



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.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: 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@franklinton.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

