaf Circle, because the criteria for granting a variance have not been met.

Applicant: Shenoda Faragalla, applicant. Mr. Faragalla explained that the driveway was built two years ago. The concrete

company stated that they knew how to pour the concrete in accordance with the setbacks. Mr. Faragalla stated his concerns about the financial implications that would be required to remove the driveway.

There being no public comment, Chair Langley asked for a motion to close the public comment portion.

Commissioner Scales motioned to close the public comment portion, seconded by Commissioner Reeves.

Vote Tally: 4-0

Commissioner Reeves asked how the city became aware of the setback encroachments of this property and what brought this item before the Board.

Ms. Jarosz stated that it was discovered while staff members were out in the field.

Chair Langley asked if staff could discuss the measurements of the driveway encroachment.

Ms. Diaz-Barriga stated that at the deepest point the driveway encroaches 2.67 feet into the 5-foot setback required by the zoning ordinance. Complaints received from neighbors prompted Building and Neighborhood Services to go to the property to investigate. The encroachment was discovered during the investigation.

Commissioner Reeves made a motion to disapprove the request, Commissioner Scales seconded the motion.

DISCUSSION

Commissioner Reeves stated that he understands the financial impact to the homeowner, but the request may fail due to it not meeting all three criteria.

Chair Langley stated that meeting all three criteria is a challenge and it's unfortunate that it's been two years before the encroachment became a concern.

Commissioner Fleishour stated that 21.9 inches is a narrow turn radius when turning into a garage and it appears that the house was built too far to the left on the property. It's an unfortunate error due to the house being placed incorrectly on the lot.

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

Vote Tally: 3-1, motion passes. (Jeff Fleishour voting against the motion).

OTHER BUSINESS

ADJOURN

Chair Langley asked for a motion to adjourn the meeting, there being no further business.

Commissioner Fleishour motioned to adjourn the August 3, 2023, BZA meeting at 6:20 pm, seconded by Commissioner Scales.

Vote Tally: 4-0

Chair

Date



File #: 21-05088

DATE: August 14, 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 A Principal Building To Be Located Up To 225 Feet From The Front Lot Line, For The Property Located At 1005 Merylinger Court (F.Z.O. 3.18.5).

PURPOSE:

PROJECT INFORMATION

COF Project Number: 8265
Applicant: Greg Gamble
Owner: Gunnar Peterson

BACKGROUND/STAFF COMMENTS:

Vicinity Zoning/Land Use

Site: RC6 Regional Commerce 6 District / Commercial
North: RC6 Regional Commerce 6 District / Office; Assisted Living
Southeast: PD Planned District / Residential Multifamily
Southwest: RC6 Regional Commerce 6 District / Commercial
East: RC6 Regional Commerce 6 District / Assisted Living
West: RC6 Regional Commerce 6 District / Commercial; Retail

Applicable Zoning Ordinance Provisions

20.10 Variance

A. The purpose of a variance is to:

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

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

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

Principal Building Setbacks

Front Yard for Collector Streets, Local Streets, or Internal Drives	5 feet min to 30 feet max
---	---------------------------

Background

The subject property is located at 1005 Merylinger Court and is zoned RC6 Regional Commerce 6 District. The property currently has one existing principal building that is located 165 feet from the front lot line. As allowed in the Zoning Ordinance for this zoning district, the principal building for this property has landscape frontage, which requires parking to be located to the side or rear of the principal building. The owner is proposing a one-story, 3,600 square feet gym facility which would be located next to the existing building. Due to the nature of the lot, this principal building would be located 225 feet from the front lot line.

The applicant is requesting a variance to allow a principal building to be located up to 225 feet from the front lot line.

Staff Analysis

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

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

The shape and size of this property is unique in nature. The property is located on a cul-de-sac and is only 40 feet wide at the front lot line. The existing building is currently located 165 feet from the front lot line because the lot is narrow at the front, but widens towards the back. With the strange shape of the lot, placing the proposed building adjacent to the existing building (with the front facades of both buildings being aligned), the proposed building would be up to 225 feet from the front lot line. This proposed layout is also necessary to provide drive access to the parking to the rear of the principal buildings. 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.

In order to provide the additional building square footage needed for the owner, and to allow driveway access to the site, the proposed building cannot be located between 5 feet and 30 feet from the front lot line. The building must be placed further into the site. 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 the design of this site would not cause substantial detriment to the public good and would not impair the intent of the Zoning Ordinance. Considering the existing building is 165 feet from the front lot line, and the proposed layout allows the front facade of the proposed principal building to align with the existing principal building, the proposed layout seems the most logical in fitting the context of the existing property and the street. The intent of the ordinance in this case is to ensure

that the location of principal buildings is relatively consistent, and to ensure that buildings in this commercial Zoning District are reasonably visible from the street. Due to the nature of the lot, the proposed building is located as close to the front lot line as it can be to accommodate the required parking in the back, and considering the existing principal building. Given that the front facade of the proposed building would be aligned with the existing principal building, the proposed layout is consistent with the current nature of the lot and visibility from the street. Staff finds this criteria is met.

FINANCIAL IMPACT:

Unknown.

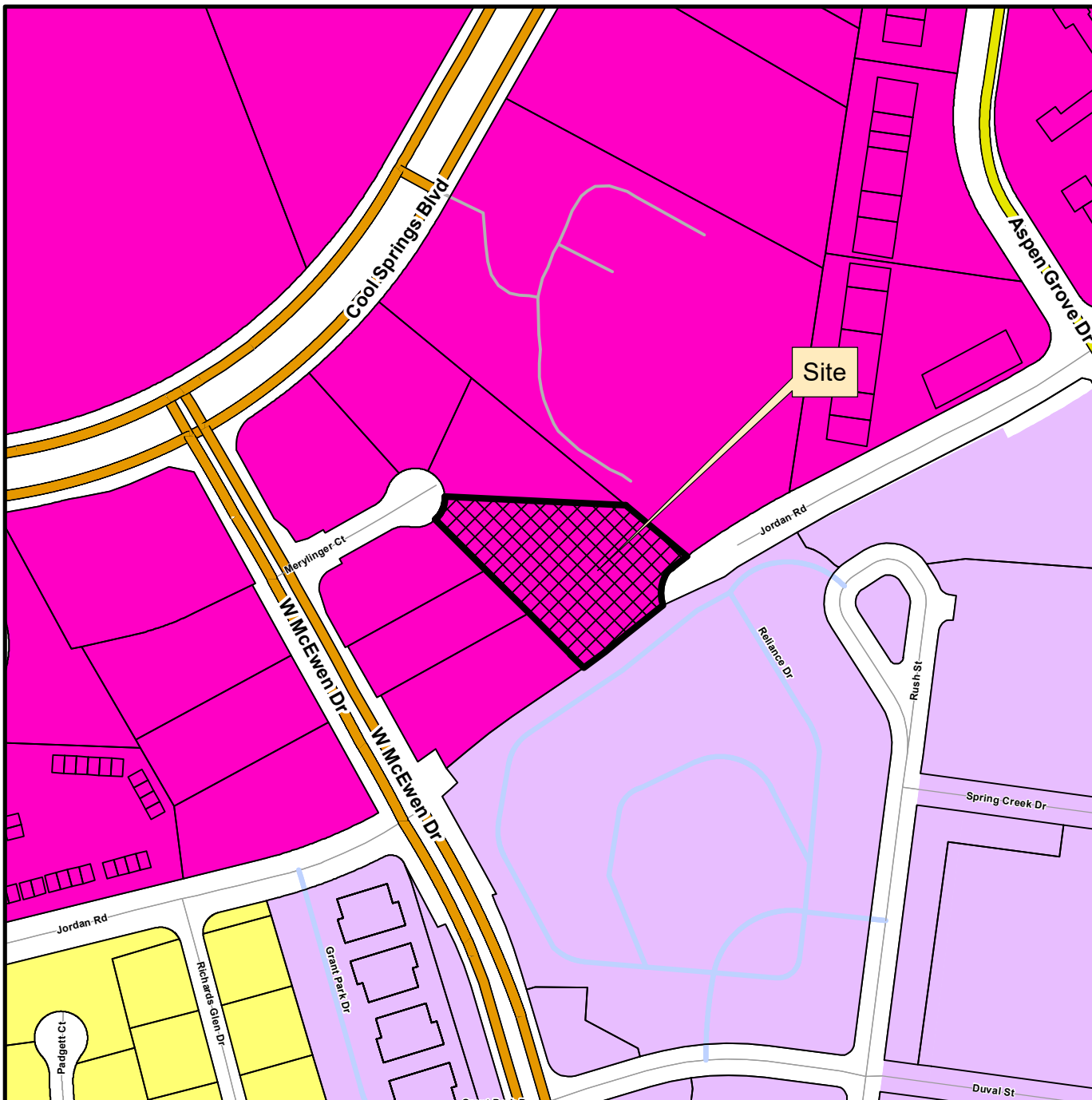
RECOMMENDATION:

RECOMMENDED MOTION: Staff recommends the Board of Zoning Appeals move to approve the **Variance Request To Allow A Principal Building To Be Located Up To 225 Feet From The Front Lot Line, For The Property Located At 1005 Merylinger Court**, because the criteria for granting a variance have been met.

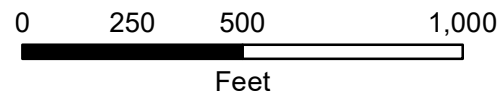
1005 MERYLINGER COURT
TAX MAP 062G, GROUP A, PARCEL 01203
BOARD OF ZONING APPEALS
SEPTEMBER 07, 2023

Legend

-  1005 Merylinger Court
-  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 2023. All rights reserved.



HISTORIC
FRANKLIN
TENNESSEE



BZA Submittal | 1005 Merylinger Court

August 14, 2023

City of Franklin Board of Zoning Appeals

Dear Board of Zoning Appeals,

Gamble Design Collaborative, on behalf of Gunnar Peterson, is requesting a variance for property located at 1005 Merylinger Court. We are requesting a variance to the Front Yard Setback requirement because the proposed building needs to be located more than thirty feet from the front property line.

Gunnar Peterson is proposing a one-story, 3,600SF gym facility. (Exhibit 1). The building will be located next to an existing structure.

Existing Site Constraints

The existing site lies on the cul-de-sac of Merylinger Court. Because of the lot's location on the cul-de-sac, the front lot line is only 40' wide. Due to these constraints on the property, the applicant is prevented from complying with Section 3.18.5 Dimensional standards.

Variance Request – To Establish a Front Yard Setback with a maximum of 225 feet along Merylinger Court:

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

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

The existing building at 1005 Merylinger Court is 165' from the front property line. Due to the shape of the lot, for a second structure to have frontage on Merylinger Court, it has to be set back approximately 225'. This allows the two front facades to be aligned and fronting Merylinger Court, while also leaving room for fire and vehicular circulation. This building placement also minimizes disturbance to the site and makes efficient use of the existing infrastructure.



BZA Submittal | 1005 Merylinger Court

Variance Criteria #1: Front Setback

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

Since 1005 Merylinger Court is situated on a cul-de-sac, its shape makes it impossible to adhere to the 5'-30' setback requirement. The lot is 40' wide at the front property line, which does not leave room for an entry drive and a building. Additionally, the existing building is located 165' from the front property line. With the unique shape of the lot, the direct alignment of the front facades leads the front setback to be 225' from the front property line.

Variance Criteria #2: Front Setback

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

If the new building was to adhere strictly to the zoning ordinance's requirement of a front setback between 5'-30', there would be no way for access to the rear of the property and the existing building.

Variance Criteria #3

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

By allowing the building to be located further than 30' from the property line along Merylinger Court, significant conflicts are avoided with the existing access drive, existing building, and fire & vehicular access.

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg Gamble'.

Greg Gamble
Landscape Architect

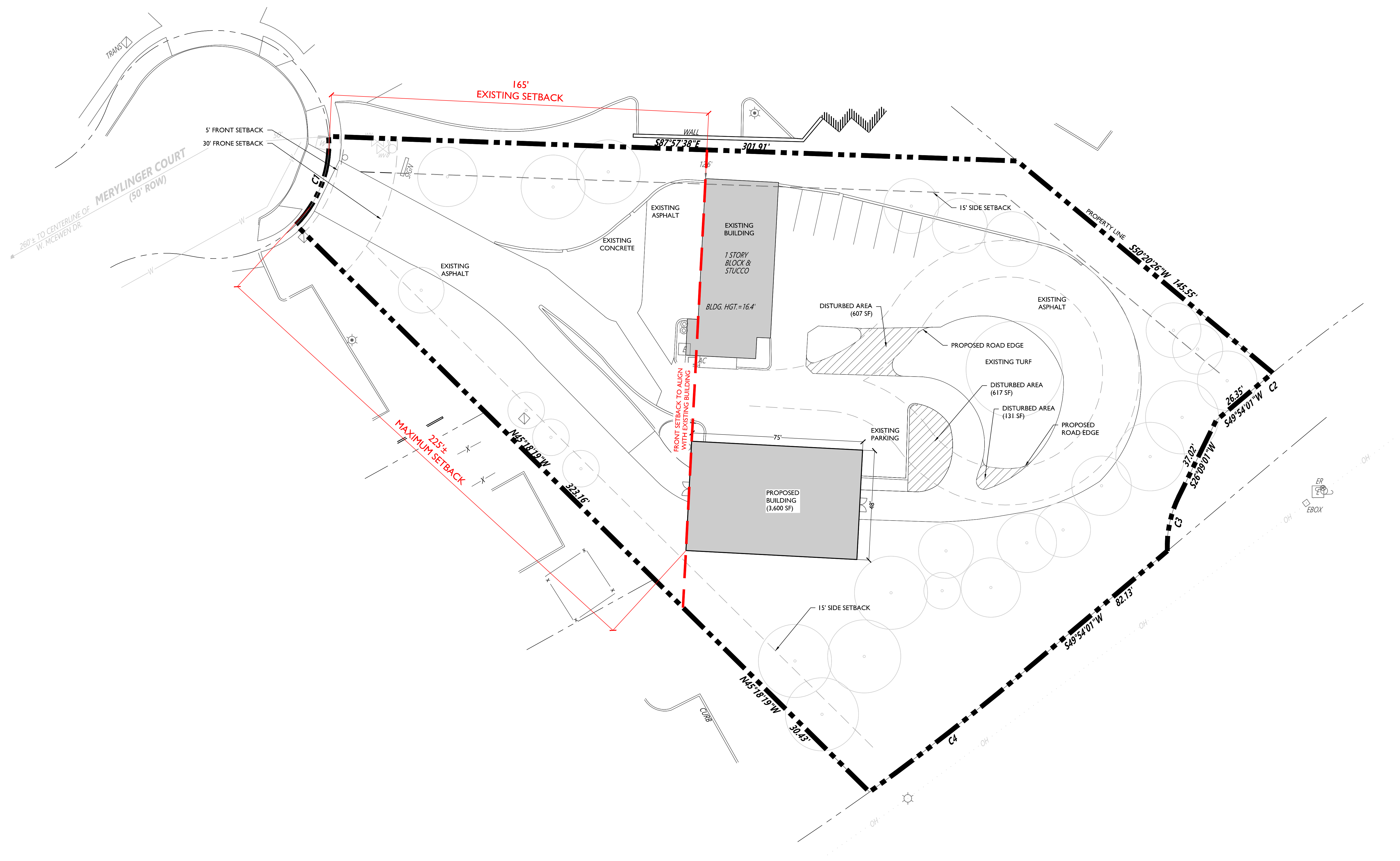
1005 MERYLINGER CT.
BZA VARIANCE REQUEST
Franklin, Williamson County, Tennessee

FOR REVIEW
NOT FOR
CONSTRUCTION

Revision Date _____
△ _____
△ _____
△ _____
△ _____

SETBACK EXHIBIT

SHEET
EXI



TOTAL DISTURBED AREA - 4,955 SF

