



Meeting Agenda

Board of Zoning Appeals

Thursday, February 1, 2024

6:00 PM

Board Room

Notice is hereby given that a meeting of the Board of Zoning Appeals will be held on the date, time, and location listed above. Additional information can be found at www.franklinton.gov/planning. For accommodations due to disabilities or other special arrangements, please contact the Human Resources Department at (615) 791-3216, at least 24 hours prior to the meeting.

Applicants are encouraged to attend the meeting, even if they agree with staff recommendation. The Board of Zoning Appeals may defer or disapprove an application/request unless someone is present to represent it.

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

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.)

APPROVAL OF MINUTES

1. Consideration Of Approval Of The January 4, 2024 BZA Minutes.

ANNOUNCEMENTS

APPLICATIONS

2. A **Variance Request** To Reduce The Minimum Garage Setback For A Front Facing Garage From 20-Feet To 14-Feet Behind The Front Facade And Front Door Of The Principal Building For The Property Located At 1151 Carter Street (F.Z.O. 6.3.).

Sponsors:

Amy Diaz-Barriga, Ariella Stanford

3. A **Variance Request** To Allow A Retaining Wall To Be Set Back 4-Feet And 2-Inches From The Lot Line For The Property Located At 904 Fair Street (F.Z.O. 13.2.2.).

Sponsors:

Amy Diaz-Barriga, Ariella Stanford

4. A **Variance Request** To Allow A Driveway To Encroach Into The Front Yard Area Located In Front Of The Remaining Part Of The Principal Building For The Property Located At 500 Murfreesboro Road (F.Z.O. 10.1.17).

Sponsors:

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.



Meeting Minutes

Board of Zoning Appeals

Thursday, January 4, 2024

6:00 PM

Board Room

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CALL TO ORDER

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

Board Members Present: Jonathan Langley, Lee Reeves, William Scales, and Dorinda Smith

Board Members Absent: Jeff Fleishour

Staff Members Present: Bill Squires, Lori Jarosz, 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 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 before noon on the day of the meeting. Emailed comments will be provided to the Commission and included in the minutes, but not read aloud in their entirety during the meeting.

APPROVAL OF MINUTES

1. Consideration Of Approval Of The December 7, 2023 BZA Minutes.

Sponsors:

Board Member Scales motioned to approve the minutes from the December 7, 2023, BZA meeting, seconded by Board Member Reeves. The motion carried 4-0.

ANNOUNCEMENTS

Ms. Diaz-Barriga introduced and welcomed Dorinda Smith as the newest member of the Board of Zoning Appeals. Ms. Smith was nominated by Mayor Moore and approved by BOMA at the December BOMA meeting.

Ms. Diaz-Barriga announced that training for the BZA will be available in April, and she will let everyone know once a time and date has been set.

VOTE FOR CHAIR AND VICE-CHAIR

2. Consideration Of Election Of Chair And Vice Chair Pursuant To Section 4.1.2 Of The Bylaws.

Sponsors:

Chair

Board Member Reeves nominated Jonathan Langley as Chair for the 2024 BZA, seconded by Board Member Scales. The motion carried 4-0. Jonathan Langley was unanimously elected as Chair.

Vice Chair

Board Member Scales nominated Lee Reeves as Vice Chair for the 2024 BZA, seconded by Board Member Smith. The motion carried 4-0. Lee Reeves was unanimously elected as Vice Chair.

APPLICATIONS

3. A Variance Request To Allow More Than The Maximum Number Of Retaining Walls On A Site, And A Variance Request To Allow For A Taller Than Allowable Retaining Wall Within A Front Yard, And A Variance Request To Allow For A Taller Than Allowable Retaining Wall Within A Side/Rear Yard, And A Variance Request To Allow For Encroachments Into Areas With Slopes Of 20% Or Greater For The Property Located At 609 Countess Nicole Court (F.Z.O. 13.2.4. and 17.1.2).

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

Staff: Ariella Stanford. This 2.03-acre lot is located at 609 Countess Nicole Court within the Avalon Subdivision and is zoned PD, Planned District. The applicant wishes to develop the parcel with a single-family home, the designs of which can be seen in the applicant's submitted materials. The Avalon PUD Subdivision was approved and platted 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. As shown in the 'Slopes Greater Than 20% Exhibit', the majority of the lot is covered in slopes with grades over 20%, limiting the buildable area for the property to a specific portion of the site. This topography also 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. The slopes over 20% also present difficulties in complying with Zoning Ordinance requirements for retaining wall heights, and the number of retaining walls allowed on a residential lot.

Staff has determined that four Variances would be needed to approve the provided designs. These variances are:

1. To allow more than the maximum allowed 3 retaining walls on a residential site.
2. To allow for retaining walls to be higher than the maximum 2 feet when in a front yard.
3. To allow for retaining walls to be higher than the maximum 6 feet when in a rear/side yard.
4. To allow encroachments into areas with a slope of 20% or greater

Staff Analysis - Request 1: Maximum Number of Retaining Walls

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 within the Avalon subdivision with over a 20% slope across most of the property. These exceptional topographic conditions require the use of retaining walls to provide effective drainage, access, and support for development. The Franklin Zoning Ordinance allows a maximum of 3

retaining walls for a residential lot. The applicant is requesting a total of 13 retaining walls to support the development of the lot, given the slope conditions. Due to the exceptional slope conditions across the site, staff finds this criteria for Request 1 to be met.

2. The strict application of any provision enacted under the Zoning Ordinance would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of the property. Strict application of the Zoning Ordinance would create practical difficulties in the development of this site due to exceptional topographic conditions that exist. Due to the exceptional slope conditions across the site, more than 3 retaining walls are needed to support development of this site. Compliance with the Zoning Ordinance in this case would prevent the development of a single-family home on this lot. Staff finds this criteria for Request 1 to be 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. Allowing for additional retaining walls on this site would not be a detriment to the public good, nor would it impair the purpose and intent of the Zoning Ordinance. The Zoning Ordinance limits the number of retaining walls on a residential site to prevent a site from being dominated by retaining walls, which may result in aesthetic concerns for neighboring property owners and the community. Because several neighboring lots within the Avalon Subdivision have also had to implement unique retaining walls, this development would not contradict the aesthetic qualities of the neighborhood. In addition, the applicant is proposing 13 retaining walls to reduce the height of each retaining wall to a maximum of 5.5 feet in the front yard and 8 feet in the backyard. If there were fewer retaining walls proposed, each retaining wall would need to be even taller to support development, which would be more visible from the street and further from the intent of the Zoning Ordinance in this case. Staff finds this criteria for Request 1 to be met.

Recommendation - Request 1

Staff recommends approval of Variance Request 1, to allow more than the maximum number of retaining walls on a residential site, because the criteria have been met.

Staff Analysis - Request 2: Maximum Height of Front Yard Retaining Walls

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. As stated above, there are exceptional topographic conditions which require the use of retaining walls to provide effective drainage, access, and support for development. The Franklin Zoning Ordinance allows for retaining walls located in the front yard of a residence to be a maximum of 2 feet in height. The applicant has requested retaining wall heights up to 5.5-feet in the front yard of the property, to support the driveway and the primary building. Due to these exceptional conditions across the site, staff finds this criteria for Request 2 to be met.
2. The strict application of any provision enacted under the Zoning Ordinance would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of the property. Strict application of the Zoning Ordinance would create practical difficulties in the development of this site due to exceptional topographic conditions that exist. Due to the exceptional slope conditions across the site, retaining walls higher than 2-feet are necessary to support the driveway according to regulation, as well as development of the primary building. Therefore, staff finds this criteria for Request 2 to be 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. Allowing for taller retaining walls in the front yard of this site would not be a detriment to the public good, nor would it impair the purpose and intent of the Zoning Ordinance. The Zoning Ordinance limits the number and height of retaining walls on a residential site to prevent a site from being dominated by retaining walls which may result in aesthetic concerns for neighboring property owners and the community. Because several neighboring lots within the Avalon Subdivision have also had to implement unique retaining walls, this development would not contradict the aesthetic qualities of the neighborhood. In addition, the applicant has determined that retaining walls up to 5.5 feet are the minimum height necessary to support the proposed driveway, and the proposed retaining walls vary in height as each wall has been calculated to be as short as possible to safely support development on the site. The proposed retaining walls will also be partially hidden by

landscaping as required under the Zoning Ordinance and as shown in the submitted documents. Staff finds this criteria for Request 2 to be met.

Recommendation - Request 2

Staff recommends approval of the Variance Request 2, to allow for a taller than allowable retaining wall within a front yard, because the criteria have been met.

Staff Analysis - Request 3: Maximum Height of Side/Rear Yard Retaining Walls

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. As stated above, there are exceptional topographic conditions which require the use of retaining walls to provide effective drainage, access, and support for development. The Franklin Zoning Ordinance allows for retaining walls located in the rear/side yard of a residence to be a maximum of 6 feet in height. The applicant has requested retaining wall heights up to 8-feet in the rear yard of the property to ensure proper drainage and structural integrity of the proposed development. Due to the exceptional slope conditions across the site, staff finds the criteria for Request 3 to be met.
2. The strict application of any provision enacted under the Zoning Ordinance would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of the property. Strict application of the Zoning Ordinance would create practical difficulties in the development of this site due to exceptional topographic conditions that exist. Due to the exceptional slope conditions, retaining walls taller than 6-feet are necessary to support a single-family home on this site. Therefore, staff finds the criteria for Request 3 to be 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. Allowing for taller retaining walls in the rear yard of this site would not be a detriment to the public good, nor would it impair the purpose and intent of the Zoning Ordinance. The Zoning Ordinance limits the number and height of retaining walls on a residential site to prevent a site from being dominated by retaining walls, which may result in aesthetic concerns for neighboring property owners and the community. Because several neighboring lots within the Avalon Subdivision have also had to implement unique retaining walls, this development would not contradict the aesthetic qualities of the neighborhood. In addition, the applicant has determined that retaining walls up to 8-feet are the minimum height necessary to support the proposed development, and the retaining walls in the side yard only reach up to 6-feet tall, which is in compliance with the Zoning Ordinance. Staff finds the criterion for Request 3 to be met.

Recommendation - Request 3

Staff recommends approval of the Variance Request 3, To Allow For A Taller Than Allowable Retaining Wall Within A rear Yard, because the criteria have been met.

Staff Analysis - Request 4: Encroachments into Areas With Slopes Of 20% Or Greater

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 existing on this lot present an exceptional situation for development of this property. Given the topography of the site, encroachment into 20% slopes is necessary for development; however, the Franklin Zoning Ordinance does not allow for encroachment into areas with slopes of 20% or greater. When the Avalon PUD Subdivision was approved and platted, this Zoning Ordinance regulation was not yet in place and development on the steep slopes was anticipated for this lot. Staff recognizes the exceptional situation of this site and believes that encroachment into areas with a slope of 20% is necessary in this case. For these reasons, staff finds this criteria for Request 4 to be met.

2. The strict application of any provision enacted under the Zoning Ordinance would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of the property. Due to exceptional topographic conditions, the strict application of the Zoning Ordinance would create practical difficulties in the development of this site. As shown in the attached exhibit, slopes greater than 20% cover most of the lot. It would not be feasible to build a house on the portion of the lot that does not have slopes greater than 20%. Given the unique topography of the site, the strict application of the Zoning Ordinance would prevent development on this site. For these reasons, staff finds this criteria for Request 4 to be 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. Allowing for encroachment into areas with slopes of 20% or greater on the site would not be a detriment to the public good, nor would it impair the purpose and intent of the Zoning Ordinance. The lot is currently neighbored by lots with similar topography that have utilized similar site grading techniques. The intent of this lot is to allow a single-family residential home to be built. This variance is the minimum necessary deviation from the requirements of the Zoning Ordinance to develop a single-family home on the lot, given the current conditions of the site. Staff finds this criteria for Request 4 to be met.

Recommendation - Request 4

Staff recommends approval of the Variance Request 4, to allow for encroachment into areas with slopes of 20% or greater, because the criteria have been met.

Recommendation:

Recommended Motion: Staff recommends the Board of Zoning Appeals move to approve the Variance Request To Allow More Than The Maximum Number Of Retaining Walls On A Site, And A Variance Request To Allow For A Taller Than Allowable Retaining Wall Within A Front Yard, And A Variance Request To Allow For A Taller Than Allowable Retaining Wall Within A Side/Rear Yard, And A Variance Request To Allow For Encroachments Into Areas With Slopes Of 20% Or Greater For The Property Located At 609 Countess Nicole Court, because the criteria for granting a variance have been met.

Applicant: The applicant stated that it would be challenging to build a home on this lot without retaining walls.

There being no public comments for this item, Chair Langley asked for a motion from the Board to close the public hearing.

Board Member Scales motioned to close the public hearing, seconded by Board Member Reeves. The motion carried 4-0.

Chair Langley stated that each variance request would be addressed one at a time to concentrate on each one specifically.

Chair Langley asked if it is to be assumed that each variance request is specific to the site plan for the property.

Mr. Squires confirmed that variance requests are specific to the site plan according to what is before the Board to approve.

Variance Request To Allow More Than The Maximum Number Of Retaining Walls On A Site

Board Member Scales motioned to approve a variance request to allow more than the maximum number of retaining walls on a site because the criteria for a variance have been met, seconded by Board Member Reeves.

Board Member Scales stated that given the drastic sloping of the property, retaining walls would be the best and most secure option for building. Landscaping will buffer the retaining walls so that the appearance of the walls is minimized.

Board Member Reeves asked if the documents speak to the use of landscaping.

Ms. Diaz-Barriga stated that the zoning ordinance requires the use of landscaping when retaining walls are constructed on a property.

Ms. Smith expressed her concerns about the number of retaining walls requested, even though the development existed prior to the zoning updates, and the precedent that will be set if approval of 13 retaining walls is granted. Previously, the maximum number of retaining walls approved was 7. Also, Ms. Smith asked the applicant if the homeowners association had approved the project.

The applicant explained that approval from the homeowner's association had been received.

Chair Langley agreed with Board Member Smith's comments regarding the number of retaining walls requested. Chair Langley stated that considering the uniqueness of Avalon and the subject property and previous approvals of three or four projects with retaining walls, in the last few years, obviously presents an exceptional situation.

Ms. Smith stated that she has concerns about drainage with the additional hardscapes (patio and pickle ball court) associated with the project.

There being no further discussion, Chair Langley asked the Board to vote by roll call. The motion carried 4-0.

A Variance Request To Allow For A Taller Than Allowable Retaining Wall Within A Front Yard

Board Member Smith motioned to approve a variance request to allow for a taller than allowable retaining wall within a front yard, seconded by Board Member Reeves.

There being no discussion, Chair Langley asked the Board to vote by roll call. The motion carried 4-0.

A Variance Request To Allow For A Taller Than Allowable Retaining Wall Within A Side/Rear Yard

Board Member Scales motioned to approve a variance request to allow for a taller than allowable retaining wall within a side/rear yard because the criteria for a variance has been met, seconded by Board Member Reeves.

There being no discussion, Chair Langley asked the Board to vote by roll call. The motion carried 4-0.

A Variance Request To Allow For Encroachments Into Areas With Slopes Of 20% Or Greater

Board Member Scales motioned to approve a variance request to allow for encroachments into areas with slopes of 20% or greater because the criteria for a variance have been met, seconded by Board Member Reeves.

There being no discussion, Chair Langley asked the Board to vote by roll call. The motion carried 4-0.

OTHER BUSINESS

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

ADJOURN

Board Member Reeves motioned to adjourn the January 9, 2024, BZA Meeting, seconded by Board Member Smith. The motion carried 4-0.

There being no further business, the meeting adjourned at 6:30 PM.

Chair

Date



File #: 21-05955

DATE: January 11, 2024
TO: Board of Zoning Appeals
FROM: Amy Diaz-Barriga, Asst Director of Planning Development
Ariella Stanford, Planner

SUBJECT:

A **Variance Request** To Reduce The Minimum Garage Setback For A Front Facing Garage From 20-Feet To 14-Feet Behind The Front Facade And Front Door Of The Principal Building For The Property Located At 1151 Carter Street (F.Z.O. 6.3.).

PURPOSE:

PROJECT INFORMATION

COF Project Number: 8353
Applicant: John Bruck
Owner: John Bruck

BACKGROUND/STAFF COMMENTS:

Vicinity Zoning/Land Use

Site: R-6 Residential District / Residential Single Family
Northwest: R-6 Residential District / Residential Single Family
Northeast: Civic and Institutional District / Institutional
Southeast: R-6 Residential District / Residential Single Family
Southwest: R-6 Residential District / Residential Multifamily

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.

6.3 - Building Types, House - Front-Facing Garages

Front-Facing Garage Setbacks: Minimum 20 feet behind front facade and front door and 22 feet from

sidewalk.

Background

The subject parcel is located at 1151 Carter Street and is zoned R6 – Residential 6 District. The Zoning Ordinance requires that front-facing garages be at least 20 feet behind the front facade and front door, as well as 22 feet from the sidewalk. There is no sidewalk adjacent to the property today. The proposed front-facing garage is located 14 feet behind the front facade and front door.

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 one of five single-family residential lots along Carter Street. The parcel is approximately 74 feet in width and between 74 feet and 77.5 feet in depth. The depth of the lot is shallower than many of the properties in this area. The zoning of the property is R6, which requires that the front setback (among other criteria) be no closer than any adjacent existing building. In this case, both adjacent houses are approximately 15' from their front lot lines. R6 also requires a 15' rear setback. These setbacks require a smaller than average building envelope. Because of the uniqueness of the depth of the property, 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.

The applicant has indicated that the owners intend to build a two-car attached garage with a living space above it. Placing the garage 20 feet behind the front facade and front door would make the garage out of compliance with the required 15-foot rear yard setback as stated in F.Z.O. 3.8.5 and discussed in criteria 1. Due to the unique shape of the property, the strict application of the Zoning Ordinance would prevent a home with a two-car attached garage from being constructed without violating some portion of the Zoning Ordinance, which staff finds to be a practical difficulty and therefore 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.

The proposed front-facing garage meets the intent of the ordinance because the garage is set back as much as possible from the front facade of the house. This request meets the required rear-yard setback and side-yard setbacks along the adjacent residential lots, and would not cause substantial detriment to the public good if a variance were to be approved. Staff finds that this criteria is met.

FINANCIAL IMPACT:

None.

RECOMMENDATION:

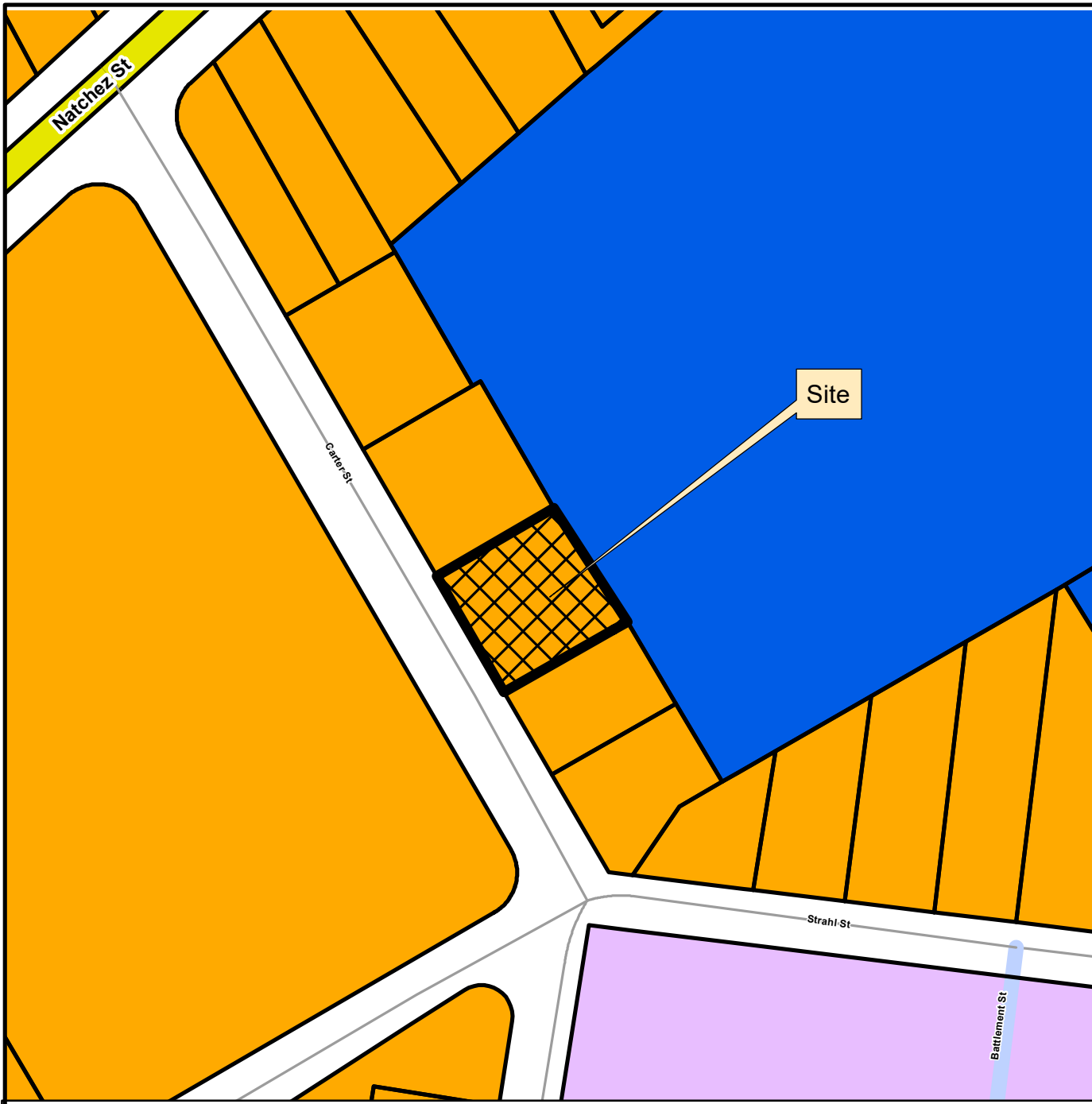
RECOMMENDED MOTION: Staff recommends the Board of Zoning Appeals move to approve the Variance Request to allow A **Variance Request** To Reduce The Minimum Garage Setback For A Front Facing Garage From 20-Feet To 14-Feet Behind The Front Facade And Front Door Of The Principal Building For The Property Located At 1151 Carter Street, because the criteria for granting a variance have been met.

1151 CARTER STREET
TAX MAP 078G, GROUP G, PARCEL 02100
BOARD OF ZONING APPEALS
FEBRUARY 1, 2024

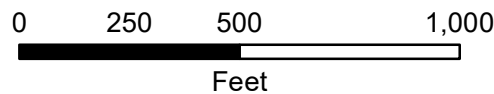
**Property is within the
Central Franklin Overlay

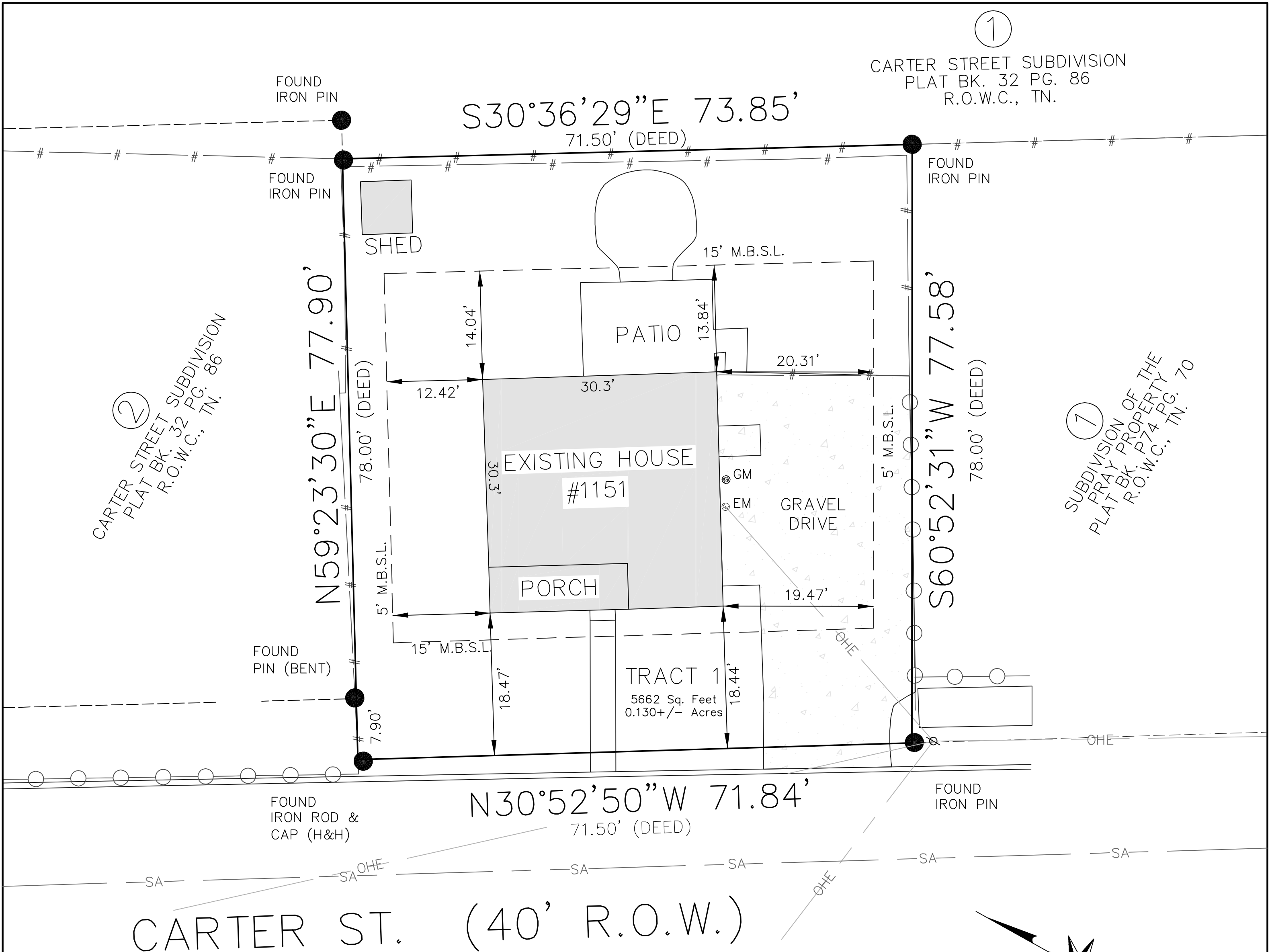
Legend

-  1151 Carter Street
-  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 hereon.
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GENERAL NOTES:

- BEARINGS AS SHOWN HEREON ARE REFERENCED TO ADJOINING PLATS OF RECORD, "SUBDIVISION OF THE PRAY PROPERTY," IN BOOK P74, PAGE 70, R.O.W.C., TN., AND "CARTER STREET SUBDIVISION," IN BOOK 32, PAGE 86, R.O.W.C., TN.
- SUBJECT PROPERTY IS TAX PARCEL 078G-G-021.00, AND HAS A STREET ADDRESS OF 1151 CARTER ST., FRANKLIN, TN. 37064.
- ZONING: ZONED R-6
SETBACKS:
FRONT: 15'
SIDE: 5'
REAR: 15'
- NO TITLE REPORT HAS BEEN PROVIDED AS OF THE DATE OF THIS SURVEY. THIS SURVEY IS SUBJECT TO THE FINDINGS OF AN ACCURATE TITLE SEARCH WHICH MAY REFLECT INFORMATION CURRENTLY NOT PROVIDED TO THIS SURVEYOR.
- ALL DISTANCES ARE BASED ON A FIELD RUN SURVEY USING EDM EQUIPMENT AND HAVE BEEN ADJUSTED FOR TEMPERATURE.
- UTILITIES AS SHOWN ARE FROM VISIBLE APPURTANANCES LOCATED IN THE FIELD ON DATE OF SURVEY. ADDITIONAL UTILITIES MAY BE PRESENT AND WILL NEED TO BE LOCATED BY CALLING TNONE CALL.

LEGEND:

- P.U.D.E. PUBLIC UTILITY & DRAINAGE EASEMENT
M.B.S.L. MINIMUM BUILDING SETBACK LINE
R.O.W.C., TN. REGISTERS OFFICE OF WILLIAMSON CNTY, TN.
● IRON ROD (AND CAP) FOUND
○ PROPERTY CORNER OBLITERATED
EXISTING FENCELINE
⚡ POWER POLE AND LINES
⊗ GM GAS METER
⊗ EM ELECTRIC METER

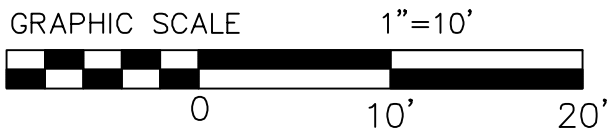
RECORD DEED:

BRUCK FAMILY REV. TRUST
DEED BOOK 9122, PG. 297, R.O.W.C., TN.

RECORD ADJOINER PLATS:

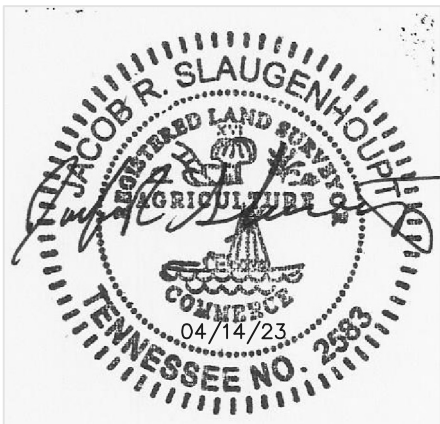
SUBDIVISION OF THE PRAY PROPERTY
PLAT BOOK P74, PAGE 70, R.O.W.C., TN.

CARTER STREET SUBDIVISION
PLAT BOOK 32, PAGE 86, R.O.W.C., TN.

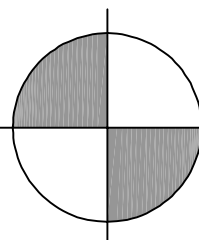


CERTIFICATES OF ACCURACY

I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS GREATER THAN 1:10,000 AS SHOWN HEREON.



BOUNDARY SURVEY WILLIAMSON COUNTY, TENNESSEE	
DATE OF SURVEY: 04/14/2023	FIELD WORK: 04/11/2023
CADD FILE: 1151 CARTER STREET	PROJECT NO.: 23-413-001
SCALE: 1" = 20'	SURVEYOR: JRS #2583



BOUNDARY SURVEY
OF
1151 CARTER STREET
FRANKLIN, TN. 37064

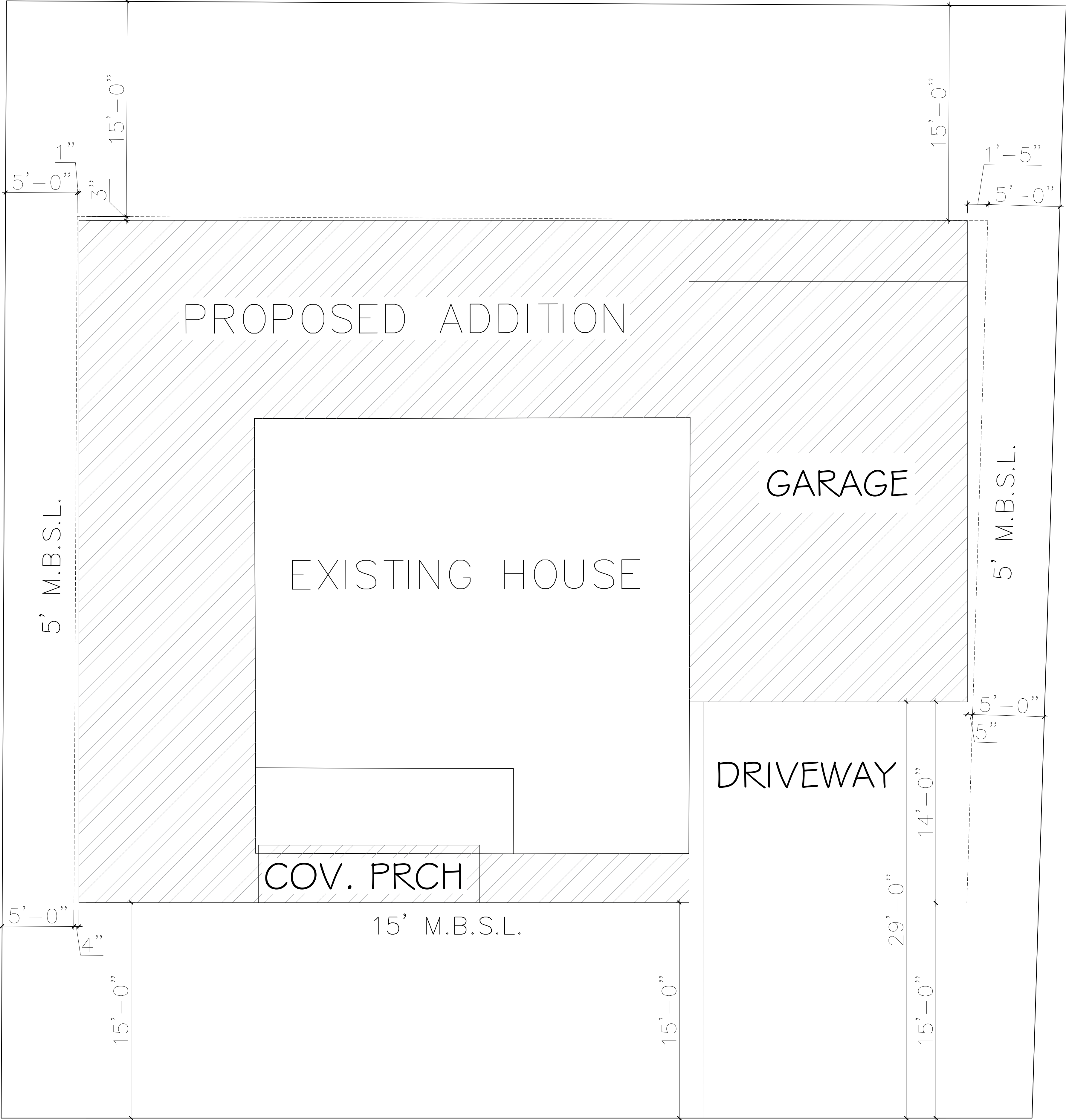
TRACT 1
OF RECORD IN DEED BOOK 9122, PAGE 297,
R.O.W.C., TN.
WILLIAMSON COUNTY TAX PARCEL 078G-G-021.00

PREPARED FOR: JB BRUCK

HOMELAND SURVEYING
& MAPPING, LLC

PROFESSIONAL LAND SURVEYING
4832 BETHESDA DUPLEX RD.
COLLEGE GROVE, TN 37046
TN R.L.S. #2583

(615) 268-9658
Jake@HomelandTN.com
www.HomelandTN.com



1151 CARTER ST.

A.0

SITE PLAN

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

PAPER: ARCH D 36x24
DATE ISSUED: 09.21.2023
REVISIONS:
1. 9.26.23
2. 10.3.23
3. 12.6.23

PLEASE NOTE:

DESIGNER ASSUMES NO LIABILITY FOR ANY HOME CONSTRUCTED FROM THIS PLAN. IT IS THE RESPONSIBILITY OF THE PURCHASER OF THIS PLAN TO PERFORM THE FOLLOWING BEFORE BEGINNING ACTUAL CONSTRUCTION.

1. BUILDER OR CONTRACTOR MUST VERIFY ALL DIMENSIONS & ALL SQUARE FOOTAGE PRIOR TO PROCEEDING WITH CONSTRUCTION.
2. BUILDER OR CONTRACTOR MUST VERIFY COMPLIANCE WITH ALL LOCAL BUILDING CODES IN THE AREA WHERE THE HOME IS TO BE CONSTRUCTED.
3. DESIGNER ASSUMES NO RESPONSIBILITY FOR STRUCTURAL ENGINEERING ASPECTS.

CAUTION MUST BE EXERCISED IN MAKING ANY CHANGES IN THIS PLAN. ONLY QUALIFIED DESIGNERS, ARCHITECTS, CONTRACTORS, OR STRUCTURAL ENGINEERS SHOULD ATTEMPT MODIFICATIONS. AS EVEN MINOR CHANGES IN ONE AREA OF THE HOUSE COULD LEAD TO MAJOR PROBLEMS IN ANOTHER AREA.

MARK LYNN & ASSOCIATES IS NOT A LICENSED ARCHITECT.

JB BUCK
1151 CARTER ST
FRANKLIN, TN 37064

Mark Lynn

& ASSOCIATES

615.308.5330
marklynn1@hotmail.com
6965 SUNNYWOOD DR.
NASHVILLE, TN 37211

© Mark Lynn & Associates

EXTERIOR
ELEVATIONS

SCALE: ¼"=1'-0"

PAPER: ARCH D 36x24

DATE ISSUED: 09.18.2023

REVISIONS:

1. 9.26.23

2. 10.3.23

3. 12.6.23

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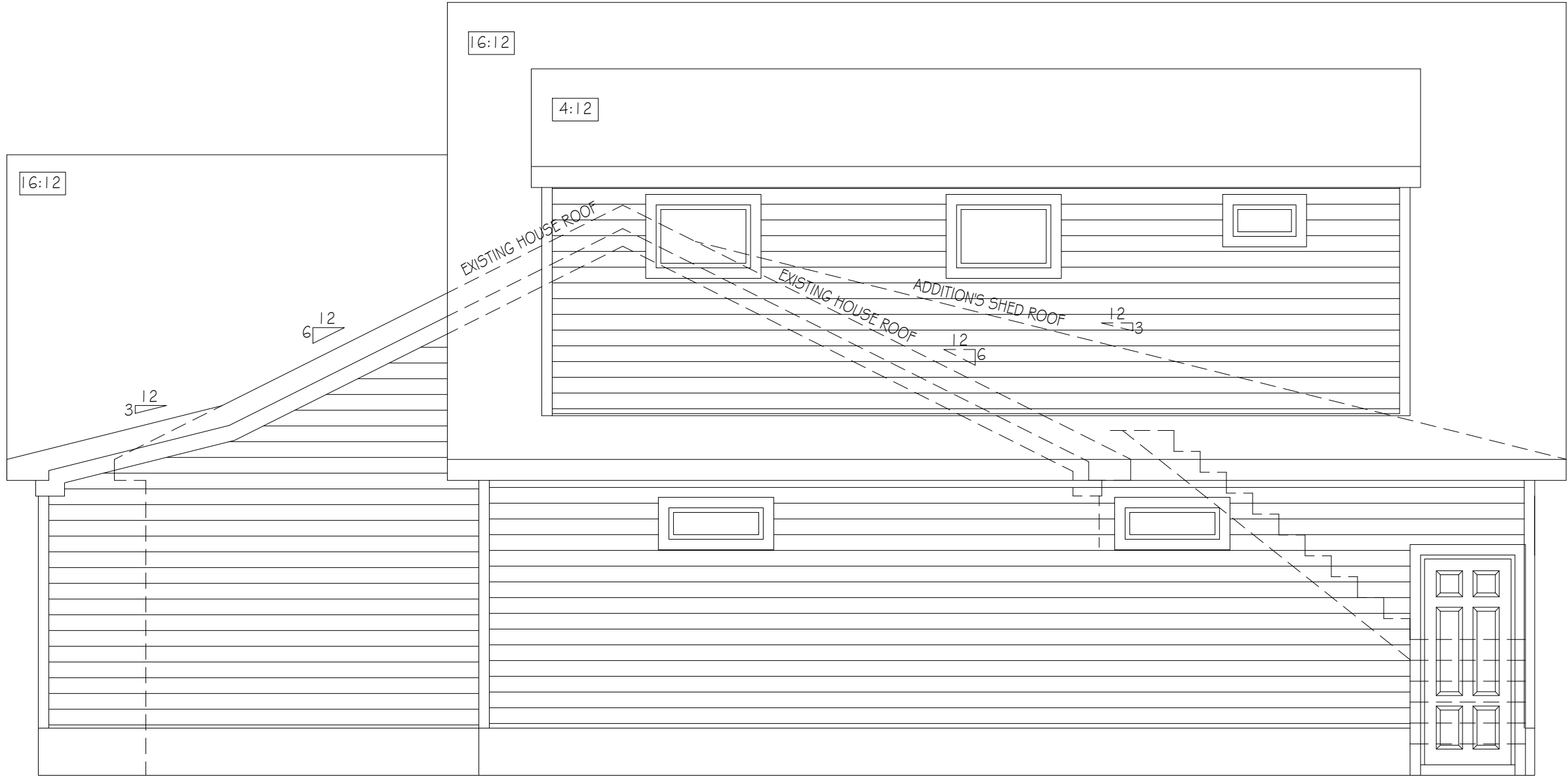
2. BUILDER OR CONTRACTOR MUST VERIFY
COMPLIANCE WITH ALL LOCAL BUILDING CODES
IN THE AREA WHERE THE HOME IS TO BE
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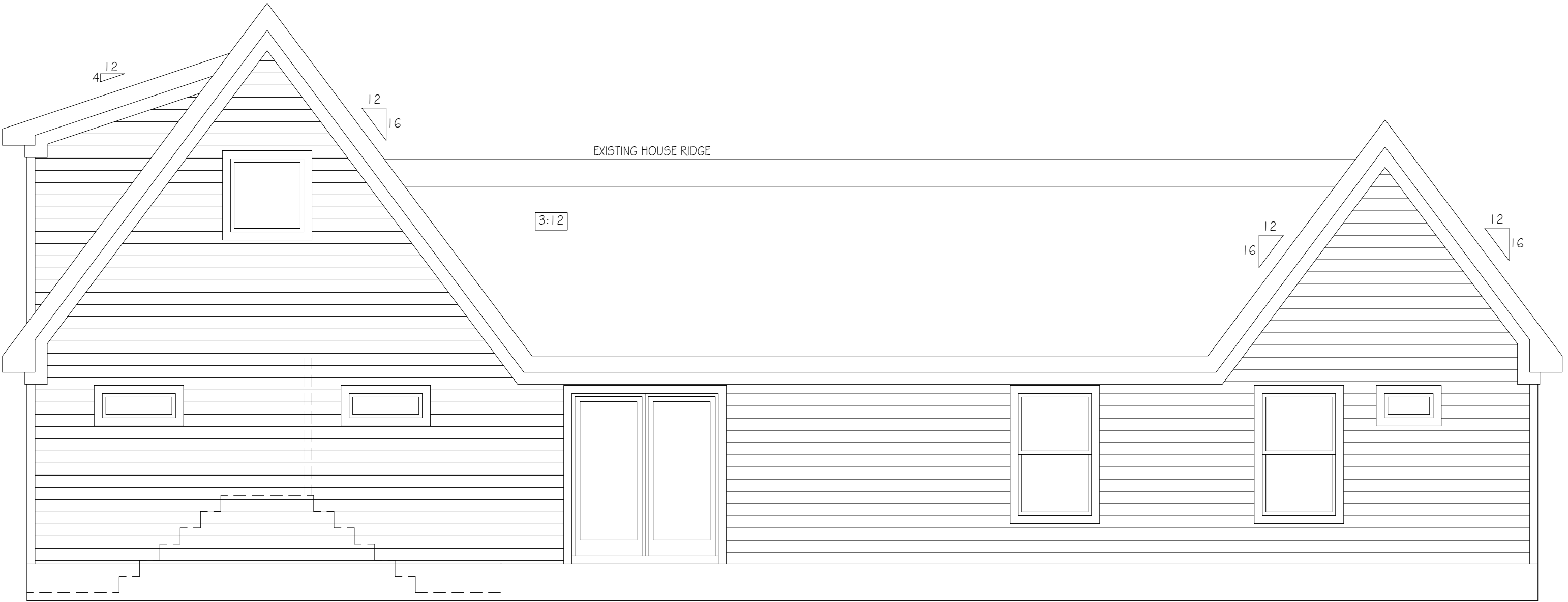
ONLY QUALIFIED DESIGNERS, ARCHITECTS,
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SHOULD ATTEMPT MODIFICATIONS, AS EVEN
MINOR CHANGES IN ONE AREA OF THE HOUSE
COULD LEAD TO MAJOR PROBLEMS IN ANOTHER
AREA.

MARK LYNN & ASSOCIATES IS NOT A LICENSED
ARCHITECT.



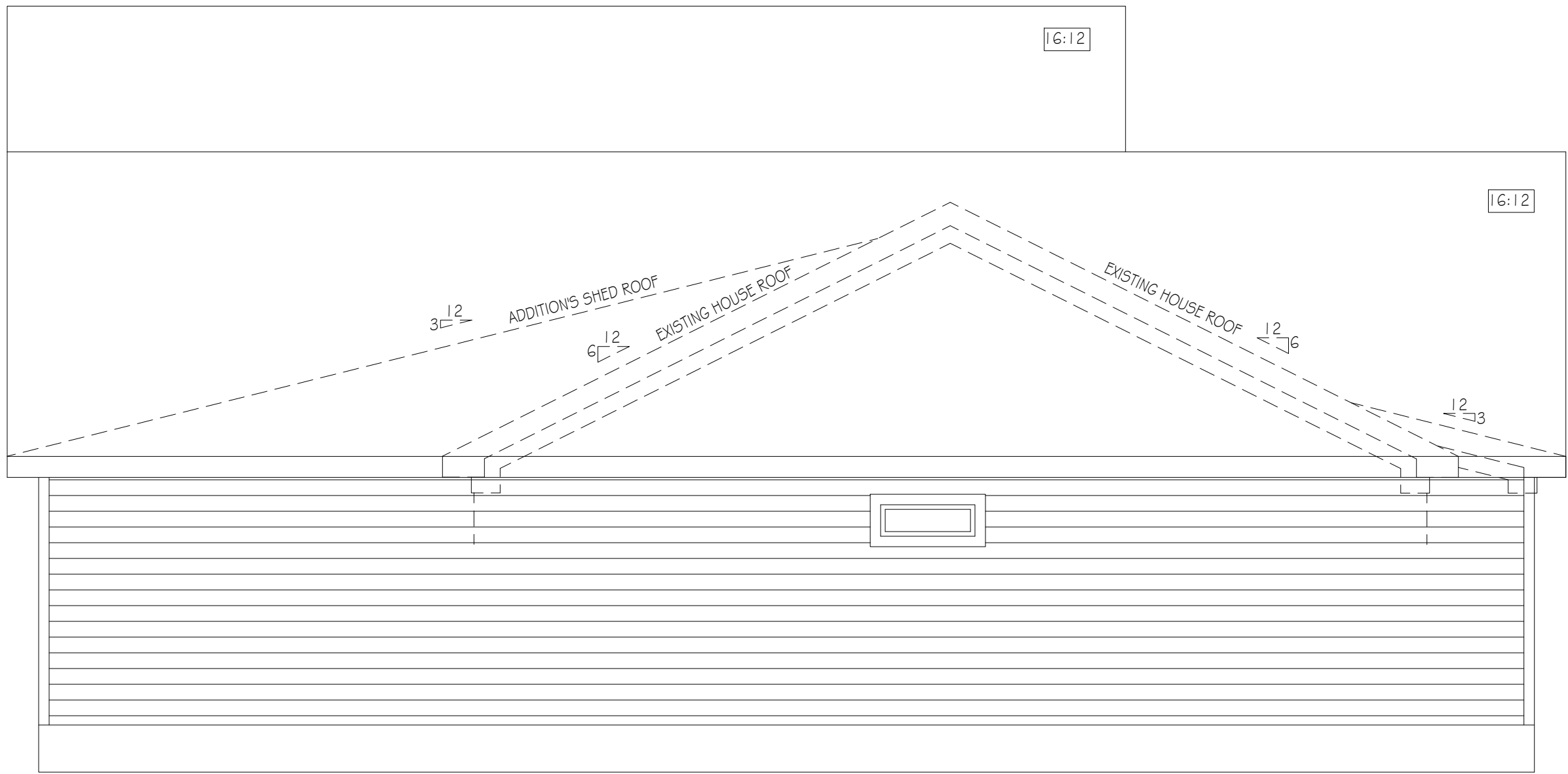
LEFT SIDE ELEVATION

SCALE: ¼"=1'-0"



REAR ELEVATION

SCALE: ¼"=1'-0"



FRONT ELEVATION

SCALE: ¼"=1'-0"



JB BUCK
1151 CARTER ST
FRANKLIN, TN 37064

Mark Lynn

& ASSOCIATES

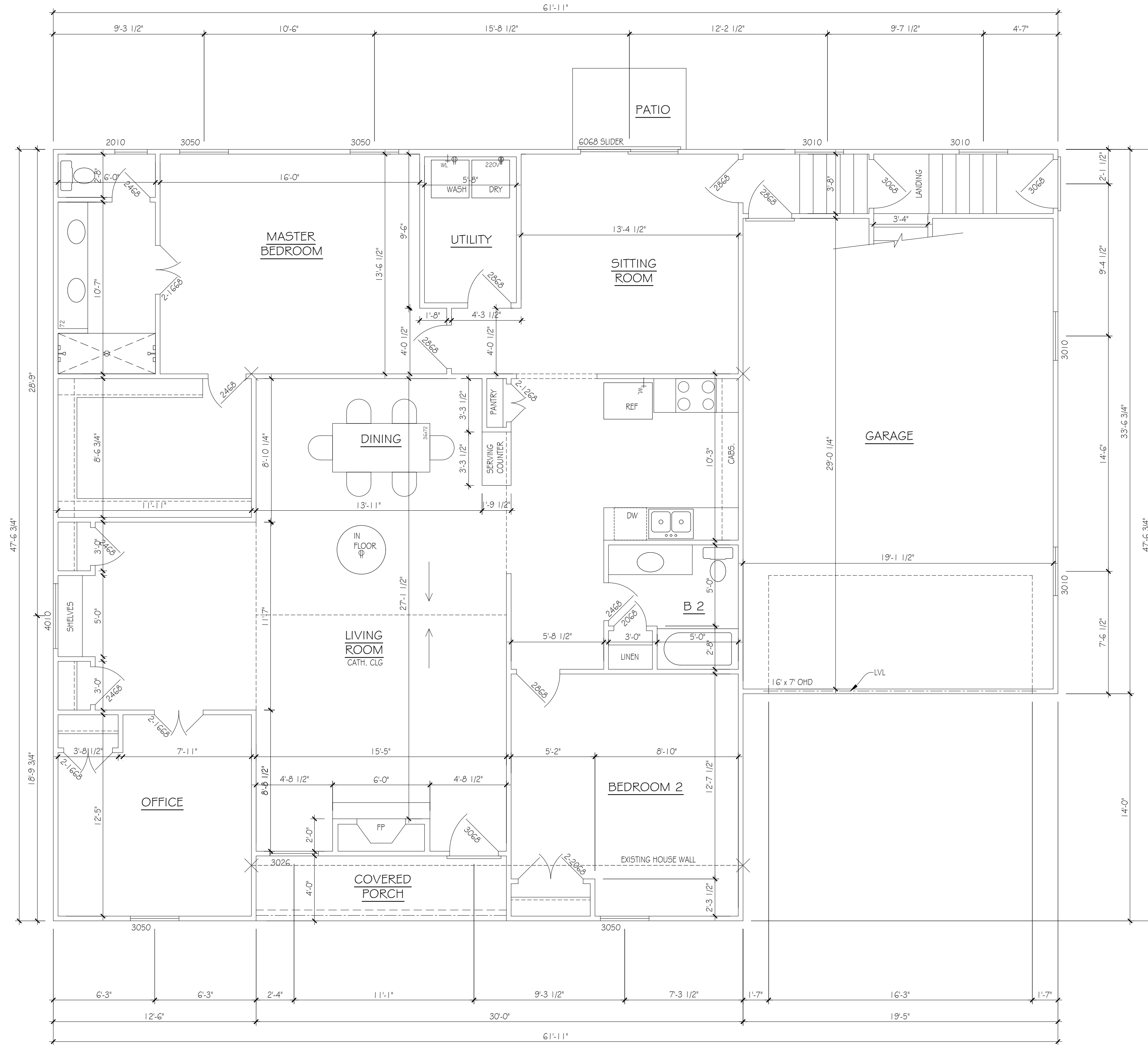
615.308.5330

marklynn1@hotmail.com

6965 SUNNYWOOD DR.

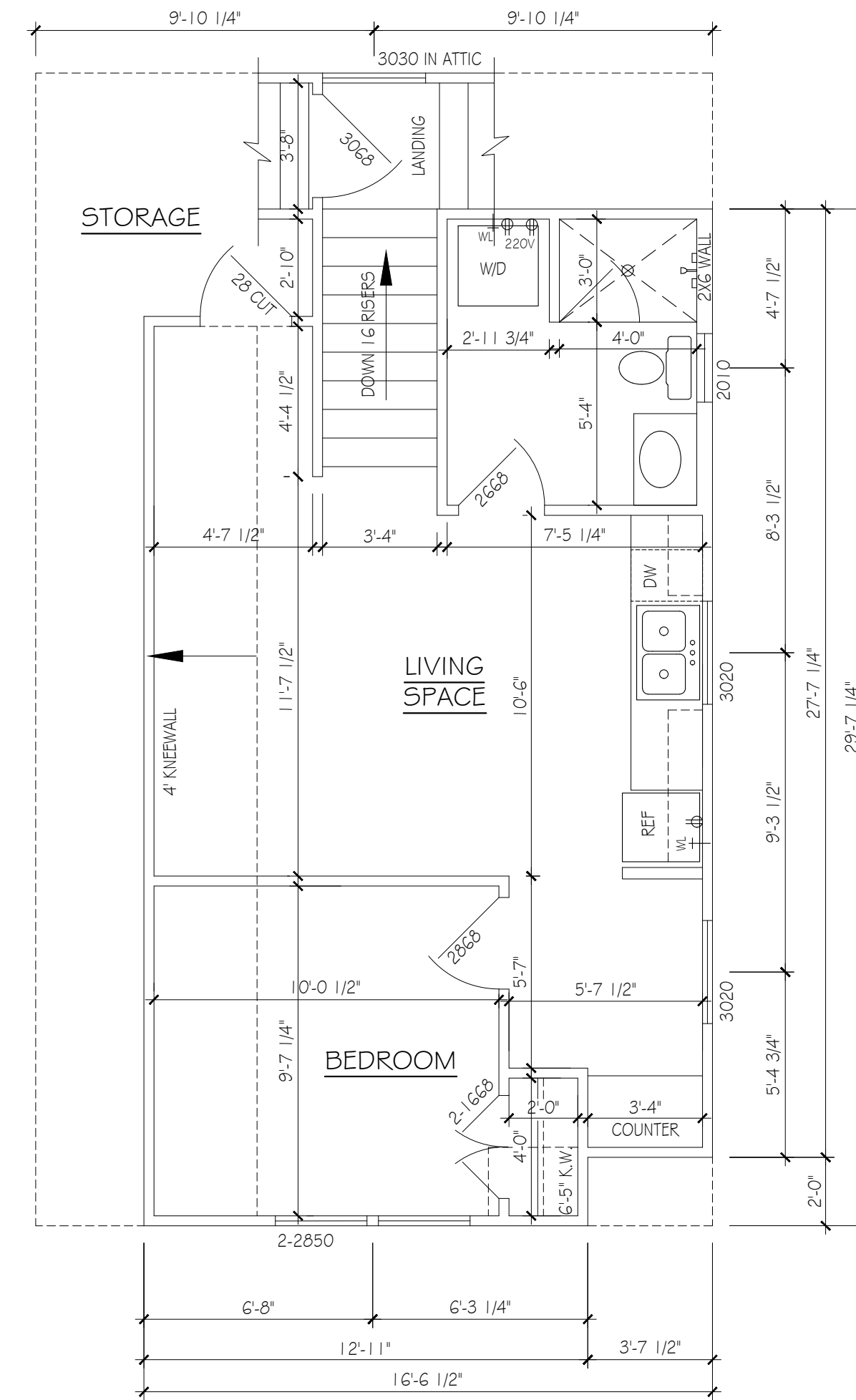
NASHVILLE, TN 37211

© Mark Lynn & Associates



FIRST FLOOR PLAN

SCALE: $\frac{1}{4}"=1'-0"$



SECOND FLOOR PLAN

SCALE: $\frac{1}{4}"=1'-0"$

ER: ARCH D 36x24

E ISSUED: 09.18.2023

SIONS:

.26.23

0.3.23

2.6.23

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ARK LYNN & ASSOCIATES IS NOT A LICENSED ARCHITECT.

PROX. AREA	
1ST FLOOR LIVING	2042
COND FLOOR LIVING	441
TOTAL HEATED	2483
PORCH	567
FRONT PORCH	62
TOTAL COVERED	3112

JB BUCK
1151 CARTER ST
FRANKLIN, TN 37064

Mark Lynn

& ASSOCIATES

615.308.5330

marklynn1@hotmail.com

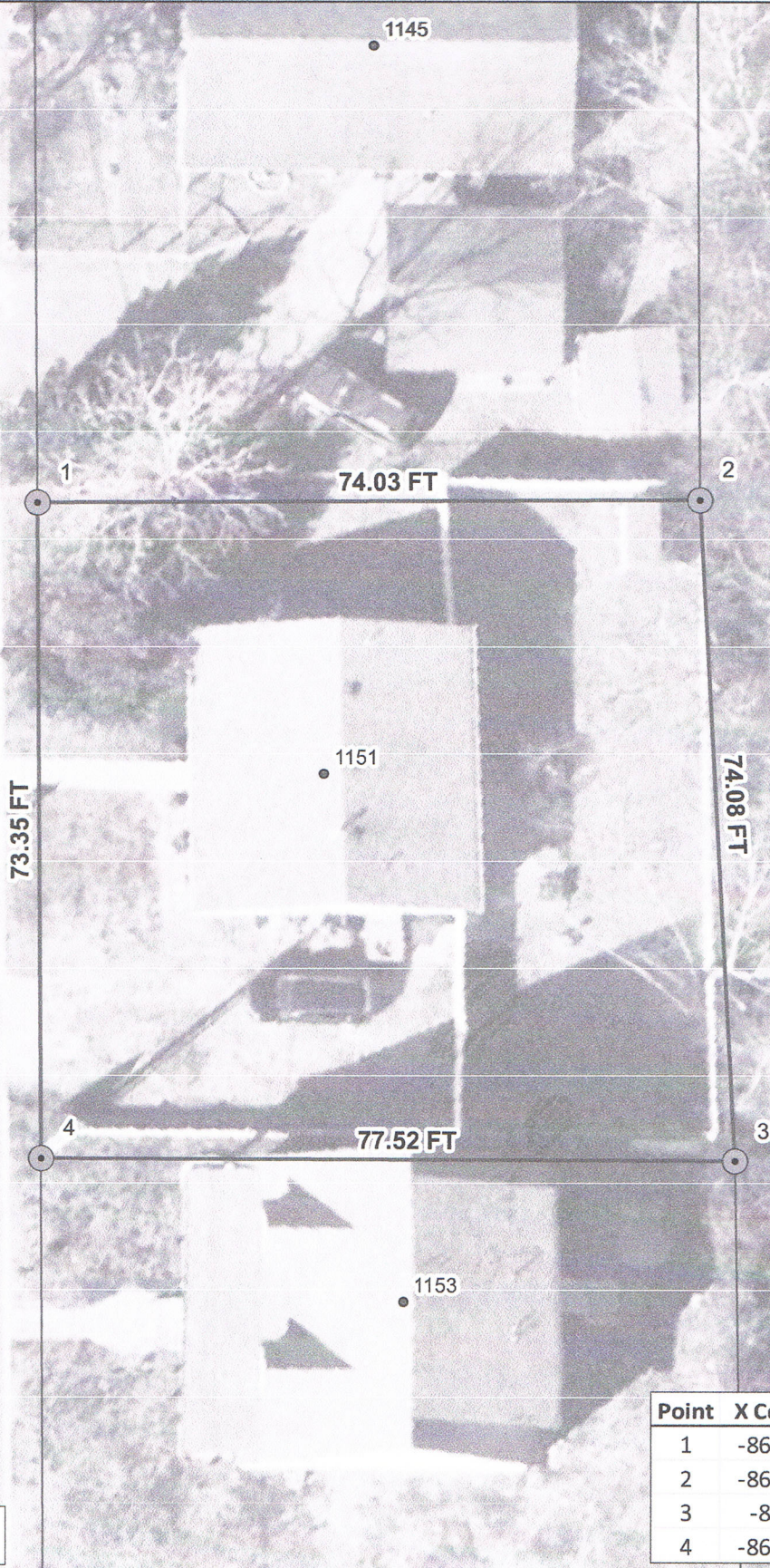
5965 SUNNYWOOD DR.
PLACEMILE, TN 37211

Mark Lynn & Associates

1151 Carter St Plot Map

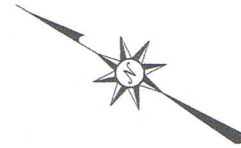
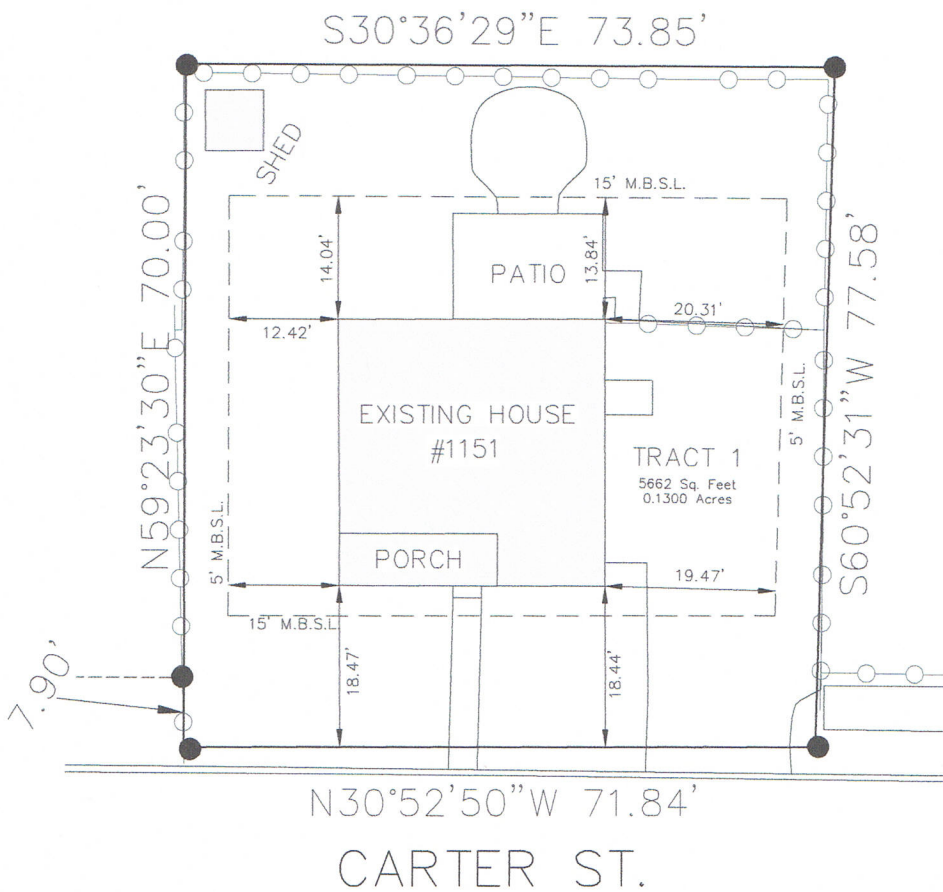


Carter St



FRANKLIN DISCLAIMER
This map was created by the City of Franklin, TN. It is not a survey and is not intended to be used as such. The City is not responsible for any errors or omissions contained herein. All data and materials Copyright © 2022. All Rights Reserved.

Point	X Coord	Y Coord
1	-86.8774	35.91704
2	-86.8772	35.91714
3	-86.877	35.91697
4	-86.8773	35.91687



GENERAL NOTES:

1. BEARINGS AS SHOWN HEREON ARE REFERENCED TO ADJOINING PLATS OF RECORD, "SUBDIVISION OF THE PRAY PROPERTY," IN BOOK P74, PAGE 70, R.O.W.C., TN., AND "CARTER STREET SUBDIVISION," IN BOOK 32, PAGE 86, R.O.W.C., TN.
2. SUBJECT PROPERTY IS TAX PARCEL 078G-G-021.00, AND HAS A STREET ADDRESS OF 1151 CARTER ST., FRANKLIN, TN. 37064.
3. ZONING: ZONED R-6
SETBACKS:
FRONT: 15'
SIDE: 5'
REAR: 15'
4. NO TITLE REPORT HAS BEEN PROVIDED AS OF THE DATE OF THIS SURVEY. THIS SURVEY IS SUBJECT TO THE FINDINGS OF AN ACCURATE TITLE SEARCH WHICH MAY REFLECT INFORMATION CURRENTLY NOT PROVIDED TO THIS SURVEYOR.
5. ALL DISTANCES ARE BASED ON A FIELD RUN SURVEY USING EDM EQUIPMENT AND HAVE BEEN ADJUSTED FOR TEMPERATURE.
6. UTILITIES ARE NOT SHOWN AS PART OF THIS SURVEY.

LEGEND:

- P.U.D.E. PUBLIC UTILITY & DRAINAGE EASEMENT
M.B.S.L. MINIMUM BUILDING SETBACK LINE
R.O.W.C., TN. REGISTERS OFFICE OF WILLIAMSON CNTY, TN.
● IRON ROD (AND CAP) FOUND
○ PROPERTY CORNER OBLITERATED
— EXISTING FENCELINE
— POWER POLE AND LINES
● MAGNOLIA TREE

RECORDED DEED:

BRUCK FAMILY REV TRUST
DEED BOOK 9122, PG. 297, R.O.W.C., TN.

RECORDED ADJOINER PLATS:

SUBDIVISION OF THE PRAY PROPERTY
PLAT BOOK P74, PAGE 70, R.O.W.C., TN.
CARTER STREET SUBDIVISION
PLAT BOOK 32, PAGE 86, R.O.W.C., TN.

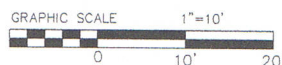
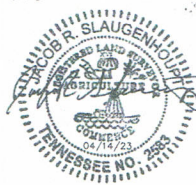
PROPERTY EXHIBIT
OF
1151 CARTER STREET
FRANKLIN, TN. 37064

TRACT 1
OF RECORD IN DEED BOOK 9122, PAGE 297,
R.O.W.C., TN.
WILLIAMSON COUNTY TAX PARCEL 078G-G-021.00

PREPARED FOR: JB BRUCK

CERTIFICATES OF ACCURACY

I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS GREATER THAN 1:10,000 AS SHOWN HEREON.



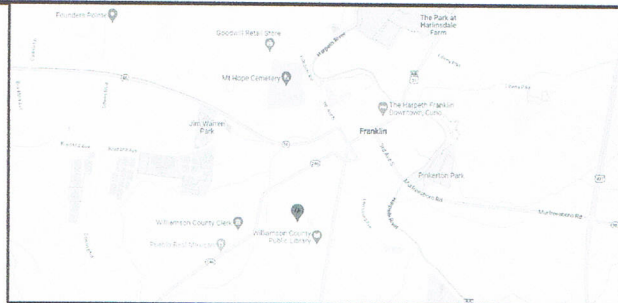
BOUNDARY SURVEY	
WILLIAMSON COUNTY, TENNESSEE	
DATE OF SURVEY: 04/14/2023	FIELD WORK: 04/11/2023
CADD FILE: 1151 CARTER STREET	PROJECT NO.: 23-413-001
SCALE: 1" = 10'	SURVEYOR: JRS #2583



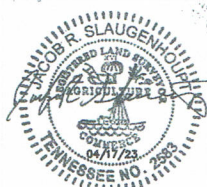
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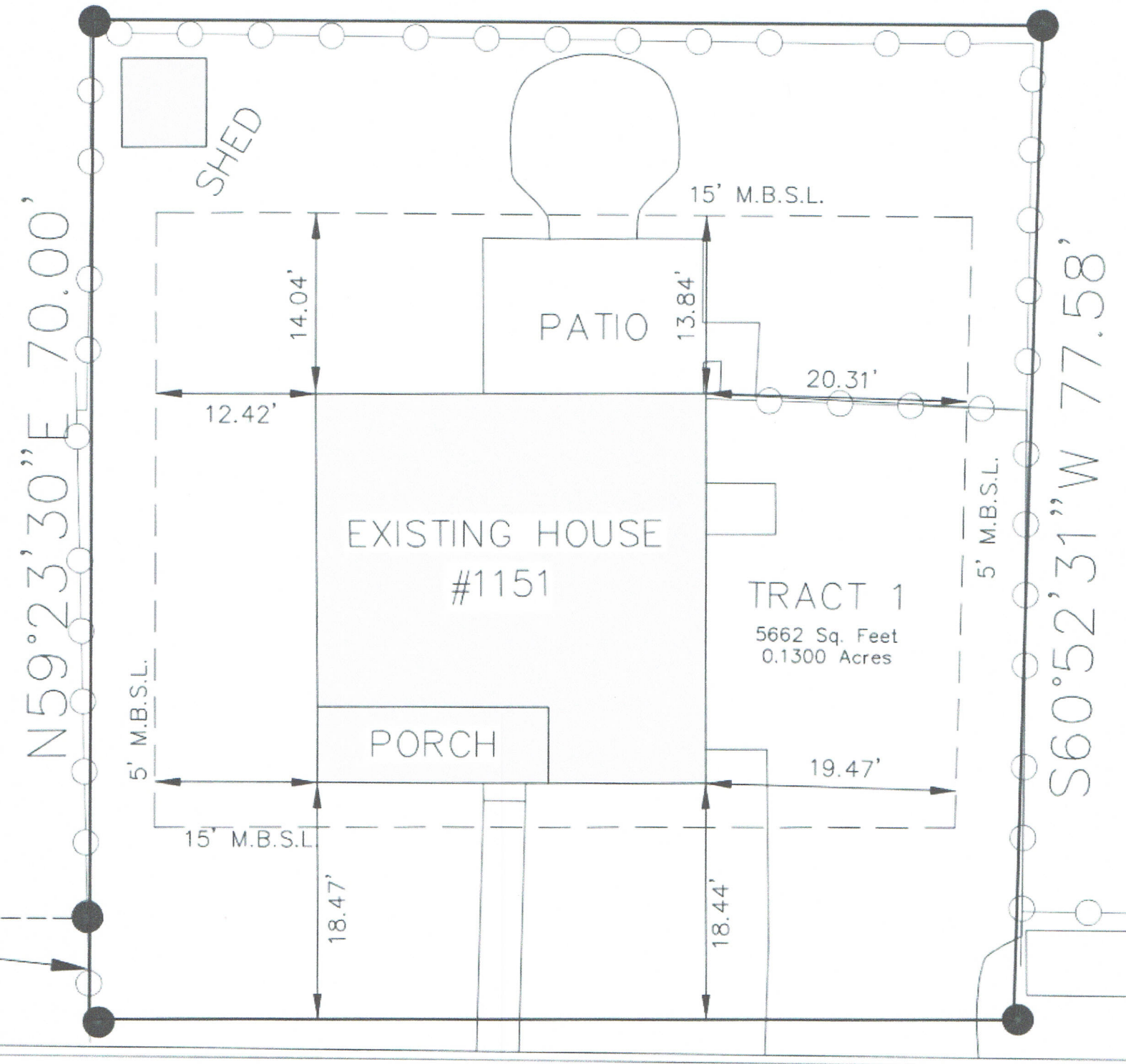


6. UTILITIES ARE NOT SHOWN AS PART OF THIS SURVEY.



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www.HomelandTN.com

S30°36'29"E 13.85



S60°52'31"W 77.58'

N70°50'50"W 71.01'

BZA Criteria and Justification Letter

1151 Carter Street, Franklin, TN

Addition / Garage Variance Setback Request

From 20-feet to 14-feet

Background

The subject parcel is located at 1151 Carter Street and is zoned R6 – The Zoning Ordinance requires that front-facing garages be at least 20 feet behind the front facade and front door, as well as 22 feet from the sidewalk. There is no sidewalk on the property.

The 20-foot setback for front-facing garages has been part of the Zoning Ordinance since 2019, when it changed from being 10 feet behind the front facade. 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.

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.

Justification. The subject property is one of five single-family residential lots along Carter Street located between Strahl and Natchez Street. The parcel is approximately 72-feet in width and approximately 70-feet in depth. The depth of the lot is shallower than many of the properties in this area. The current zoning requires that the front setback be no closer than any adjacent existing building. In this case, the adjacent building is approximately 15' from the front lot line. Zoning also requires a 15' rear setback. These setbacks require a smaller than average building envelope.

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

Justification. The Owner of the property has indicated per the submitted drawings that he is requesting to build an attached garage with a living space and bedroom above it. Placing the garage 20-feet behind the front facade and front door would make the garage out of compliance with the required 15-foot rear yard setback as stated in F.Z.O. 3.8.5 and stated in Criteria 1. Due to the unique shape of the property, the strict application of the Zoning Ordinance would prevent the addition of a two-car attached garage with living space and a bedroom above from being constructed without violating some portion of the Zoning Ordinance.

Criteria and Justification Letter / 1151 Carter Street Addition / Garage Variance Setback Request From 20-feet to 14-feet

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.

Justification. The proposed attached two-car garage meets the intent of the ordinance given that the request of the garage being set back from the front façade and front door by 14-feet instead of 20-feet as shown on the submitted drawings which will allow the depth for a usable garage and the living space and bedroom above to be constructed including the steps to access the space above from inside the home.

Additional Neighborhood Notes:

- The 1151 Carter Street property is located directly across the street and faces the parking lot of the Claiborne and Hughes Skilled Nursing and Rehabilitation Center Facility that encompasses the area on the west side of Carter Street between Strahl and Natchez Street.
- The Williamson County Boys & Girls Club Building is located directly behind the 1151 Carter Street property.
- The five residential properties on Carter Street between Strahl and Natchez Street as referenced in Criteria 1 consist of three existing homes, one empty lot and one new home currently being built at 1141 Carter Street.

Respectfully yours, JB

John Bruck
jbbruck@comcast.net



File #: 21-05956

DATE: January 11, 2024
TO: Board of Zoning Appeals
FROM: Amy Diaz-Barriga, Asst Director of Planning Development
Ariella Stanford, Planner

SUBJECT:

A **Variance Request** To Allow A Retaining Wall To Be Set Back 4-Feet And 2-Inches From The Lot Line For The Property Located At 904 Fair Street (F.Z.O. 13.2.2.).

PURPOSE:

PROJECT INFORMATION

COF Project Number: 8374
Applicant: Greg Gamble
Owner: Loy Hardcastle

BACKGROUND/STAFF COMMENTS:

Vicinity Zoning/Land Use

Site: R-4 Residential District / Residential Single Family
North: Central Commercial District / Retail, Vacant
East: R-4 Residential District / Residential Single Family
South: R-4 Residential District / Residential Single Family
West: R-4 Residential District / 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.

13.2.2 Fences, Walls, and Screening - Retaining Walls

Retaining walls shall be set back from a lot line a minimum of five feet or the distance equal to the height of the wall, whichever is greater.

Background

The subject parcel is located at 904 Fair Street and is zoned R-4 residential. The property is also located within the Floodway Fringe Overlay, as well as the Historic Preservation Overlay and Central Franklin Overlay. It was brought to the city's attention that there may have been a Zoning Ordinance violation at this property and upon investigation, it was discovered that a retaining wall is being built that is not in compliance with the Zoning Ordinance. In addition, any wall over 48 inches as measured from the bottom of the footer would require a building permit prior to commencing work, and the property owner has not received a building permit for this wall. The retaining wall would also need to get a COA (Certificate of Appropriateness) approved by the Historic Zoning Commission if they get approval from the BZA. The applicant submitted for an administrative COA back in September 2023, but the application could not be approved administratively because the building materials of the wall did not appear to meet the Design Guidelines, and it did not comply with the regulations of the Zoning Ordinance (the setback between the wall and the lot line was less than is required under the Zoning Ordinance, hence their application for a Variance). After the administrative COA application was denied, the applicant took the item to the Design Review Committee (DRC) for guidance from the historic board. At the DRC meeting in October 2023, Staff instructed the DRC that given the proposed location of the wall, they would need to either get a Variance, or revise the wall to be in compliance with the Zoning Ordinance. The DRC acknowledged that the applicant would need to have the location of the wall resolved with the BZA before receiving a COA. The applicant has chosen to pursue a Variance for the setback of the retaining wall from the lot line, and depending on the outcome, would then pursue a COA from the Historic Zoning Commission.

The Zoning Ordinance requires retaining walls to be set back from a lot line a minimum of five feet or the distance equal to the height of the wall, whichever is greater. The retaining wall that has started being built reaches a maximum of 6 feet. The property previously had a retaining wall that started to deteriorate, so the property owner has started to rebuild the wall with more height than the previous wall. With the retaining wall being up to 6 feet tall, the retaining wall must be 6 feet from the lot line. The retaining wall is currently 4 feet and 2 inches from the lot line. For this reason, the applicant is requesting a Variance for the retaining wall to be located 4 feet and 2 inches from the lot line.

It was confirmed by our Building and Neighborhood Services department that should the wall be rebuilt at the previous height, 4'-2", then the wall would be permitted to be rebuilt in its previous (and current) as a nonconforming structure and a variance would not be required.

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 that there is an exceptional situation that prevents the retaining wall from being in compliance with the Zoning Ordinance. The property owner has expressed that the wall is located 4 feet and 2 inches from the property line in order to protect the specimen tree in the backyard. Seeing as the existing house and all other sides of the retaining wall are closer to the tree trunk from the drip line of the specimen tree, the portion of the retaining wall that is 4 feet 2 inches from the property line could be moved to 6 feet from the property line and it would still be the further structure from the tree trunk and closer to the drip line than the house or the rest of the wall. Regarding root disturbance,

there is a section of the new wall that cuts in closer to the trunk than both the previous wall and the portion closest to the property line to accommodate stairs. It appears that this section would cause more root disturbance than moving the portion of the wall to 6 feet from the property line.

In regards to the height of the wall, the additional height of the new wall creates a self-imposed hardship. The previous wall was about 4 feet high, while the new wall reaches a maximum of 6 feet. The need for additional height seems to be for the goal of leveling this portion of the yard, perhaps to bring fill onto the property, not existing topographic conditions. Bringing additional fill for the wall creates a self-imposed hardship as increased retaining wall height also increases the required distance from the retaining wall to the property line. If the new wall were a similar height to the previous retaining wall, the required distance from the retaining wall to the property line would be reduced.

While the applicant states that keeping the wall in its current location ensures that stormwater runoff remains the same and will not increase, they did not provide information showing whether additional stormwater runoff would be detrimental to the property if the wall were 6 feet from the property line. When the application was reviewed by our Engineering team, they felt that stormwater conditions would not prevent the wall from being 6 feet from the property line or require the additional height. 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.

Again, Staff finds that the hardship caused in this case is self-imposed. The additional height of the wall seems to only be necessary due to additional fill brought in for the yard. If additional fill were not causing the need for a taller wall, the setback requirement for the retaining wall would be closer to the lot line. 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 the retaining wall would be a detriment to the public good, and it does impair the intent of the Zoning Ordinance. The intent of the Zoning Ordinance in this case is to ensure that if a retaining wall were to fall, it would not fall onto the neighbor's property with the potential to cause damage to neighboring property or persons. Seeing as the retaining wall is up to 6 feet in height and is 4 feet 2 inches from the neighboring property, this does not meet the intent of the Zoning Ordinance and it would negatively affect the neighboring property if it fell. If the wall were to remain at its previous height, 4'-2", the wall would be within its fall zone from the property line, and would be in keeping with the intent of the Zoning Ordinance. Staff finds this criteria is not met.

FINANCIAL IMPACT:

None.

RECOMMENDATION:

RECOMMENDED MOTION: Staff recommends the Board of Zoning Appeals move to deny the **Variance Request To Allow A Retaining Wall To Be Set Back 4-Feet And 2-Inches From The Lot**

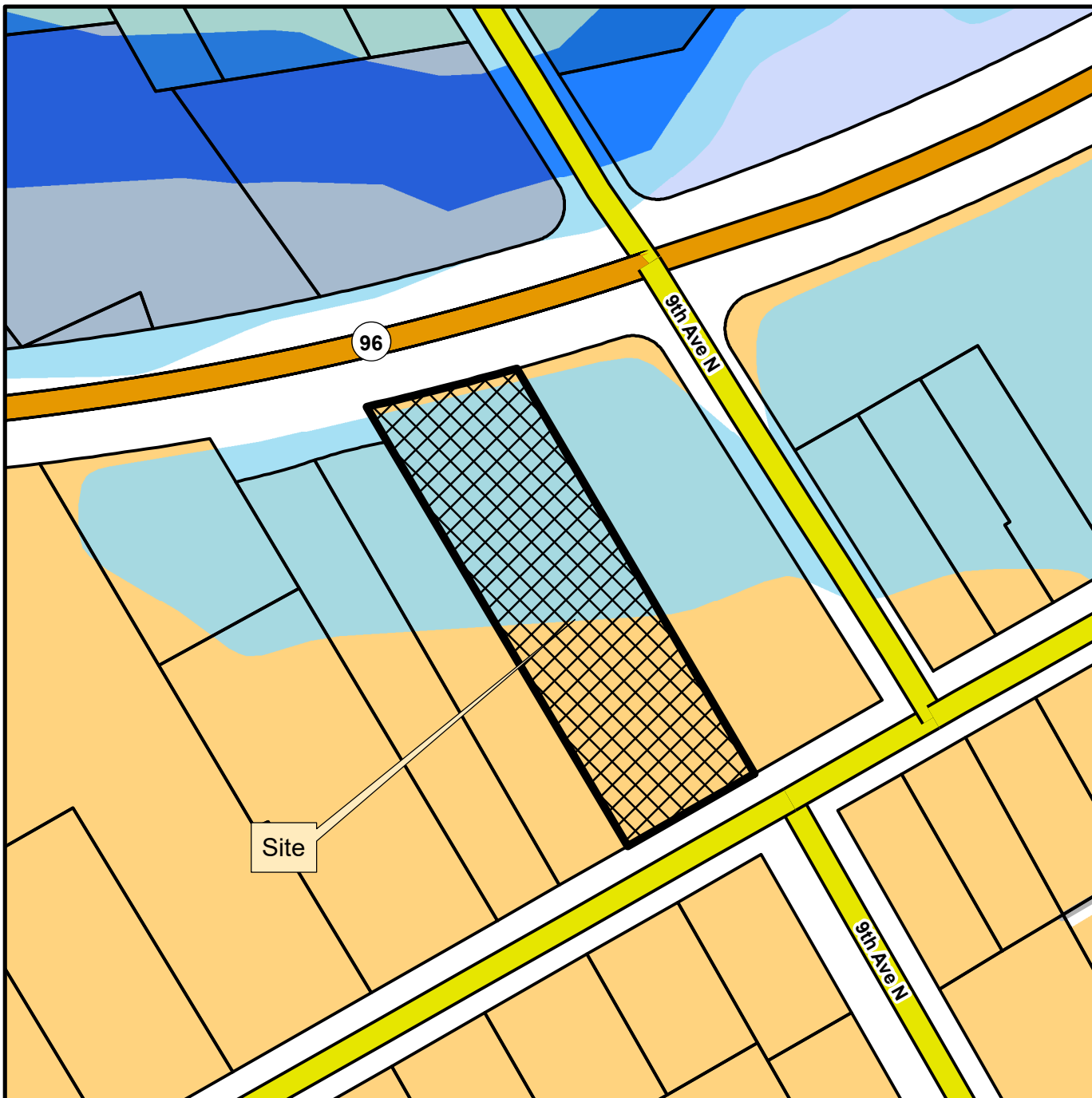
Line For The Property Located At 904 Fair Street, because the criteria for granting a variance have not been met.

904 FAIR STREET
TAX MAP 078B, GROUP F, PARCEL 00300
BOARD OF ZONING APPEALS
FEBRUARY 1, 2024

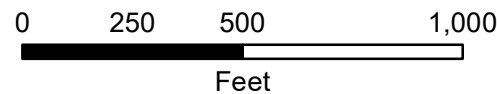
**This property is also within the
Central Franklin Overlay, and
Historic Preservation Overlay

Legend

-  904FairStreet
-  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



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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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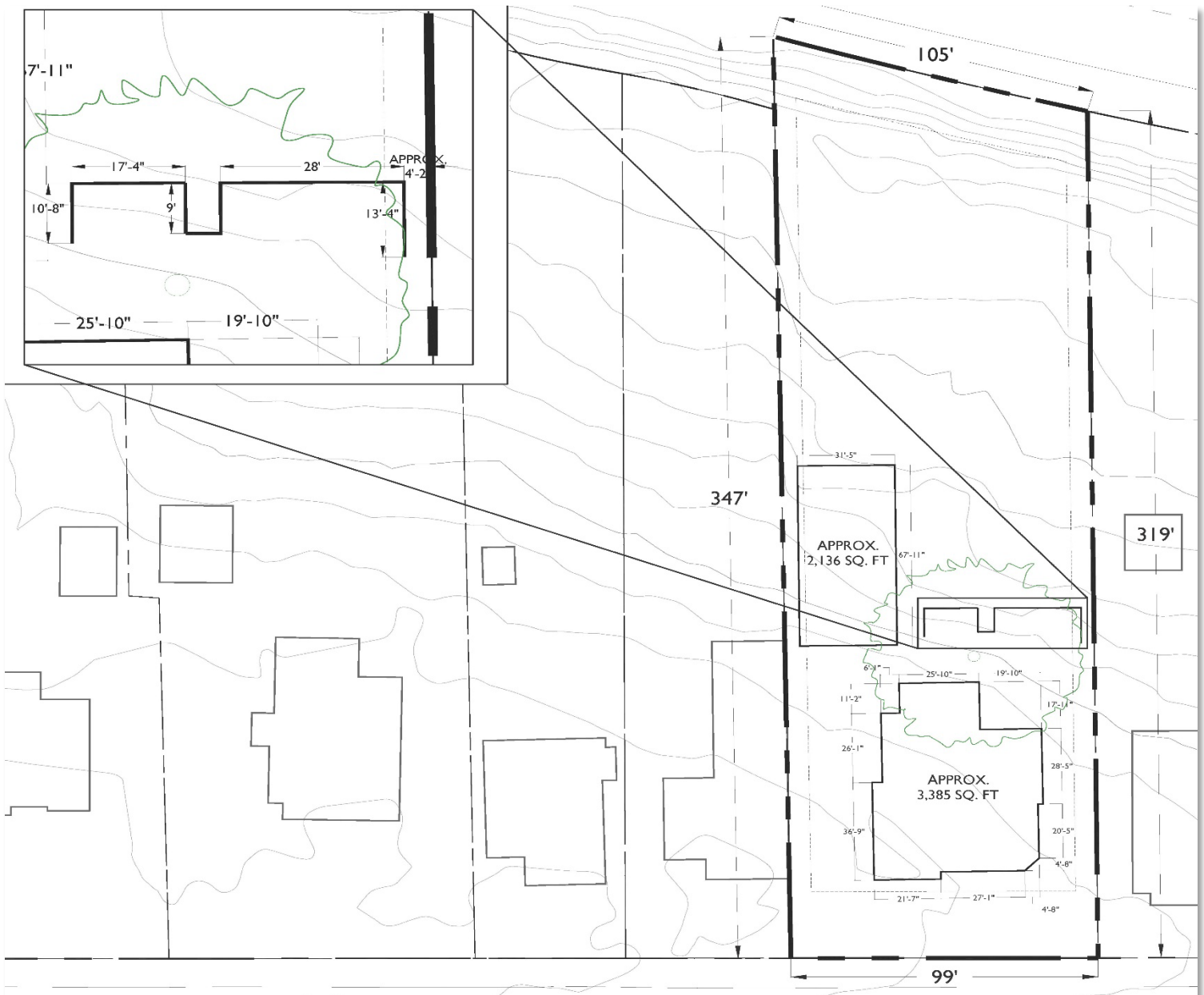


January 8, 2024

City of Franklin Board of Zoning Appeals

Dear Board of Zoning Appeals,

Gamble Design Collaborative, on behalf of Loy G. Hardcastle, is requesting a variance for his property located at 904 Fair Street. **Loy Hardcastle is proposing the installation of a new retaining wall to replace an existing wall that fell into disrepair.** He is requesting a variance to allow the construction of a retaining wall in the exact location of the previous wall at a distance of 4'2" from the property line.







Variance Request:

The City of Franklin's zoning ordinance requires that all retaining walls should be set back a minimum of 5' from the property line. In this case, the wall would be required to sit back 6' from the property line because the wall is 6' tall.

Section 13.2 Retaining Walls, 2.A states:

Retaining walls shall be set back from a lot line a minimum of five feet or the distance equal to the height of the wall, whichever is greater.

The previous wall has been in this location well over 27 years. The previous wall was located 4'2" from the property line. Our request is that Mr. Hardcastle be allowed to build a new wall where the failing wall was located to keep the existing grading intact and to not disturb the roots of a specimen tree and to preserve the pattern of stormwater runoff.

Mr. Hardcastle is requesting a variance to allow construction of a new wall in the same location as the previous retaining wall that has been located on his property well over 27 years.

Variance 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.

The owner is proposing a new retaining wall matching the location of the previous wall that started to fail. Changing the location of the wall would require additional disturbance and grading around the root zone of an existing specimen tree that is to be preserved.

Variance 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.

Adherence to the 6' offset (as required by the zoning ordinance) would require additional grading and disturbance of the soils around the specimen tree on site. The strict application provides no additional benefit to the neighbor or property owner. Keeping the wall in its current location ensures that stormwater runoff remains the same and will not increase.



Variance Criteria

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

All site alterations are necessary to improve and enhance the strength and integrity of the retaining wall. The proposed wall lies in the backyard of the owner's property, and not viewable from the public ROW. The wall will be located in the exact location it was previously. There is no change to the public perception and no public detriment. The additional 10" of retaining wall controls more stormwater runoff.

In summary, site alterations are proposed to construct a wall closer than the 6' min setback as required by the Zoning Ordinance to sustain the current site conditions, preserve existing trees, and leave the existing stormwater runoff patterns.

Gamble Design Collaborative and Loy Hardcastle appreciate your consideration of this variance request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg Gamble', is written over a light gray circular stamp that contains the letters 'GDC'.

Greg Gamble
Landscape Architect



904 FAIR STREET
FRANKLIN, TN
BZA SUBMITTAL 01/08/2024



JOHNSON
ELEMENTARY
SCHOOL

Sharp Branch

Frank

RT 96

7TH AVENUE N.

5TH AVENUE NORTH

SITE:
904 FAIR STREET



9TH AVENUE N.

FAIR STREET

WEST MAIN STREET

9TH AVENUE N.

11TH AVENUE N.

COLUMBIA AVENUE

FRANKLIN
POLICE
DEPARTMENT

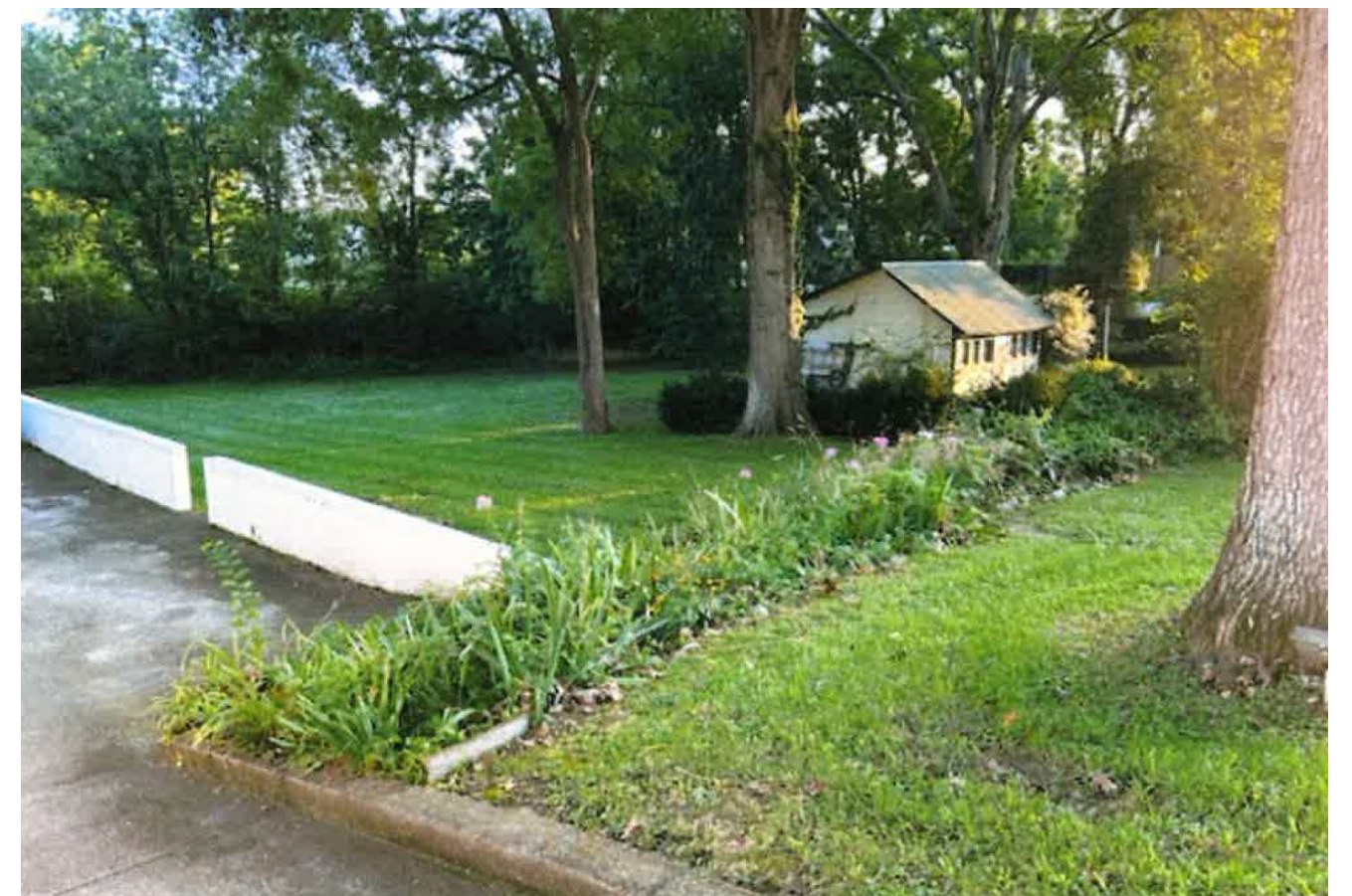
904 FAIR STREET

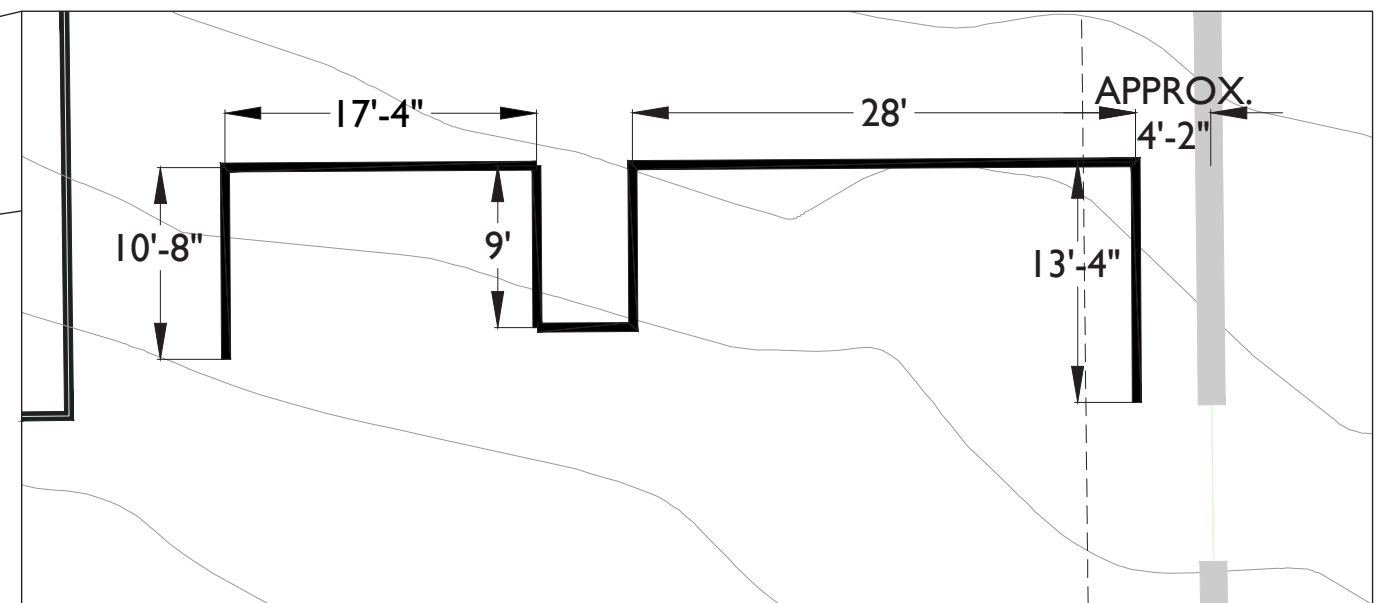
CONTEXT MAP

2024-01-08 BZA SUBMITTAL











EXISTING
SPECIMEN TREE

APPROX. LOCATION OF DRIP LINE



13.2.2 Location

- A. Retaining walls shall be set back from a lot line a minimum of five feet or the distance equal to the height of the wall, whichever is greater.



Ariella,

As the homeowners of 900 Fair St, my wife Cathy and I would like to provide our perspective on the setback zoning variance requested for 904 Fair St.

In the variance request submission, Mr. Gamble states the new retaining wall is in the exact location of the previous wall. This verbiage is used multiple times throughout the document to emphasize the project is simply a rebuild of the previous wall, which would likely make this more palatable in the zoning variance evaluation process. We absolutely challenge the accuracy of those statements as it pertains to the 13' portion of the wall running along our adjoining property line. As you may notice, no photo evidence was provided, that we've seen, to indicate that section of the wall ever existed. And, we certainly never saw it in the four years we've owned our home. All of their photo evidence of the previous wall is of the portion running perpendicular to the property line, but that location is not what is being considered here for variance. We're sure with their emphasis on this wall being in the exact same place, they would want to provide photographic proof of this fact if they had such.

They also comment that this 40+ foot trench in the photo below is from the previous wall that was taken out. The other photo below was taken just before they began digging the footer trench in late 2023. They actually took out several trees in order to dig this trench. So, the trench was not from a previous wall. Also, they claim it would be detrimental to an existing tree to change the new wall location now, however you can see they certainly didn't have that concern for the trees they took out to dig this new footer trench. We believe the tree they reference is in no potential peril if they abide by the current zoning setback ordinance simply based on the distance between the two.

Also, the height of the wall already constructed without approval is higher than 5 feet, thus the variance request is actually much larger than the delta between 5' and their stated 4.2'. It should also be noted that the unapproved wall construction is roughly double in height of the previous wall as you can see in the photos they submitted. Even with their contention that the 13.1' section of wall did exist, it would have been well below the height of the currently constructed wall. This fact changes the dynamics of the variance request significantly as it pertains to possible future wall failure onto our property.

Lastly, in our view, just because this project was almost fully completed prior to getting a variance, flood plain evaluation, city permits, historic approval, etc, that should not give them a pass on following the ordinances we have in place to protect adjacent homeowners.

As the homeowners exclusively affected by this potential variance, we would ask that you deny this request and have the owners of 904 Fair Street follow the setback ordinance that is in place. Thank you for considering this information and we do plan to attend the public hearing to voice our concerns above. If you have any questions of us regarding this matter, please feel free to contact us. Please confirm receipt of this email at your convenience.

Photos taken from the same location. The 40+ foot trench is new and not part of a previous wall







File #: 21-05957

DATE: January 11, 2024
TO: Board of Zoning Appeals
FROM: Amy Diaz-Barriga, Asst Director of Planning Development
Ariella Stanford, Planner

SUBJECT:

A **Variance Request** To Allow A Driveway To Encroach Into The Front Yard Area Located In Front Of The Remaining Part Of The Principal Building For The Property Located At 500 Murfreesboro Road (F.Z.O. 10.1.17).

PURPOSE:

PROJECT INFORMATION

COF Project Number: 8373
Applicant: David Douglas
Owner: David Douglas

BACKGROUND/STAFF COMMENTS:

Vicinity Zoning/Land Use

Site: R-2 Residential District / Residential Single Family
North: R-4 Residential District / Residential Estate
South: R-2 Residential District / Residential Single Family
East: R-2 Residential District / Residential Single Family
West: R-4 Residential District / 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.

10.1.17 Parking and Transit - Parking - Driveways on Residential Lots

If any, a driveway shall be located primarily in front of the garage or to the side of the principal

building and shall not encroach into the yard area located in front of the remaining part of the principal building.

Background

The subject parcel is located at 500 Murfreesboro Road and is zoned R-2 Residential. It is also located within the Scenic Corridor Overlay, Central Franklin Overlay, and Flood Fringe Overlay. The property currently has a 10-foot wide driveway extending from Murfreesboro Road to the detached garage, which is located farther south than the existing home. Traffic along Murfreesboro Road has increased since the house was built, so the property owner feels it would be more safe to not back out of the driveway onto Murfreesboro Road. There is not enough room between the existing home and the side property line to widen the current driveway to allow a car to turn around in the driveway. The property owner would like to create an extension off the existing driveway that goes in front of the house and connects out to Ewingville Drive. The proposed driveway curves south before it connects to Ewingville Drive in order to comply with Street Standards which would require a driveway entrance to be at least 50 feet from the radius return at Ewingville Drive and Murfreesboro Road. For this reason, the applicant is requesting a Variance To Allow A Driveway To Encroach Into The Front Yard Area Located In Front Of The Remaining Part Of The Principal Building.

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 applicant has stated that the proposed driveway is necessary due to traffic conditions on Murfreesboro Road making it unsafe to back out onto the road with the current driveway. The current driveway is 10 feet wide which does not provide room for a car to turn around, and the orientation and location of the garage would not allow vehicle access into the garage from Ewingville Drive. However, there are no city regulations that would necessitate moving this driveway configuration based on traffic conditions alone. For new construction, Technical Street Standards require site access to be from the street with the lower classification; however, new construction could be designed to meet all of the Zoning Ordinance requirements for driveway construction and would not be permitted to have a curb cut on the higher classification street. For this reason, Staff cannot determine that the traffic conditions alone necessitate the driveway to be moved and designed as proposed. 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.

Placing the driveway behind the house would prove difficult with the existing location of the house and garage, along with the garage door orientation. The Zoning Ordinance requires a minimum 20' drive aisle adjacent to parking spaces 90 degrees off of the drive aisle, and this is a similar orientation. However, there is only a maximum of 19' feet between the house and the garage. So if the driveway were placed behind the house, the existing location of the house and garage, along with the garage door orientation, cannot accommodate the proper driveway width to allow turning movement into and out of the garage. The garage would either need to be moved or reoriented in order to access a drive behind the house. 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, but it would impair the intent of the Zoning Ordinance. The intent of the Zoning Ordinance in this case is to ensure that the visual aspect of driveways and cars is not at the forefront, rather than the primary building on the lot. The Zoning Ordinance in this case is encouraging houses to be the primary focal point, and driveways and cars to be secondary to the house. Locating the driveway in front of the house impairs the intent of the Zoning Ordinance in this case. Staff finds this criteria is not met.

FINANCIAL IMPACT:

None.

RECOMMENDATION:

RECOMMENDED MOTION: Staff recommends the Board of Zoning Appeals move to deny the **Variance Request** to allow A Driveway To Encroach Into The Front Yard Area Located In Front Of The Remaining Part Of The Principal Building For The Property Located At 500 Murfreesboro Road, because the criteria for granting a variance have not been met.

ADDITIONAL STAFF COMMENT:

Should the BZA feel that all criteria are met, Staff would suggest a condition that the driveway should only access Ewingville Road, thereby removing the curb cut on Murfreesboro Road, to maintain the most compliance with the Technical Street Standards.

500 MURFREESBORO ROAD
TAX MAP 078E, GROUP B, PARCEL 03800
BOARD OF ZONING APPEALS
FEBRUARY 1, 2024

Legend

-  500 Murfreesboro Road
-  Central Franklin Overlay
-  Floodway Fringe Overlay
-  Floodway Overlay
-  Scenic Corridor 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 hereon.
All data and materials (c) copyright 2023. All rights reserved.



0 250 500 1,000
Feet



HISTORIC
FRANKLIN
TENNESSEE

01/05/2023

David Douglas
500 Murfreesboro Road
Franklin, TN 37064

Franklin Board of Zoning Appeals
Justification Letter

To Whom It May Concern:

This is a submission for consideration to the Board of Zoning Appeals requesting a variance which would grant permission for the above referenced property to add an additional branch to the existing driveway which would enter and exit the property from Ewingville Road.

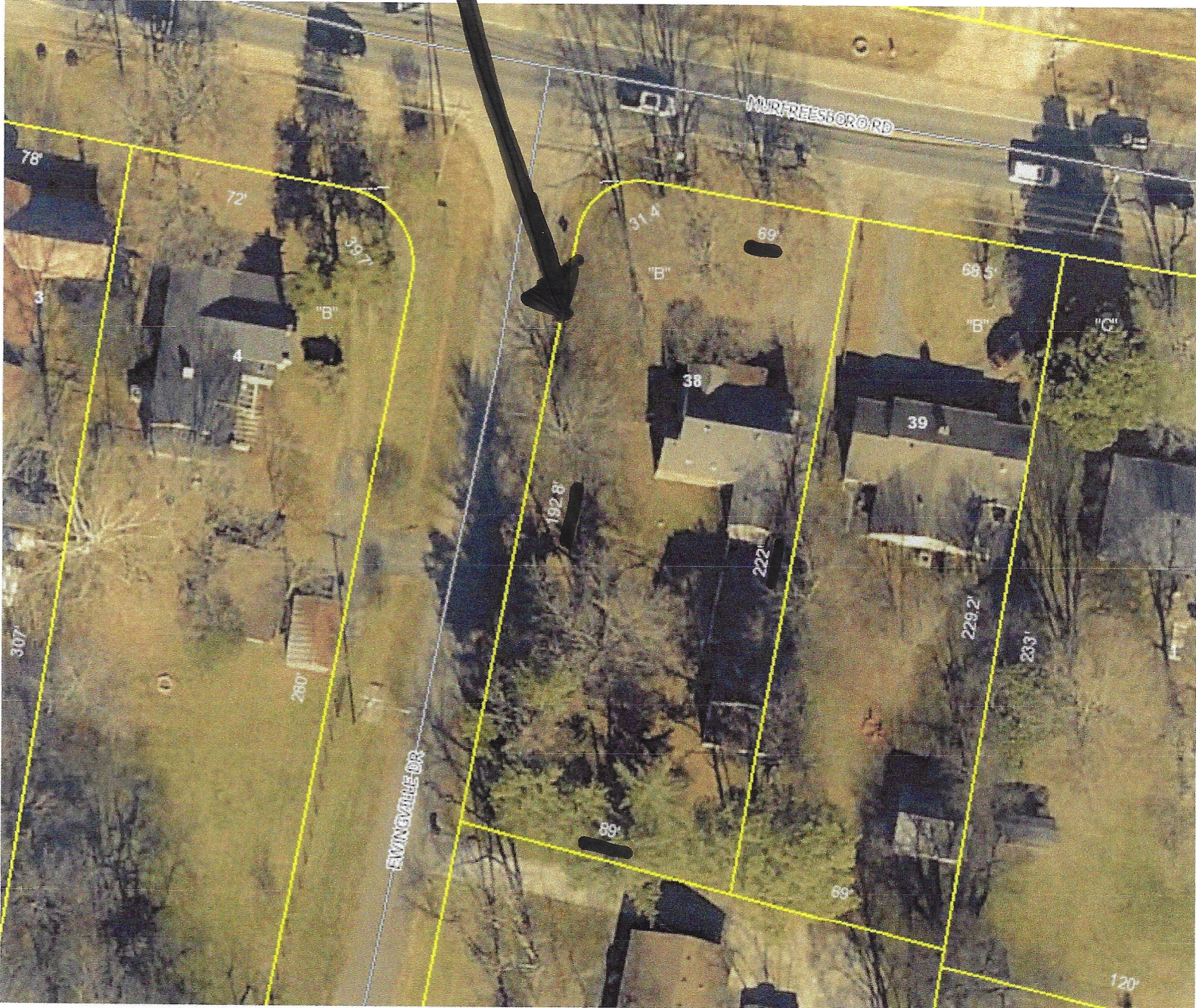
- The building structure on the property is unique in that its shape and placement both in relation to the neighbor's yard and its own garage create an exceptionally narrow footprint to enter and exit the property safely. The driveway is standard in width size (10ft.). However, it is both narrowly close to the neighbor's boundary line (1'-2'), and the rear parking pad between the home and the garage does not accommodate a reasonable radius (19' X 21') in which two cars could possibly turn around to exit the property facing forward when re-entering Murfreesboro Road. (Please see pgs. 2,3 and 7, 7A). Furthermore, Murfreesboro Road is a highly trafficked thoroughfare (19,656 car per day) and has witnessed at least 8 serious car accidents (2 incurring injuries) in the past year alone. (Please see pages 8-10).
- According to the zoning ordinance of Section 10.1.7 a property with a lot size greater than 30,000 square feet would be allowed to accommodate a circular driveway. However, the strict application of not permitting a second entrance/exit on this unique parcel due to it only having 19,760 Sq. Ft. presents a practically difficult hardship of only being able to exit onto Murfreesboro Road while driving our vehicles in reverse as there is no way to turn them around once having entered the property. As evidenced by 2 of the 4 neighbors immediately adjacent to this property (427 and 502 Murfreesboro Road) circular driveways exist and the intent and purpose of allowing for such driveways is to promote safety and ease of access. Please see pg. 3.
- This is a corner lot property with ease of access to a very low traffic thoroughfare Ewingville Drive. We are not seeking a traditional circular driveway that would ONLY enter and exit on Murfreesboro Road, but rather a side enter/exiting branch off our existing driveway that would allow us to exit onto Ewingville drive facing forward and then enter traffic onto Murfreesboro Road with much greater safety (see pg. 7). Additionally, by permitting this access point, vehicular congestion on Murfreesboro Road would be reduced since presently exiting our property in reverse brings traffic to a full stop nearly every single time we leave the premises. Reducing the potential for both accidents and vehicular congestion are in accordance with the intent and purpose of this zoning ordinance.

②

500 MurFreesboro Road
Franklin, TN. 37064

(Accurate Survey Boundary)
lengths & widths

WILLIAMSON COUNTY GIS
MAPPING DATA



500 Murfreesboro Rd., Franklin, TN, 37064

EXHIBIT A TO RECEIVER'S DEED

LEGAL DESCRIPTIONS (subject to change)

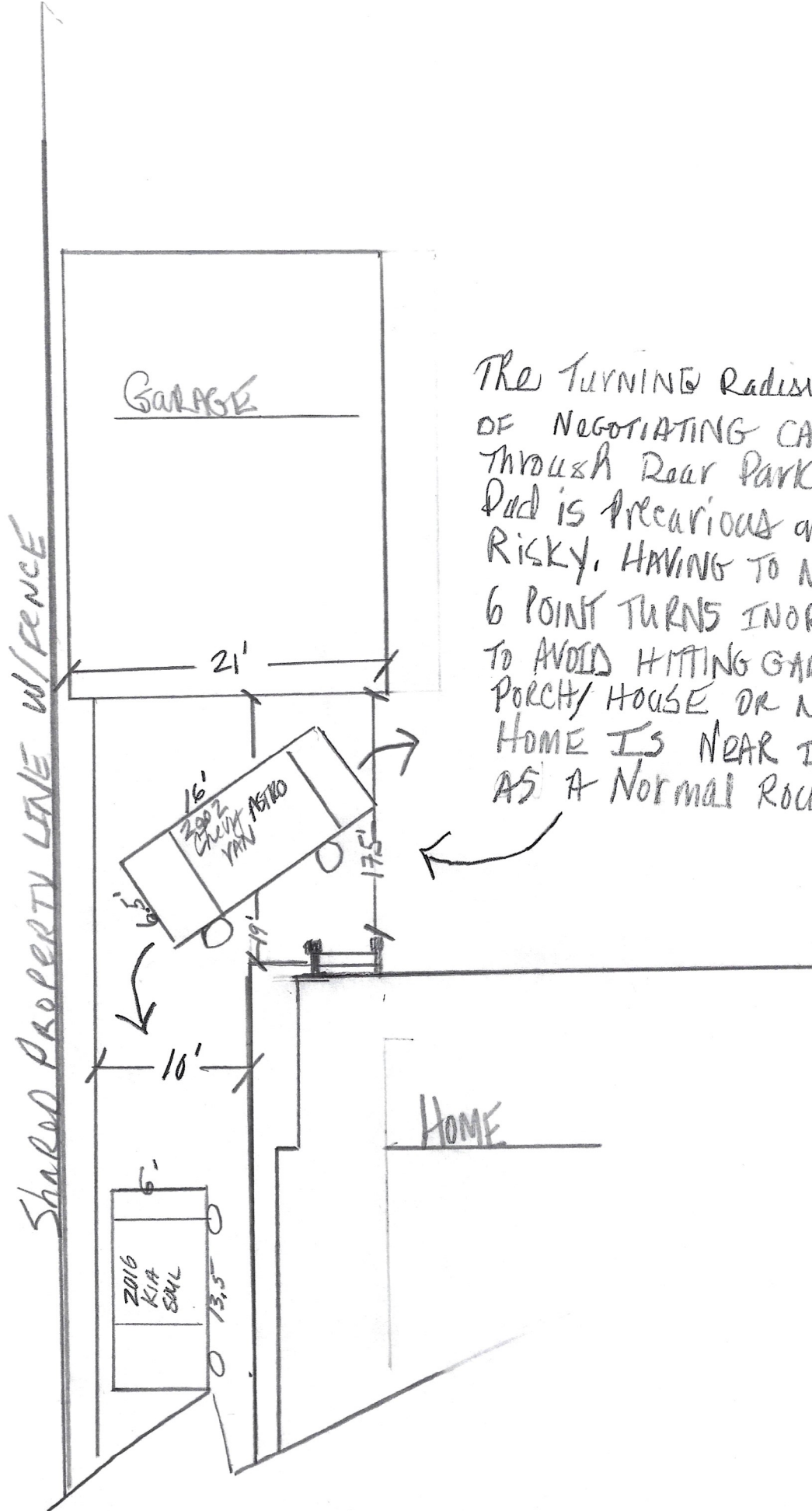
(Survey Description)

A certain tract of land in Williamson County, Tennessee, described more fully as follows: Lying and being within the corporate limits of the Town of Franklin, Ninth (9th) Civil District of Williamson County, Tennessee, described as follows, to-wit:

BEGINNING at a stake on the east side of Ewingville Drive, Reedy Robinson's northwest corner, running thence with Robinson's north boundary line south 79 1/2 degrees east 89 feet to a stake; thence north 4 degrees east 222 feet along the west boundary line of Tom Lyons to a stake on the south side of the Murfreesboro Road, Tom Lyons northwest corner; thence with the south margin of Murfreesboro Road North 85 degrees West 69 feet at the intersection of Ewingville Drive; thence with a curve 31.4 feet to a stake on the east side of Ewingville Drive; thence with the east margin of Ewingville Drive South 4 degrees west 192.8 feet to the beginning, according to survey of C. K. McLemore, dated April 8, 1968.

Being the same property conveyed to Equialt Fund II, LLC, a Nevada limited liability company, from JDV, L.P. a Tennessee limited partnership, by Warranty Deed dated September 30, 2019, of record in Book 7758, Page 975, Register's Office, Williamson County, Tennessee.

7A



THE TURNING RADII OF NEGOTIATING CARS THROUGH REAR PARKING PAD IS PRECARIOUS AND RISKY, HAVING TO NEGOTIATE 6 POINT TURNS IN ORDER TO AVOID HITTING GARAGE, PORCH/ HOUSE OR NEIGHBORS HOME IS NEAR IMPOSSIBLE AS A NORMAL ROUTINE.

5

500 Murkreesboro Road (Present)

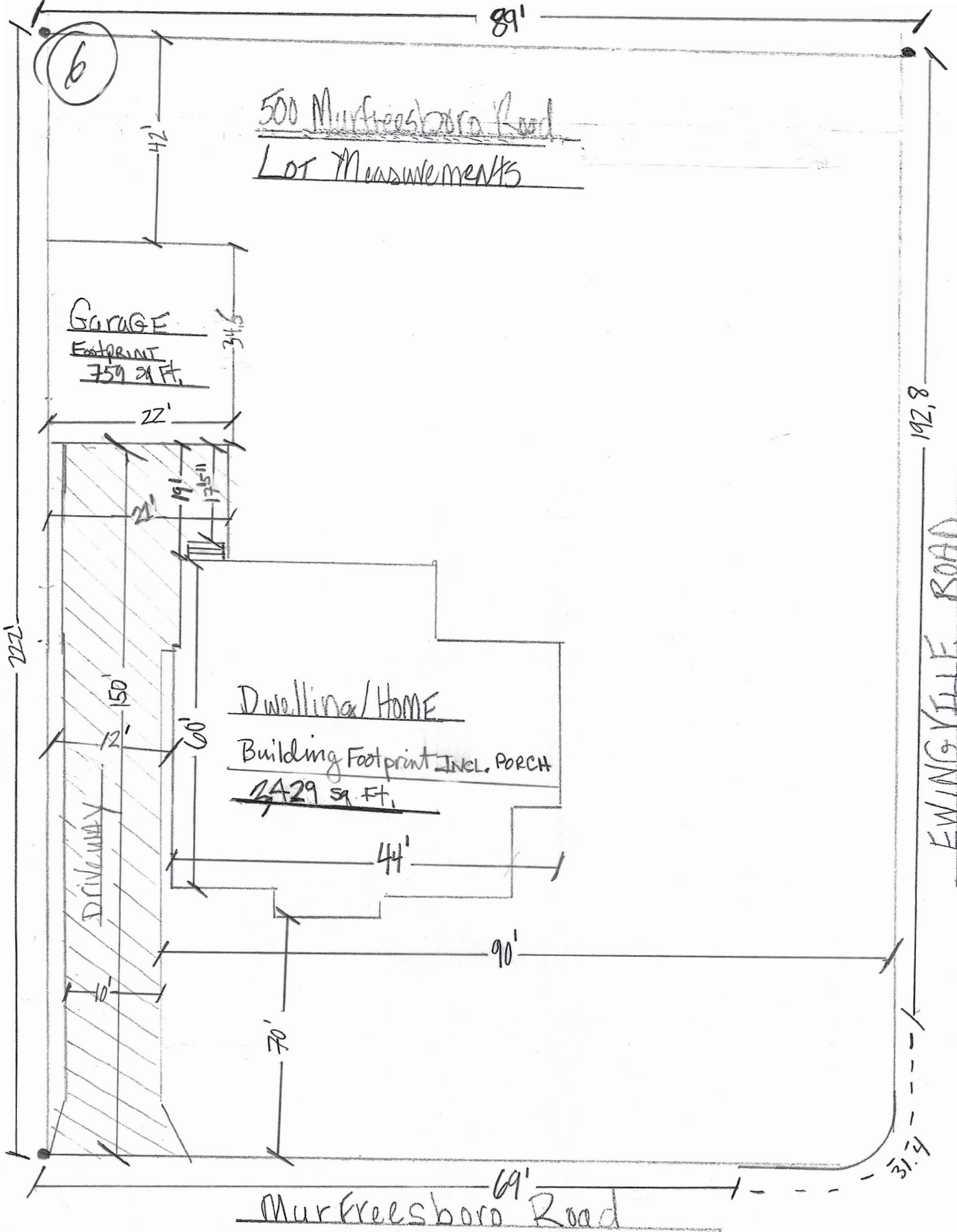
Garage

Dwelling/Home

Driveway

EWINGVILLE ROAD

Murkreesboro Road



7

GARAGE

Dwelling/ HOME

EWINGVILLE ROAD

Murfreesboro Road

(NOT TO SCALE)

TDOT TRAFFIC COUNT FOR FRANKLIN/Murfreesboro Road ~ Station 033

8

1.

1. Brentwood/Franklin

CC Traffic Stations

001 **034** 049 114 **141** 161 176 189 209 235
 002 **035** 079 115 **142** **162** **177** 191 215 237
003 **038** 081 117 143 **164** 178 192 216
004 **039** **090** 119 144 **165** 179 194 217
 005 040 **096** **121** 145 **168** 180 195 218
 027 041 **097** 131 146 169 181 **186** 219
 028 044 100 132 147 172 182 203 224
031 **045** 111 136 **158** 173 183 205 225
032 046 112 139 **159** 174 186 206 226
033 **048** 113 140 175 **188** 207 233

EDL Traffic Station

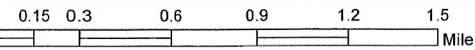
042 030 190
 043 157 160

Legend

- * HPMS Traffic Stations
- Class Count Traffic Stations
- CC Traffic Stations
- ATR Traffic Stations
- ▲ EDL Traffic Stations
- ✛ Churches
- ✛ Cemeteries
- HPMS Route
- Interstate
- State Route
- Functional Route
- Local Route
- Railroads
- Major Waterways
- Parks
- Municipal Boundary



2.

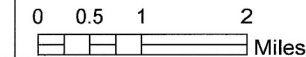


2. Franklin Downtown

CC Traffic Stations

029 086 087 088 089 104 105 106 107 108
 124 148 149 150 151 152 153 154 155 156
 170 171 193

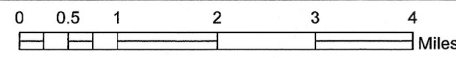
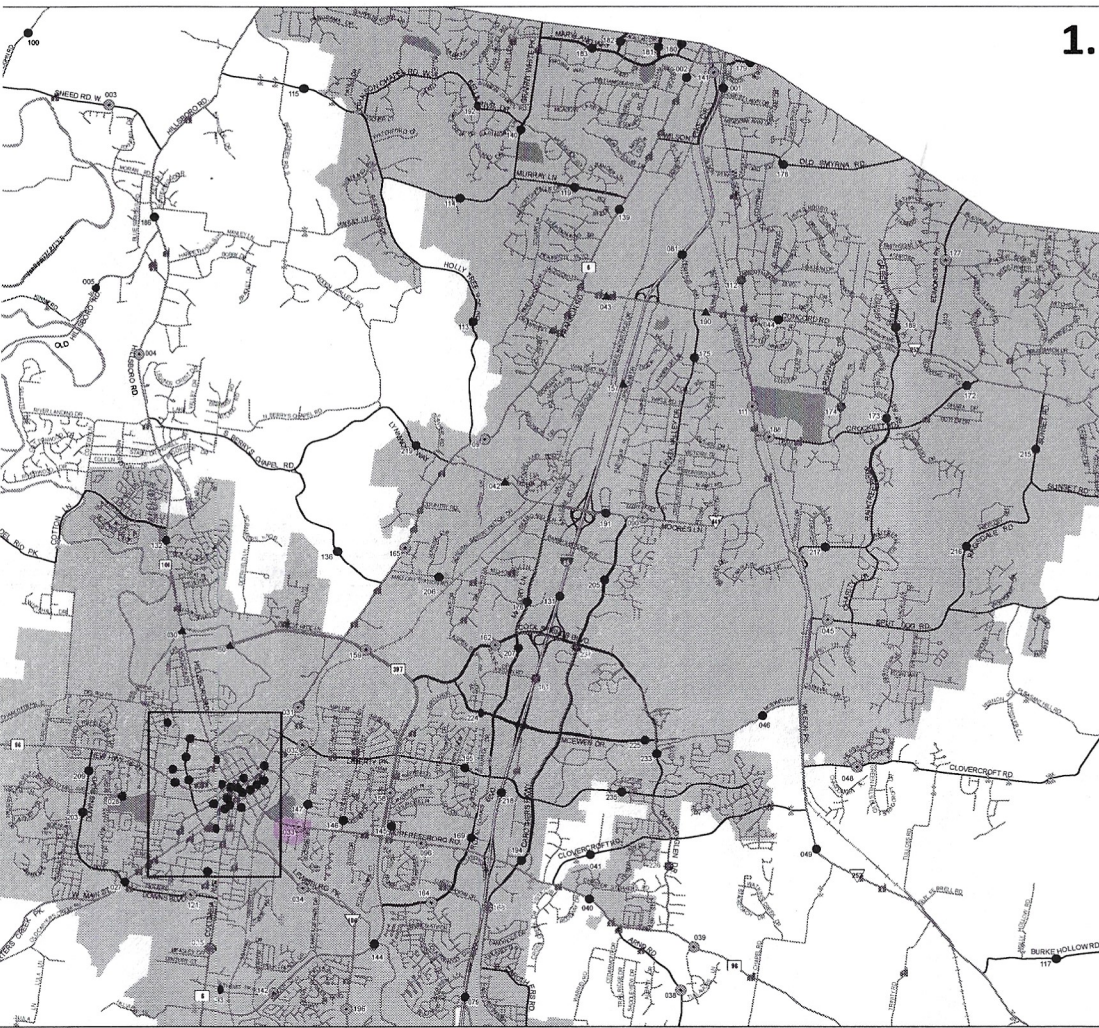
3.



3. Spring Hill/ Thompson's Station

CC Traffic Stations

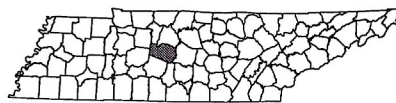
006 067 068 126 202 227 228 229 230 **231**



2023 Traffic Map Williamson County

Tennessee

Prepared by the
Tennessee Department of Transportation
Long Range Planning Division
Office of Data Visualization



9

Williamson County

1

Daily Count of cars
on Gunterboro Rd

Station #	AADT
001	9,540
002	21,327
003	11,007
004	15,950
005	4,289
006	2,444
007	839
008	10,031
009	745
010	8,406
011	1,977
014	1,842
016	901
019	596
020	1,756
021	1,737
022	496
024	2,724
026	4,861
027	7,875
028	5,407
029	399
030	18,198
031	13,353
032	6,655
033	19,656
034	7,503
035	20,986
036	3,430
037	17,753
038	5,492
039	14,885
040	21,056
041	4,195
042	17,725
043	18,386
044	22,059
045	11,779
046	11,640
048	7,847
049	3,116
051	13,218
052	8,362
053	1,983
054	8,087
055	4,952
056	8,970
057	12,818
058	6,075
059	2,050
060	785
061	2,069
062	3,323
063	4,356

Station #	AADT
064	1,706
065	7,043
066	3,663
067	20,189
068	3,993
069	1,039
070	3,704
072	5,337
073	30,377
073	2,416
074	41,839
074	615
076	2,309
077	4,342
078	821
079	118,761
080	109,713
081	128,294
082	2,062
083	6,851
084	13,340
085	1,447
086	6,097
087	16,173
088	13,759
089	16,337
090	19,962
092	6,927
093	2,109
094	13,091
095	5,481
096	31,982
097	23,938
098	14,773
099	2,592
100	4,960
101	2,664
102	10,523
103	5,350
104	7,206
105	18,422
106	10,624
107	8,913
108	5,903
109	3,886
110	994
111	9,848
112	8,032
113	3,376
114	6,860
115	5,961
116	4,217
117	742
119	12,716

Station #	AADT
120	903
121	14,978
122	279
123	189
124	2,105
126	8,549
127	6,874
129	12,373
131	149,387
132	16,922
133	4,017
134	324
135	280
136	1,985
137	703
138	1,668
139	20,705
140	7,780
141	4,802
142	12,733
143	3,539
144	20,234
145	1,043
146	2,065
147	3,079
148	3,193
149	3,539
150	1,506
151	5,294
152	2,462
153	7,086
154	1,677
155	1,494
156	5,024
157	153,149
158	14,693
159	23,973
160	19,868
161	138,687
162	24,249
163	508
164	24,014
165	9,051
166	842
167	856
168	13,323
169	16,841
170	10,052
171	3,633
172	5,620
173	2,265
174	847
175	2,864
176	25,941

Murfreesboro Road Corridor - Collision accident count Between
PINKERTON PARK & STURBRIDGE ROAD 1/23 - 12/23
8 - TOTAL ACCIDENTS (vehicular)
2 - Injured accidents

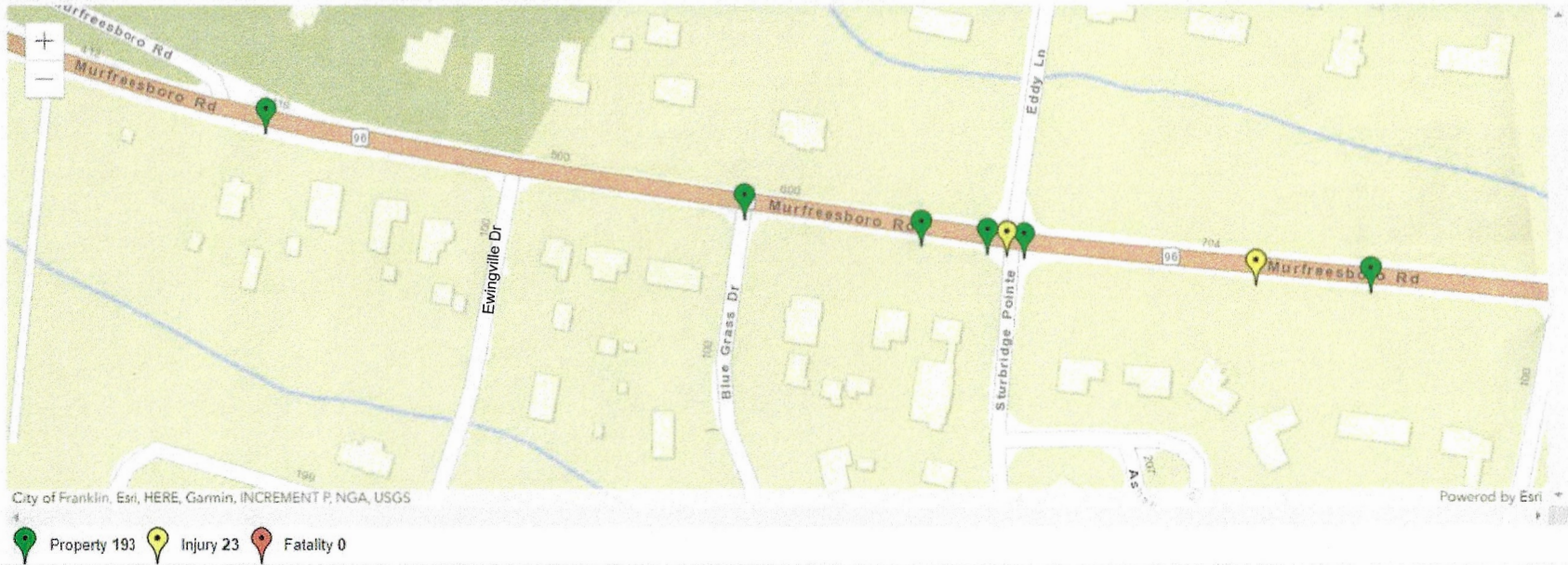
(5)

Mapping: Collision Map

The Agency is one of: Franklin Police Dept
And The Date of Collision is between 1/1/2023 and 12/31/2023
And The Roadway Name contains murfreesboro

Crash Map

- 103542954 - MURFREESBORO RD
- 103558983 - MURFREESBORO RD
- 103566367 - MURFREESBORO RD
- 103586073 - MURFREESBORO RD
- 103599141 - MURFREESBORO RD
- 103607051 - MURFREESBORO RD
- 103634691 - MURFREESBORO RD
- 103645930 - MURFREESBORO RD



Buildings

Address

500 MURFREESBORO RD FRANKLIN, TN 37064

County

Williamson

Property Class

Business

No

Building Footprint Area

1,729 SF + 700 = 2429

Related Addresses

1 Address | Map

Related Parcels

1 Parcel

Building Height (Min)

5.59 FT

Building Height (Avg)

16.43 FT

Building Height (Max)

50.67 FT

Ground Elevation (Min)

641.77 FT

Ground Elevation (Avg)

642.67 FT

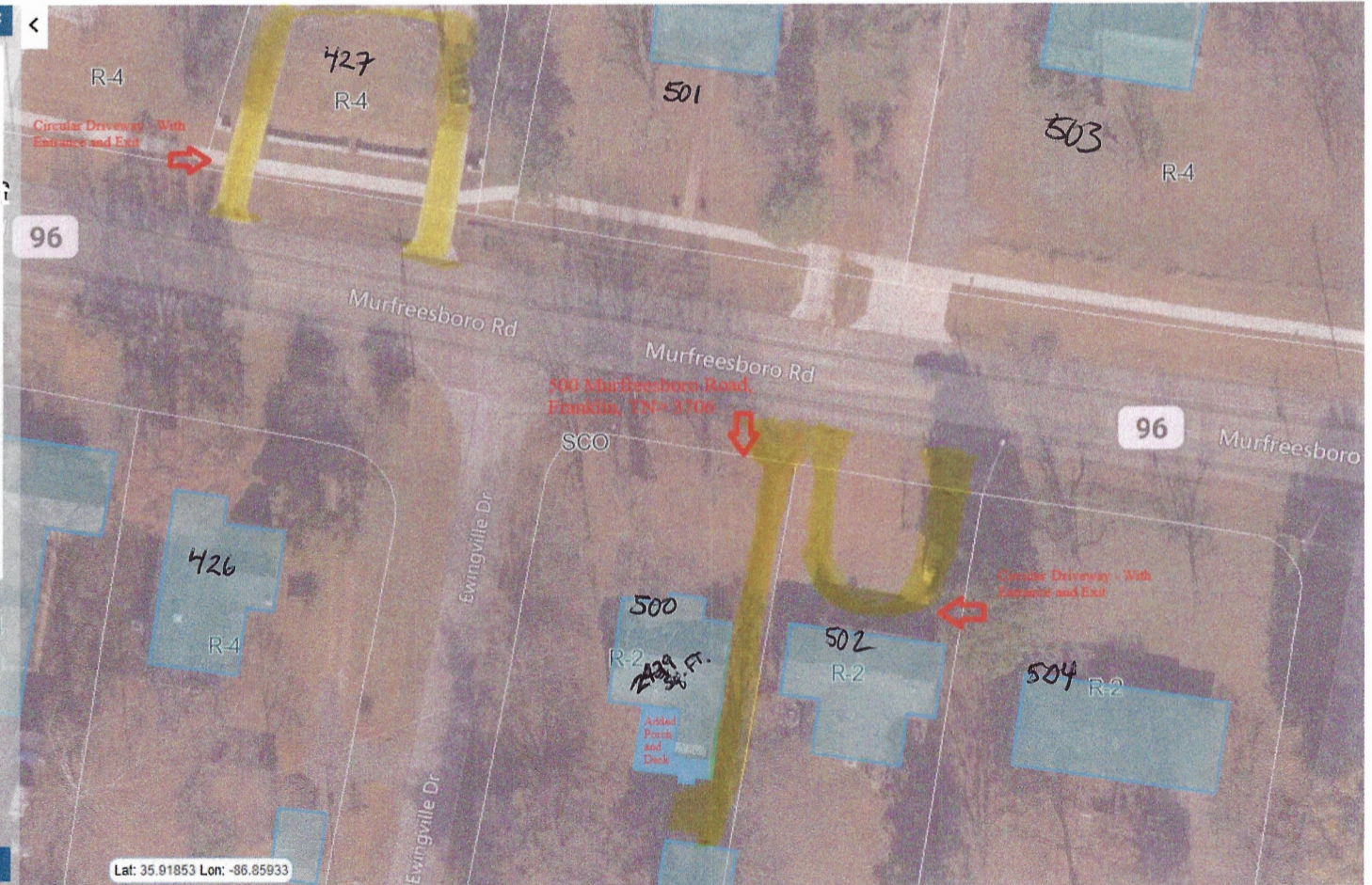
Ground Elevation (Max)

643.34 FT

Add to List

Search Area

More



EXISTING PROPERTIES WITHIN the surrounding 6 properties to 500 Murfreesboro Road that have circular Driveways to accomodate avoiding dangerous enter/exit access to Murfreesboro Road