



Meeting Agenda

Board of Zoning Appeals

Thursday, December 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@franklinton.gov by noon on the day prior to the meeting. Comments will be submitted for the record.

APPROVAL OF MINUTES

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

ANNOUNCEMENTS

BZA BYLAWS AMENDMENTS

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

APPLICATIONS

3. A **Variance Request** To Waive The Substantial Improvement Requirement To Raise The First Floor Elevation Of A Historic Structure Above The Base Flood Elevation (To Remain In Place) Located Within The Historic Preservation Overlay, Central Franklin Overlay, And The Floodway Fringe Overlay For The Property Located At 800 Fair Street (F.Z.O. 17.6.4.B.).

Sponsors:

Emily Wright, Amy Diaz-Barriga, Ariella Stanford

4. A **Variance Request** To Reduce The Width Of The Required Transition Buffer To A Minimum Of 11 Feet Along The Northern Property Line For The Property Located At 4309 S Carothers Road (F.Z.O. 8.1.2.).

Sponsors:

Emily Wright, Amy Diaz-Barriga, Ariella Stanford

5. A **Variance Request** To Allow For Encroachments Into Areas With Slopes Of 20% Or Greater For The Property Located At 116 Earlham Court (F.Z.O. 17.1.2.)

Sponsors:

Emily Wright, Amy Diaz-Barriga, Ariella Stanford

6. A **Variance Request** To Waive Cross Access Requirement Between Adjacent Properties For The Property Located At 128 Fourth Avenue North (F.Z.O. 9.5.3.)

Sponsors:

Emily Wright, Amy Diaz-Barriga, Ariella Stanford

OTHER BUSINESS**ADJOURN**

Anyone needing accommodations due to disabilities please contact the ADA Coordinator at 615-791-3277 at least 24 hours prior to the meeting.



DRAFT Meeting Minutes

Board of Zoning Appeals

Thursday, 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

Chair Jonathan Langley called the meeting to order at 06:01 PM with a roll call of the Commissioners present.

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

Staff Present: Bill Squires, Shanna McCoy, Amy Diaz-Barriga, and 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.)

Chair Jonathan Langley asked for citizen comments. There were none.

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.

Sponsors:

A motion was made by Commissioner William Scales, seconded by Commissioner Lee Reeves, to Approve the Minutes from the September 7, 2023 BZA meeting. The motion carried 4-0 (Jeff Fleishour absent from the vote).

ANNOUNCEMENTS

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

BZA ANNUAL CALENDAR

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

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

Staff: Ariella Stanford. Ms. Stanford presented a draft calendar of the BZA deadlines and schedules calendar. Because July 4, 2024, is the first Thursday of July, staff are proposing to move the July BZA meeting to July 11, 2024, to avoid conflict with the holiday.

Motion:

A motion was made by Commissioner Greg Caesar, seconded by Commissioner William Scales to Approve the 2024 BZA Deadlines and Schedules Calendar. The motion carried 4-0 (Jeff Fleishour absent from the vote).

BZA BYLAWS AMENDMENT

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

Sponsors:

Staff: Amy Diaz-Barriga. Ms. Barriga gave an overview of the three areas of change made to the BZA Bylaws. First, the language was cleaned up to coincide with the Bylaws of the FMPC and BOMA and technology updates, including website communication instead of radio communication. Also, recent state legislature requires that any voting meeting provides the opportunity for citizen comments. Although the BZA has provided the opportunity for citizens to speak during meetings, the citizen comment section will be documented officially in the bylaws. This change would also allow the Chair to place time limits on citizen comments if necessary. Lastly, following the same state legislature, the agenda for each meeting will now be published 48 hours prior to the meeting. The section for "Items Not on the Agenda" will be removed from the agenda.

Commissioner Lee Reeves presented concerns about changes to the bylaws regarding the mayor's ability to remove a Board member. If a Board appointment is made by the mayor, with the approval of BOMA, should the mayor have the opportunity to remove a Board member from the BZA? "Does the BZA have the power to delegate the power to the mayor?" And, if the mayor has the power to remove a member of any Board, could the mayor remove all the members at his or her preference or inclination? Commissioner Lee Reeves posed the question, "What is being solved, by adding some of the changes?" Commissioner Lee Reeves also requested a copy of the BZA Bylaws with changes highlighted in red.

Ms. Diaz-Barriga stated that changes were made to coincide with other Board bylaws. Currently, the bylaws read, this Board can remove a member with a 2/3 vote.

Mr. Squires stated that the questions posed are theoretical in nature and are situations that the body of ordinances or rules doesn't address completely. Members who serve on the Boards are in cooperative situations and removal of a member is not a common occurrence.

Commissioner Greg Caesar suggested a possible deferral until the next meeting to allow staff to research and answer these questions.

Ms. Diaz-Barriga requested a timely list of questions from the Board so staff have time to research and answer the questions in the form of a staff report.

Motion:

A motion was made by Commissioner Greg Caesar, seconded by Commissioner Lee Reeves, to defer consideration of the updated Board of Zoning Appeals Bylaws to the December 7, 2023, BZA Meeting. The motion to defer carried 5-0.

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

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

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. 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 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 Guinevere's 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 Guinevere's Retreat. The topographic conditions would not allow the accessory structure to be at least five feet behind the principal house's rear facade at 135 Guinevere's Retreat. Staff finds this criterion 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 criterion 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 closer to the street than the existing house at 131 Guinevere's Retreat and given the slopes in the backyard and the existing retaining wall, it is as far back as it can be. Staff finds this criterion is met.

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 Guinevere's Retreat must be consolidated into one lot, for the Variance to be applicable.

Applicant: Mitchell Barnett, representing the owners of both lots and the architect for the accessory structure (Pool House). For the lots to be combined into one, it must be approved by the HOA of Avalon if the Board votes favorable for the variance request. Mr. Barnett shared photos of the properties with staff and the members of the Board. On one side of the property, the owners are contending with a 20% slope and in another part the large retaining boulders constructed years

ago. This leaves little buildable space left to construct a pool house. The proposed pool house is around 1300 square feet with storage underneath. The owners of 135 Guinevere's Retreat purchased 131 Guinevere's Retreat to allow space for the proposed pool house. The proposed location of the pool house (131 Guinevere's Retreat) is further away from the road than the existing home. The existing home at 131 Guinevere's Retreat will be demolished.

Citizen Comments:

Debra Read, 421 Beauchamp Circle, Villages of Avalon. Ms. Read stated that she lives behind 135 Guinevere's Retreat and has enjoyed complete privacy for 10 years. According to Ms. Read, the owners of 135 Guinevere's Retreat, two years ago, began clearing trees, extending their property, resulting in her loss of privacy. Ms. Read expressed her concern for her loss of privacy and the decrease in the value of her home's property.

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

A motion was made by Commissioner Lee Reeves, seconded by Commissioner Greg Caesar to close the public comment. The motion carried 5-0.

Ms. Diaz-Barriga clarified that the Board is reviewing the zoning ordinance to determine if the proposal meets all the criteria for granting a variance request. The Board is not considering the accessory structure design. One reason the applicant would like to combine the lots at 131 & 135 Guinevere's Retreat is that you cannot have an accessory structure without a primary structure.

Commissioner Lee Reeves and Greg Caesar asked questions about the neighboring property line and location of the accessory building, if approved.

Ms. Stanford confirmed that, if approved, the accessory building would not be closer to the road than the current home (to be demolished) at 131 Guinevere's Retreat. Also, Ms. Stanford confirmed that the accessory building is within the requirements of the side setback outlined in the zoning ordinance.

A motion was made by Commissioner William Scales to Disapprove the Variance Request.

Chair Jonathan Langley asked if Commissioner William Scales had any additional comments.

Commissioner William Scales noted his concerns about demolition of a home to accommodate the accessory building, although the criteria required for approval of a variance seems to be met.

A motion was made by Commissioner William Scales, seconded by Commissioner Lee Reeves, to Disapprove the Variance Request.

Chair Jonathan Langley asked for a discussion.

Commissioner Lee Reeves stated that if the variance request is granted, the homeowners would still be required to receive approval from the HOA of Avalon.

Mr. Barnett explained that he has been the architectural consultant for Avalon for 15 years. There have been two other situations in which a property owner in Avalon purchased the adjacent property. In one instance, the lot was purchased to ensure privacy and, in the other, an elaborate water feature was built.

Commissioner Lee Reeves stated that all the criteria for approval of a variance have been met and can be granted without substantial detriment to the public.

Chair Jonathan Langley stated that the request for demolition of a home is uncommon and unique, especially demolition of such a large home.

Chair Johnathan Langley asked for a vote to Disapprove the Variance Request.

The motion to Disapprove the Variance Request fails 1-4 (Chair Jonathan Langley voting in favor of motion).

Chair Jonathan Langley then asked for a motion to approve.

Commissioner Lee Reeves, Seconded by Commissioner Jeff Fleishour, motioned to Approve the Variance Request with the Condition that 131 and 135 Guinevere's Retreat must be consolidated into one lot.

Commissioner Greg Caesar asked for a discussion.

Commissioner Greg Caesar stated the request made sense at surface level. However, the intent of the ordinance is to not have accessory structures in front of the primary residence. He would prefer, in addition to consolidating the two lots, to require approval from the neighborhood's Architectural Review Committee.

Bill Squires confirmed that this requirement could be added to the motion if requested.

Commissioner Greg Caesar said he assumes this property is outside of the Hillside/Hillview overlay and would not need additional restrictions.

Ms. Diaz-Barriga stated the red map area shows the steep slopes regulated by the current zoning ordinance, not the overlay.

Commissioner Lee Reeves, seconded by Jeff Fleishour, motioned to approve with the condition that the lots be consolidated per the staff report and added that all necessary approvals from the neighborhood association are received prior to the project moving forward.

Chair Jonathan Langley asked for a vote.

The motion to Approve the Variance Request with the Condition that 131 and 135 Guinevere's Retreat must be consolidated into one lot and receive all necessary approvals from Avalon HOA prior to moving forward with the project carried 4-1 (Chair Jonathan Langley voted against the motion).

OTHER BUSINESS

None.

ADJOURN

A motion was made by Commissioner Jeff Fleishour, seconded by Commissioner Greg Caesar, to adjourn the November 2, 2023 BZA meeting. The motion carried 5-0.

There being no further business, the meeting adjourned at 06:52 PM p.m.

Chair

Date



File #: 21-05385

DATE: November 27, 2023

TO: Board of Zoning Appeals

FROM:

SUBJECT:

Consideration Of Approval Of Updated Board Of Zoning Appeals Bylaws.

PURPOSE:

The purpose of this memorandum is to provide information to the Board of Zoning Appeals concerning the proposed changes to the bylaws.

BACKGROUND/STAFF COMMENTS:

There are several changes proposed to the bylaws, for a variety of reasons. The last time the bylaws were updated was in 2010. To summarize the changes, there were several clean-up items that staff proposes so that these bylaws coincide with the order and language of the FMPC bylaws, when applicable, or with how the meetings currently run today (even when contrary to the current bylaws). Staff also address recent state legislature, that requires any voting meeting to have an opportunity for citizens to speak on ANY item, not just those items on the agenda of the meeting. This piece of state legislature also created a requirement that all agendas must be published at least 48 hours in advance of the meeting, so staff removes the previous option to allow non-agenda items to be placed on the agenda.

A list of specific sections with changes are provided as follows:

5.1.4 remove the time frame of sixty days, to avoid a possibility of the Mayor not being able to meet it. There cannot be an assumption of what hiccups might occur (not enough applicants, Mayor out for whatever reason), and 60 days is not a state requirement.

5.1.5 language change based on the BZA process to remove a member

7.1.3 technology update for publicizing agendas (from radio to website)

7.1.4 (throughout) updating language to “applicant or appellant” because depending on the nature of item, there is a possibility for either.

7.1.4.g add clarity that non-agenda items will not be considered.

7.1.7 (2) addition of citizen comments and Chair’s authority, per recent state law changes

7.1.7 (5) (entire subsection) changes to section to reflect how meetings tend to run, regardless of current Bylaws requirements. Staff feels that the current bylaws do not reflect the best way to handle citizen comments or order of presentation. Proposed changes mirror both the format of BOMA and FMPC meetings.

7.1.7 (6) (7) remove non-agenda items reference, update to include Adjourn.

7.1.8 (3) language clean up to mirror FMPC bylaws, minutes are currently not being provided verbatim.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

RECOMMENDED MOTION: Staff recommends the Board of Zoning Appeals move to approve the proposed bylaws.

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.

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

The Board of Zoning Appeals may request the Mayor and Board of Aldermen consider removal and replacement of a member. This request shall require a successful two-thirds vote of the entire Board of Zoning Appeals.

BYLAWS OF THE FRANKLIN BOARD OF ZONING APPEALS

6.1 Staff

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 applicant or 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

BYLAWS OF THE FRANKLIN BOARD OF ZONING APPEALS

appellants choose to leave those items on the agenda, 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 standards individual public comment time is two minutes. As provided by law, the Board of Zoning Appeals 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 schedule the matter for consideration at a later date.
- (2) Approve the minutes of prior meetings.
- (3) Announcements.
- (4) 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. **Open the Public Hearing:** Declared open by the Chair.

BYLAWS OF THE FRANKLIN BOARD OF ZONING APPEALS

- i. Prior to speaking during Public Comments or a Public Hearing, individuals should complete a Public Comment Card.
- ii. Comments shall be limited to two (2) minutes per individual. At the discretion of the Chair, and under limited circumstances, the times may be extended for due cause.
- iii. 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.
- iv. The chair may limit those Public Comments that are irrelevant or repetitive in nature.
- d. **Close the Public Hearing:** Declared closed by the Chair. This act ends all discussion except from the Members, unless the Chair recognizes individuals for further testimony.
- e. Questions and clarifications by the Board Members.
- f. Motion and second by the Board Members.
- g. Discussion on the motion.
- h. Vote of the Board Members.
- (5) Any other business.
- (6) 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 proceedings and prepare the minutes from the record of the meeting. The minutes shall contain the following information:

BYLAWS OF THE FRANKLIN BOARD OF ZONING APPEALS

- 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

The Board shall state its reasons for any decision made.

9.1 Amendments

**BYLAWS OF THE
FRANKLIN BOARD OF ZONING APPEALS**

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 _____, _____.

ATTEST:

BY: _____
CHAIR

BY: _____
RECORDING SECRETARY

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.

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 ~~within sixty (60) days,~~ 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 only be removed by a two-thirds vote of the entire Board of Zoning Appeals. The Board of Zoning Appeals may request the Mayor and Board of Aldermen consider removal and replacement of a member. This request shall require a successful two-thirds vote of the entire Board of Zoning Appeals.~~

BYLAWS OF THE FRANKLIN BOARD OF ZONING APPEALS

6.1 Staff

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 ~~by way of radio, internet, or television announcement,~~ on the City's website, and shall include a brief summary or agenda of the matters to be discussed.

7.1.4 Agenda

BYLAWS OF THE FRANKLIN BOARD OF ZONING APPEALS

- (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.
- (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 applicant or 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

BYLAWS OF THE FRANKLIN BOARD OF ZONING APPEALS

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, 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. ~~unless the appellant makes a personal request to the Board to be considered as a non-agenda item. Non-agenda items shall be considered only upon the unanimous approval of all of the Board Members, present and voting. The Department of Planning and Sustainability shall neither review non-agenda items nor make recommendations regarding them. It shall be the responsibility of the appellants to deliver the materials for non-agenda items to the Board.~~

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

BYLAWS OF THE FRANKLIN BOARD OF ZONING APPEALS

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

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 standards individual public comment time is two minutes. As provided by law, the Board of Zoning Appeals 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 schedule the matter for consideration at a later date.

- (2) Approve the minutes of prior meetings.
- (3) Announcements.

BYLAWS OF THE FRANKLIN BOARD OF ZONING APPEALS

~~(4) —Vote to place non-agenda items on the agenda.~~

(54) 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.

bc. **Open the Public Hearing:** Declared open by the Chair.

~~i. —Comments by those wishing to speak during the Public Hearing on the item in the following order:—~~

~~1. —Those speaking on behalf of the agenda item, including the appellant.~~

~~2. —Those speaking in opposition of the agenda item.~~

~~A total of seven (7) minutes shall be given to each side for testimony, unless extended for due cause by the Chair.~~

~~——ii. —Additional pertinent information from Staff, if applicable.~~

~~——iii. —Rebuttal testimony in the following order:~~

~~1. —Those speaking on behalf of the agenda item.~~

~~2. —Those speaking in opposition of the agenda item.~~

~~A total of three (3) minutes shall be given to each side for rebuttal testimony, unless extended for due cause by the Chair.~~

i. —Prior to speaking during Public Comments or a Public Hearing, individuals should complete a Public Comment Card.

BYLAWS OF THE FRANKLIN BOARD OF ZONING APPEALS

- ii. Comments shall be limited to two (2) minutes per individual. At the discretion of the Chair, and under limited circumstances, the times may be extended for due cause.
- iii. 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.
- iv. The chair may limit those Public Comments that are irrelevant or repetitive in nature.

ed. Close the Public Hearing: ~~Motion, second, and vote by the Board Members required. Declared closed by the Chair.~~ This act ends all discussion except from the Members, unless the Chair recognizes individuals for further testimony.

de. ~~Discussion~~ Questions and clarifications by the Board Members.

ef. Motion and second by the Board Members.

fg. Discussion on the motion.

gh. Vote of the Board Members.

(65) ~~Non-agenda items~~ Any other business.

(76) ~~Any other business~~ 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 ~~verbatim-written~~ record of the proceedings and prepare the minutes from the ~~verbatim~~ record of the meeting. The minutes shall contain the following information:

BYLAWS OF THE FRANKLIN BOARD OF ZONING APPEALS

- 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 ~~verbatim~~-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

The Board shall state its reasons for any decision made.

9.1 Amendments

BYLAWS OF THE FRANKLIN BOARD OF ZONING APPEALS

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 ~~sixth~~ _____ day of ~~May~~ _____, _____ ~~2010~~.

ATTEST:

BY: ~~LISA GREGORY~~
CHAIR

BY: ~~MICAH WOOD~~
RECORDING SECRETARY



File #: 21-05688

DATE: November 13, 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 Waive The Substantial Improvement Requirement To Raise The First Floor Elevation Of A Historic Structure Above The Base Flood Elevation (To Remain In Place) Located Within The Historic Preservation Overlay, Central Franklin Overlay, And The Floodway Fringe Overlay For The Property Located At 800 Fair Street (F.Z.O. 17.6.4.B.).

PURPOSE:

PROJECT INFORMATION

COF Project Number: 8338
Applicant: Amanda McCreary
Owner: William Crankshaw and Kimberly Crankshaw

BACKGROUND/STAFF COMMENTS:

Vicinity Zoning/Land Use

Site: R-4 Residential / Residential Single Family
North: R-4 Residential / Residential Multifamily
South: R-4 Residential / Residential Single Family
East: R-4 Residential/ Residential Single Family
West: R-4 Residential/ Residential Single Family

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.

Applicable Zoning Ordinance Provisions

17.6.5 Floodplain Protection, Appeals to the Board of Zoning Appeals

Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this Section to preserve the historic character and design of the structure.

17.6.4. Provisions for Flood Hazard Reduction

Residential Structures: In AE Zones, where base flood elevation data is available, new construction and substantial improvement of any building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than three feet above the base flood elevation.

Background

The subject site consists of a 0.19-acre parcel zoned R4 – Residential 4 District with a historic house constructed c. 1910. The subject parcel is located within the Historic Preservation Overlay (HPO), Central Franklin Overlay (CFO) and the Floodway Fringe Overlay (FFO). The house is a contributing structure to the Hincheyville Historic District. Contributing structures may be defined as those which help to reinforce the historical integrity and architectural qualities of a historic district. The Historic Zoning Commission (HZC) reviews exterior alterations to properties located within the HPO in light of the Historic District Design Guidelines and is charged with preserving and protecting historic structures from alterations that would result in an adverse impact. When improvements are proposed to an existing residential structure in the floodplain and the value of those improvements is at least 50% of the value of the existing structure, the Zoning Ordinance requires that the first floor of the entire structure be elevated to three feet above the Base Flood Elevation. Because the value of the proposed improvements at 800 Fair Street are at least 50% of the value of the existing structure, the existing house would need to be elevated to three feet above the base flood elevation. The house already sits 2.33 feet above the base flood elevation, so the house would need to be raised 8 inches. Variances may be issued for the repair and rehabilitation of historic structures upon a determination that the proposed work will not preclude its continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of the Zoning Ordinance in order to preserve the historic character and design of the structure. It is recommended that variance requests for historic structures in the floodplain receive a recommendation by the HZC prior to consideration by the Board of Zoning Appeals (BZA). The HZC provided a favorable recommendation to the BZA at its November 2023 meeting for the building to remain at its existing First Floor Elevation, as the proposal is the most sensitive to the architectural qualities of the contributing structure and presents the least amount of adverse impact to the contributing status of the historic structure and the context of the overall historic district, with the following conditions:

1. Any proposed alterations to the building, including, but not limited to the following, must be presented to the HZC for consideration of a Certificate of Appropriateness prior to work commencing:
 - a. the location of flood vent installation; and
 - b. the location of all exterior electrical/plumbing/HVAC, including ductwork.
2. Issuance of a variance is required prior to work commencing.
 - a. If issued a variance, the application must meet all the requirements of the Building & Neighborhood Services Department prior to issuance of a Building Permit.
 - b. If issued a variance, the applicant shall obtain a floodplain development permit prior to any disturbance of the FFO.

The variance request is to allow the First Floor Elevation height to remain in its current position for the property located at 800 Fair Street.

Staff Analysis

Variances shall be issued only upon the determination that the variance is the minimum relief

necessary, considering the flood hazard and the factors listed in Paragraph 17.6.5.A, Variances, shall only be issued upon:

1. A showing of good and sufficient cause.

The building's status as a contributing property to the Hincheyville Historic District and the need to take measures to maintain this status amount to good and sufficient cause for granting a variance. The proposal is the most sensitive to the architectural qualities of the contributing structure and presents the least amount of adverse impact to the contributing status of the historic structure and the context of the overall historic district. The HZC provided a favorable recommendation to the BZA for these reasons. Staff finds that this criteria is met.

2. A determination that failure to grant the variance would result in exceptional hardship.

The proposal is to keep the historic house at its existing level in order to keep its contributing status on the National Register of Historic Places and the local district designation for Hincheyville. The HZC determined that raising the house to meet Base Flood Elevation would cause it to become noncontributing to the Hincheyville Historic District, which is both locally designated and listed on the National Register of Historic Places. An attempt to raise the historic structure would result in the removal of the property's contributing status and would amount to exceptional hardship for the owner of the property. For these reasons, staff finds that this criteria is met.

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.

The historic house already sits slightly above the Base Flood Elevation. In addition, revised flood maps are set to be released in June 2024 and it is predicted that this property will no longer be located in the AE flood zone and these regulations would not be required at that time. Furthermore, the HZC has approved the project plans as proposed and recommends approval of the variance request to maintain the structure's contributing status and the integrity of the historic district. Based on the recommendation of the HZC along with analysis of exhibits provided by the applicant, staff finds that granting the variance would not result in any of the outcomes listed above and the third criteria is met.

FINANCIAL IMPACT:

None.

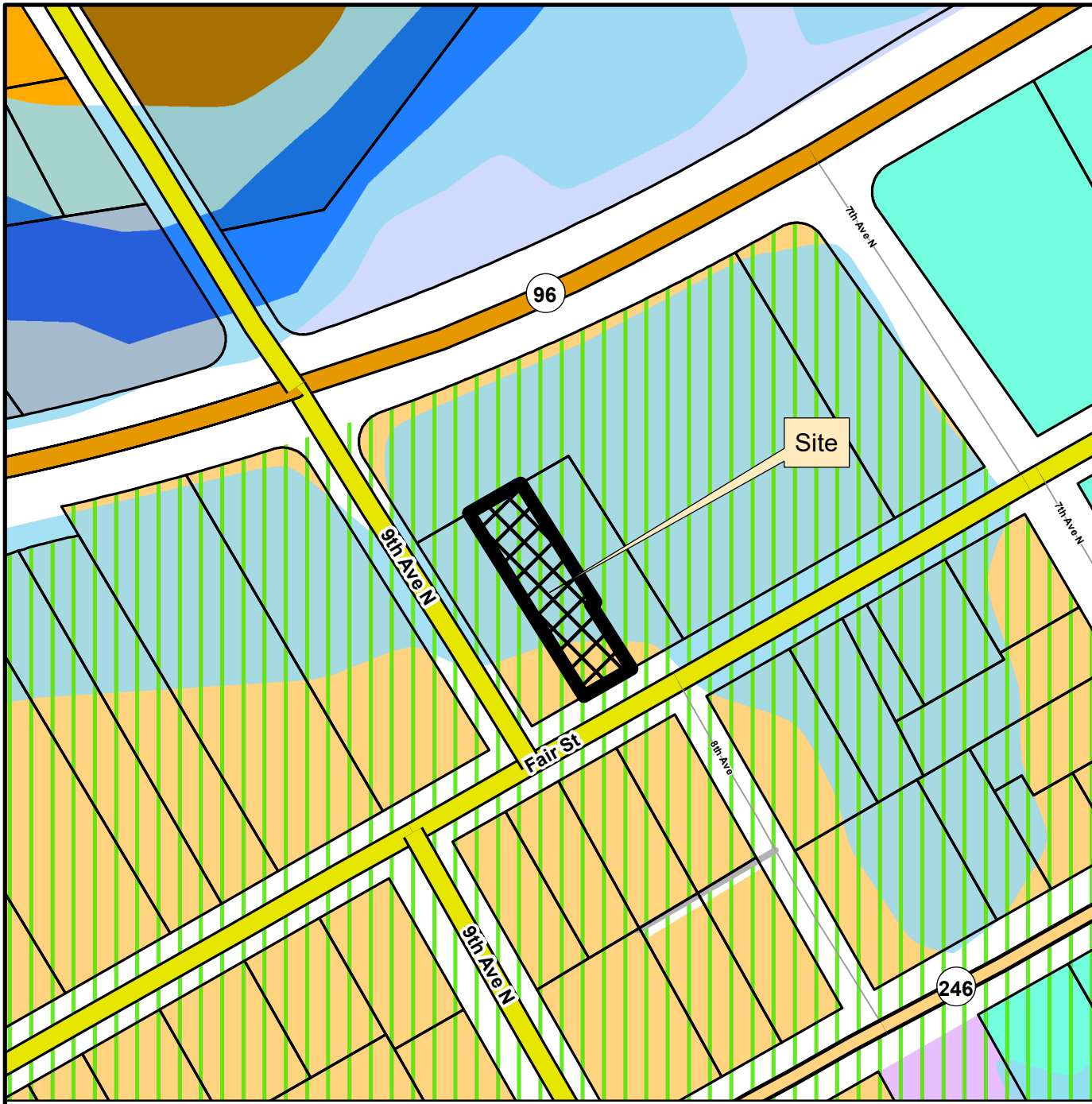
RECOMMENDATION:

RECOMMENDED MOTION: Staff recommends the Board of Zoning Appeals move to approve the **Variance Request To Waive The Substantial Improvement Requirement To Raise The First Floor Elevation Of A Historic Structure Above The Base Flood Elevation (To Remain In Place) Located Within The Historic Preservation Overlay, Central Franklin Overlay, And The Floodway Fringe Overlay For The Property Located At 800 Fair Street**, because the criteria for granting a variance have been met.

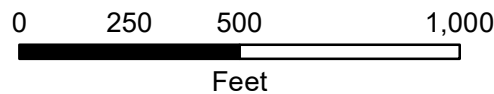
800 FAIR STREET
TAX MAP 078C, GROUP B, PARCEL 01000
BOARD OF ZONING APPEALS
DECEMBER 07, 2023

Legend

-  800 Fair St
-  Historic Preservation Overlay
-  Floodway Fringe Overlay
-  Floodway Overlay
-  AG Agricultural District
-  ER Estate Residential District
-  R1 Residential 1 District
-  R2 Residential 2 District
-  R3 Residential 3 District
-  R4 Residential 4 District
-  R6 Residential 6 District
-  MR Mixed Residential District
-  PD Planned District
-  OR Office Residential District
-  CI Civic Institutional District
-  NC Neighborhood Commercial
-  CC Central Commercial District
-  DD Downtown District
-  1ST Avenue District
-  5TH Avenue District
-  RC6 Regional Commerce 6 District
-  RC12 Regional Commerce 12 District
-  GO General Office District
-  LI Light Industrial District
-  HI Heavy Industrial District



This map was created by the Franklin Planning Department.
It was compiled from the most authentic information available.
The City is not responsible for any errors or omissions contained herein.
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CHISEL

workshop

November 13, 2023

City of Franklin Board of Zoning Appeals:

We are seeking a variance from the Board of Zoning Appeals to the Base Flood Elevation zoning requirements for our project located at 800 Fair Street.

The home will be undergoing a renovation of the kitchen, master bath, and adding additional bedrooms to a new second floor. This property is located in the City of Franklin Historic District as well as the FEMA Flood plain. The renovations have been issued a Certificate of Appropriateness at the July 2023 Historic Zoning Commission meeting.

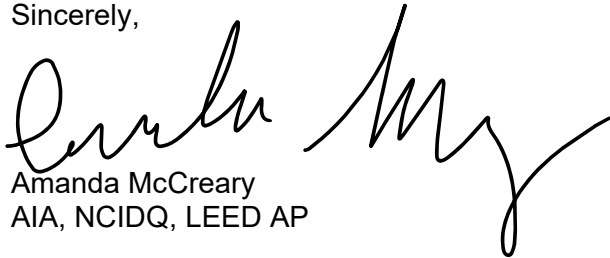
The current FFE of the home is 639.33'. The Base Flood Elevation for this area is 637'. For residential use, the home would need to be elevated to 640' (3' above Base Floor Elevation) to satisfy flood plain regulations. The home at 800 Fair Street will need to be raised approximately 8" above its current floor elevation.

This home is a pyramidal-style home that is modest in scale and in an urban setting. Due to the urban, tight environment, raising the house would require disruption to the entire property as well as neighboring structures in order to be lifted, if not impossible. Lifting the home would be an undue financial hardship to the project due to the costs of separating a house from its foundation and the amount of effort needed to raise a structure 8". See addendum diagramming the process to raise a house. Furthermore, due to its contribution to Franklin's historic district, raising the house would be detrimental to the character of the home itself. The front porch of this home has defining details that would have to be reconstructed. Fragile historic features, such as windows and doors – of which ours are original and in excellent condition – are likely to break, become damaged, and/or no longer function. Siding, trim, and other portions of the historic home are removed in order to provide supports needed in the raising process.

It should be noted that 800 Fair Street currently sits above the base flood elevation. It's within 8" of the elevation required by Zoning and the home did not flood in 2010. Revised flood maps are set to be released in June 2024. It is our understanding this property will no longer be located in the AE flood zone and these regulations would not be required at that time. We do not wish to delay the start of our construction project and are asking for a Flood Variance Request.

We appreciate your consideration of the Base Flood Elevation variance and should you need additional information, please do not hesitate to contact us.

Sincerely,



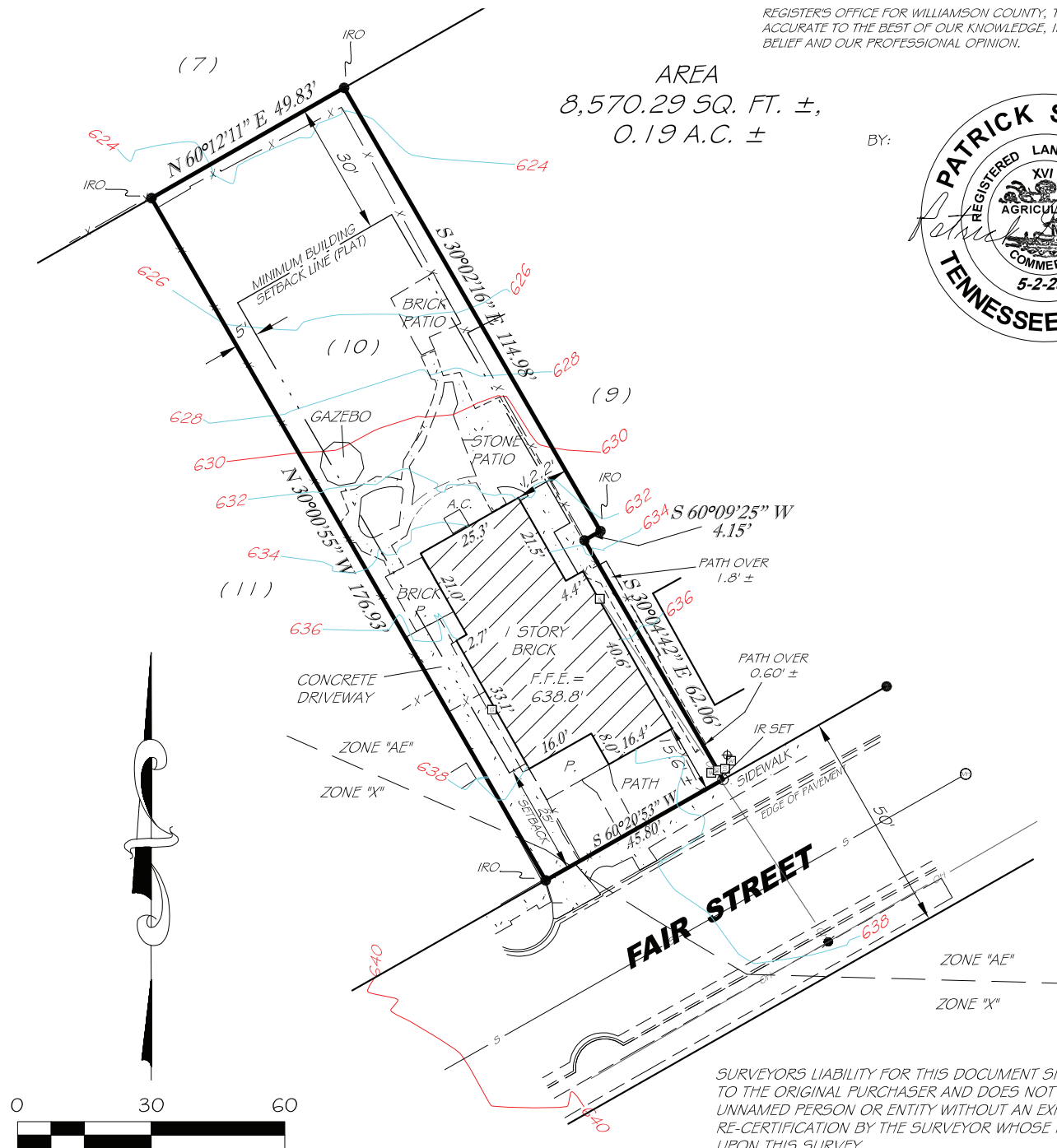
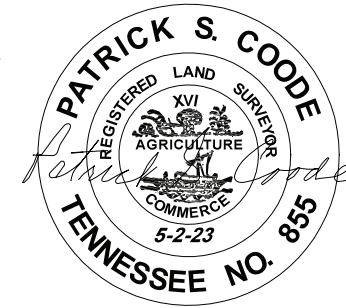
Amanda McCreary
AIA, NCIDQ, LEED AP

SITE PLAN

REGISTER'S OFFICE FOR WILLIAMSON COUNTY, TENNESSEE; AND IS ACCURATE TO THE BEST OF OUR KNOWLEDGE, INFORMATION, BELIEF AND OUR PROFESSIONAL OPINION.

AREA
8,570.29 SQ. FT. ±,
0.19 A.C. ±

BY:



SURVEYORS LIABILITY FOR THIS DOCUMENT SHALL BE LIMITED TO THE ORIGINAL PURCHASER AND DOES NOT EXTEND TO ANY UNNAMED PERSON OR ENTITY WITHOUT AN EXPRESSED RE-CERTIFICATION BY THE SURVEYOR WHOSE NAME APPEARS UPON THIS SURVEY.

BASE FLOOD ELEVATION PER FLOOD MAP PANEL 0211G = 637

800 FAIR STREET // FLOOD LEVEL VARIANCE REQUEST // BZA // 2023.11.13

HOUSE LIFTING PROCESS

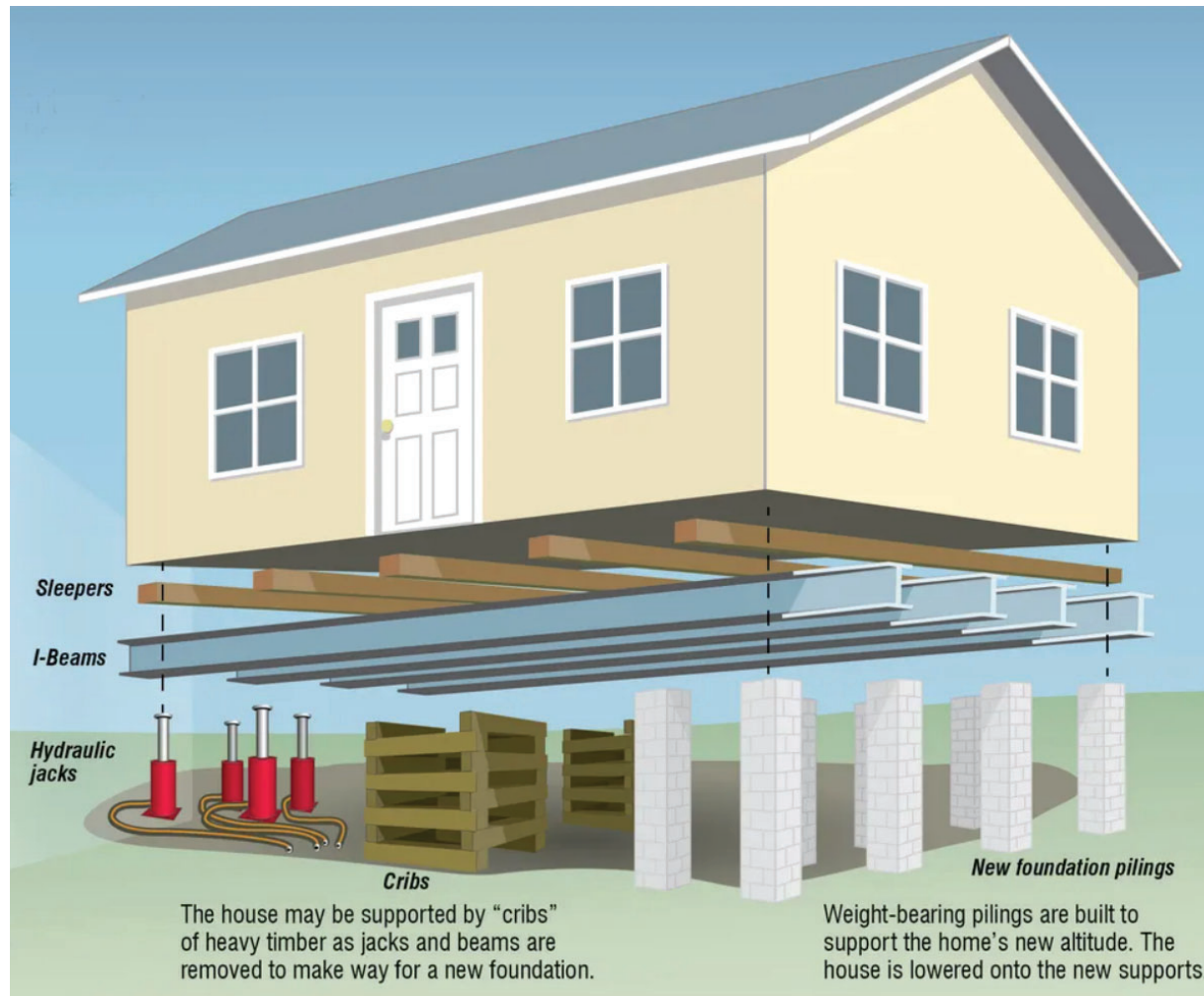


Diagram indicates effort and space needed to raise a house.



PERSPECTIVE // FRONT LEFT



PERSPECTIVE // FRONT ELEVATION



PERSPECTIVE // FRONT RIGHT



PERSPECTIVE // RIGHT REAR

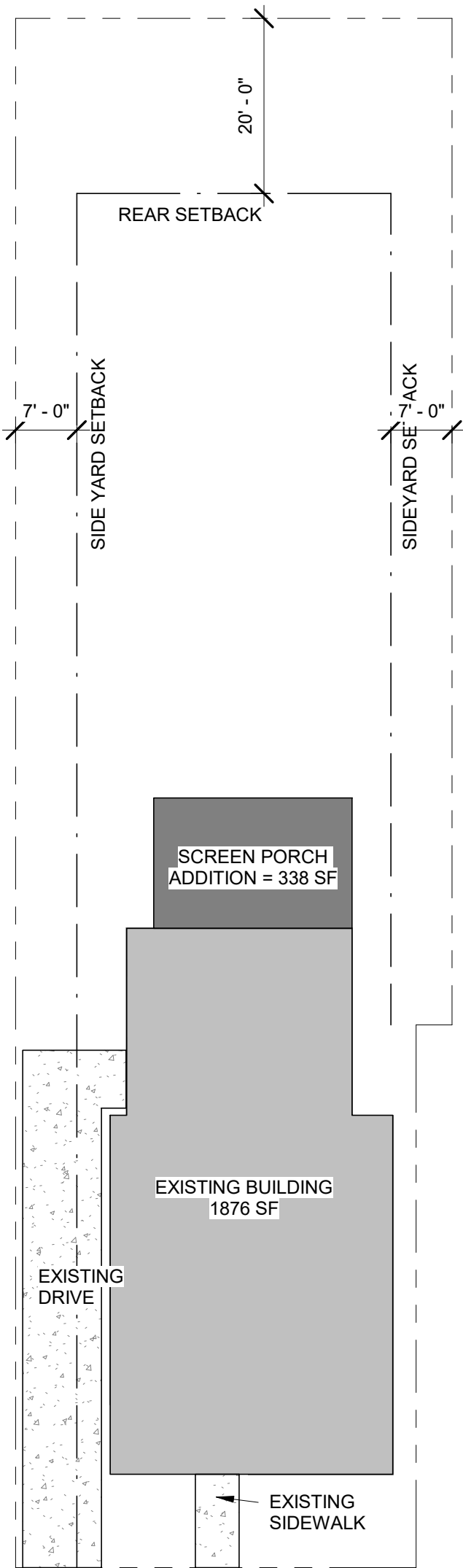


PERSPECTIVE // LEFT REAR



PERSPECTIVE // RIGHT SIDE





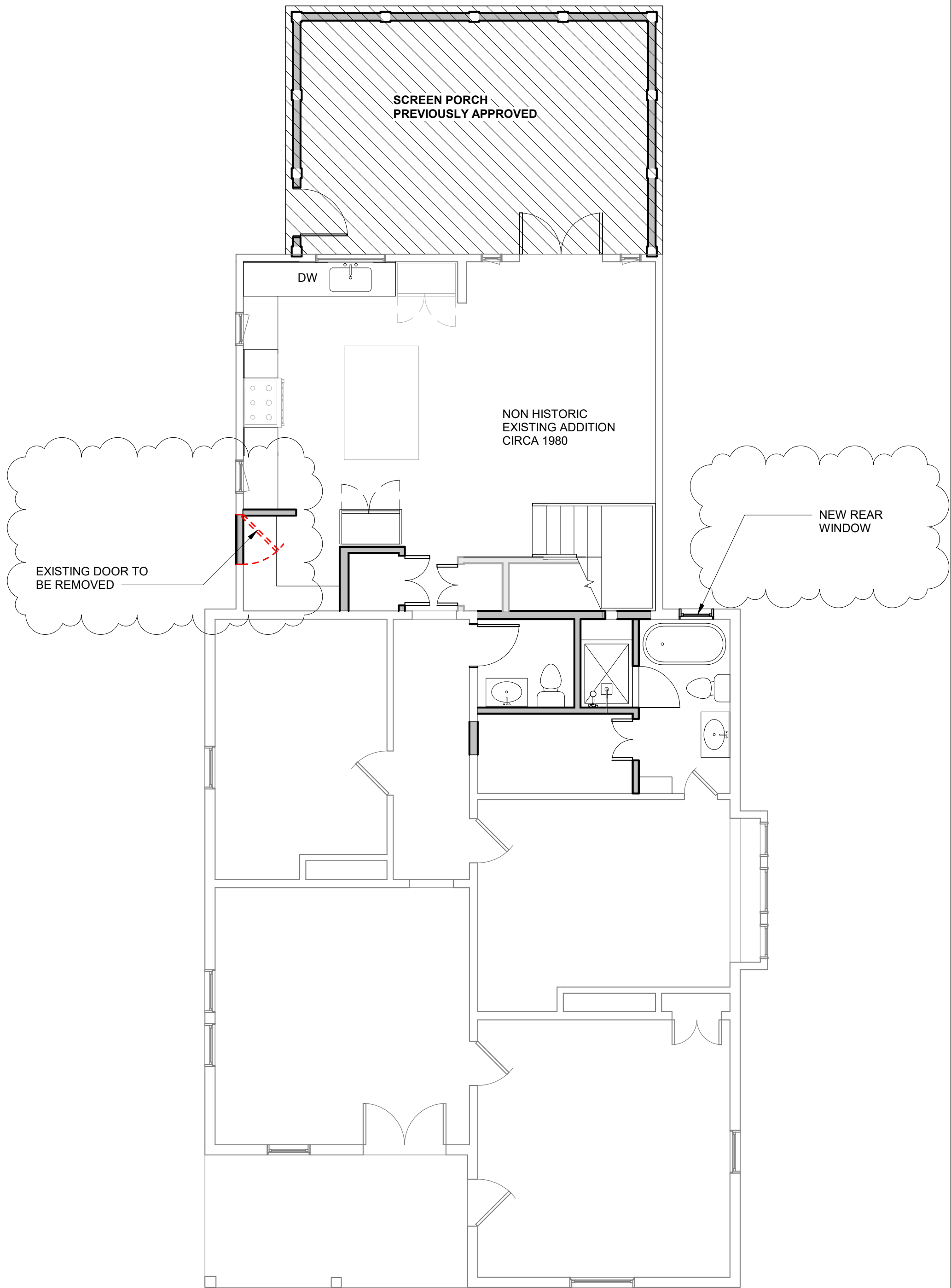
LOT COVERAGE:	
EXISTING BUILDING:	1876 SF
SCREEN PORCH ADDITION:	338 SF
APPROX DRIVE AND WALK:	604 SF
TOTAL COVERAGE	2818 SF

LOT AREA PER GIS: 8432 SF

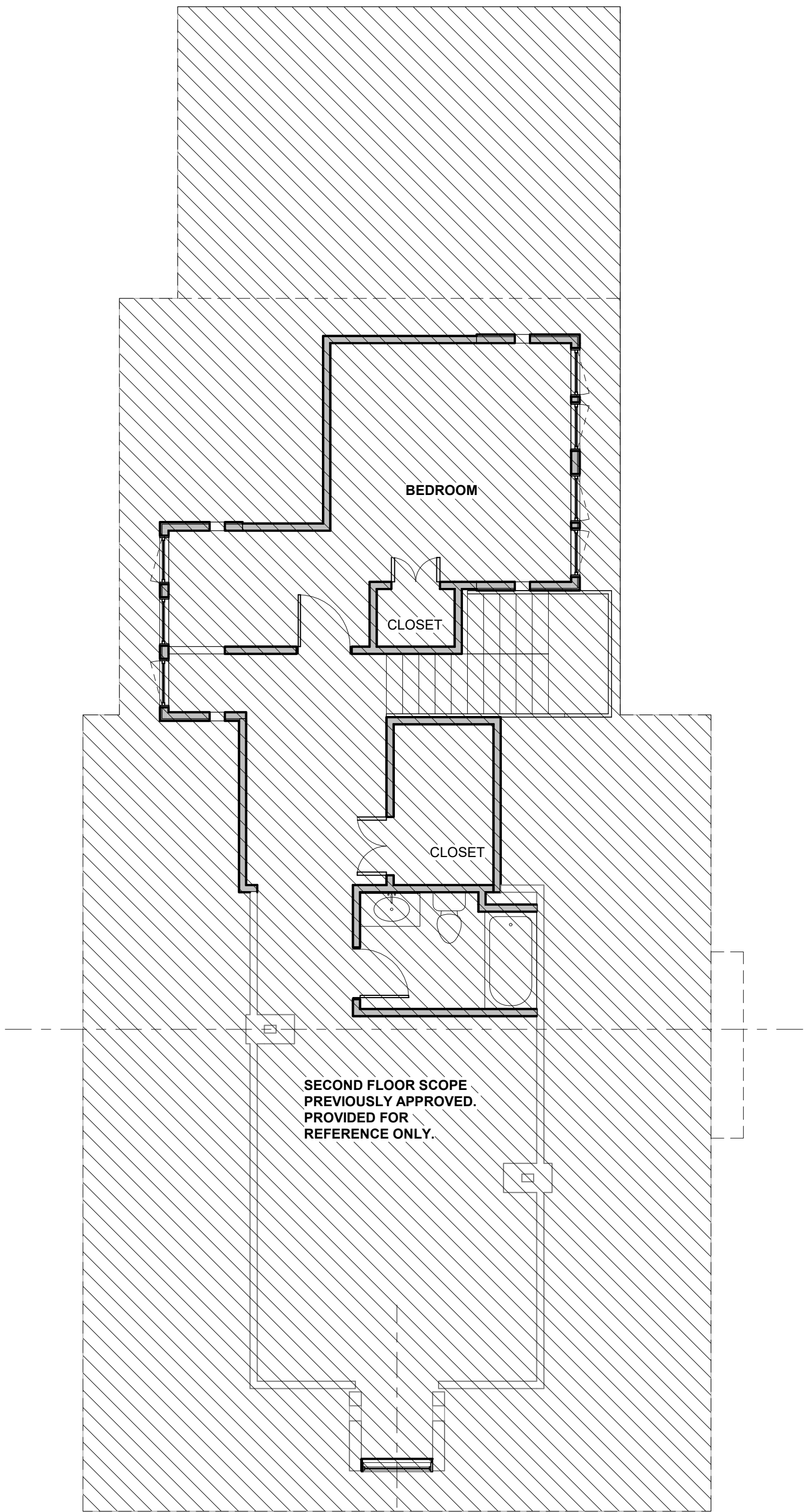
LOT COVERAGE: 33%
LANDSCAPE SURFACE AREA: 67%

2 SITE PLAN - SKETCH
1/16" = 1'-0"

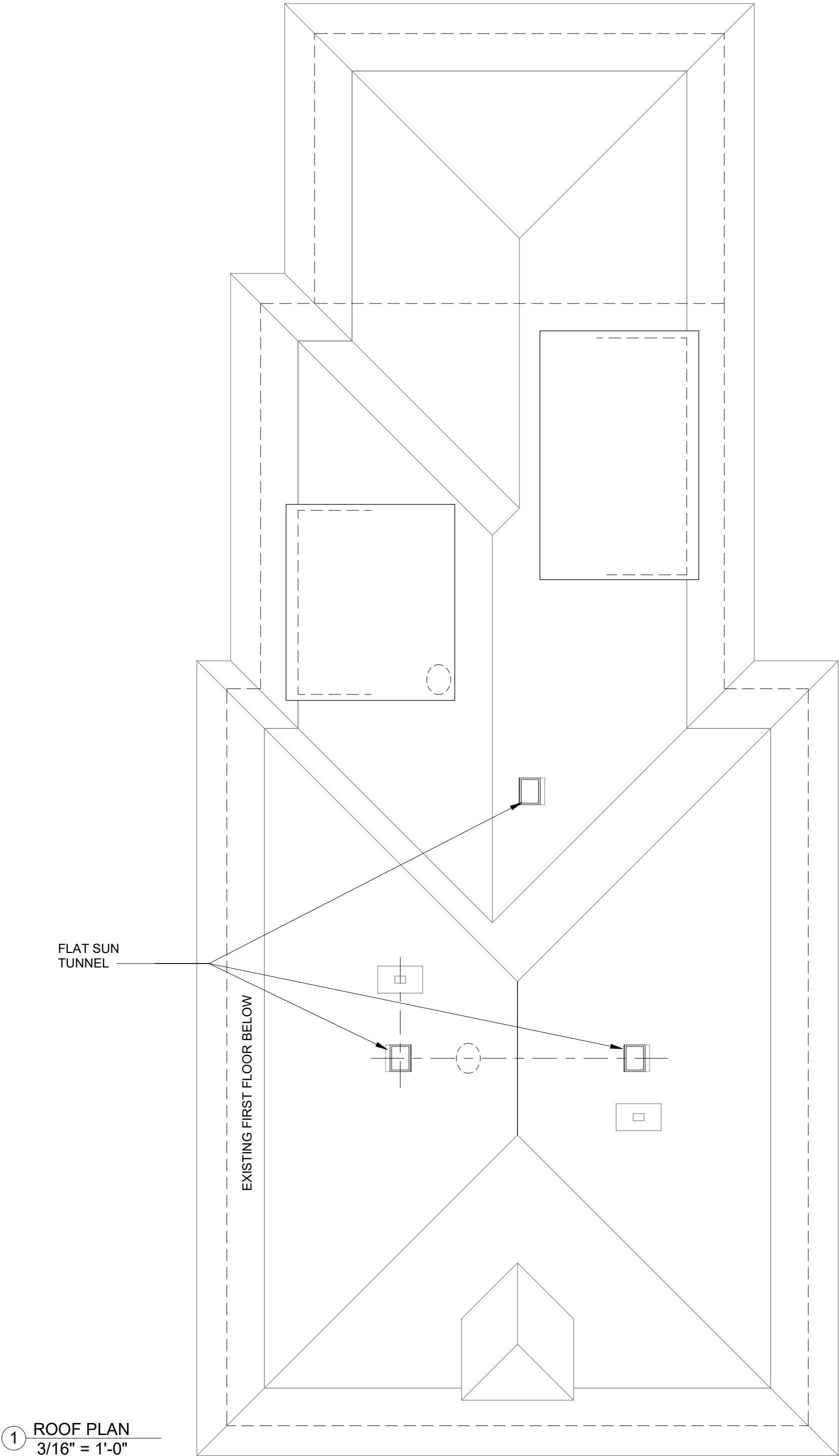




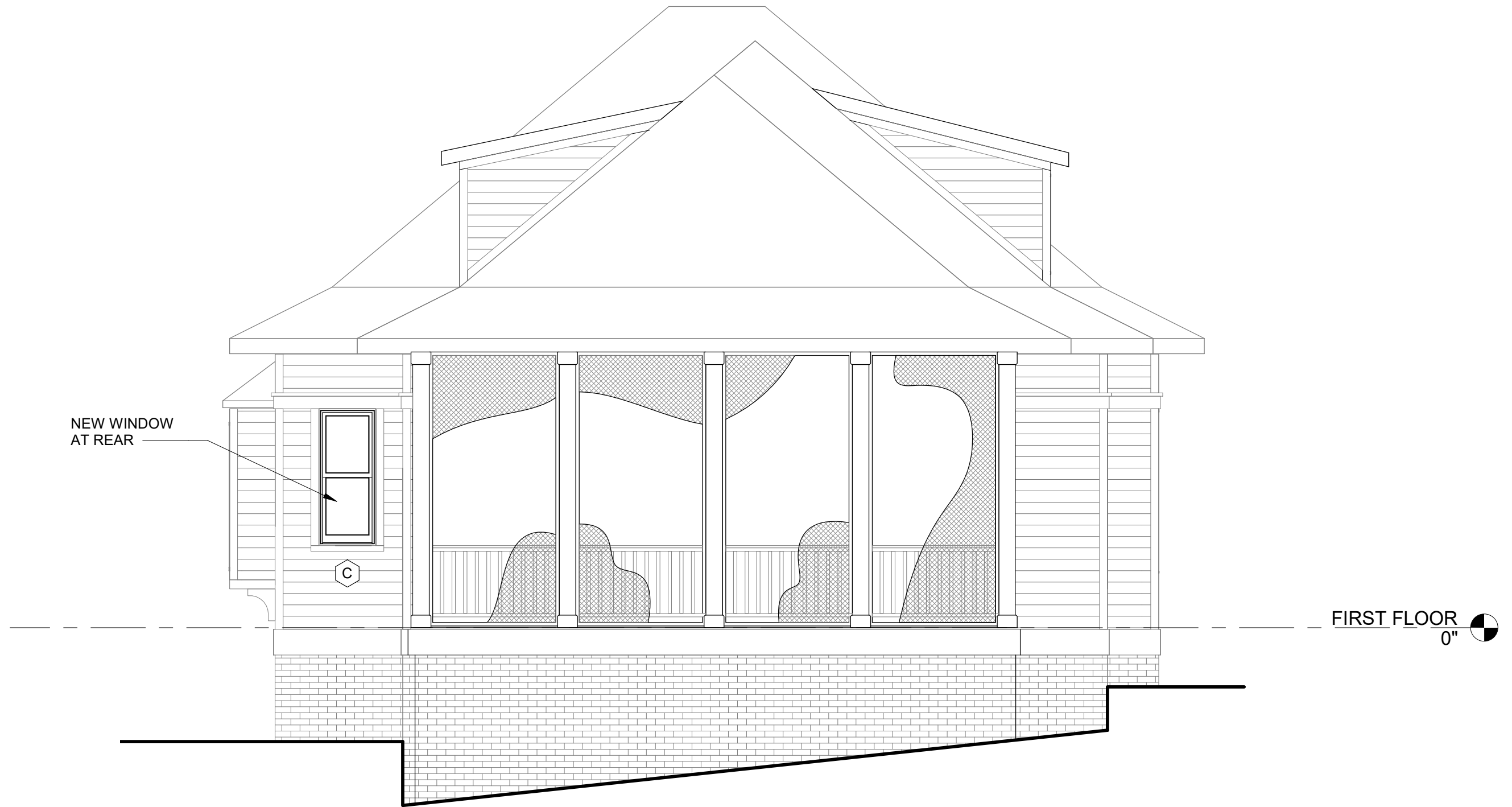
1 FIRST FLOOR PLAN // PROPOSED
3/16" = 1'-0"



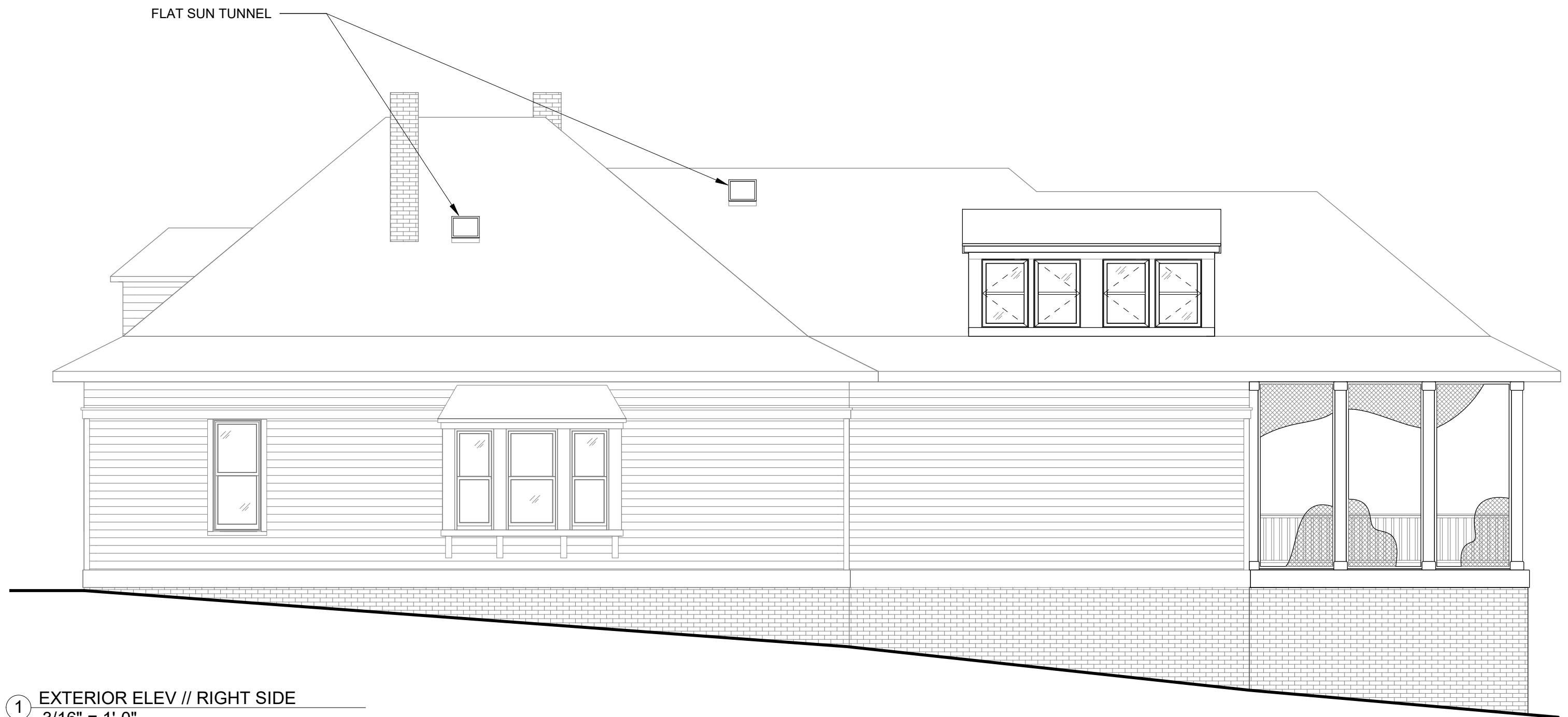
① SECOND FLOOR PLAN // PROPOSED
3/16" = 1'-0"



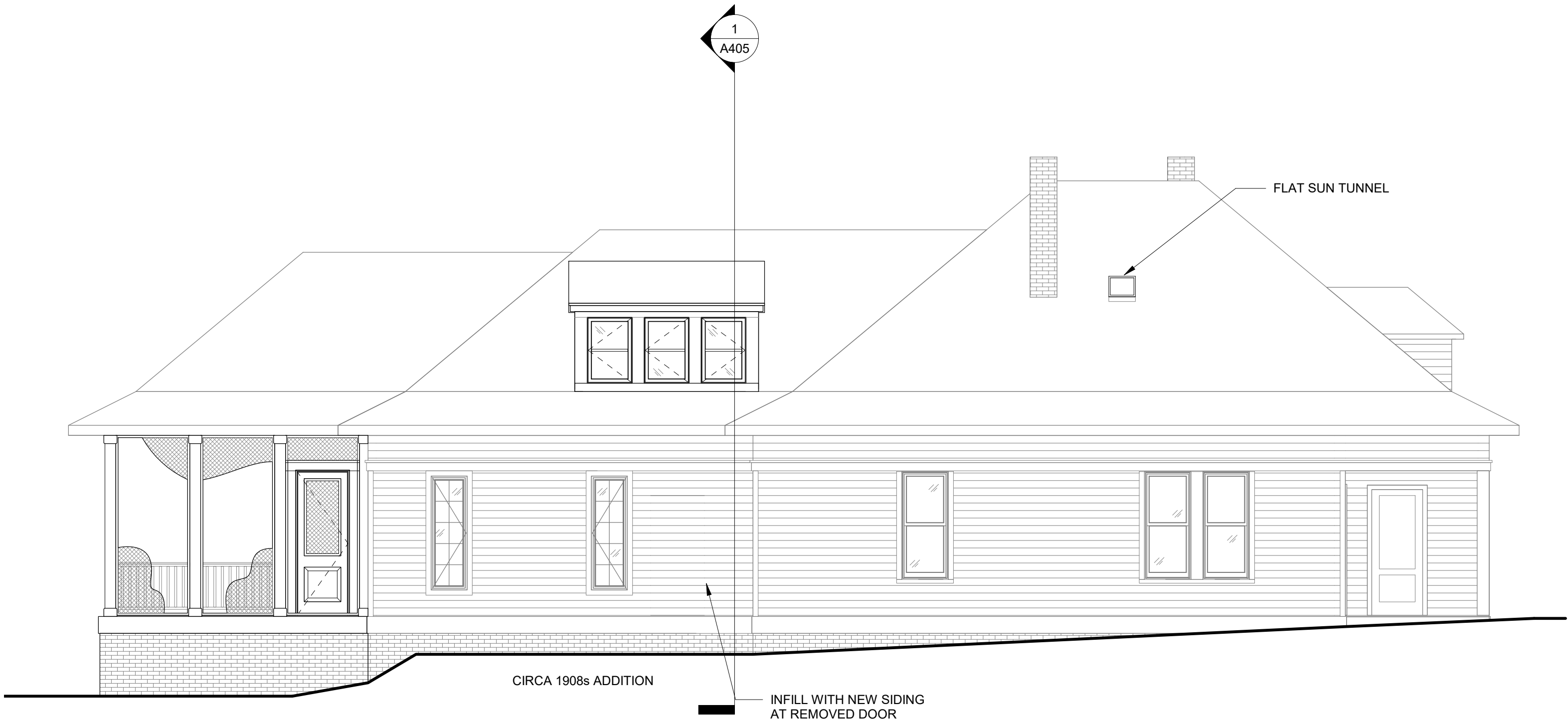
1 ROOF PLAN
3/16" = 1'-0"



① EXTERIOR ELEV // REAR
1/4" = 1'-0"



① EXTERIOR ELEV // RIGHT SIDE
3/16" = 1'-0"



① EXTERIOR ELEV // LEFT SIDE
3/16" = 1'-0"



FLAT SUN TUNNEL DETAIL



FLAT SUN TUNNEL DETAIL



OPTION 1: FLAT PANEL SUN TUNNEL



FLAT SUN TUNNEL DETAIL



File #: 21-05733

DATE: November 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 Reduce The Width Of The Required Transition Buffer To A Minimum Of 11 Feet Along The Northern Property Line For The Property Located At 4309 S Carothers Road (F.Z.O. 8.1.2.).

PURPOSE:

PROJECT INFORMATION

COF Project Number: 8336
Applicant: Greg Gamble
Owner: Lockwood Joint Venture, Manish Patel (representative)

BACKGROUND/STAFF COMMENTS:

Vicinity Zoning/Land Use

Site: NC Neighborhood Commercial / Recreation/Open Space
North: R-2 Residential / Residential Single Family
South: Civic and Institutional / Recreation/Open Space
East: PD Planned District / Residential Single Family
West: PD Planned District / Recreation/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.

F.Z.O. 8.1.2. - Transition Zones Abutting Residential Lots

The transition zones below shall be required along the edge of:

1. A nonresidential, mixed-use, multifamily, or townhouse development site where it abuts an existing lot for a house, duplex, or multiplex;

Transition Area	Minimum Width	Requirements
Transition Zone 1	25 Feet	Buffer with plantings

Background

This 5.5-acre parcel is zoned Neighborhood Commercial, and is within the Flood Fringe Overlay. The applicant plans to develop the site with one retail building, a daycare, and a gas station/convenience store. The property is vested under the 2020 Zoning Ordinance, so it must comply with the regulations as outlined in the 2020 Zoning Ordinance. Per the 2020 Zoning Ordinance regulations, a 25' transition zone 1 buffer is required along the northern property line abutting a R2 zoned property. Due to the location of the property with respect to the existing South Carothers Road and Carothers Parkway intersection, the entrance to the site must be located within the required transition buffer zone in order to create a four-way intersection with the existing street network. It should also be noted that this Variance Request was approved in April 2021 but has since expired, hence the need to request the Variance again. The applicant is requesting a Variance To Reduce The Width Of The Required Transition Buffer To A Minimum Of 11 Feet Along The Northern Property Line For The Property.

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 subject property is located next to the existing intersection of South Carothers Road and Carothers Parkway, with the northern property line located just north of the necessary alignment for the intersection. The location of this property line in relation to the existing intersection alignment is an exceptional situation, as it prevents the property from accommodating engineering standards to connect the entrance to the property with the intersection of South Carothers Road and Carothers Parkway. 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.

Strict application of the Zoning Ordinance would prevent the entrance of the parcel from aligning with the existing intersection. For full access to the site, City of Franklin Engineering Standards would require access to be either at the existing intersection, or at least 800 feet from the existing intersection; however, the overall length of the property is less than 600 feet. The Zoning Ordinance transition zone buffer requirements would require the site entrance to be in a location that is not desirable for roadway connectivity and not supported by the City's Engineering Standards. This creates a hardship upon the owner, which requires the site entrance to be in the proposed location. 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 reduced buffer would not be a detriment to the public good and would not substantially impair the purpose and intent of the Zoning Ordinance. The transition zone buffer requirements in the Zoning Ordinance are intended to screen and separate new development from adjacent residential properties, which is still being addressed by the proposed project. The proposed buffer will be planted with evergreen landscape material to maintain a transition buffer adjacent to the residential property to the north. Additionally, aligning the entrance to the site with the existing intersection would create a higher public safety environment for vehicles entering and exiting the site. Staff finds this criteria is met.

FINANCIAL IMPACT:

None.

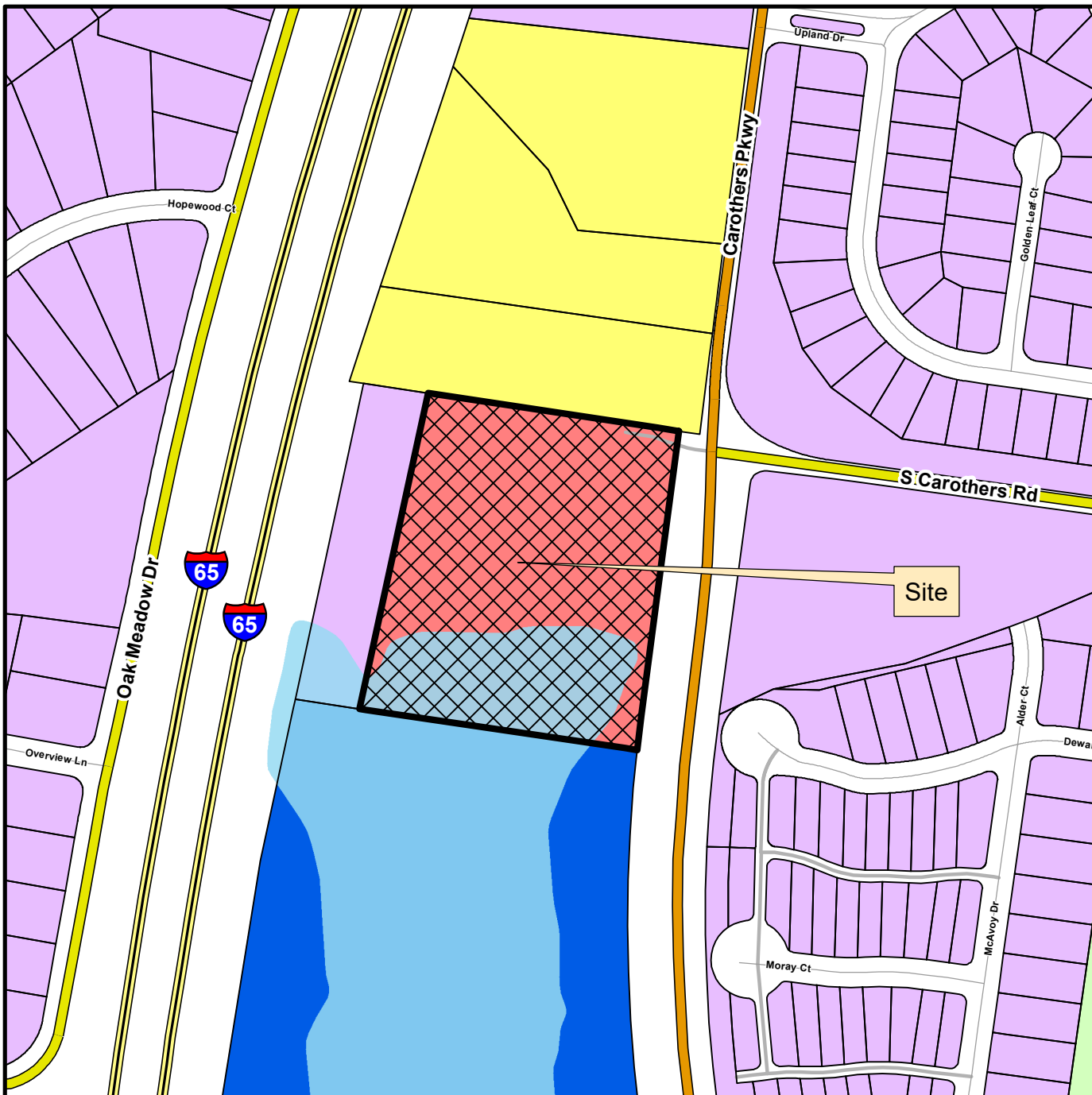
RECOMMENDATION:

RECOMMENDED MOTION: Staff recommends the Board of Zoning Appeals move to approve the **Variance Request** To Reduce The Width Of The Required Transition Buffer To A Minimum Of 11 Feet Along The Northern Property Line For The Property Located At 4309 S Carothers Road, because the criteria for granting a variance have been met.

4309 S CAROTHERS RD
TAX MAP 089, PARCEL 04700
BOARD OF ZONING APPEALS
DECEMBER 07, 2023

Legend

-  4309SCarothers
-  Floodway Fringe Overlay
-  AG Agricultural District
-  ER Estate Residential District
-  R1 Residential 1 District
-  R2 Residential 2 District
-  R3 Residential 3 District
-  R4 Residential 4 District
-  R6 Residential 6 District
-  MR Mixed Residential District
-  PD Planned District
-  OR Office Residential District
-  CI Civic Institutional District
-  NC Neighborhood Commercial
-  CC Central Commercial District
-  DD Downtown District
-  1ST Avenue District
-  5TH Avenue District
-  RC6 Regional Commerce 6 District
-  RC12 Regional Commerce 12 District
-  GO General Office District
-  LI Light Industrial District
-  HI Heavy Industrial District



Site

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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0 250 500 1,000
Feet





November 13, 2023

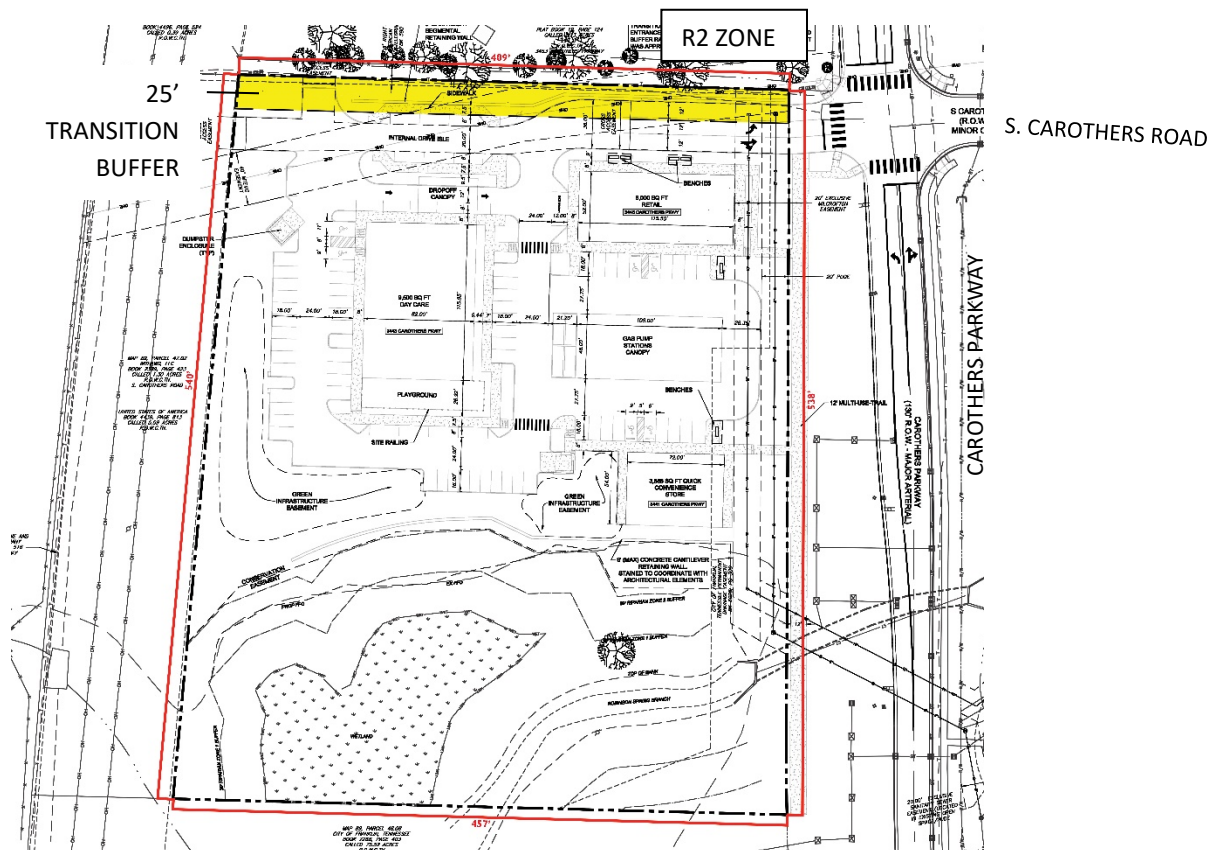
Gamble Design Collaborative, on behalf of Manish Patel, is requesting to the Board of Zoning Appeals a **variance to the width of the transition zone buffer 1 requirements** for the property located at 4309 S Carothers Road.

The property is 5.50 Acres and is located at the intersection of the S Carothers Road and Carothers Parkway. The zoning of the property is neighborhood commercial.

The proposed site plan consists of one retail building, one daycare and a gas station/convenience store. Per current zoning regulations a 25' transition zone 1 buffer is required along the northern property line abutting a R2 zoned property.

Variance Overview

The entrance to the property is required to be located so that it aligns with S Carothers Road. No additional curb cuts are permitted on Carothers Parkway. Therefore, there is insufficient distance to provide the required 25' transition buffer along the entire length of the northern property line.





We are requesting the 25 foot landscape area for the Transition Zone across the northern boundary to range in size from 11 feet to 33 feet.

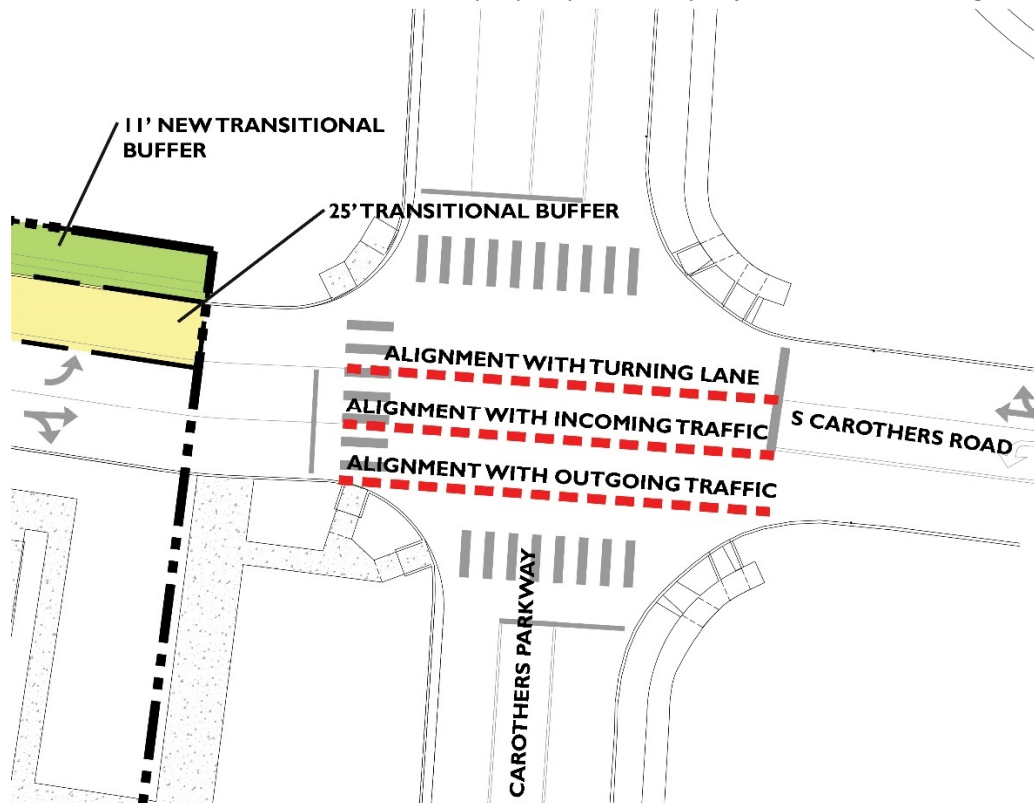
Variance Request: Reduction in Transition Buffer

Variance Criteria: Transition Buffer

According to 20.10.6 of the Zoning Ordinance, the BZA may authorize a variance for the following criteria:

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

Due to the existing alignment of South Carothers Road at Carothers Parkway, and due to the limited driveway intersections on Carothers Parkway, the 25-foot transition buffer cannot be accommodated for the entire distance of the northern property boundary adjacent to the existing residential home.





Variance Criteria: Transition Buffer

According to 20.10.6 of the Zoning Ordinance, the BZA may authorize a variance for the following criteria:

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

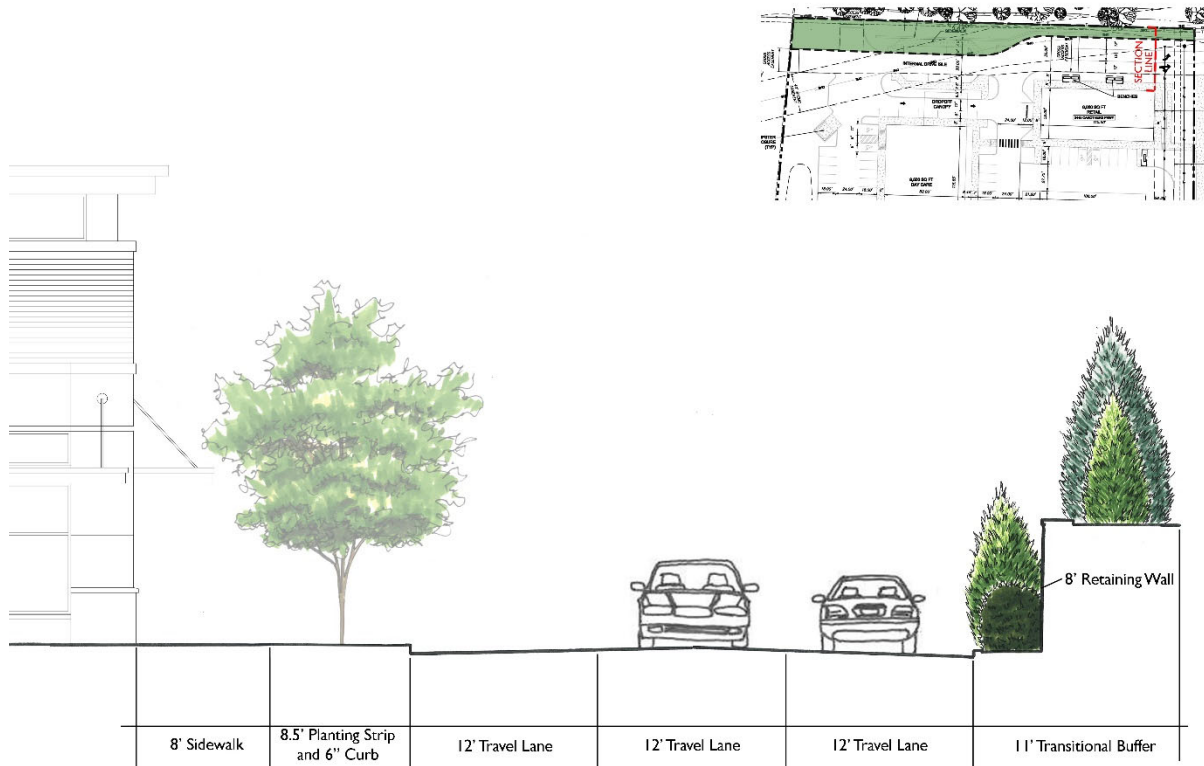
Without the approval of this variance, the property would not be accessible from Carothers Parkway.

Variance Criteria: Transition Buffer

According to 20.10.6 of the Zoning Ordinance, the BZA may authorize a variance for the following 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 this Ordinance.

The buffer will not be entirely abandoned. The buffer will be reduced to a width of 11 feet and will be planted with evergreen landscape material to maintain a transition buffer adjacent to the residential property to the north. The section elevation below demonstrates how the reduced buffer is still be able to serve its intended propose as a transition zone between the proposed neighborhood commercial development and the residential property located to the north.



Sincerely,

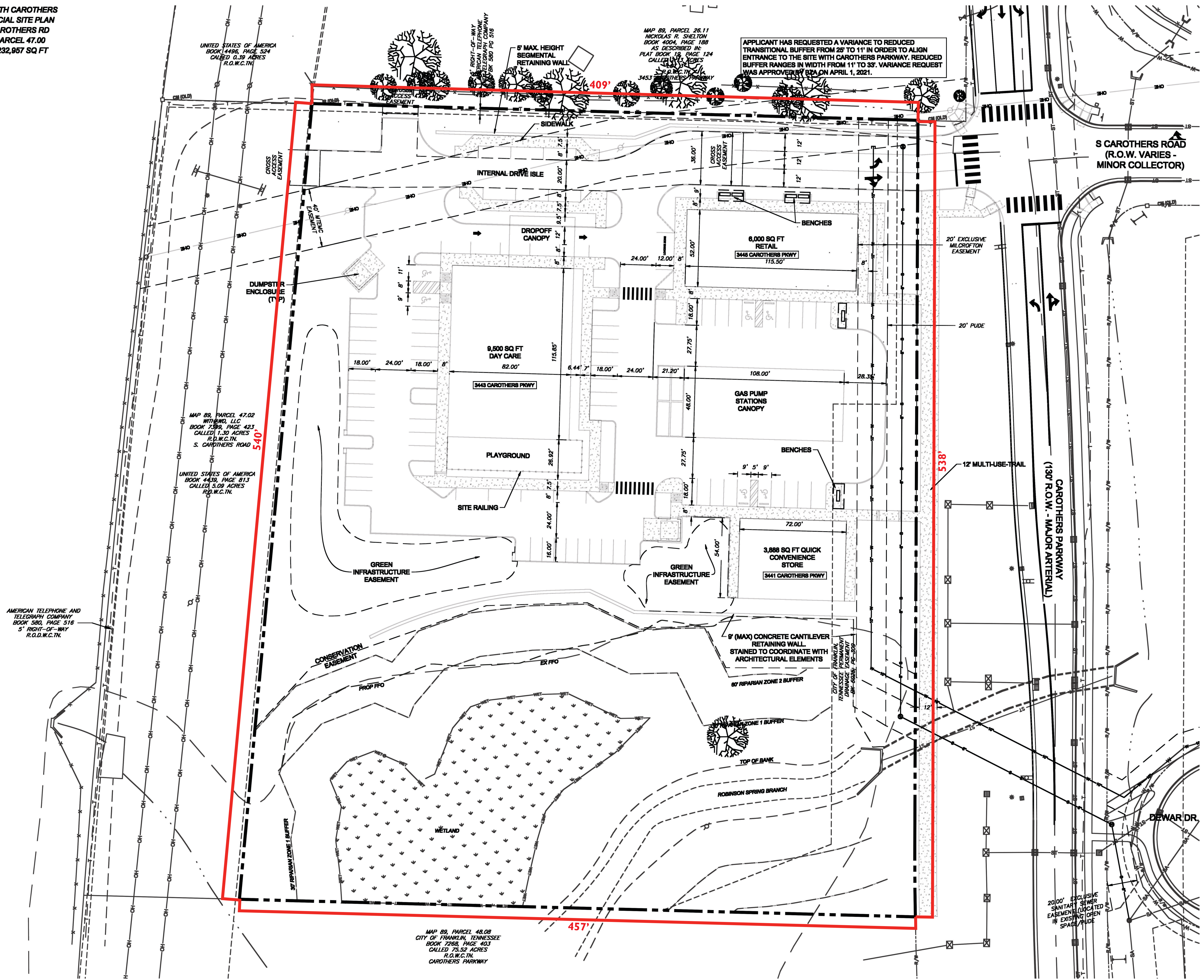
Greg Gamble

PROJECT NAME: 4309 SOUTH CAROTHERS RD
COMMERCIAL SITE PLAN
ADDRESS: 4309 S CAROTHERS RD
PARCEL: MAP 89, PARCEL 47.00
AC / SF OF SITE: 5.35 AC / 232,957 SQ FT

<u>REGULATIONS</u>	
VESTING (DATE DEVELOPMENT	
FIRST BECAME VESTED):	TBD
DATE OF VESTING ZONING	
ORDINANCE:	TBD
CURRENT ZONING:	NC
VESTED ZONING:	
OVERLAY ZONING:	FFO

SETBACKS	
FRONT YARD:	10 FT
SIDE YARD:	5 FT
REAR YARD:	5 FT
COMMERCIAL SF BY USE:	
RETAIL:	6,000 SF
DAYCARE:	9,500 SF

QUICK CONVENIENCE STORE:	3,888 SF
HOTEL KEYS:	N/A
BUILDING HEIGHT:	1 STORY
MIN LANDSCAPE SURFACE AREA:	15%
FORMAL/INFORMAL OPEN SPACE:	0.28 AC
TREE CANOPY RETENTION AC:	1.01 AC
PARKING REQUIRED:	99
PARKING PROVIDED:	101
HISTORIC RESOURCE TREATMENT:	N



GRAPHIC SCALE (IN FEET)

1 Inch = 30 ft.

Filenames: \\K-10-11-1210 4309 South Carothers\3_CAO\Production\2_Site Plan\4309Carothers-Site.dwg
 Layout Name: C 21 Site Plan
 Plotted: Thursday, August 05, 2021 - 4:40 pm
 By: pldcra

GDC
GAMBLE
DESIGN COLLABORATIVE
DEVELOPMENT PLANNING AND
LANDSCAPE ARCHITECTURE

ENERGY LAND & INFRASTRUCTURE
1420 DONELSON PIKE, SUITE A12 • NASHVILLE, TN 37217
OFFICE 615-383-6300 • WWW.ELI-LLC.COM
ENGINEERS • SURVEYORS • INFRASTRUCTURE • ENVIRONMENTAL

4309 SOUTH CAROTHERS COMMERCIAL SITE PLAN

MAP 89, PARCEL 47.00
CITY OF FRANKLIN PROJECT NO. 7541
FRANKLIN, TENNESSEE

[illegible]

Issue Date:	May 10, 2021
BLI Project No:	20-11-1210
Drafted By:	RDP
Checked By:	LCW
Sheet Title:	

SITE PLAN

Sheet No.

C 2.1

From: smangiagli@aol.com <smangiagli@aol.com>

Sent: Wednesday, December 6, 2023 11:57 AM

To: Planning Intake <planningintake@franklintn.gov>

Subject: Variance Request Application Comments for property at 4309 S Carothers Road

ATTENTION COF staff: This email originated from outside the City of Franklin. Please use discretion when clicking on attachments & links from unknown senders or suspicious emails.

I am writing regarding the Notice I received for a Variance Application for a Variance Request for the property at 4309 S Carothers Road.

The applicant is requesting to reduce the width of the Required Transition Buffer to a minimum of 11 feet along the Northern Property Line.

I am vehemently opposed to the granting of this request.

Envision Franklin clearly states their is to be a

25 foot Transition Buffer .

There should be NO exceptions !!!

This property is less than 200 feet from my property.

In ALL the neighborhood meetings held with this property owner and his representatives we were ASSURED repeatedly that they would abide by the Envision Franklin policy.

Now, they want to pull this last minute stunt and reduce the REQUIRED transition buffer by over HALF of what is required ?

What is the point in even having policies and requirements if they are not going to be enforced? Our homes have been here since 1994 .

We fought and fought the encroaching over development for years.

Only to have our voices not heard .

They have succeeded in changing this land from residential to now commercial.

We will have increased noise pollution

Light pollution and quality of life as it stands now.

To grant this variance request would only add to the demise of environment..

Several neighbors have already relocated

Our property values will only plummet further with this commercial development and even further if the variance is granted to reduce the required transition buffer

Respectfully

Sherri Mangiagli

1020 Meandering Way

Franklin Tennessee

Sent from the all new AOL app for iOS



File #: 21-05734

DATE: November 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 For Encroachments Into Areas With Slopes Of 20% Or Greater For The Property Located At 116 Earham Court (F.Z.O. 17.1.2.)

PURPOSE:

PROJECT INFORMATION

COF Project Number: 8837
Applicant: Rork Thomas
Owner: Kelly Hunter Robinson

BACKGROUND/STAFF COMMENTS:

Vicinity Zoning/Land Use

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

17.1.2 - Natural Resources, Steep Slopes, Prohibited Development

Other than public infrastructure and passive parks, development shall be prohibited on naturally

occurring slopes having at least 20 feet of rise over 100 feet of run.

Background

This 0.59-acre lot is located at 116 Earlham Court within the Avalon Subdivision. The property is zoned PD Planned District, and it is within the 500 foot Buffer of Hillside Overlay. The applicant wishes to develop the parcel with a single-family home.

The Avalon Subdivision was approved prior to the establishment of the HHO district and the 500-foot Buffer of the Hillside Overlay. This property now lies within the 500-foot Buffer of the Hillside Overlay. The majority of the lot is covered in slopes with grades over 20%, making the buildable area for the property just a small portion of the site. This topography creates difficulties for site design and development as the Franklin Zoning Ordinance does not allow for development on slopes greater than 20% to protect natural features. In addition, the Avalon Subdivision architectural guidelines require two-story houses to be a minimum of 5,000 square feet.

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 slopes on this lot cause an exceptional topographic condition which requires encroachment on 20% slopes in order to support development. As seen in the attached exhibit, slopes greater than 20% cover roughly half of the lot. Although the City is not responsible for enforcing neighborhood architectural guidelines, it is significant that this home would need to meet the minimum square footage requirements for the Avalon subdivision. With development being prohibited on slopes greater than 20%, a house fitting the Avalon Subdivision architectural guidelines could not be built on this lot. 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.

Strict application of the Zoning Ordinance would create practical difficulties in the development of this site due to exceptional topographic conditions and the Avalon Subdivision architectural guidelines. The Avalon PUD Subdivision was approved by the City of Franklin prior to the adoption of the Hillside Hillcrest Overlay Zoning District (HHO) and today's applicable slope development standards. Development on the steep hillsides was anticipated when the development was originally approved, so the current Zoning Ordinance creates exceptional practical difficulties for the Avalon Subdivision that was established prior to the updated ordinance requirements. Seeing as slopes greater than 20% cover most of this lot, the application of the Zoning Ordinance would prevent development on this 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 this request 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 for this property is to allow a

single-family residential home on this lot, and this variance is the minimum necessary deviation from the requirements of the Zoning Ordinance in order to develop a single-family home on the lot, given the current conditions of the site. Staff finds this criteria is met.

FINANCIAL IMPACT:

None.

RECOMMENDATION:

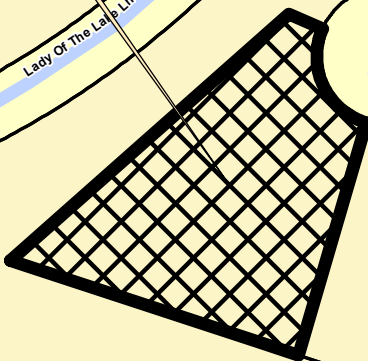
RECOMMENDED MOTION: Staff recommends the Board of Zoning Appeals move to approve the **Variance Request To Allow For Encroachments Into Areas With Slopes Of 20% Or Greater For The Property Located At 116 Earlham Court**, because the criteria for granting a variance have been met.

116 EARLHAM COURT
TAX MAP 061G, GROUP A, PARCEL 00100
BOARD OF ZONING APPEALS
DECEMBER 07, 2023

Legend

-  116 Earlham Court
-  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

Site



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It was compiled from the most authentic information available.
The City is not responsible for any errors or omissions contained hereon.
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0 250 500 1,000
Feet





November 7, 2023

City of Franklin
Board of Zoning Appeals

Please let this serve as my justification letter for an appeal of Lot 131 in the subdivision of Avalon and also known as 116 Earlham Court.

I am requesting this appeal because this lot contains exceptional topographic conditions and slopes greater than 20 percent.

The strict application of the current Zoning Ordinance would result in not allowing me to construct a home on this property. This type of situation exists on many lots in Avalon which have had homes built on them.

This relief would not be detrimental to the public good and as stated earlier, many of the lots in this subdivision contain exceptional topographic conditions and have had home constructed on them. In fact, I constructed our personal home on this same cul-de-sac, on a very similar lot, in 2016. I have built 9 homes in Avalon thus far.

I have included an engineered site plan in the submittals which will show the amount of slope on this lot, the placement of the home, driveways, retaining walls proposed final grading and many more items.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rork Thomas', is written over a horizontal line.

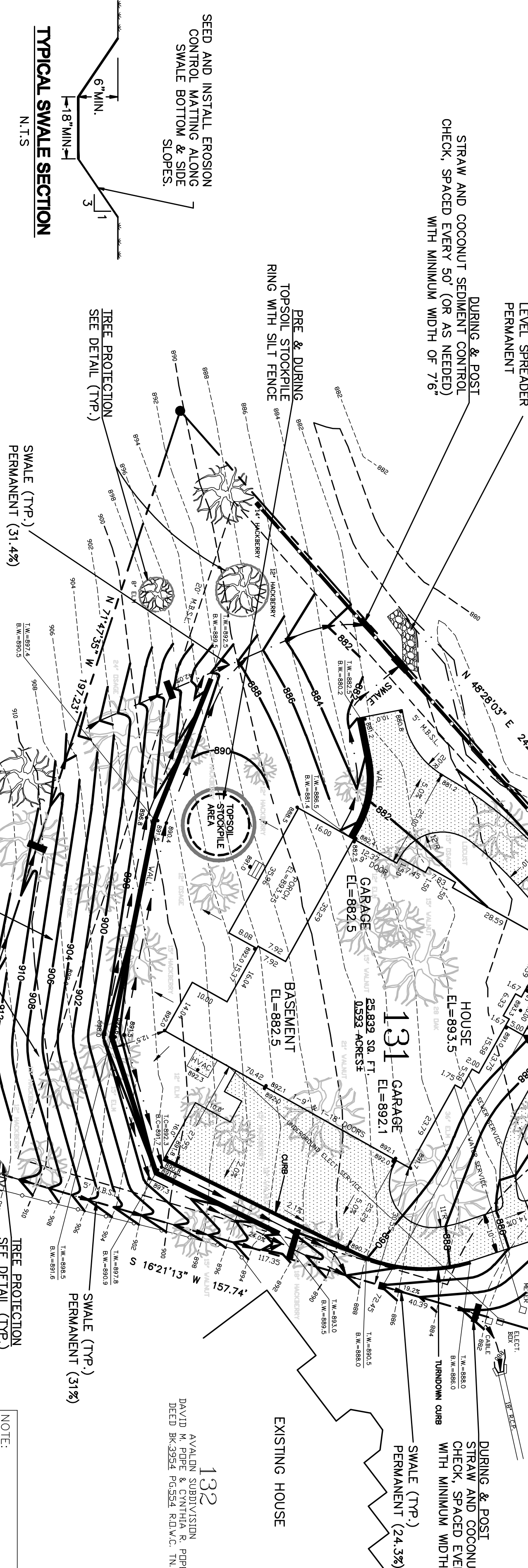
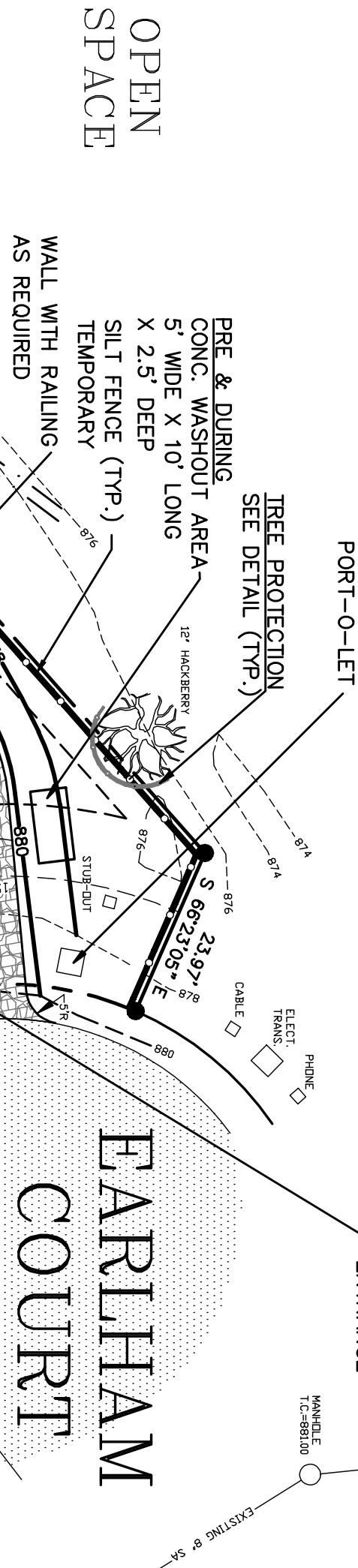
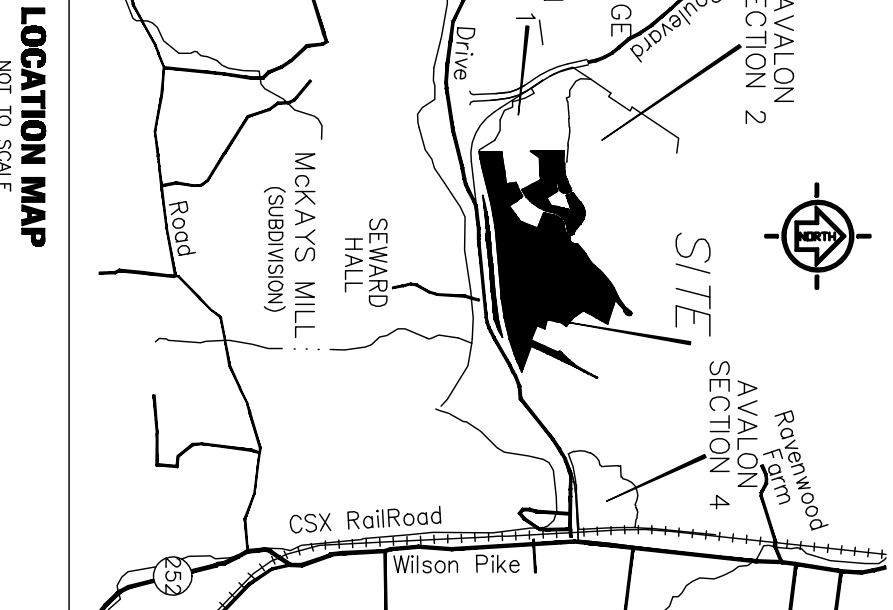
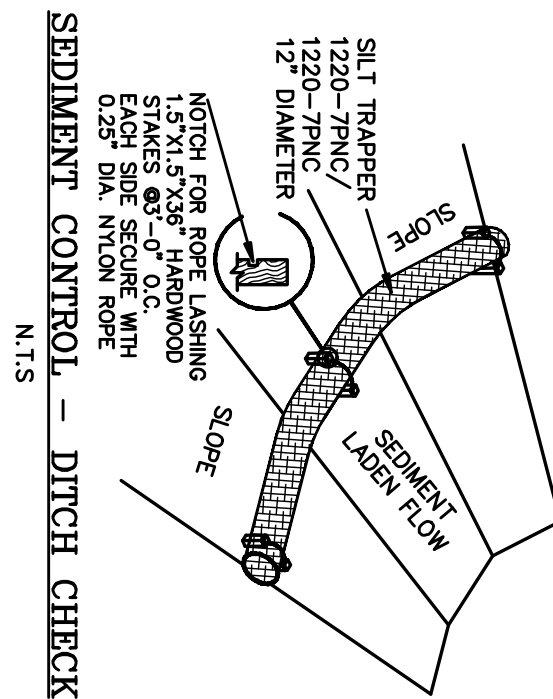
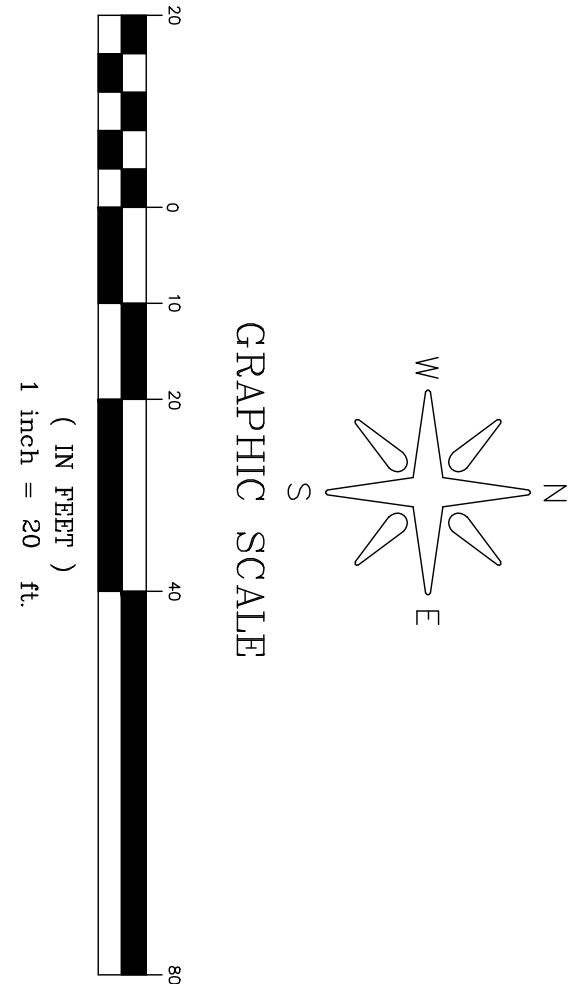
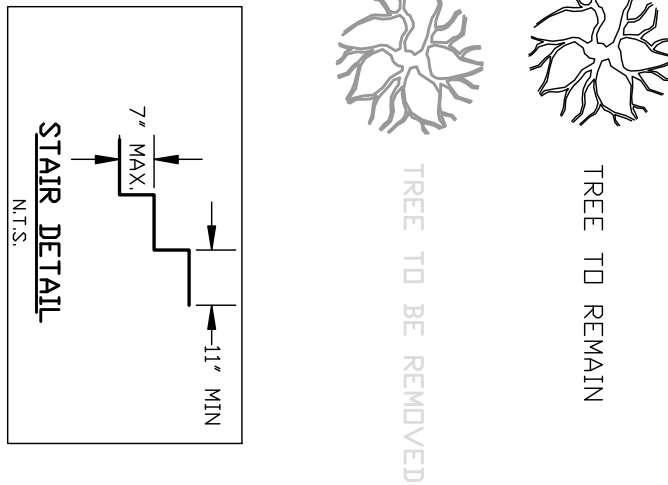
Rork Thomas
R Thomas Construction, LLC

1. OWNER:
KELIE H. MCDOWELL REOCOCABEE TRUST
MCDOWELL TRUST
ATTN: KELIE H. MCDOWELL
DEED BY 3124 P.O.D. R.O.C. NO.
P. THOMAS CONSTRUCTION LLC 615-371-9970
FRANKLIN, TN 37067
ATTN: RICK THOMAS
rthomas@rthomas.com
2. BUILDER:
R. THOMAS CONSTRUCTION LLC 615-371-9970
FRANKLIN, TN 37067
ATTN: RICK THOMAS
rthomas@rthomas.com
3. CONSULTANTS:
G&M ENGINEERING, INC. 615-474-7304
HENDERSONVILLE, TN 37075
ATTN: CREGG W. ALDERMAN, P.E.
GREGG@G&M-ENGINEERING.COM
4. EXISTING TOPO
SHAWN HERON IS FIELD SURV. #501
7121 CRESTSIDE BLVD. SUITE 102
BIRMINGHAM, TENN. 37027
TOPO@ELIASSONENGINEING.COM
- CITY OF FRANKLIN
CITY OF FRANKLIN ENGINEERING DEPT.
(615) 793-1218

NOTE:
ALL 2:1 SLOPES WILL REQUIRE PERMANENT GEOTEXTILE
STABILIZATION MATTING, AS PER FRANKLIN STORMWATER
BMP MANUAL (PESC-02)

EROSION AND SEDIMENT CONTROL NOTES

- [illegible]

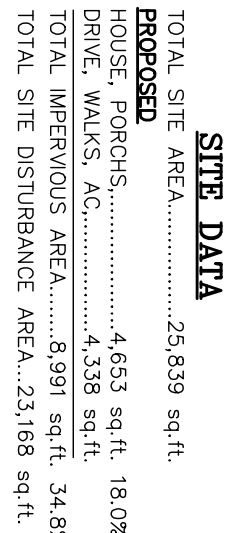
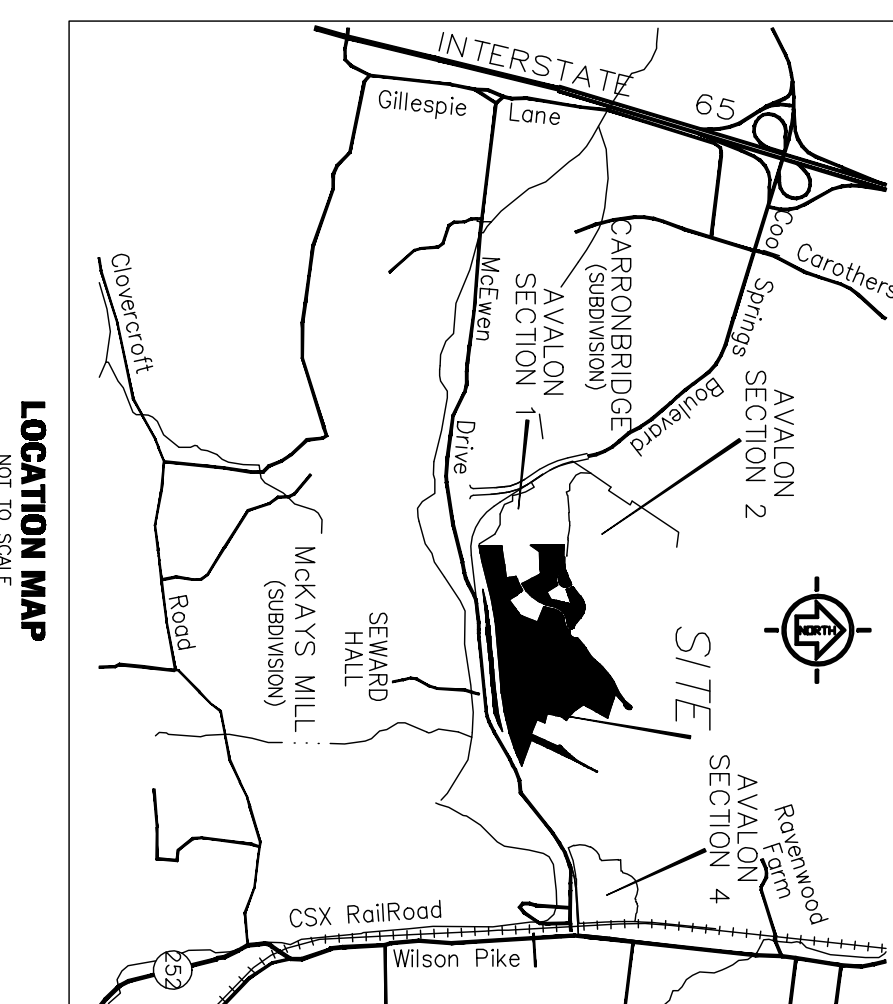
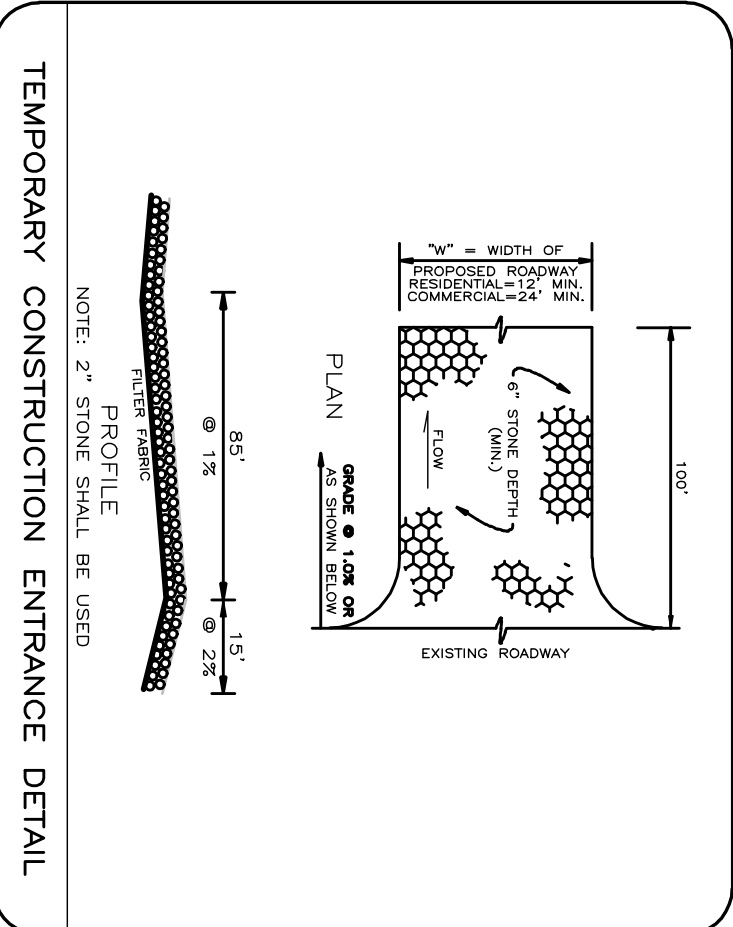
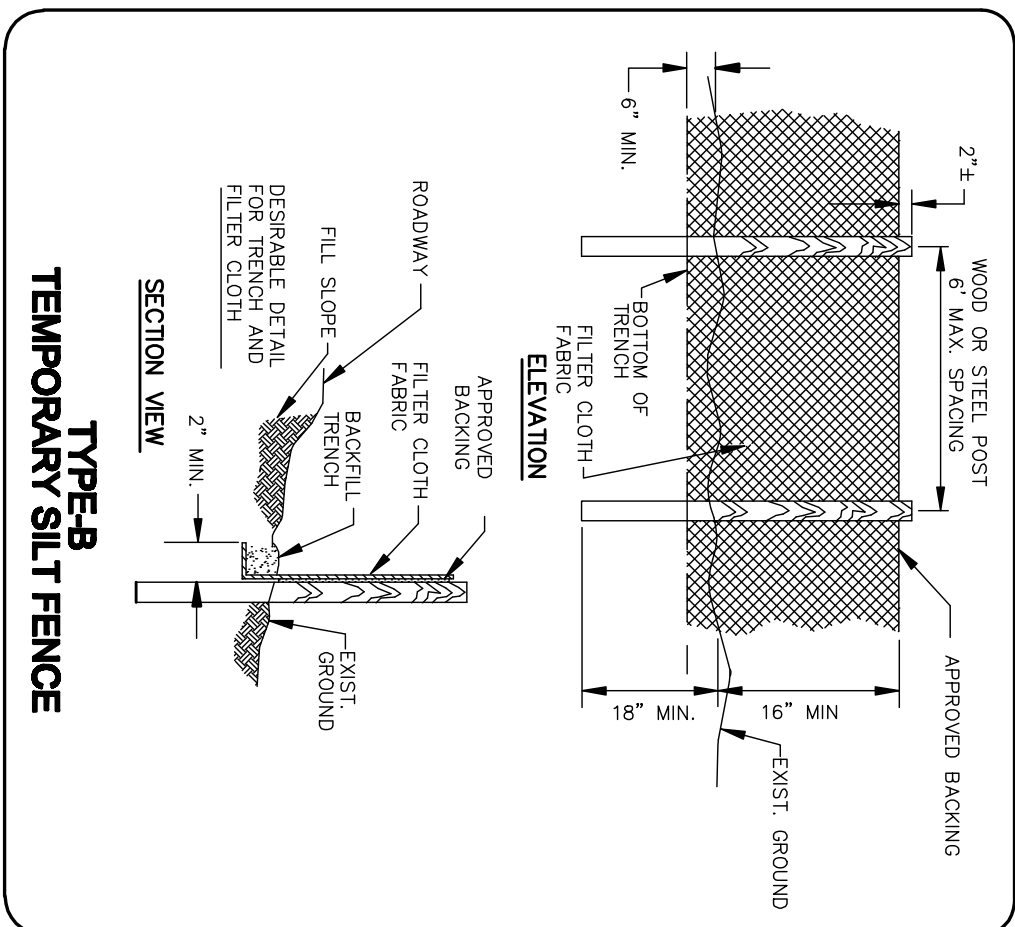


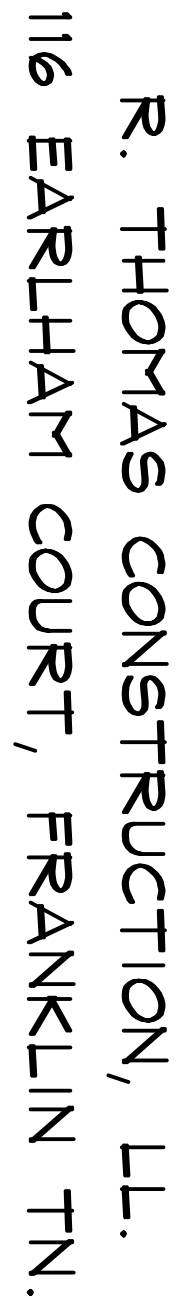
NOTE:
BOTTOM OF WALL (B.W.) SHOWN HEREON IS 12" BELOW
FINISHED GRADE. SAFTY RAILINGS TO BE INSTALLED PER
CITY CODES.

EROSION CONTROL PLAN

AVAILON

SECTION THREE





FOUNDATION PLAN

SCALE: 1/4"=1'-0"

Every attempt has been made in the preparation of this plan to avoid errors, omissions, and mistakes. Allstar Custom Home Plans can not guarantee against human error. The contractor or client shall verify all conditions, dimensions, details and specifications. The designer will not be liable for human error after construction begins.

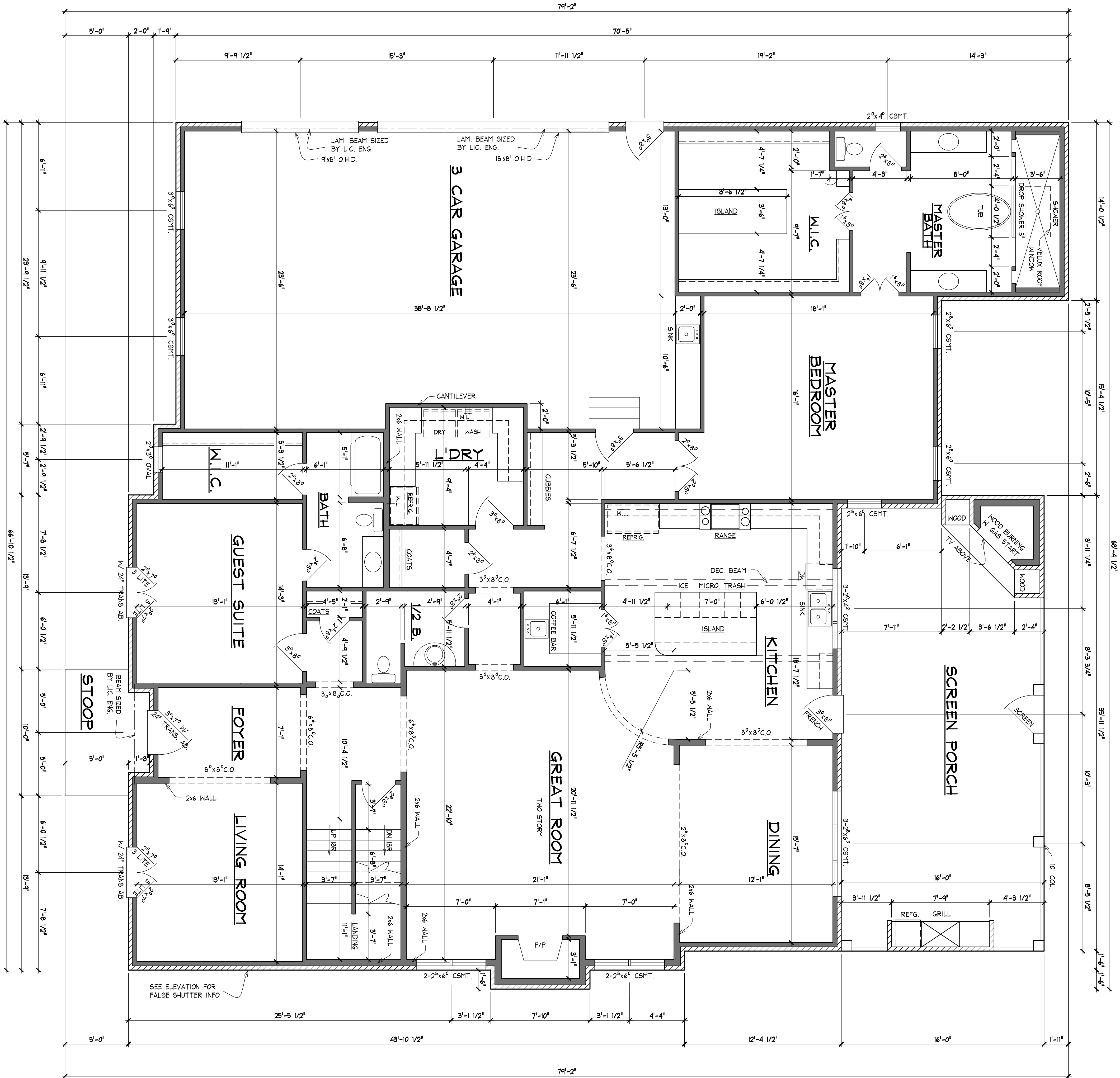
PHONE 615-771-3004
256 SEABOARD LANE, SUITE G-102
FRANKLIN, TENNESSEE 37067



It is the responsibility of the contractor to verify accuracy and compliance with all code agencies prior to construction; and their requirements must take precedence over those shown. If any concerns please contact Allstar Custom Home Plans or other architect or engineer.

DATE	4/12/19
DRAWN	DL
JOB NO.	

RT2



R. THOMAS CONSTRUCTION, LL.
116 EARLHAM COURT, FRANKLIN TN.

- GENERAL NOTES:
1. ALL WALLS 3/4" INTERIOR, 4" EXTERIOR UNLESS OTHERWISE NOTED.
 2. ALLOW 4" BRICK VENEER.
 3. 10'-0" CEILINGS DOWN, 9'-0" CEILINGS UP.

FIRST FLOOR	3072
SECOND FLOOR	1285
TOTAL LIVING	4357
BASEMENT	1475
MECHANICAL BASEMENT	343
GARAGE	1408
PORCHES	578
TOTAL COVERED	8161

FIRST FLOOR PLAN

SCALE: 1/4"=1'-0"

REVISIONS
8/6/19

Every attempt has been made in the preparation of this plan to avoid errors, omissions, and mistakes. Allstar Custom Home Plans can not guarantee against human error. The contractor or client shall verify all conditions, dimensions, details and specifications. The designer will not be liable for human error after construction begins.

PHONE 615-771-3004
256 SEABOARD LANE, SUITE G-102
FRANKLIN, TENNESSEE 37067



It is the responsibility of the contractor to verify accuracy and compliance with all code agencies prior to construction; and their requirements must take precedence over those shown. If any concerns please contact Allstar Custom Home Plans or other architect or engineer.

DATE	4/12/19
DRAWN	DL
JOB NO.	

RT2

Every attempt has been made in the preparation of this plan to avoid errors, omissions, and mistakes. Allstar Custom Home Plans can not guarantee against human error. The contractor or client shall verify all conditions, dimensions, details and specifications. The designer will not be liable for human error after construction begins.

PHONE 615-771-3004
256 SEABOARD LANE, SUITE G-102
FRANKLIN, TENNESSEE 37067

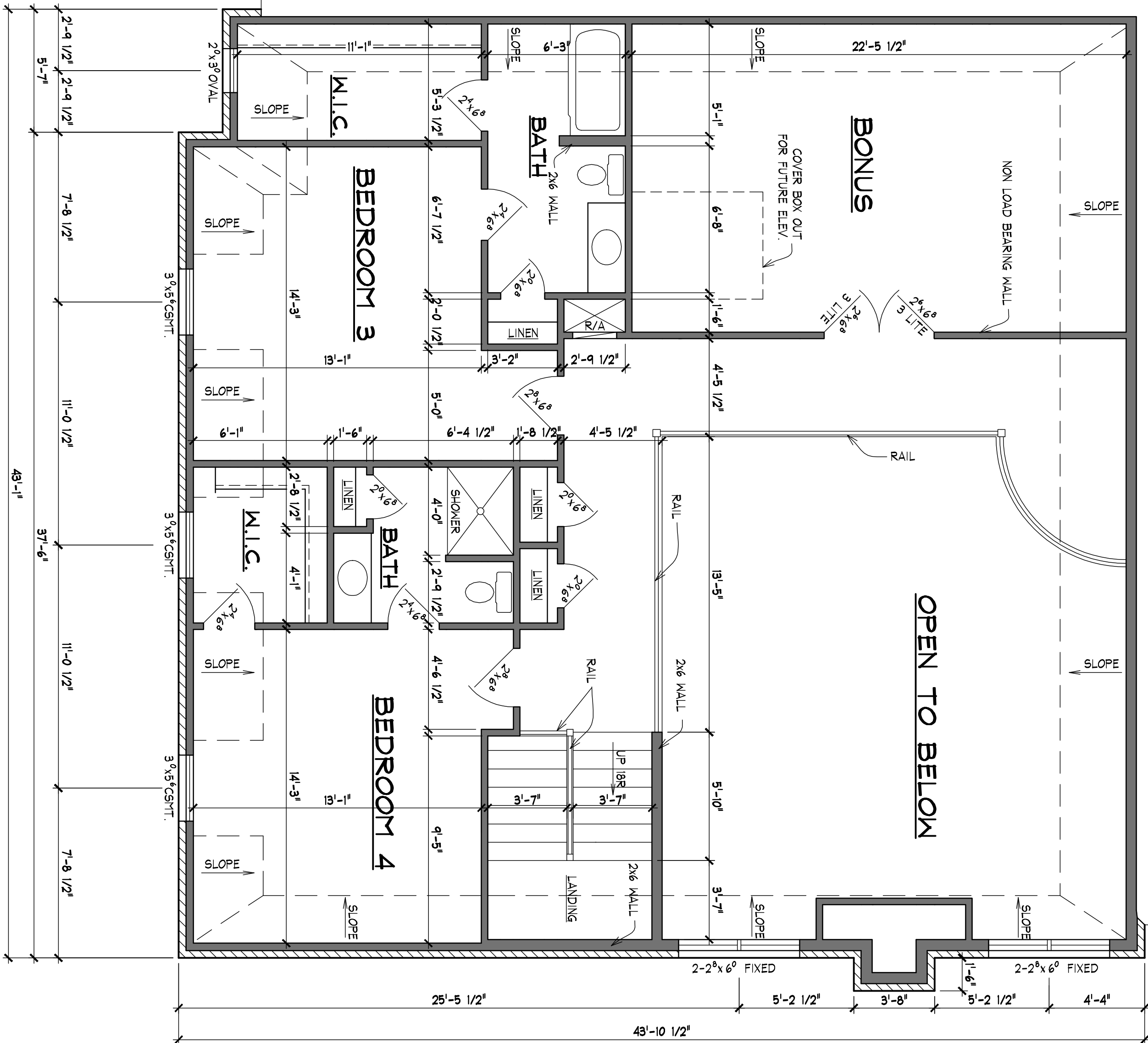


It is the responsibility of the contractor to verify accuracy and compliance with all code agencies prior to construction; and their requirements must take precedence over those shown. If any concerns please contact Allstar Custom Home Plans or other architect or engineer.

DATE 4/12/19
DRAWN DL
JOB NO.

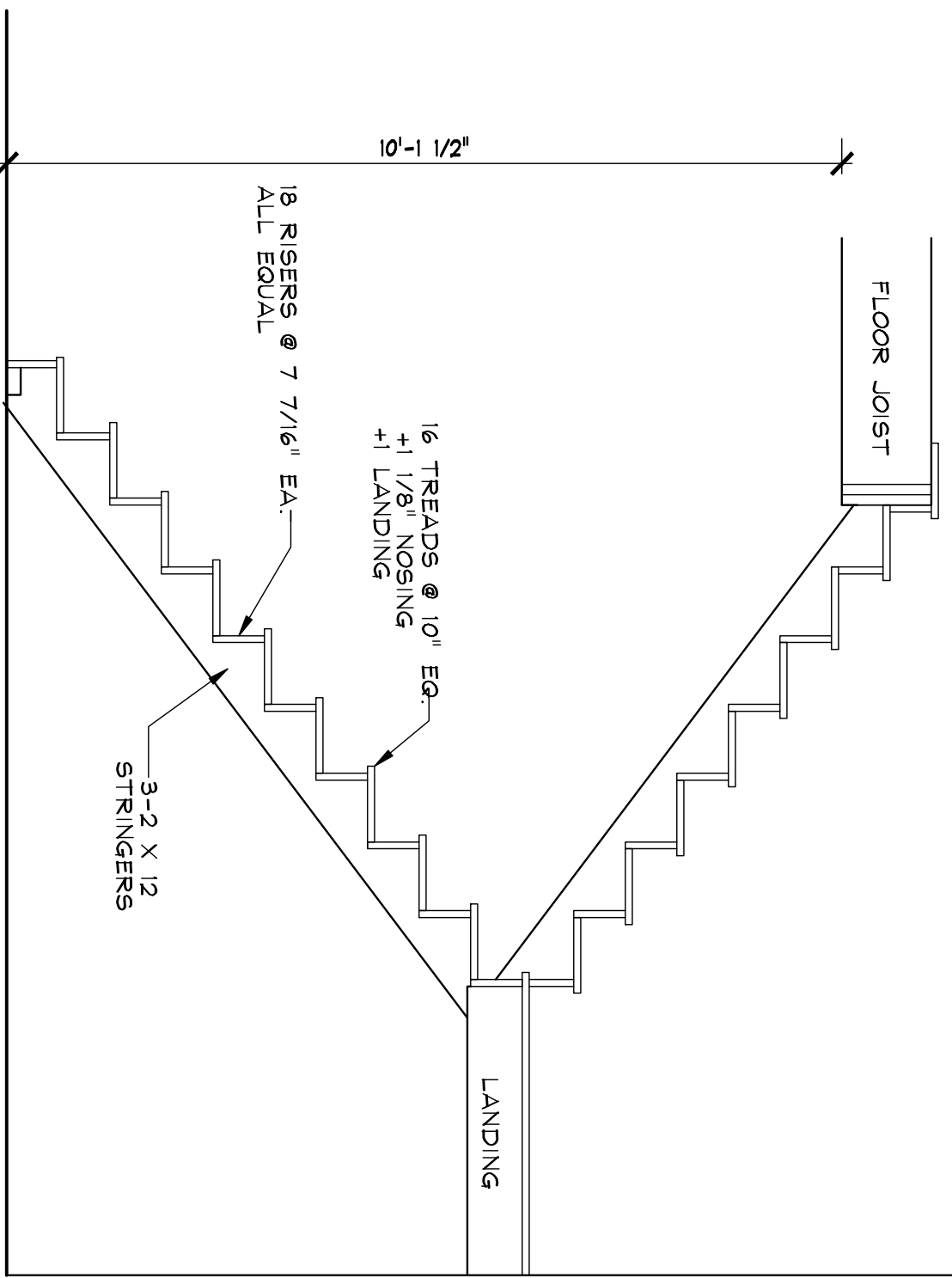
RT2

3



SECOND FLOOR PLAN

R. THOMAS CONSTRUCTION, LL.
116 EARLHAM COURT, FRANKLIN TN.

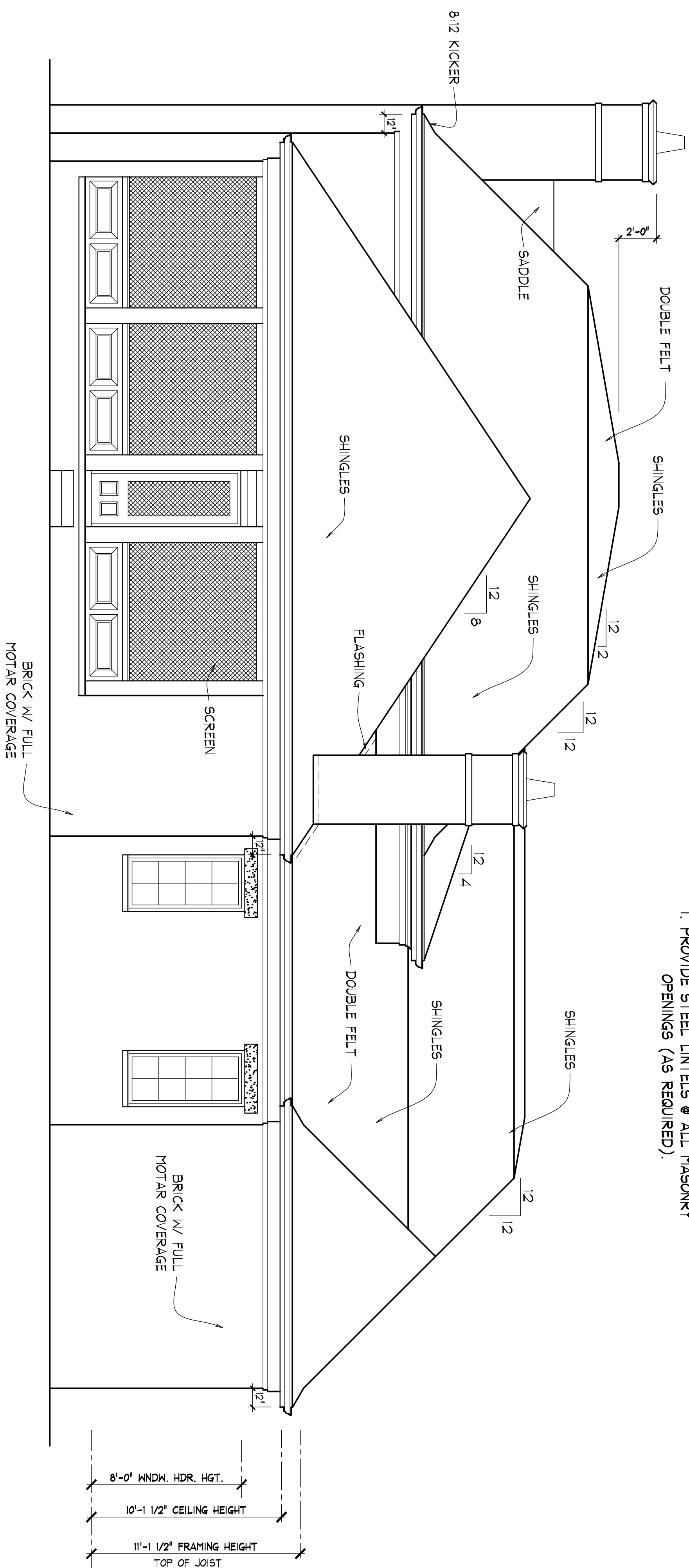


STAIR DETAIL

SCALE: 1/2"=1'-0"

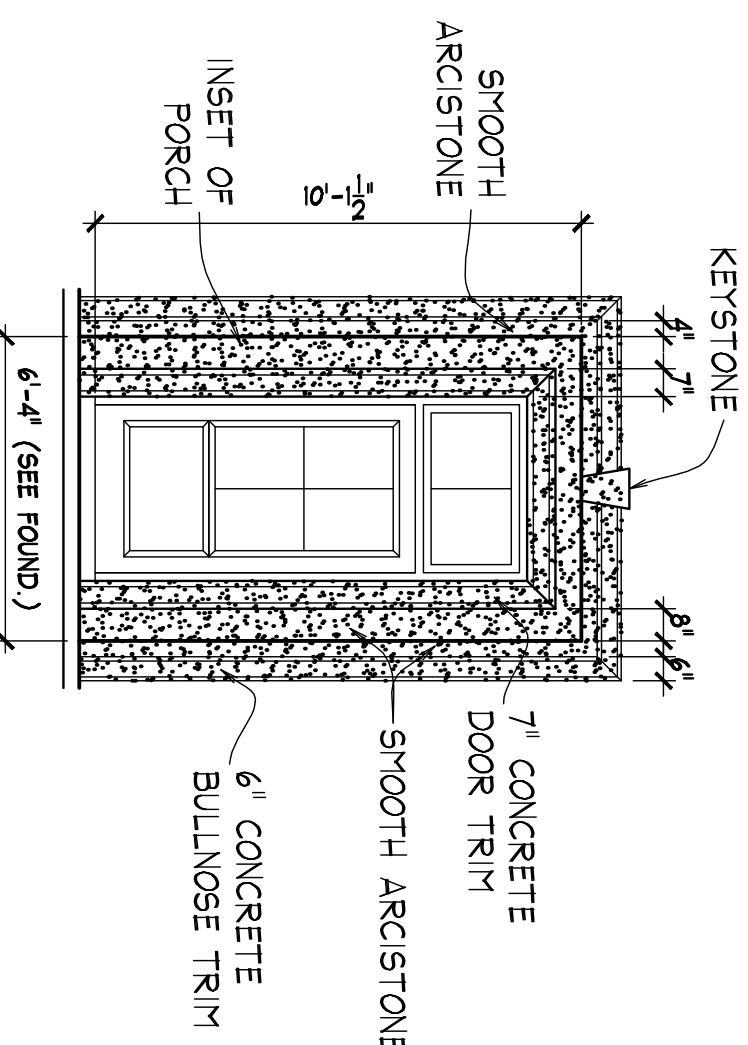
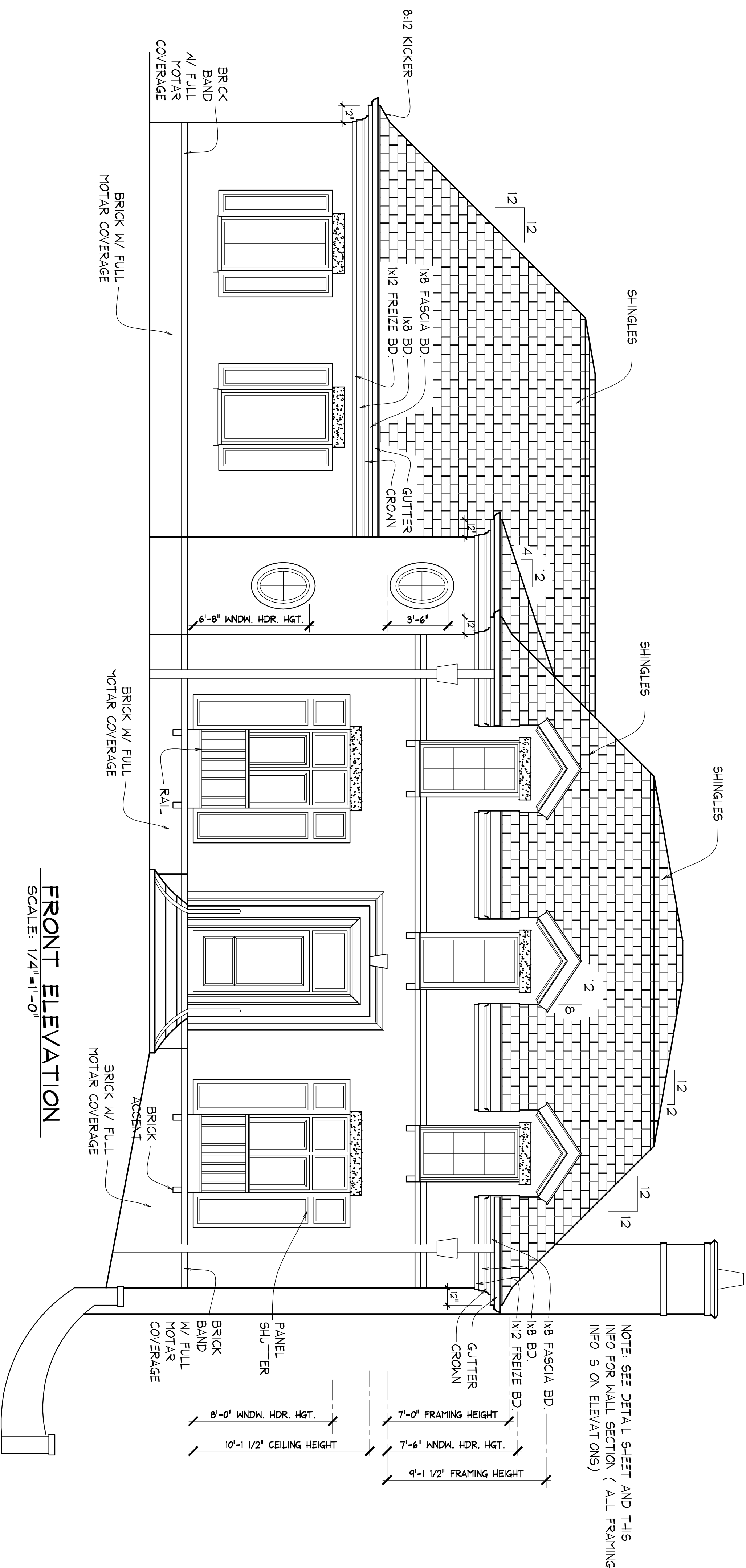
NOTE:

1. PROVIDE STEEL LINTELS @ ALL MASONRY OPENINGS (AS REQUIRED).



REAR ELEVATION

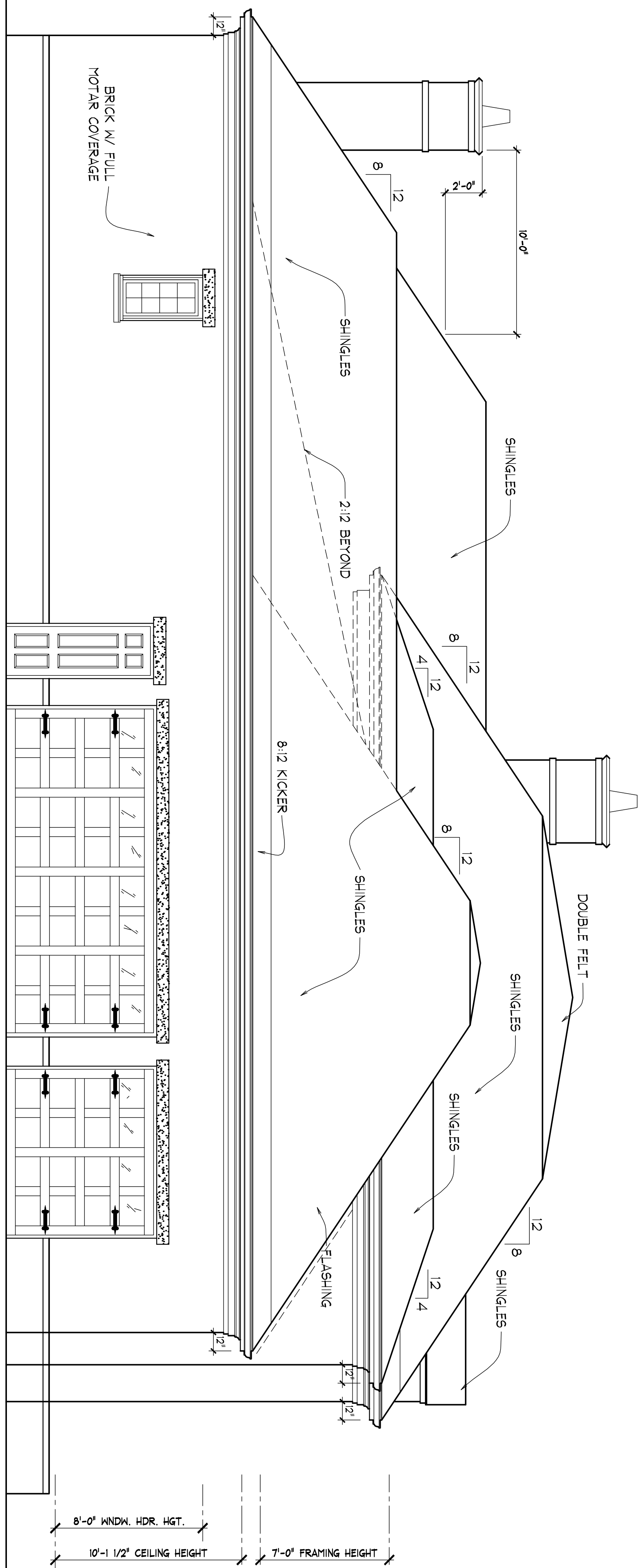
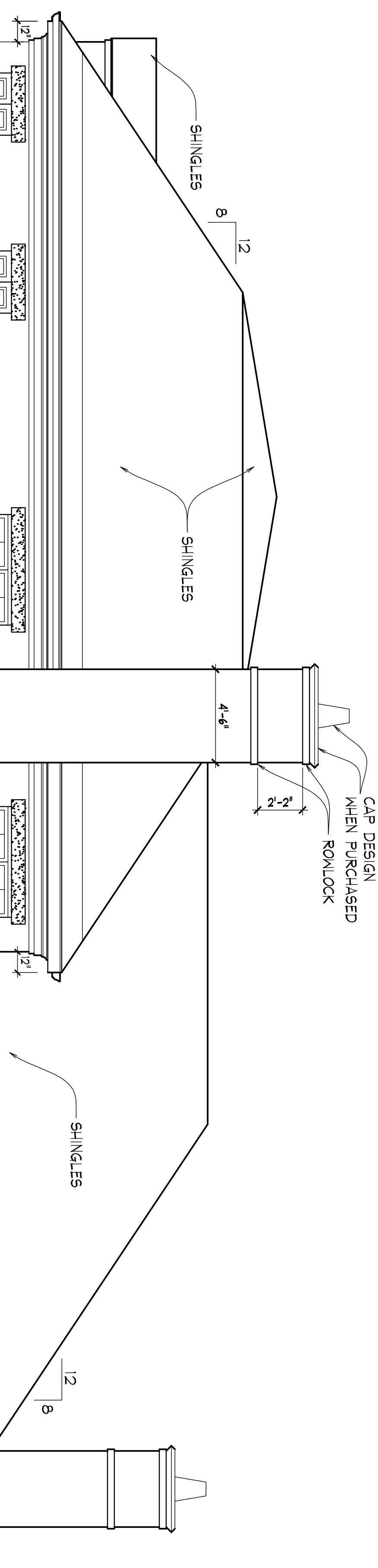
SCALE: 1/4"=1'-0



FRONT DOOR DETAIL

SCALE: 1/4"=1'-0

R. THOMAS CONSTRUCTION, LL.
116 EARLHAM COURT, FRANKLIN TN



RIGHT SIDE ELEVATION
SCALE: 1/4"=1'-0"

R. THOMAS CONSTRUCTION, LL.
116 EARLHAM COURT, FRANKLIN TN.

LEFT SIDE ELEVATION

REVISIONS
8/6/19

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PHONE 615-771-3004
256 SEABOARD LANE, SUITE G-102
FRANKLIN, TENNESSEE 37067

ALL★STAR
CUSTOM HOME PLANS LLC.

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DATE 4/12/19	DRAWN DL	JOB NO. 	RT2	SHEET
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Every attempt has been made in the preparation of this plan to avoid errors, omissions, and mistakes. Allstar Custom Home Plans can not guarantee against human error. The contractor or client shall verify all conditions, dimensions, details and specifications. The designer will not be liable for human error after construction begins.

PHONE 615-771-3004
256 SEABOARD LANE, SUITE G-102
FRANKLIN, TENNESSEE 37067

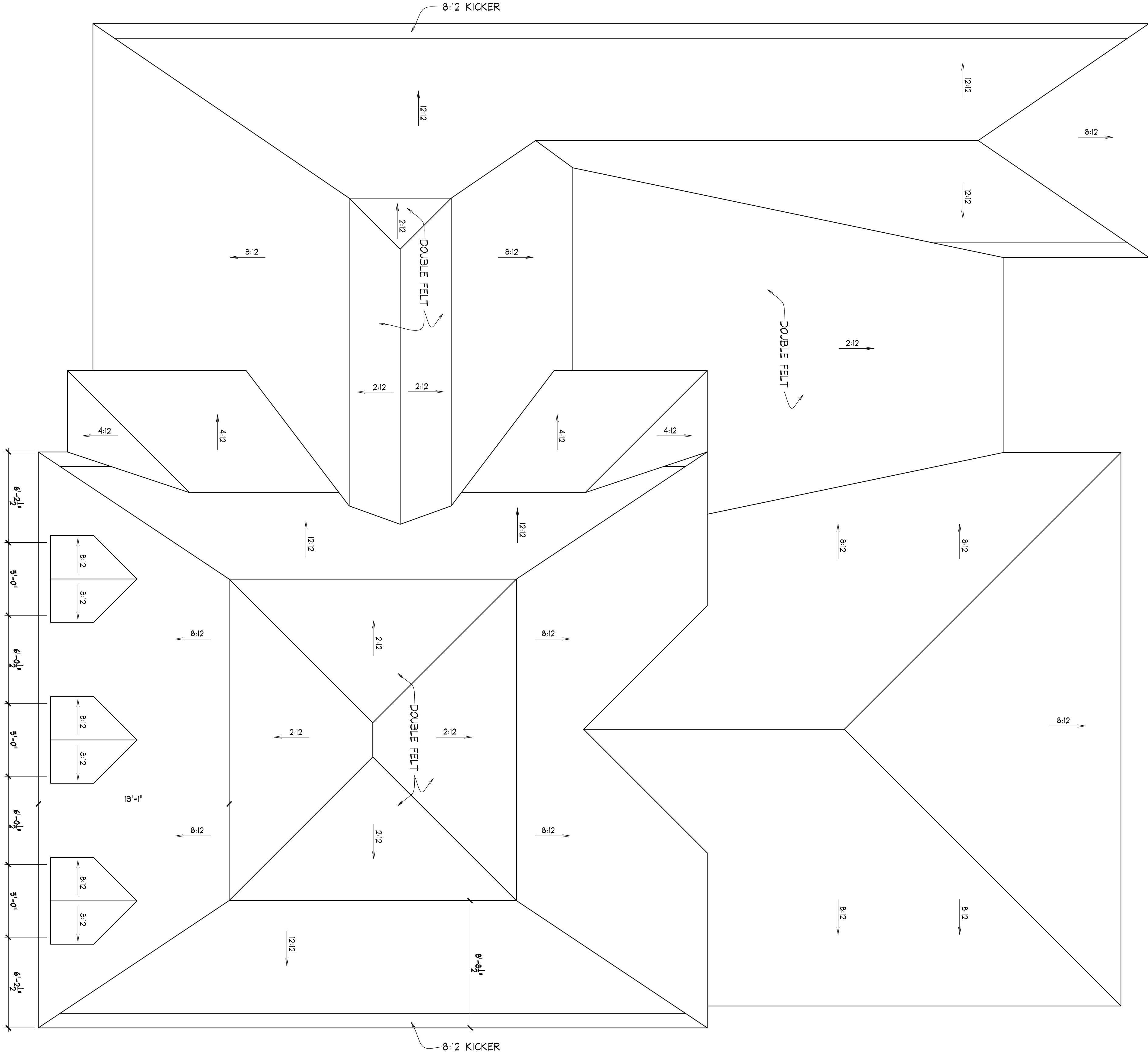


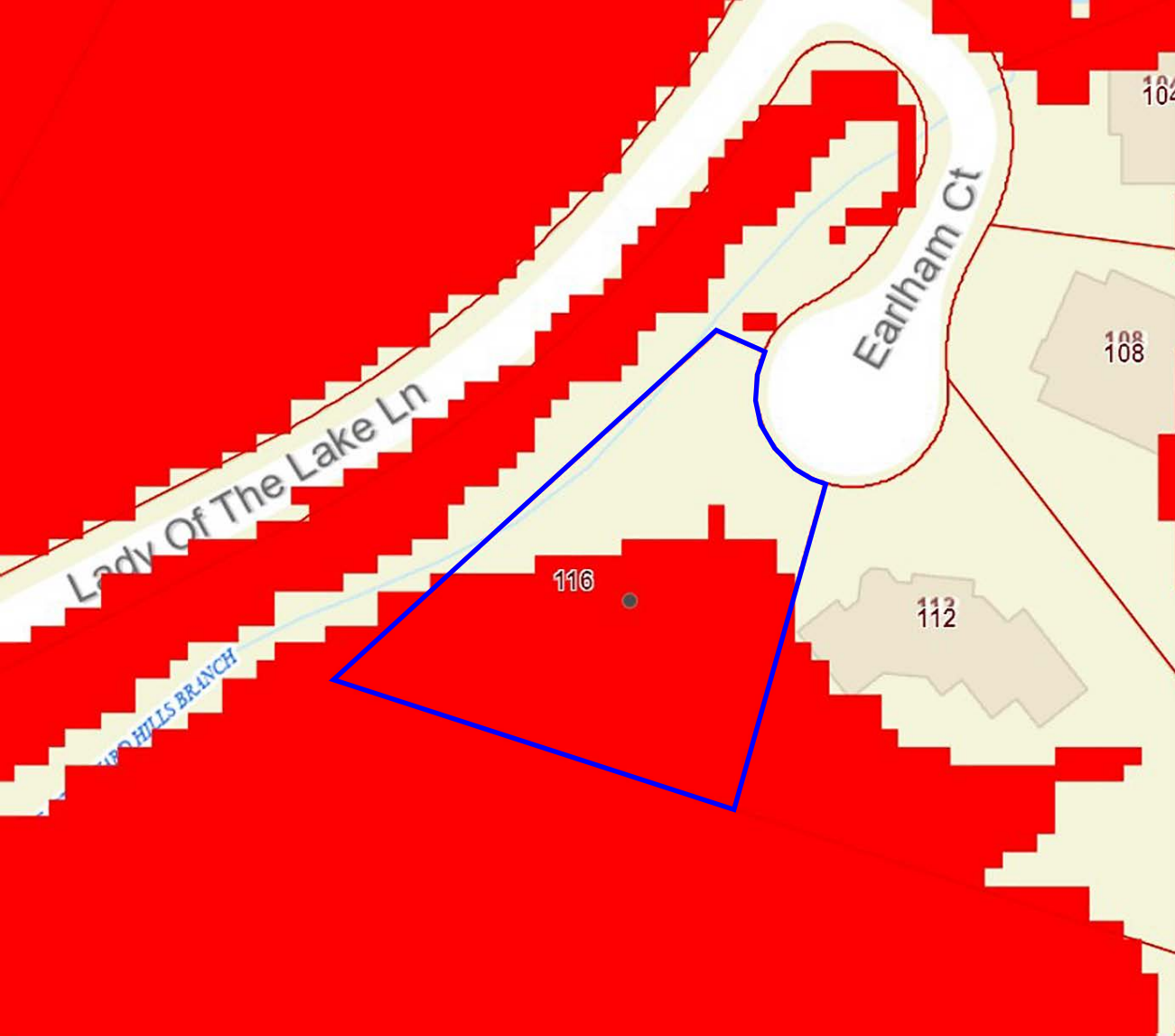
It is the responsibility of the contractor to verify accuracy and compliance with all code agencies prior to construction; and their requirements must take precedence over those shown. If any concerns please contact Allstar Custom Home Plans or other architect or engineer.

R. THOMAS CONSTRUCTION, LL.
116 EARLHAM COURT, FRANKLIN TN.

ROOF PLAN

SCALE: 1/4"=1'-0"





Slope Greater Than 20%

Parcels



116 Earlham Ct

Slope Greater Than 20%



11 .3000145 - 64.3952179



File #: 21-05735

DATE: November 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 Waive Cross Access Requirement Between Adjacent Properties For The Property Located At 128 Fourth Avenue North (F.Z.O. 9.5.3.)

PURPOSE:

PROJECT INFORMATION

COF Project Number: 8339
Applicant: Samuel Dreiling
Owner: Jason Ritzen

BACKGROUND/STAFF COMMENTS:

Vicinity Zoning/Land Use

Site: Downtown District / Commercial
North: Downtown District / Mixed Nonresidential
South: Downtown District / Office
East: Downtown District / Commercial
West: Downtown District / Civic/Institutional

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.

9.5.3 - Cross Access Between Adjacent Properties

Internal vehicular circulation shall be designed to provide cross access to each adjacent property,

unless the DRT waives the requirement due to topographical constraints, natural features, or other vehicular safety factors.

Background

This 0.32 acre property is zoned Downtown District and is within the Central Franklin Overlay and the Historic Preservation Overlay. There is an existing building on the property that is being used as commercial space, and a gravel area being used as parking for the property. Gravel parking lots are not allowed for commercial use properties, so the property received a Notice of Violation. The property owner then applied for a Certificate of Appropriateness from the Historic Zoning Commission for improvements to the parking lot and house. A note from the applicant was included on the COA submittal documents as an attempt to waive the cross access requirement. However, the COA submittal received an advisory comment from Staff that the note left on the submittal documents did not negate the requirement for cross access. A building permit was then submitted for the property to pave the gravel area, construct an addition to the structure, add an ADA ramp, and add a metal fence and metal gate across the drive entry. At that point, the Building Permit application received a comment from BNS Staff that the cross access easement is required, per the Zoning Ordinance, and shall be recorded as part of the final plat. The existing building permit has a condition for a Certificate of Occupancy that either a variance must be granted or cross access must be installed. If a variance is not granted, a Certificate of Occupancy would not be issued until the access easement is in place. The applicant is requesting a variance to waive the cross access requirement.

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.

Staff does not find there are exceptional situations, topographic restraints, or unusual aspects of the shape of the property that prevent cross access from being provided. As shown in the Site Plan exhibit, there is room to accommodate the 20' cross access up to the property line at the rear of the property, and ADA complaint parking can still be provided. The proposed parking lot drive aisle can be extended to the property line to meet this requirement. Staff finds this criteria 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.

Staff does not find that providing cross access would create exceptional practical difficulties for the owner of the property. Cross access can be provided within the proposed drive aisle. The proposed layout would not need to be revised, other than to plat the cross access easement within the limits of the drive aisle. Staff finds this criteria 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 request would not be a detriment to the public good, but it may impair the intent of the Zoning Ordinance. The Zoning Ordinance in this case is to ensure that all properties have the opportunity for connection to a public street, and the property behind 128 4th Ave North does not

have a property line abutting a public street. Not providing cross access to the adjacent property would impair the intent of the Zoning Ordinance to ensure that property has the opportunity to access the street from any adjacent properties. Staff finds this criteria is not fully met.

FINANCIAL IMPACT:

None.

RECOMMENDATION:

RECOMMENDED MOTION: Staff recommends the Board of Zoning Appeals move to deny the **Variance Request To Waive Cross Access Requirement Between Adjacent Properties For The Property Located At 128 Fourth Avenue North**, because all three of the criteria for granting a variance have not been met.

128 4TH AVENUE NORTH
TAX MAP 078, GROUP C, PARCEL 01000
BOARD OF ZONING APPEALS
DECEMBER 07, 2023

Legend

-  1284thAveN
-  Central Franklin Overlay
-  Historic Preservation Overlay
-  AG Agricultural District
-  ER Estate Residential District
-  R1 Residential 1 District
-  R2 Residential 2 District
-  R3 Residential 3 District
-  R4 Residential 4 District
-  R6 Residential 6 District
-  MR Mixed Residential District
-  PD Planned District
-  OR Office Residential District
-  CI Civic Institutional District
-  NC Neighborhood Commercial
-  CC Central Commercial District
-  DD Downtown District
-  1ST Avenue District
-  5TH Avenue District
-  RC6 Regional Commerce 6 District
-  RC12 Regional Commerce 12 District
-  GO General Office District
-  LI Light Industrial District
-  HI Heavy Industrial District



This map was created by the Franklin Planning Department.
It was compiled from the most authentic information available.
The City is not responsible for any errors or omissions contained herein.
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0 250 500 1,000
Feet



SAMUEL B. DREILING, ESQ.

WEST MAIN LEGAL ASSOCIATES

1284 West Main Street

Franklin, TN 37064

615-721-5555

sam@westmain.legal



November 13, 2023

Attn: Board of Zoning Appeals (“BZA”)

Re: request for variance, Justification letter

To whom it may concern:

Please accept this letter in support of the contemporaneously submitted variance request for the historic property located at 128 4th Avenue North, Franklin, Tennessee 37064 (the “Property”). Particularly, variance requests waiver of the cross-access easement requirement of Franklin Zoning Ordinance (“FZO”) § 9.5.3. The granting of this request will serve the Major Objectives of the city’s long term development goals as articulated by *Envision Franklin* (“EF”), adopted January 26, 2017, by the Franklin Municipal Planning Commission.¹

Enclosed herewith you will find a signed and notarized owner affidavit, the Franklin Corridor and Connector Street Design Concepts Fourth Avenue rendering and a plot plan illustrating the potential impact on the property without variance from the applicable regulations.

INTRODUCTION:

Pursuant to authority granted by *Tennessee Code Annotated* § 13-4-201, et seq., the Franklin Municipal Planning Commission updated the city’s land use plan by adopting *EF* to provide “a framework for making land use decisions”.² Accordingly, the BZA should resolve this variance request in accordance with the guidelines established by *EF*.

¹ Resolution 2016-91 (01/26/2017) and amended by Resolution 2017-35 (06/22/2017).

² *EF* page 156 [Appendix I].

Among *EF*'s "MAJOR OBJECTIVES", it is noted that "the emphasis in historic areas is to preserve the established character and ensure contextually compatible infill development."³ To accomplish these goals, "preservation of historic resources is of paramount importance"⁴. *EF* favors "adaptive re-use...in historic areas"⁵. Infill development around established areas must not "overwhelm or detract from existing buildings" whose "orientation" and "backyard patterns" should be preserved.⁶

Design Concepts are the guiding element of *EF*.⁷ Consistent with "Guiding Principles" such as "Historic Preservation" and "Context-Responsive Infill", among others, "the *design concepts* provide general guidelines to be followed in the development and review process."⁸ The Property is within the 'Main Street design concept' area. "Main Street is characterized by its pedestrian scale".⁹

While the Property is in the Main Street design concept area, it is not on a designated Main Street corridor down which public traffic.¹⁰ In the area of the Property, *EF* favors "(e)xtending commercial and mixed uses down side streets with well-connected pedestrian loops and strategically placed parking structures is encouraged."¹¹ It is worth noting that the area behind the Property is not suitable for a parking structure and has not been identified as a potential site for a parking structure.

Importantly, the Property is located in the historic downtown core, a National Register District, and is considered to be an 'Established Area' by *EF*.¹² In such areas, cohesion of infill development is particularly important "so that the historic character of the area is not compromised" and it must "minimize any impacts to established neighborhoods."¹³ "Established

³ *EF* page 7.

⁴ *EF* page 18.

⁵ *Id.*

⁶ *EF* page 23.

⁷ *EF* page 12.

⁸ *Id.* [italics added].

⁹ *EF* page 53.

¹⁰ *EF* page 152 [Appendix F, Figure F.2].

¹¹ *EF* page 56.

¹² *EF* page 149 [Appendix E, Figure E.1].

¹³ *EF* page 126.

Areas are places where the existing character is desired to be preserved.”¹⁴ This request for variance is strictly needed because without it, the character of the Property will be materially compromised.

Also, enforcement of FZO § 9.5.3 as relates to the Property is not needed because the parcel to be accessed does not have publicly usable access to Third Avenue and presently is not open to the public.

CRITERIA FOR VARIANCE:

Pursuant to FZO § 20.10.7.A., the three criteria for the granting of a variance are as follows:

1. The request is justified by either or both of the following:
 - (i) the property is exceptional due to narrowness, shallowness, or shape of the property; or
 - (ii) the property contains exceptional topographic conditions or other extraordinary or exceptional situations or conditions.
- Pursuant to FZO § 20.10.7.1., the shape of the historic property, having not changed since the adoption of the FZO, renders the Property unable to accommodate the requirements of FZO § 9.5.3 without running afoul of the Major Objectives and Guiding Principles of *EF*. Specifically, the shape and orientation of the of the Property provides only one possible location for the cross-access easement.¹⁵ However, directing public traffic along this path would overwhelm and detract from the historic residential character of the Property’s existing structure. Such a path would include vehicle lanes unreasonably close to the existing structure.¹⁶ Whereas, minimizing public vehicular use of the Property’s private driveway would act to preserve its historic character and bolster the pedestrian feel of Fourth Avenue. The BZA should consider that the historic

¹⁴ *EF* page 148.

¹⁵ depicted in the contemporaneously filed Site Plan (“SP101”)

¹⁶ *Id.*

character of the Property, and the potential of the Property for adaptive reuse would be materially undermined by the effective creation of a public alley way occupying a majority of its usable access and parking area.

- Such vehicle lanes, if required, would also create a safety concern by directing public traffic across the handicap accessibility route. The location of the Property's proposed handicap parking spots is fixed due to their proximity to the structure handicap accessible entrance.¹⁷ Due to existing walls and fences in the area of the proposed access easement, a vehicle's line of sight of the accessibility route could be as little as ten feet when entering the Property from the adjacent parcel. Such an abbreviated line of sight is dangerously less than recommended minimum sight stopping distance values.¹⁸ It is also worth noting that the Property lacks sufficient space to accommodate the two-foot buffer specified for alleys by FZO § 9.4.1.D and should not be considered sufficient for a safe two-way travel lane.
- The parcel adjacent to the Property does not contain any structure or obvious internal drive with which to connect. In conjunction with the non-public use of the adjacent parcel and its strictly private right-of-way access to Third Avenue, the requirement of an access easement from the Property would not accomplish maximization of internal connectivity intended by § 9.5.2.B. Lastly, because of the absence of a sufficient travel lane, as required by § 9.5.3, from the adjacent parcel to Third Avenue, increased vehicular circulation could not be achieved with a public vehicle access lane.¹⁹ The proposed access easement would provide the public with one-way in and one-way out of private property the public has no reason to access. This condition obviates any public good from the enforcement

¹⁷ <https://www.ada.gov/resources/restriping-parking-spaces/>

¹⁸ American Association State Highway and Transportation Officials 2018 policy of Geometric Design of Highways and Streets (7th edition) § 5.2.1.6, Table 5.3.

¹⁹ The adjacent parcel is served by a 12-foot-wide nonexclusive easement across an existing private driveway to Third Avenue the use of which is specifically limited owners, tenants or invitees thereof. The creation of the private ingress/egress easement is of record in Book 888 Page 564 in the Register's Office for Williamson County, Tennessee, and does not include the right to grant public access to Third Avenue.

of FZO 9.5.3 as relates to the Property, the policy basis for the access easement requirement, and the BZA should allow the requested variance.

2. The strict application of any provision enacted under this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional hardship upon the owner of such property; and
 - As depicted in SP101, the two-way travel lanes required by FZO § 9.5.3.C. would occupy or render unusable approximately 65% of the Property's available parking area. Requiring a majority of this parcel's available parking and access space to be consumed by a public through fare amounts to an exceptional hardship to the Property.
 - The existence of the vehicular lanes between Fourth Avenue and the proposed location of the access easement may affect the orientation of the existing structure and will certainly disrupt the Property's historic backyard pattern in contravention of *EF's* guiding principles.
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 this Ordinance.
 - The granting of this variance would be consistent with the purpose of the FZO and the intent of *EF*. It would not cause a modicum of detriment to the public good because the proposed access easement would be the sole means of public ingress and egress to the adjacent parcel and the public has no reason to access this unimproved private property. The adjacent fully paved parcel is presently connected, along one entire side, to an existing paved parking lot with direct connections to both Third and Fourth Avenues. Presently and for some time, the adjacent parcel has provided only private parking with single-lane vehicle access to Third Avenue and pedestrian access to Fourth Avenue. To prevent public parking, access to the adjacent parcel from the existing public parking area is blocked, either by its owner or the owner of the public parking area. In short,

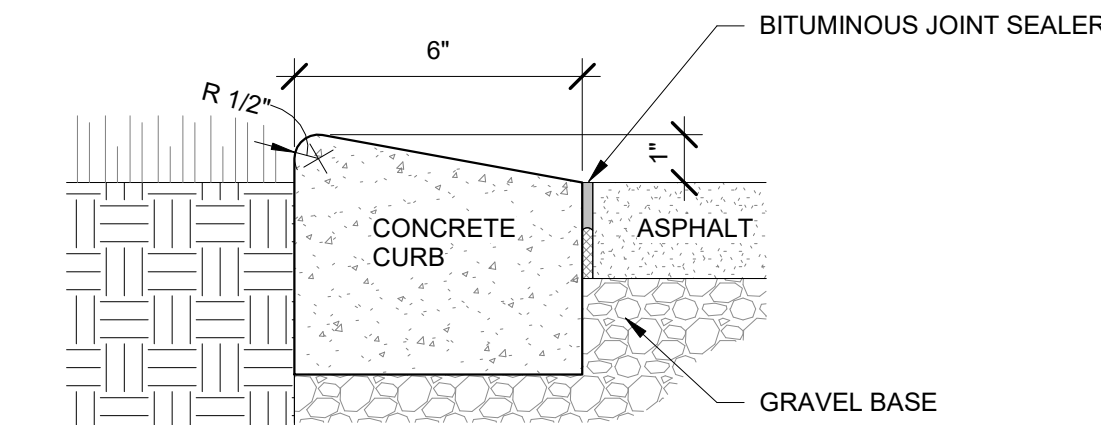
creating a public right-of-way through the Property would neither further the purpose and intent of the FZO nor serve the public good.

- Consistent with *EF*'s Major Objective to: "(e)mphasize active transportation for both destinations and recreation by connecting land uses through multi-use paths, sidewalks, and trails", the Main Street design concept calls for pedestrian amenities. Public vehicular access to the adjacent parcel would impair the desired pedestrian character of Fourth Avenue as depicted by the Franklin Corridor and Connector Street Design Concepts rendering of the being filed contemporaneously herewith.

Based on the foregoing, this letter requests the BZA grant a variance waiving the cross-access easement requirement of FZO § 9.5.3.

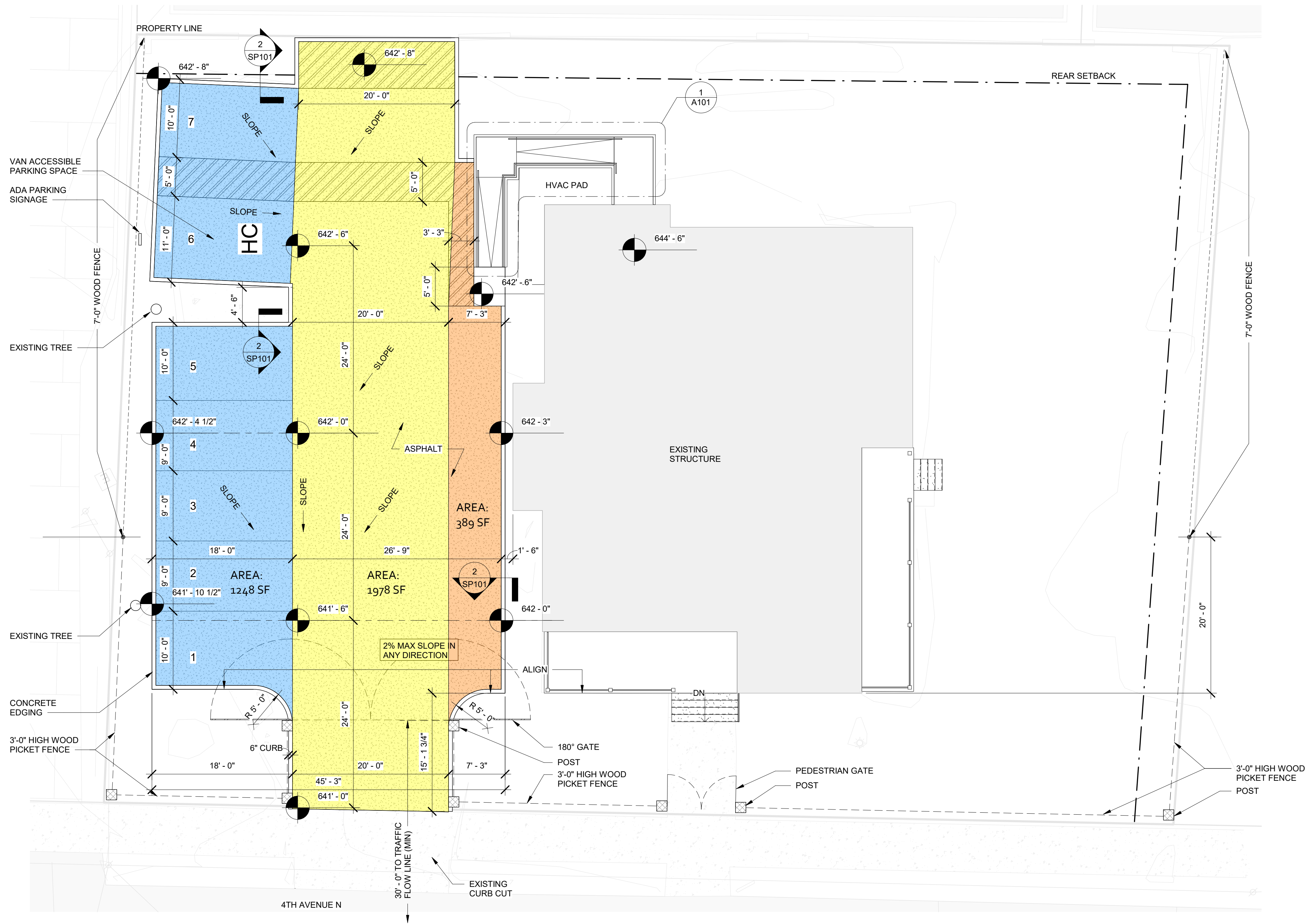
Thank you for your consideration of the above:

/s/ Samuel B. Dreiling, Esq.



2 CONCRETE CURB
3" = 1'-0"

NOTE: CROSS-ACCESS EASEMENT NOT PROVIDED. PROPERTY OWNER IS ADDRESSING THE REQUIREMENT WITH THE ASSISTANT CITY ATTORNEY, BILL SQUIRES.



1 SITE PLAN
1/8" = 1'-0"

GENERAL NOTES

- SEE G002 FOR ZONING AND CODE ANALYSIS
- EAVES, GUTTERS OR DOWNSPOUTS, SHALL NOT PROJECT INTO OR OVER REQUIRED YARD SETBACK NOT MORE THAN 24" PER METRO ZONING CHAPTER 17.12.040. SEE SITE PLAN FOR EAVE ENCROACHMENT.
- CHIMNEYS SHALL NOT PROJECT MORE THAN THREE FEET INTO REQUIRED SETBACK PER METRO ZONING CHAPTER 17.12.040.
- GRADING PLAN SHOWN FOR DESIGN INTENT ONLY. COORDINATE GRADING PLAN, SITE WALLS, DRAINAGE DESIGN, ETC WITH CIVIL ENGINEER OR LANDSCAPE ARCHITECT.

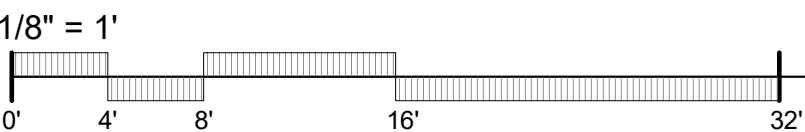
SITE CALCULATIONS

MIN REQUIRED LSA:	0%
LANDSCAPE SURFACE AREA:	60%
SITE AREA:	13,734 SF
EXISTING STRUCTURE:	2,936 SF
EXISTING IMPERVIOUS:	2,541 SF
NEW IMPERVIOUS:	45 SF
TOTAL IMPERVIOUS AREA:	5,522 SF

HISTORIC DISTRICT NOTES

- THESE DRAWINGS ARE ISSUED FOR CONSTRUCTION AS APPROVED BY THE FRANKLIN HISTORIC ZONING COMMISSION. ANY ALTERNATIONS TO THE SITE DESIGN REQUIRES ADDITIONAL FRANKLIN HISTORIC ZONING COMMISSION REVIEW AND APPROVAL.
- CONTRACTOR SHALL ENSURE ALL MECHANICAL EQUIPMENT IS COMPLETELY SCREENED FROM ALL DIRECTIONS AND OFF SITE VIEWS.
- THE CHANGE OUT OF ANY EQUIPMENT TO A LARGER DIMENSIONAL HEIGHT OR MOUNTING HEIGHT WILL REQUIRE THAT ADDITIONAL MEASURES BE TAKEN TO MEET CITY OF FRANKLIN SCREENING REQUIREMENTS.

GRAPHIC SCALES



CHISEL
workshop

PO BOX 680566 | FRANKLIN, TN 37068



PERMIT
DRAWINGS

128 4TH AVENUE N
128 4TH AVENUE NORTH, FRANKLIN TN 37064
ALTERATIONS & PARKING

2023.03.01

200402

SITE PLAN

SP101

