



Meeting Agenda

Board of Zoning Appeals

Thursday, November 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

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 The September 7, 2023 BZA Minutes.

ANNOUNCEMENTS

BZA ANNUAL CALENDAR

2. Consideration Of Approval Of the 2024 BZA Deadlines and Schedules Calendar.

BZA BYLAWS AMENDMENT

3. Consideration Of Approval Of Updated Board Of Zoning Appeals Bylaws.

APPLICATIONS

4. A Variance Request To Allow An Accessory Structure To Be Located 45 Feet In Front Of The Principal Building'S Rear Façade, For The Property Located At 131 And 135 Guinevere Retreat (F.Z.O. 3.10.7).

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, September 7, 2023

6:00 PM

Board Room

CALL TO ORDER

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

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

Board Members Absent: Jeff Fleishour

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.)

Chair Langley asked for citizen comments. There were none.

Comments on agenda items may be made in person at city hall or by emailing planningintake@franklin.tn.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.

Sponsors:

A motion was made by Commissioner Reeves, seconded by Commissioner Scales to approve the Minutes from the August 3, 2023 meeting. The motion carried 4-0.

ANNOUNCEMENTS

Chair Langley asked if Staff had any announcements. There were none.

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

Staff Presentation: Ariella Stanford stated the property is located at 1005 Merylinger Court and is zoned RC Six, Regional Commerce, Six 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 district, the principal building for this property has landscaped 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, the principal

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

Staff Analysis: The BZA may authorize the variances only when the request has met all three criteria in accordance with the Franklin Zoning Ordinance and State Law. The staff has completed an analysis of the request considering these criteria. Whereby reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the zoning ordinance; or by reason of exceptional topographic conditions; or other extraordinary and exceptional situation or conditions, such a piece of property is not able to accommodate development as required under this ordinance.

The 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 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, but the front facades of both buildings being aligned, the proposed building would be up to 225 feet from the front lot line. The proposed layout is also necessary to provide access to parking at the rear of the principal building. Staff finds this criterion is met.

The strict application of any provision enacted under the zoning ordinance would result in peculiar and exceptional practical difficulties, or exceptional undue hardship, for the owner of the property. To provide the additional buildings square footage needed for the owner, and to allow driveway access to the site, the proposed building cannot be located between 5 and 30 feet from the front lot line. The building must be placed farther into the site. Staff finds this criterion is met.

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 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 façade of the proposed building to align with the existing principal building, the proposed layout seems the most logical and fitting the context of the existing property ad the street. The intent of the zoning ordinance in this case is to ensure that the location of the principal building is relatively consistent and to ensure that buildings in the Commercial Zoning District are reasonably visible from the street. Due to the nature of the lot, the proposed principal 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 the front façade 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 criterion is met.

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. The criteria for granting a variance have been met.

Chair Langley asked if the applicant was present.

Greg Gamble was present and representing the owner, Gunnar Peterson.

Chair Langley asked if there were citizen comments. There were none.

Chair Langley asked for a motion. Greg Caesar made a motion to close the public comment, seconded by Lee Reeves. Motion carried 4-0.

Chair Langley asked if the Board had any questions.

Greg Caesar asked Mr. Gamble if all the parking is still located behind the building. Mr. Gamble confirmed that all parking is still behind the building.

Lee Reeves asked if approving this plan would create another variance issue with parking. Mr. Gamble responded no; the use is Commercial Recreation. The parking requirement for Commercial Recreation is variable and based upon how it is being used. Gunnar Peterson's business is to provide fitness training for individuals one at a time. They don't have a demand for more parking than what is on the site and identified as parking.

No other questions. Chair Langley asked for a motion. William Scales moved to approve, as the criteria for granting a variance had been met, seconded by Lee Reeves. Motion was approved 4-0.

OTHER BUSINESS

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

ADJOURN

There being no further business, the meeting adjourned at 06:10 p.m.

Chair

Date



File #: 21-05384

DATE: October 11, 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:

Consideration Of Approval Of the 2024 BZA Deadlines and Schedules Calendar.

PURPOSE:

The purpose of this item is to provide information to the Board of Zoning Appeals concerning the 2024 Board of Zoning Appeals Deadlines and Schedules Calendar.

**BACKGROUND/STAFF COMMENTS:
INFORMATION**

Staff has generated a draft of the Board of Zoning Appeals Deadlines and Schedules Calendar for 2024. There is one date that had to be changed, to avoid conflict with a holiday.

Staff would like to highlight the change to the July 2024 BZA meeting, for consideration from the Board. The July 2024 meeting, as generated with our normal calendar, would have been on July 4, 2024. Staff is proposing to move the July 2024 meeting to the following Thursday, July 11, 2024. This would ensure that the meeting is still held on a Thursday; however, it would be a week later than the originally generated date.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends the Board of Zoning Appeals review each deadline as shown in the attached calendar, and give careful consideration to the deadline date change that has been made. Staff recommends that the Board take note and discuss all possibilities for the date change, and approve the calendar with any necessary changes considered.

BOARD OF ZONING APPEALS

2024 Deadline and Meeting Schedule

Department of Planning and Sustainability

Submittal Deadline	Public Notice mailed, Affidavit submitted to Planning	BZA Meeting
Monday @ noon*	15 days prior to meeting	Thursday at 6pm**
12/11/2023	12/20/2023	1/4/2024
1/8/2024	1/17/2024	2/1/2024
2/12/2024	2/21/2024	3/7/2024
3/11/2024	3/20/2024	4/4/2024
4/8/2024	4/17/2024	5/2/2024
5/13/2024	5/22/2024	6/6/2024
6/17/2024	6/26/2024	7/11/2024
7/8/2024	7/17/2024	8/1/2024
8/12/2024	8/21/2024	9/5/2024
9/9/2024	9/18/2024	10/3/2024
10/14/2024	10/23/2024	11/7/2024
11/11/2024	11/20/2024	12/5/2024
12/9/2024	12/18/2024	1/2/2025

* Submittal Deadline is 12 NOON for items to be placed on the Board of Zoning Appeals monthly agenda. All required submittal documents must be submitted by 12 NOON on the submittal deadline, with application fee paid.

**The Board of Zoning Appeals generally meets the first Thursday of each month at 6pm in the Board Room, Franklin City Hall, 109 Third Avenue South, Franklin, Tennessee. The exception is shown in red.

BYLAWS OF THE FRANKLIN BOARD OF ZONING APPEALS

1.1 Enabling Legislation

Pursuant to the Tennessee Code Annotated, section 13-7-205, the Franklin Board of Zoning Appeals of the City of Franklin, Tennessee, hereinafter referred to as the City, hereby enacts these bylaws.

2.1 The Franklin Board of Zoning Appeals

2.1.1 Board Name

The name Board shall be the Franklin Board of Zoning Appeals, hereinafter referred to as the Board.

2.1.2 Board Office

The principal office of the Board shall be at City Hall, Franklin, Tennessee 37064.

3.1 Purposes and General Powers

3.1.1 Applicable Legislation

The purposes and general powers of the Board shall encompass those purposes and power specified in:

- (1) the Tennessee Code Annotated, sections 13-7-205 through 13-7-207, and any amendments and supplements thereto, together with the applicable statutory provisions enacted by the Tennessee Legislature;
- (2) the applicable sections of the Franklin City Charter and the Franklin Municipal Code, and any amendments and supplements thereto; and
- (3) the regulations, rules, bylaws, and policies adopted and enunciated by the Board. In addition to the Order of Business, as directed in section 8.1.7, Robert's Rules of Order shall govern procedural actions.

BYLAWS OF THE FRANKLIN BOARD OF ZONING APPEALS

4.1 Officers

4.1.1 Officers

The officers of the Board shall be a Chair and a Vice-Chair.

4.1.2 Elections

The Chair and the Vice-Chair shall be elected at the first meeting held each year from among the appointed Members and shall serve for a term of one year, with eligibility for reelection. The Chair and the Vice-Chair shall hold office until successors are elected.

4.1.3 Duties of Elected Officers

- (1) The Chair shall preside at the meetings of the Board and shall vote on the matters coming before it. The Chair shall sign minutes, reports, bylaws, and other instruments made by the Board.
- (2) The Vice-Chair shall serve, in all duties, as listed above, in the absence of the Chair.

4.1.4 Absence of Elected Officers

- (1) Should the Chair not be in attendance, the Vice-Chair shall serve as Chair of the meeting.
- (2) Should the Chair and the Vice-Chair not be in attendance, the Board shall, on the motion of any of its Members, accept nominations, and shall hold an election to appoint an Acting Chair to conduct the meeting during the absence of the Chair and the Vice-Chair.

4.1.5 Vacancy

Should the Chair resign or be unable to continue as Chair, the Vice-Chair shall serve the remainder of the Chair's term.

BYLAWS OF THE FRANKLIN BOARD OF ZONING APPEALS

5.1 Members

The Board shall consist of five (5) Members including the Chair. The Members shall be appointed by the mayor and shall be confirmed by a majority vote of the Franklin Board of Mayor and Aldermen.

5.1.1 Term

The terms of the Members shall be five (5) years, provided, however, that the terms shall be so arranged that the term of one (1) Member shall expire each year.

5.1.2 Compensation

Members shall be compensated, as deemed appropriate by the Franklin Board of Mayor and Aldermen.

5.1.3 Vacancies

Vacancies in the terms of appointed Members shall be filled by the mayor, with confirmation by a majority vote of the Franklin Board of Mayor and Aldermen.

5.1.4 Attendance, Absences, and Vacancies

Any Member of the Board who is absent from three (3) consecutive regular meetings or is absent from six (6) or more regular meetings during a twelve-month period shall be removed from the Board.

Absences related to sickness, death in the family, or other like emergencies shall not affect a Member's status except in the case of a prolonged absence. Any vacancies on the Board shall be filled through appointment by the Mayor, with a confirmation by a majority vote of the Franklin Board of Mayor and Aldermen.

5.1.5 Removal

A Member can be removed by a two-thirds vote of the entire Board of Zoning Appeals. Also, the Mayor shall have the power to remove appointed members at his/her or her pleasure.

6.1 Staff

BYLAWS OF THE FRANKLIN BOARD OF ZONING APPEALS

6.1.1 Employees

The Board shall use the services of the City Attorney and City Employees, as it shall deem necessary. The Board's Recording Secretary shall be a member of the Planning and Sustainability Department or other designated City Staff member.

7.1 Meetings

7.1.1 Regular Meetings

Regular meetings of the Board shall be held on the 1st Thursday of each month at 6:00 p.m. in the City Hall Board Room, or at such other place as the Board may designate. The deadline for regular meetings shall be as set forth in section 7.1.4.

7.1.2 Special Meetings

The Chair, if necessary, or upon the request of any Board Member, shall call and designate the time and place of a special meeting for the purpose of transacting business designated in the call.

7.1.3 Publication

Notice of regular meetings shall be published prior to each meeting in at least one local newspaper with an agenda of the items to be considered at the meeting. If possible, notice of special meetings shall be published prior to each meeting in at least one local newspaper, with an agenda. If notice of a special meeting is not possible in at least one local newspaper, then, prior to holding the meeting, notice shall be announced on the City's website, and shall include a brief summary or agenda of the matters to be discussed.

7.1.4 Agenda

- (1) It shall be the duty of the Department of Planning and Sustainability to prepare an agenda listing the business and matters to be considered by the Board at each meeting.

BYLAWS OF THE FRANKLIN BOARD OF ZONING APPEALS

- (2) In order for items to be considered at a regular meeting, they shall be submitted to the Department of Planning and Sustainability as follows:
- a. An applicant or appellant wishing to present an item to the Board shall contact the Department of Planning and Sustainability to schedule a pre-application conference. The applicant or appellant will be advised of the details of the review procedures and the information to be submitted to the Department of Planning and Sustainability. It shall be the responsibility of the applicant or appellant to become familiar with the regulations, policies, and procedures of the City. At the pre-application conference, the applicant or appellant shall designate one contact person to work with the Department of Planning and Sustainability for the duration of the item. The pre-application conferences may be waived at the discretion of staff, provided the appellant concurs.
 - b. Items shall be submitted to the Department of Planning and Sustainability by Monday, at twelve o'clock noon, three weeks preceding the meeting at which the items will be considered. All items shall include fully completed applications, along with any necessary exhibits, as determined at the pre-application conference, or as otherwise communicated by City Staff. Items not submitted, as specified in this subsection, shall not be placed on the agenda.
 - c. The Department of Planning and Sustainability shall make all reasonable efforts to review the items submitted by the deadline date. If the Department of Planning and Sustainability is unable to review all of the items submitted, then it will advise the applicants or appellants that additional time is needed to review those items. It will then be the decision of the applicants or appellants as to whether they wish to withdraw the items from the agenda until the Department of Planning and Sustainability has completed its review of the items. If the applicants or appellants choose to leave those items on the agenda,

BYLAWS OF THE FRANKLIN BOARD OF ZONING APPEALS

the Board shall approve, approve with conditions, disapprove, or defer the items at the meeting at which they will be considered. The Board shall state its reasons for any decision made.

- d. The Department of Planning and Sustainability shall use the week prior to the agenda items being delivered to Board Members as processing time for the items.
 - e. The Department of Planning and Sustainability shall deliver the agenda, and all exhibits pertaining to the agenda, one week prior to the meeting at which the agenda items will be considered, unless approval is granted by the Chair to deliver the agenda according to a different schedule.
 - f. Items not submitted in accordance with the requirements of this section shall not be placed on the agenda.
 - g. Non-agenda items shall not be considered.
- (3) Items considered at special meetings are limited to those designated by the Chair or at the request of the Board Member calling the meeting.
 - (4) The Department of Planning and Sustainability shall make copies of the agenda available to the Board Members, to the City Attorney, to the applicants or appellants, and to at least one local newspaper, prior to each regular meeting and at the earliest possible date prior to a special meeting.
 - (5) Items deferred by the Board shall be reset for a particular date as determined by the Board.

7.1.5 Quorum

Three (3) Members of the Board shall constitute a quorum for the purpose of conducting business.

7.1.6 Voting

BYLAWS OF THE FRANKLIN BOARD OF ZONING APPEALS

A majority of the Board Members present and constituting a quorum shall be necessary to decide items requiring action. At the discretion of the Chair, the voting on questions shall be by roll call, and the ayes and noes shall be entered upon the minutes of the meeting, except that, when the vote of all of the Board Members present is unanimous, recording the unanimous vote shall be sufficient. Otherwise, a voice vote shall be sufficient.

7.1.7 Order of Business

- (1) Call the meeting to order.
- (2) Citizen Comments. (Open to citizens to be heard on any issue or concern, including those related to items on the agenda. Speaker cards must be filled out prior to speaking on an item. 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. As provided by law, the Planning 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 for administrative consideration, or to a schedule the matter for consideration at a later date.)
- (2) Approve the minutes of prior meetings.
- (3) Announcements.
- (5) Order of presentation of agenda items.
 - a. Staff presentation of the item, but only if the applicant or appellant is present.
 - b. Presentation by the applicant or appellant.
 - c. The Board of Zoning Appeals shall allow Public Comments on all items on the agenda. Public Comments on these items may be opened and closed by the Chair, without a vote of the Board.

BYLAWS OF THE FRANKLIN BOARD OF ZONING APPEALS

- d. Prior to speaking during Public Comments or a Public Hearing, individuals should complete a Public Comment Card.
- e. Comments shall be limited to two (2) minutes per individual. At the discretion of the Chair, and under limited circumstances, the time may be extended for due cause.
- f. Individuals wishing to speak shall come to the podium at the front of the room, face the Board, identify themselves by name and home address, and make comments related to the agenda item.
- g. The Chair may limit those Public Comments that are irrelevant or repetitive in nature.
- h. **Close the Public Hearing:** Motion, second, and vote by the Board Members required. This act ends all discussion except from the Members, unless the Chair recognizes individuals for further testimony.
- i. Questions and clarifications by the Board Members.
- j. Motion and second by the Board Members.
- k. Discussion on the motion.
- l. Vote of the Board Members.

(6) Any other business.

(7) Adjourn.

7.1.8 Minutes

- (1) The Board shall speak only through its minutes, which shall be prepared by the Recording Secretary or designee, who shall, insofar as possible, prepare a written record of the

BYLAWS OF THE FRANKLIN BOARD OF ZONING APPEALS

proceedings and prepare the minutes from the record of the meeting. The minutes shall contain the following information:

- a. The kind of meeting, such as regular or special.
 - b. The name of the assembly.
 - c. The meeting date and place.
 - d. The fact of the regular Chair and Vice-Chair being present, or, if both absent, the name of the Acting Chair. The attendance or absence of all other Board Members shall be noted.
 - e. Whether the minutes of the previous meeting were read and approved.
 - f. The main motions and name of the Board Member making the motion, and whether the motion was seconded.
 - g. The action taken on the motion and the reasons for that action.
 - h. The names of the persons addressing the Board, a general statement as to whether they favored or opposed the proposition addressed, and a summary of their statement.
 - i. The hours of the meeting and its adjournment.
- (2) The minutes shall be signed by the Chair.
- (3) The written record shall also remain on file for general reference. The minutes shall be delivered to the Board Members for examination before the next regular meeting.

8.1 Reasons for the Board Decision

BYLAWS OF THE FRANKLIN BOARD OF ZONING APPEALS

The Board shall state its reasons for any decision made.

9.1 Amendments

These Bylaws may be amended at a regular or special meeting, but no amendment shall be adopted unless a written notice of at least four (4) days has been previously given to the Board Members.

10.1 Parliamentary Rules

To the extent not inconsistent with these rules or the enabling statutes and ordinances, *Robert's Rules of Order* shall be the parliamentary rules of the Board.

APPROVED on the _____ day of _____, 20____.

ATTEST:

Secretary

Chair



File #: 21-05393

DATE: October 15, 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 An Accessory Structure To Be Located 45 Feet In Front Of The Principal Building'S Rear Façade, For The Property Located At 131 And 135 Guinevere Retreat (F.Z.O. 3.10.7).

PURPOSE:

PROJECT INFORMATION

COF Project Number: 8314
Applicant: Daniel Woods
Owner: Guineveres House Trust, Robert Salzman (Trustee)

BACKGROUND/STAFF COMMENTS:

Vicinity Zoning/Land Use

Site: PD Planned District / Residential Single Family
North: PD Planned District / Open Space
South: PD Planned District / Open Space
East: PD Planned District / Residential Single Family
West: PD Planned District / Open Space

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.

3.10.7 Zoning Districts, PD Planned District, Dimensional Standards

Accessory Structure Setbacks:

Location	At least 5 feet behind the principal building At least 5 feet from any lot line
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Background

The subject properties are located at 131 and 135 Guineveres Retreat and are zoned PD Planned District. The properties are located within the Hillside/Hillcrest Overlay, and the 500 foot Buffer of Hillside Overlay. There are existing houses at both 131 Guineveres Retreat, and 135 Guineveres Retreat. The owner of both properties is proposing to demolish the house at 131 Guineveres Retreat in order to build an accessory structure for the existing home at 135 Guineveres Retreat. Due to the slopes on both lots and an existing retaining wall on 131 Guineveres Retreat, the proposed location of the accessory structure is not in compliance with the Zoning Ordinance. The Zoning Ordinance requires that accessory structures are located at least 5 feet behind the principal building. The proposed accessory structure is located approximately 45 feet in front of the principal building's rear facade. The owner has already obtained a demolition permit for the house on 131 Guineveres Retreat, and will be required to re-plat the properties to consolidate them into one lot. In order to have the plat approved, they would need approval of this Variance Request, so they have not yet replatted to consolidate the lots.

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 steep slopes in both lots and the existing retaining wall in the rear yard of 131 Guineveres Retreat make this property unique in nature. The Franklin Zoning Ordinance does not allow for encroachment into areas with 20% or greater slopes, so the proposed structure must be located closer to the lot line than the Zoning Ordinance allows. As shown in the supporting document, slopes over 20% cover nearly the entire backyard, from the rear facade of the principal house to the rear lot line at 131 Guineveres Retreat. The topographic conditions would not allow the accessory structure to be located at least five feet behind the rear facade of the principal house at 135 Guineveres Retreat. 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.

Due to the unique factors outlined above, the location of the accessory structure would not be able to comply with the Zoning Ordinance. With the steep slopes and the existing retaining wall, it would not be possible for the proposed accessory structure to be located at least 5 feet behind the principal building. If the existing retaining wall were to be moved further towards the back of the property, the retaining wall would have to be significantly taller than it is now, and it would likely not comply with the height requirements as outlined in the Zoning Ordinance. The existing retaining wall also continues onto the neighboring property, so any work done to the retaining wall could negatively affect the structure of the retaining wall on the neighbor's 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 the proposed accessory structure would not be a detriment to the public good, nor would it impair the purpose and intent of the Zoning Ordinance. The intent of the Zoning Ordinance in this case is for accessory structures to be secondary to the primary house. The accessory structure is not located closer to the street than the existing house at 131 Guineveres Retreat, and given the slopes in the backyard and the existing retaining wall, it is located as far back as it can be. Staff finds this criteria is met.

FINANCIAL IMPACT:

Unknown.

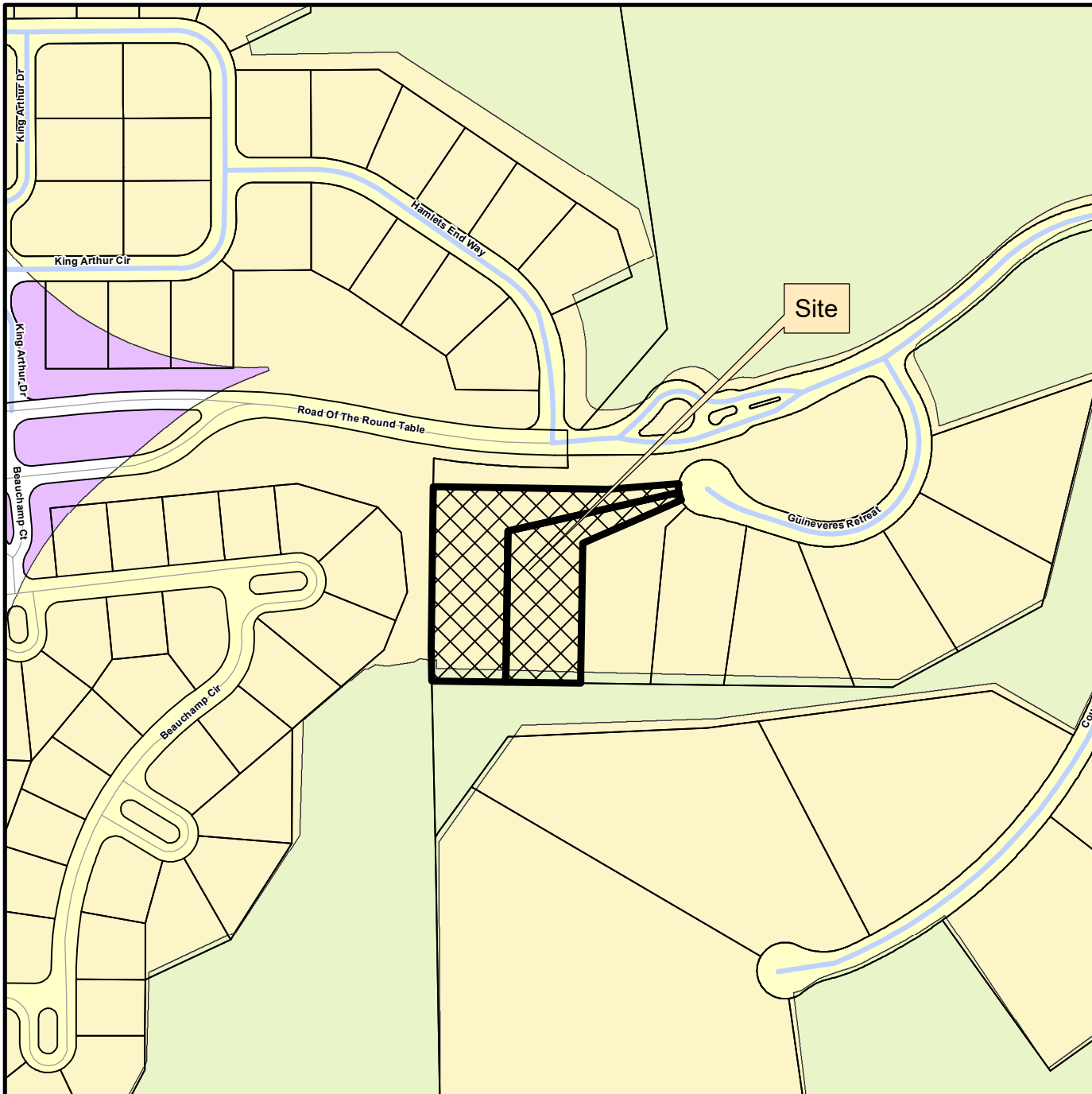
RECOMMENDATION:

RECOMMENDED MOTION: Staff recommends the Board of Zoning Appeals move to **approve with conditions** the Variance Request To Allow An Accessory Structure To Be Located 45 Feet In Front Of The Principal Building's Rear Façade, For The Property Located At 131 And 135 Guinevere Retreat, because the criteria for granting a variance have been met. Staff recommends a condition that 131 and 135 Guineveres Retreat must be consolidated into one lot, for the Variance to be applicable.

131 AND 135 GUINEVERES RETREAT
TAX MAP 061, GROUP A, PARCEL 06400
BOARD OF ZONING APPEALS
NOVEMBER 2, 2023

Legend

-  131 and 135 Guineveres Retreat
-  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



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.
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HISTORIC
FRANKLIN
TENNESSEE

October 5, 2023

City of Franklin
Board of Zoning Appeals
Franklin Planning Department
P.O. Box 305
Franklin, TN 37065

RE: Variance Request Justification – 131 Guinevere’s Retreat

Introduction & Purpose

The Addison Group is seeking a Variance Request for 131 Guinevere’s Retreat due to the existing exceptional topographic conditions. The applicant is requesting the City of Franklin Board of Zoning Appeals permit the accessory structure to be located adjacent to the main residence instead of 5’ behind the main residence.

The letter below details the project description, hardships, and formal variance request. Attached to this submittal is an exhibit showing the proposed location of the structure.

Project Description

131 Guinevere’s Retreat is a proposed accessory structure to 135 Guinevere’s Retreat. The two lots will be combined upon approval of the Final Plat. An existing single-family residence will be replaced by the accessory structure, and a new drive, landscaping, and other associated infrastructure will be installed to serve the proposed structure.

131 Guinevere’s Retreat currently contains an existing single-family residence and associated infrastructure. Behind the existing structure is an existing wall and steep slopes that are currently wooded. The existing slopes average 3:1 or greater.

Hardships

If the proposed accessory structure is located behind the 135 Guinevere’s Retreat residence as required, the following hardships will occur due to the exceptional topographic conditions of the site:

1. A new retaining wall will need to be installed. The existing retaining wall continues offsite to the adjacent property. Removing the existing retaining wall could affect the stability of the existing wall and slopes resulting in work needing to be performed on the neighboring property.
2. Steep slopes located behind the existing wall result in additional wall heights needed. Locating the accessory structure further towards the rear of the property could result in retaining walls over 15’ tall.
3. Existing mature trees located behind the existing wall will need to be removed.

Formal Request

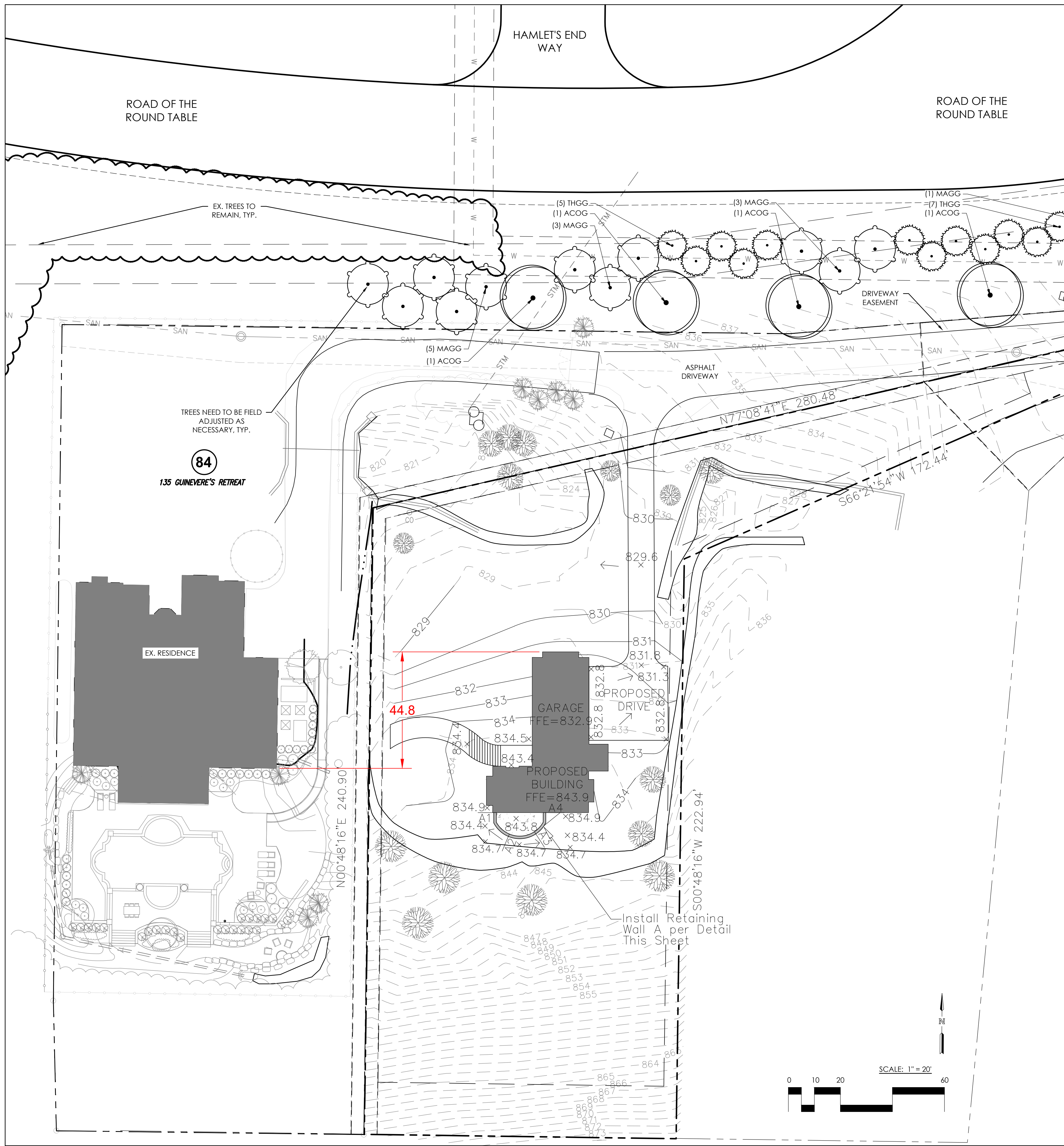
Due to the hardships mentioned above, The Addison Group is seeking a Variance Request to allow the accessory structure to be located beside the principal residence. By locating the accessory structure beside the principal residence, the following benefits to the site occur:

1. The existing retaining wall can remain eliminating any effects on the adjacent property owner.
2. Retaining wall heights will not be increased.
3. Sensitive steep slopes will not be impacted.
4. A majority of the existing tree canopy can remain.

Thank you for considering our request. Please feel free to contact us if any additional information is needed.

Sincerely,

Daniel Woods, RLA
The Addison Group



Grass And Weed Removal

Existing grass and weeds in areas of proposed beds shall be removed either chemically or by excavation, including root systems. Existing weeds shall be removed either chemically or by excavation, including root system, from all proposed lawn areas prior to installation of grass. Contractor shall re-fill excavated areas with topsoil to finish grade before bed preparation or grass installation.

Soil Erosion Protection

Install jute mesh or approved equal in planting bed with slopes greater than three to one prior to planting. Mesh shall have a minimum overlap of twelve (12) inches where sections join. Materials shall be installed in lengthwise sections running parallel with the slope, providing the length of slope is in excess of ten (10) linear feet from top to bottom. Jute mesh on slopes with lengths less than ten (10) linear feet shall be installed across the slope and double pinned at the twelve (12) inch overlap. Pins shall be installed so that no gaps or sags are visible in mesh.

Lawns

Loosen and rake smooth all areas to be grassed. Remove all weeds, debris and any clumps, stones, clods, etc. larger than three quarter (3/4) inch diameter. Ensure lawn areas and swales are graded for proper drainage. Areas next to sidewalks and curbs shall be graded down to one (1) inch below finished grade to allow for thickness of grass build-up.

Sod: Areas will be planted with sod as indicated on the plan. All sod shall be dark, rich green, free of weeds and nut grass and placed so joints are flush between pieces. Sod is to have root development that will support its own weight without tearing, when suspended vertically by holding the upper two corners. Sodded areas shall be rolled with a 200 pound roller immediately after laying, watered thoroughly and re-rolled. All sodded grass areas shall be fertilized at the rate of twenty-five (25) pounds per 1000 square feet, prior to laying sod. Dead patches of sod shall be removed and replaced immediately.

Lawn Establishment

It is the responsibility of the Contractor to establish a dense lawn of permanent grasses, free from weeds, lumps and depressions. Any part of the area that fails to show a uniform germination shall be reseeded or resodded, and such reseeded or resodded shall continue until a dense lawn is established, regardless of amount of rain.

Water, mow and edge the lawn until initial acceptance. Mow each time after the lawn has reached a height of three and a half (3 1/2) inches. Mow to a height of two and a half (2 1/2) inches, returning the clippings to the lawn. Damage to seeded areas resulting from erosion shall be repaired by the Contractor. Scattered bare spots will not be allowed over one (1) foot square in the lawn area. Never mow off more than one-third of the grass leaves.

Clean-Up

During the work, the premises are to be kept neat and orderly at all times. Storage areas for plant and other materials shall be so organized that they, too, are neat and orderly. All trash, including debris resulting from removing weeds or rocks from planting area, preparing beds, or planting plants, shall be removed from the site daily as the work progresses. All walks and drives shall be kept clean by sweeping and hosing. Excavated soil may be distributed on the site or hauled off site as directed by Owner.

Maintenance

The Contractor shall maintain all trees, shrubs, and groundcover under this Contract until initial acceptance, by adequate watering, every two (2) weeks, weeding every two (2) weeks, spraying, and replacing as necessary to keep plants in a healthy, vigorous condition. Bed areas shall be raked as may be required to keep them neat.

The Contractor shall maintain all grass areas under this Contract until initial acceptance by watering, mowing, spraying, fertilizing, etc.

One Year Maintenance

The Contractor shall submit a separate price for maintenance of the landscape and irrigation installation for a period of one (1) year after initial acceptance. Maintenance shall be based on the Maintenance Specifications listed above.

Bed Alignment And Plant Placement

Shrubs and groundcover shall be planted in string line straight rows using alternative spaces between rows. The specified quantity of shrubs or groundcover shall be placed in the bed prior to planting to assure even coverage. The specified quantity of seasonal color shall be placed in the bed prior to planting to assure even coverage. After the planting is completed, all cultivated areas shall be leveled, loosened, and raked, and the edges carefully trimmed so that the tree pits and beds shall present a neat appearance. Care shall be used that these bed edges conform as closely as possible with the lines shown on the Planting Plan. Steel edging stakes shall be on the inside of the beds.

Top Dressing

After the work of planting has been completed and approved by the Landscape Architect, mulch all beds and tree rings with two (2) inches of shredded hardwood bark mulch, lightly cultivated into area. Do not disturb watering saucer and do not cover root fair.

Plant Materials

Plant material shall be delivered to the site after the beds are prepared and are ready for planting. Shipments of plant materials shall be thoroughly protected from the sun and from drying winds during transit. All plants which cannot be planted at once, after delivery to the site, shall be well protected. Plant materials remain the property of the Contractor until initial acceptance.

Shrubs And Groundcovers

Plants shall be nursery grown, healthy, vigorous, compact, bushy to the ground, well branched, of normal habit of growth for the species, and shall be free from defects, decay, girdling roots, sun-scald injuries, abrasions of the bark or limbs, disease, insect eggs, and larvae. They shall have ball sizes that meet the standard set forth by the American Association of Nurserymen, Inc. The specified sizes shall be before pruning, and the plants shall be measured from their nominal top branches in normal position to the top of the ball or soil level. Plants shall not be pruned prior to delivery, except upon special approval.

All plants shall be of specimen quality. Specimen means an exceptionally heavy, symmetrical, tightly knit plant, so trained or favored in its development that its appearance is unquestionable and outstandingly superior in form, number of branches, compactness and symmetry.

All plants shall be hardy under climatic conditions similar to those in the locality of the project.

Shade Trees

Shade trees shall be healthy, vigorous, full-branched on all sides, well-shaped, specimen quality, symmetrical, and shall meet the trunk diameter, height and spread requirements as specified. Single trunk trees shall have a straight trunk. Trees which have a damaged or crooked leader or trunk or are one-sided or do not have a full, symmetrical branch structure and crown, will be rejected. Ball shall be firm, neat, slightly tapered, and well burlapped. Any tree loose in the ball or with broken ball at the time of planting will be rejected. Trees with abrasions on the bark, disfiguring knots, or wounds over two (2) inches which have not calloused will be rejected. All trees shall have trunk flare exposed, excess soil shall be removed from root ball necessary.

Tree ball sizes shall be as outlined in ANSI Z60.1 - 1980.

Multi-trunk Trees: No division of the trunk which branches more than six (6) inches from the ground level, as determined by the root crown of the plant, shall be considered a stem.

Ornamental Trees

Ornamental trees shall be healthy, vigorous, full branched, well shaped, and shall meet the height and spread, caliper and branching character as specified. Trees not having a full, symmetrical branch structure and crown will be rejected.

Single trunk ornamental trees shall have straight trunks with branching beginning a minimum of forty-two (42) inches above the top of the ball or container.

Multi-trunk ornamental trees shall be pruned so all "sucker" type branching is removed from around trunk canes as well as extraneous branching on trunk canes below crown of trees. Pruning shall be such that at least one-half of the plant is trunk branching and approximately one-half is crown foliage. All multi-trunk trees will conform to the number of trunk canes and/or caliper specified.

Materials

Compost: 100% organic, aerobically composted humus, fully composted under proper C/N ratios with sustained temperatures to 170 degrees F., possessing excellent air porosity, water holding capacity and drainage, optimum cation exchange capacity, free of weeds, weed seeds, insect pests and with a pH averaging 6.5 to 7.8. As supplied by Living Earth Technology, Dallas, Texas, or approved equal.

Fertilizer: Complete slow release fertilizer with an organic base, uniform in composition, dry and free flowing. Deliver fertilizer to site in original unopened containers, each bearing manufacturer's guaranteed statement of analysis. Fertilizer shall contain 20% nitrogen, 10% phosphoric acid, 10% potash, unless otherwise specified or approved. Agriform by Sierra Chemical Company, or approved equal.

Peat Moss: Clean hypanum peat, free of noxious weeds and rubble, dark brown in color.

Pine Fines: Fine texture, 1/4 to 3/8 inch size, free of noxious weeds and rubble.

Topsoil

Fertile natural surface soil, uniform in composition, similar to site topsoil if approved, free of stones, lumps, weeds, and roots. Minimum 20 percent organic matter, 50 to 70 percent sand, 15 to 20 percent clay. If topsoil of the site does not meet specifications, Contractor is responsible for importing topsoil to the site for the purpose of backfilling plant pits.

Tree Pits And Planting

If planting occurs without approval of plant locations by the Landscape Architect, the Landscape Architect reserves the right to relocate plant material as deemed necessary.

Ornamental Trees: Plant ornamental trees in pits twelve (12) inches larger than the tree ball. After setting the tree, the pit shall be backfilled with parts of topsoil to one (1) part of compost and carefully settled by watering to prevent air pockets. Form a three (3) inch high watering ring for each ornamental tree. All cord or wire to secure burlap on tree ball shall be cut from top of ball and around trunk. Place a (2) inch layer of compost inside the watering ring.

Shade Trees: Plant shade trees in a tree pit two (2) feet greater in diameter than the tree ball. The crown of the tree ball should be approximately one (1) inch higher than the existing grade. After setting the tree, the pit shall be backfilled with four (4) parts of acceptable existing soil or topsoil to one (1) part compost and carefully settled by watering to prevent air pockets. Form a four (4) inch high watering ring around the tree. All cord or wire used to secure burlap on tree ball shall be cut from top one-third of ball and from around trunk after setting. Place two (2) inch layer of compost or bark mulch inside the watering ring.

Percolation Test Pits: The Contractor shall excavate at least four (4) test pits on the site and fill with water to test for percolation. Size of pits shall be comparable to largest tree pit to be excavated. Location can be in conjunction with proposed shade tree location. Monitor pit for forty-eight (48) hours. If, at the end of that time, water has not significantly percolated, a Stand Pipe underdrain system should be installed for trees in that area.

Stand Pipe Installation: Should it be determined that tree pits will not percolate, or do so very slowly, shade trees shall have sump pipes installed in specially excavated tree pits.

Bed Preparation

Groundcover Beds: Loosen all groundcover beds to a depth of six (6) inches. Two (2) inches of peat moss or compost shall be applied and worked into the upper six (6) inches of bed. Beds shall be thoroughly filled and pulverized to a depth of six (6) inches and raked smooth. Work fertilizer into soil at the rate of twelve (12) pounds per 1000 square feet. Delivery receipt of soil amendments may be requested.

Rootfill all seasonal color beds to a depth of six (6) inches. Four (4) inches of peat moss or compost shall be applied and worked into the upper six (6) inches of the bed. Beds shall be thoroughly filled and pulverized to a depth of six (6) inches and raked smooth. Beds shall be left two (2) to three (3) inches higher than surrounding grade for proper drainage.

Shrub Bed Planting: Rootfill all shrub beds to a depth of six (6) inches. Four (4) inches of peat moss or compost shall be applied and worked into the upper six (6) inches of the bed. Beds shall be thoroughly filled and pulverized to a depth of six (6) inches and raked smooth. Beds shall be left two (2) to three (3) inches higher than surrounding grade for proper drainage. Broadcast fertilizer and work lightly into the soil around the shrubs at the rate of (12) twelve pounds per 1000 square feet. Bed shall be left high to prevent poor drainage or ponding of water within the bed.

Care shall be taken to prevent planting beds from blocking drainage against building or impeding site drainage in any way.

Tree Guying And Staking

Submit unit cost in bid for staking all trees four (4) inch caliper and under, with three (3) steel stakes and three (3) Adj-A-Type straps, Model 5100. Stakes should be located equal distant around the tree, and outside of tree pit. Stakes to be embedded a minimum of two (2) feet into stable soil.

Staked and guys shall be removed following the one (1) year warranty period.

LANDSCAPE NOTES:

1. LANDSCAPE CONTRACTOR TO VERIFY QUANTITIES OF PLANT MATERIAL PRIOR TO INSTALLATION.
2. LANDSCAPE CONTRACTOR TO VERIFY ALL ABOVE AND BELOW GRADE UTILITY LOCATIONS PRIOR TO BEGINNING INSTALLATION.

PLANT SCHEDULE

TREES	QTY	BOTANICAL / COMMON NAME	SIZE	REMARKS
ACOG	4	Acer rubrum 'October Glory' / October Glory Red Maple	4" Cal.	
MAGG	12	Magnolia grandiflora / Southern Magnolia	12-14" Ht. Min.	
THGG	12	Thuja x 'Green Giant' / Green Giant Arborvitae	12-14" Ht. Min.	



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DATE: 9/29/23

REVISIONS:

SHEET NO.

LP1.0



Parcels



135 and 131 Guineveres Retreat

Planning

Slope greater than 20%



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