



Meeting Agenda

Board of Zoning Appeals

Thursday, April 4, 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.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.

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@franklintn.gov before noon on the day before 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.

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 February 1, 2024 BZA Minutes.

ANNOUNCEMENTS

APPLICATIONS

2. A **Variance Request** To Allow For A Taller Than Allowable Retaining Wall Within A Front Yard For The Property Located At 326 Lionheart Way. (FZO §13.2.4).

Sponsors:

Emily Wright, Amy Diaz-Barriga, Ariella Stanford

3. A **Variance Request** To Allow An Accessory Structure To Be Located To The Side Of The Principal Building For The Property Located At 120 Aldersgate Way (FZO §3.12.5.).

Sponsors:

Emily Wright, Amy Diaz-Barriga, Ariella Stanford

4. A **Variance Request** To Allow Parking Within The Murfreesboro Road Frontage Area For A Principal Building For The Property Located At 1450 Murfreesboro Road (FZO §7.5).

Sponsors:

Emily Wright, Amy Diaz-Barriga, Ariella Stanford

OTHER BUSINESS

ADJOURN

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



Meeting Minutes

Board of Zoning Appeals

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CALL TO ORDER

Chair Langley called the meeting to order at 6:02 PM.

Board Members Present: Jonathan Langley, Lee Reeves, Jeff Fleishour, and Dorinda Smith

Board Members Absent: William Scales

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

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

Chair Langley asked for citizen comments. There were none.

APPROVAL OF MINUTES

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

Sponsors:

Board Member Reeves motioned to Approve the Minutes from the January 4, 2024, BZA meeting, seconded by Board Member Smith. The motion carried 4-0.

ANNOUNCEMENTS

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

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

Staff Presentation: Ariella Stanford. 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.

Recommendation: 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.

Applicant Presentation: John Bruck, 408 Luna Ct. Franklin, TN. Mr. Bruck did not have any additional comments.

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

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

Board Member Reeves asked for confirmation that the side and rear setbacks requirements have been met.

Ms. Stanford stated that this is correct.

Chair Langley asked for a motion from the Board.

Board Member Smith motioned to approve 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 a variance have been met, seconded by Board Member Reeves.

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

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

Item withdrawn by the applicant.

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

Staff Presentation: Ariella Stanford. 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 safer 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 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.

Recommendation: Staff recommends the Board of Zoning Appeals move to deny the variance to allow a driveway to encroach into the front yard area located 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 Comments: 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.

Applicant Presentation: David Douglas, 500 Murfreesboro Road, Franklin. Mr. Douglas explained that the request is not to remove or change the driveway but to supplement the driveway so that there is room to back up and drive forward and to exit via Ewingville Road for safety reasons. To exit the property, currently, requires backing out onto Murfreesboro Road and during high traffic time motorists are not patient enough to allow time for a two-point turn. However, if the variance request is granted, exiting via Ewingville road in a forward motion would create a safer and more timely way to leave the property. There have been eight accidents in the last year with two injuries. Mr. Douglas noted that the criteria required for granting a variance does not address safety concerns and considers backing up a hardship not merely an inconvenience. Regarding criteria three, because the property is on the corner of Murfreesboro Road and Ewingville, the driveway will be visible in all directions.

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

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

Board Member Reeves stated that this item is a difficult consideration to process and appreciates the additional staff notes regarding an alternative plan, should the Board grant the variance request. With that in mind, Mr. Reeves asked staff to elaborate on the layout of the driveway.

Ms. Stanford stated that it was recommended that the curb cut to Murfreesboro Road be removed but leaving a slight extension of the driveway to allow for turnaround which would align more with technical street standards.

Board Member Fleishour asked Mr. Douglas his thoughts about removal of the access/curb cut to Murfreesboro Road.

Mr. Douglas stated that this would not be his preference.

Board Member Reeves stated that there appears to be the remnants of a curb cut onto Ewingville Road.

Ms. Stanford explained that yes there appears to be some sort of curb cut, but she wasn't sure of the exact location on the property.

Mr. Douglas confirmed that there is a leftover asphalt pad but the location of the pad it is not located behind the home.

Board Member Reeves noted the existing circular driveways adjacent to the subject property and asked staff about the history of those properties.

Board Member Fleishour added that the circular driveway mentioned for the subject property it is not necessarily a circular driveway as the driveway would go from Murfreesboro Road and exit Ewingville Road.

Ms. Stanford explained that circular driveways are permitted on lots of a certain size, and, in some cases, the adjacent driveways may have been built prior to the establishment of the zoning ordinances.

Chair Langley stated that the driveways may have been constructed for practical and safety reasons.

Mr. Douglas also mentioned that if a parking pad and fence combination was considered, an option suggested by staff, there wouldn't be enough room between Mr. Douglas' property and the adjacent property. Either way, the driveway would be visible from Murfreesboro Road or Ewingville Road.

Board Member Smith motioned to approve allowance of 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 with the staff condition, seconded by Board Member Fleishour.

Board Member Smith stated that she has personal experience making a left turn onto Murfreesboro Road and agreed with Mr. Douglas that it's dangerous and safety should be the most important consideration.

Board Member Fleishour agrees with the safety concerns and noted his concerns about the tight property line setbacks. There doesn't appear to be enough room to allow space for easy turnaround without having to drive into the yard.

Chair Langley stated his concerns about complete closure or removal of the curb cut onto Murfreesboro Road. During low traffic times exiting does not present a safety concern and enough room will allow for an easy turnaround so that the property owners may exit the property without backing out.

Board Member Reeves stated that even though the curb cut to Murfreesboro Road is removed, the driveway will still be visible.

Board Member Reeves amended the motion to exclude the staff condition from the motion, seconded by Board Member Fleishour. The motion to amend carried 3-1 (Board Member Smith voting against).

Board Members Langley and Fleishour both agreed with Board Member Reeves amendment to the motion.

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

OTHER BUSINESS

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

ADJOURN

Board Member Fleishour motioned to adjourn the February 2, 2024, BZA meeting, seconded by Board Member Smith. The motion carried 4-0.

There being no further business, the meeting adjourned at 6:41 PM.

Chair

Date



File #: 21-06329

DATE: March 11, 2024
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 A Taller Than Allowable Retaining Wall Within A Front Yard For The Property Located At 326 Lionheart Way. (FZO §13.2.4).

PURPOSE:

PROJECT INFORMATION

COF Project Number: 8421
Applicant: Hamid Arab
Owner: Eideh Arab

BACKGROUND/STAFF COMMENTS:

Vicinity Zoning/Land Use

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

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.

13.2.4 - Retaining Walls For Residential Uses

Retaining walls for residential uses, other than multifamily, shall comply with the following:

Residential Uses:

Front Yard Retaining Wall Height	Maximum 2 Feet
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Background

This 1.28-acre lot is located at 326 Lionheart Way within the Avalon Subdivision and is zoned PD for 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 Hillside/Hillcrest Overlay District and the 500-foot Buffer of the Hillside Overlay. This property now lies within the HHO district and 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.

This property previously received approval for the following Variance Requests:

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 encroachments into areas with a slope of 20% or greater.

The property was also given the following conditions of approval:

1. The maximum number of retaining walls is 7.
2. The front yard retaining wall maximum is 6 feet, and the homeowner must provide landscaping so that a maximum of 2 feet of the front yard retaining wall is visible.

Since the approval of these Variance Requests, the applicant has had to change their plans. It was discovered that the previously proposed retaining walls encroached into a sanitary sewer easement. In order to prevent the retaining wall from encroaching into the sanitary sewer easement, the applicant worked with Lance Fittro in our Engineering Department, and Ben McNeil in Water Management to design a solution. The solution, which is reflected in the submitted plans, is to raise the elevation of the house by 3 feet. This reduces the grade difference in the backyard, which then reduces the height and number of retaining walls needed in the backyard, and eliminates the retaining wall that was encroaching into the sanitary sewer easement. While this reduces the height of the retaining walls in the backyard and reduces the overall number of required retaining walls on the site, it causes a portion of the front yard retaining wall to reach a maximum of 8 feet. Because the front yard retaining wall is now taller than the previously approved Variance Request, the applicant is requesting a new Variance Request for the updated plans for the front yard retaining wall. All other aspects of the plans are still in compliance with the previous Variance Requests that were approved.

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.

There are exceptional topographic conditions on this site which require the use of retaining walls to provide effective drainage, access, and support for development. Since the previously approved Variance Request for a 6-foot maximum front yard retaining wall, conditions of the site have caused the plans to change. In order to prevent a retaining wall from encroaching into the sanitary sewer easement on the property, the proposed house has to be raised by 3 feet from their previous plans, which also increases the necessary height of the retaining wall in the front yard. 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 is requesting retaining wall heights up to 8-feet in the front yard of the property. Due to the exceptional slopes on this property and the location of the sanitary sewer easement, Staff finds criteria 1 to be 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 that exist. Due to the exceptional slope conditions across the site and the location of the sanitary sewer easement, retaining walls higher than 2-feet in the front yard are necessary to support the house and prevent the retaining walls in the backyard from encroaching into the easement. Therefore, staff finds criteria 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. The applicant has determined that the front yard retaining walls up to 8 feet are necessary to support the proposed house. The applicant also intends to abide by the condition of approval that was put on the previous Variance Request to have landscaping cover up to the top 2 feet of the wall in the front yard. Staff finds criteria 3 to be met.

FINANCIAL IMPACT:

None.

RECOMMENDATION:

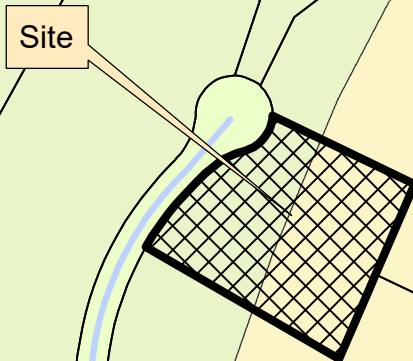
RECOMMENDED MOTION: Staff recommends the Board of Zoning Appeals move to approve the **Variance Request To Allow For A Taller Than Allowable Retaining Wall Within A Front Yard For The Property Located At 326 Lionheart Way**, because the criteria for granting a variance have been met.

326 LIONHEART WAY
TAX MAP 061F, GROUP C, PARCEL 00500
BOARD OF ZONING APPEALS
APRIL 4, 2024

* This property is zoned
PD Planned District.

Legend

-  326 Lionheart Way
-  Hillside/Hillcrest Overlay
-  500 Ft Buffer of Hillside
-  AG Agricultural District
-  ER Estate Residential District
-  R1 Residential 1 District
-  R2 Residential 2 District
-  R3 Residential 3 District
-  R4 Residential 4 District
-  R6 Residential 6 District
-  MR Mixed Residential District
-  PD Planned District
-  OR Office Residential District
-  CI Civic Institutional District
-  NC Neighborhood Commercial
-  CC Central Commercial District
-  DD Downtown District
-  1ST Avenue District
-  5TH Avenue District
-  RC6 Regional Commerce 6 District
-  RC12 Regional Commerce 12 District
-  GO General Office District
-  LI Light Industrial District
-  HI Heavy Industrial District



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



6	3-4-2024	MADE ADJUSTMENTS TO FRONT AND SIDE RETAINING WALLS PER OWNER REQUEST	J.D.C.	E.J.W.
5	1-11-2024	MADE ADJUSTMENTS TO REAR RETAINING WALLS PER OWNER REQUEST	J.D.C.	E.J.W.
4	12-20-2023	RAISED MAIN FLOOR F.F.E. 3- FEET RE-GRADED LOT ACCORDANTLY	J.D.C.	E.J.W.
3	6/26/2023	REVISIONS MADE PER CITY OF FRANKLIN (6/12/2023)	J.D.C.	E.J.W.
2	4/10/2023	SHOWED TREES TO BE REMOVED. ADDED CROSS DRAIN AT LOWER ENTRANCE. ADDED UTILITIES SERVICES	J.D.C.	E.J.W.
1	10/12/2022	CITY OF FRANKLIN COMMENT	J.D.C.	E.J.W.

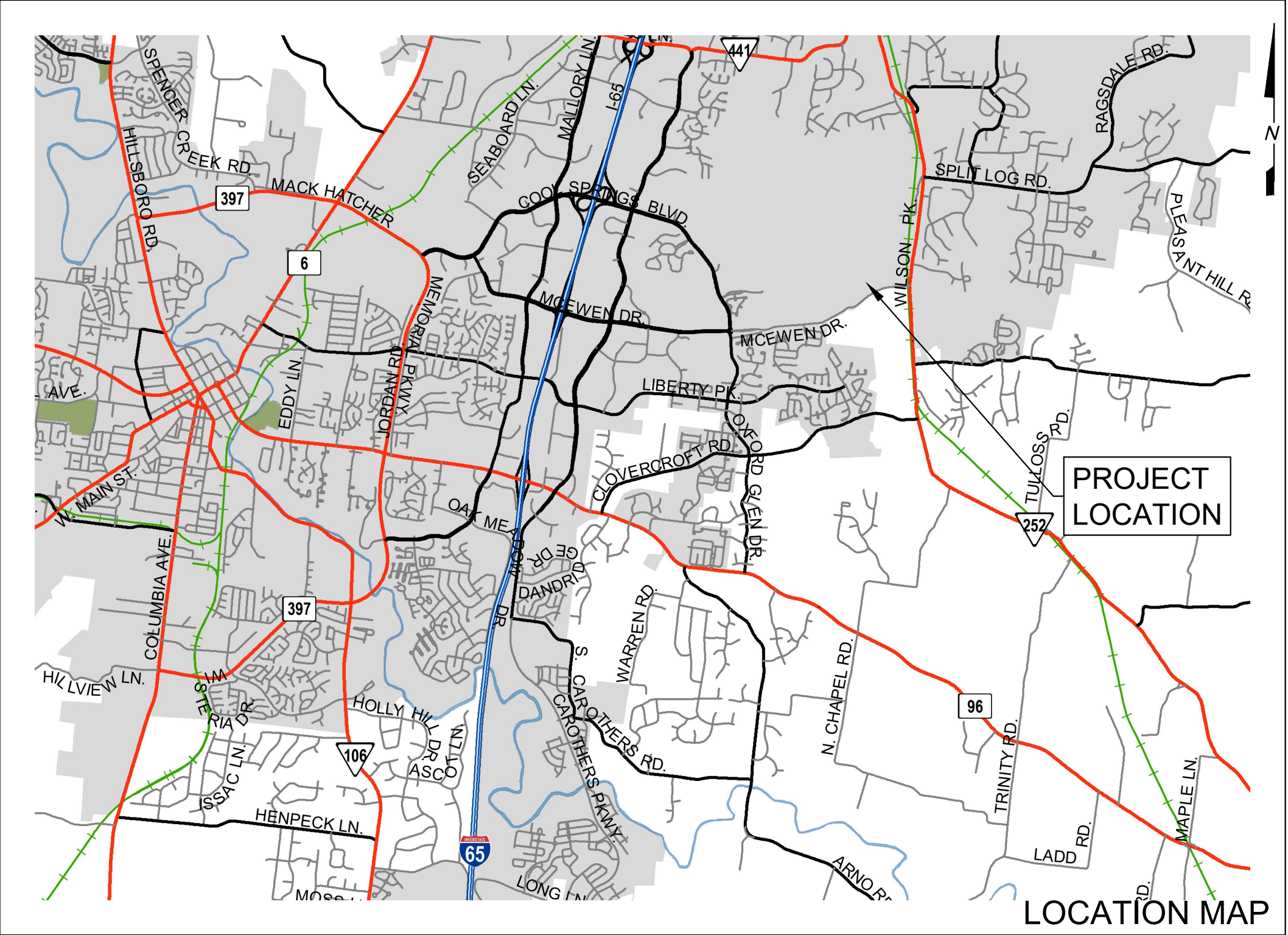
--CONSTRUCTION PLANS--

326 LIONHEART WAY
ARAB RESIDENCE
FRANKLIN, TENNESSEE

INDEX OF DRAWINGS

DESCRIPTION
TITLE SHEET
EXISTING SITE LAYOUT
PROPOSED SITE LAYOUT
PROPOSED GRADING PLAN
EROSION PREVENTION & SEDIMENT CONTROL
STANDARD DETAILS

SHEET
T1
C1
C2
C3
C4
C5



SITE DATA

OWNER / APPLICANT: HAMID ARAB
326 LIONHEART WAY.
FRANKLIN, TN 37067

ZONING: 100-RESIDENTIAL
AREA OF TRACT: 1.28± AC.
TAX MAP ID: MAP 061, PARCEL 00600
PLAT: BK. P49, PG. 172
PROPOSED USE OF STRUCTURES: RESIDENTIAL
PROPOSED BUILDING FOOTPRINT GROSS: 6,916± SF.
LAND DISTURBANCE: 0.80± AC.
EXISTING IMPERVIOUS AREA: 0 S.F.
IMPERVIOUS AREA: 18,293 ± SF. (FINAL)
IMPERVIOUS TO LOT RATIO: 32.8%

100-RESIDENTIAL
1.28± AC.
MAP 061, PARCEL 00600
BK. P49, PG. 172
RESIDENTIAL
6,916± SF.
0.80± AC.
0 S.F.
18,293 ± SF. (FINAL)
32.8%



Know what's below.
Call before you dig.

MID - TENN
ENGINEERING CO.

648 HIGHWAY 52 BYPASS W.
LAFAYETTE, TN (615) 666-2385

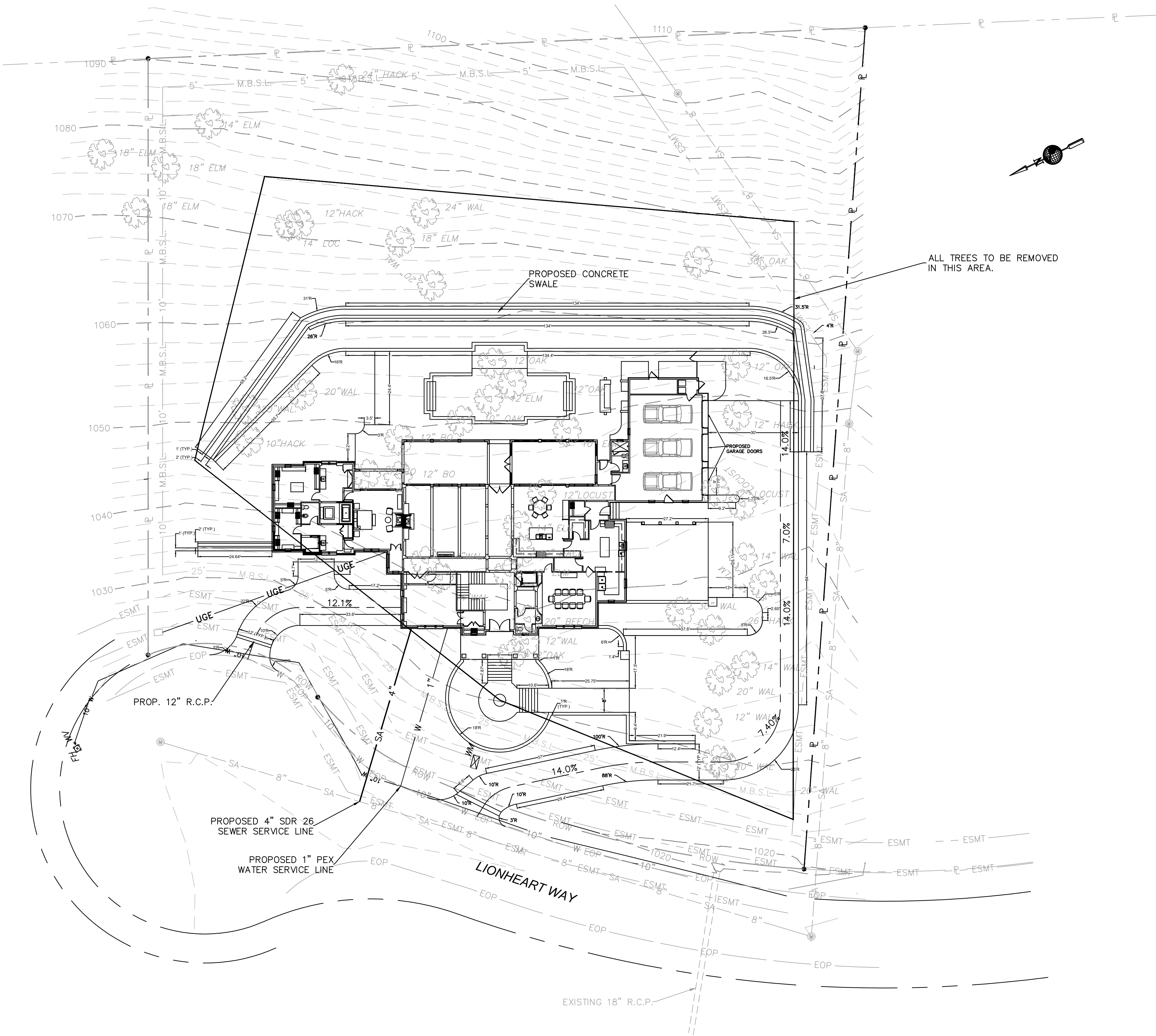
CITY OF FRANKLIN
ENGINEERING DEPARTMENT
(615) 791-3218



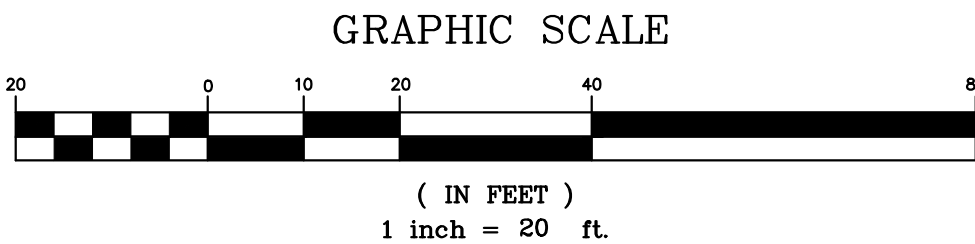
SITE DATA INFORMATION

ZONING: 100-RESIDENTIAL
AREA OF TRACT: 1.28 AC.±
EXISTING BUILDING GROSS S.F. 0 S.F.
PROPOSED BUILDING FOOTPRINT GROSS S.F. 6,916 S.F.
EXISTING IMPERVIOUS SURFACE AREA 0 S.F.
TOTAL PROPOSED IMPERVIOUS SURFACE AREA 18,293 S.F.
IMPERVIOUS TO LOT RATIO 32.8%

AVALON SUBDIVISION
OWNER AND CONTRACTOR:
AURORA BUILDING CO., LLC
4701 TROUSDALE DR. #210
NASHVILLE, TN 37220

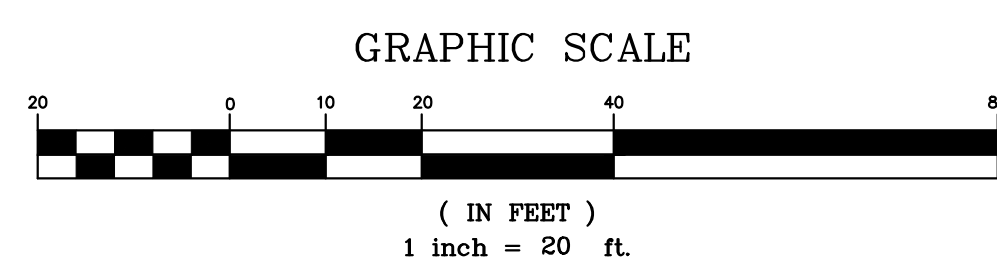
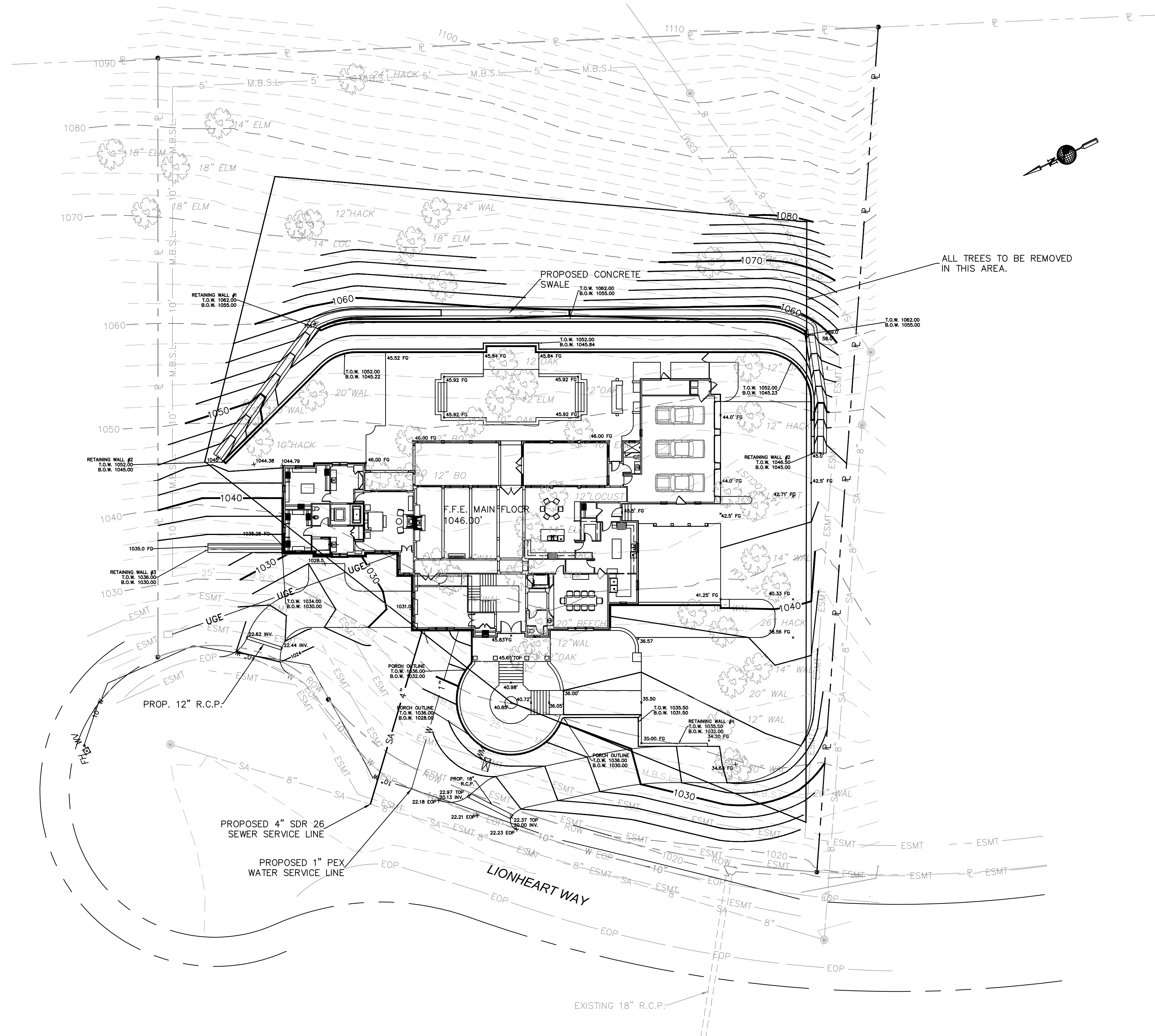


ALL TREES TO BE REMOVED
IN THIS AREA.



DESIGNED BY: J.D.C.		CHECKED BY: E.J.W.		DATE: 12-20-23		JOB NO.: 940001	
DRAWN BY: J.D.C.		SCALE: 1" = 20'		SHEET			
C2		MID - TENN ENGINEERING CO. 645 HIGHWAY 58 BYPASS W. LAFAYETTE, TN (615) 666-2385					
HAMD ARAB HOUSE 326 LIONHEART WAY FRANKLIN, TENNESSEE		PROPOSED SITE LAYOUT					
6 3-4-2024		MADE ADJUSTMENTS TO FRONT AND SIDE RETAINING WALLS PER OWNER REQUEST MADE ADJUSTMENTS TO REAR RETAINING WALLS PER OWNER REQUEST		J.D.C.		E.J.W.	
5 1-11-2024		REGRANDED LOT ACCORDANTLY REVISIONS MADE PER CITY OF FRANKLIN		J.D.C.		E.J.W.	
4 12-20-2023		REGRANDED LOT ACCORDANTLY REVISIONS MADE PER CITY OF FRANKLIN		J.D.C.		E.J.W.	
3 6/26/2023		SHOWED TREES TO BE REMOVED, ADDED CHAINS DRAIN AT LOWER ENTRANCE, ADDED UTILITY SERVICES		J.D.C.		E.J.W.	
2 4/10/2023		NO		DATE		BY	
NO		DATE		DESCRIPTION		REVISIONS	
OKD		BY		DESCRIPTION		REVISIONS	

AVALON SUBDIVISION
OWNER AND CONTRACTOR:
AURORA BUILDING CO., LLC
4701 TROUSDALE DR. #210
NASHVILLE, TN 37220



		PROPOSED GRADING PLAN		HAMID ARAB HOUSE 326 LIONHEART WAY FRANKLIN, TENNESSEE				MID - TENN ENGINEERING CO. 6A8 HIGHWAY 58 BYPASS W. LAFAYETTE, TN (615) 666-2385		<table><tr><th>DESIGNED BY</th><th>CHECKED BY</th><th>DATE</th><th>SCALE</th><th>JOB NO.</th></tr><tr><td>J.D.C.</td><td>E.J.W.</td><td>12-20-23</td><td>1" = 20'</td><td>940001</td></tr></table>		DESIGNED BY	CHECKED BY	DATE	SCALE	JOB NO.	J.D.C.	E.J.W.	12-20-23	1" = 20'	940001	<table><tr><th>NO.</th><th>DATE</th><th>DESCRIPTION</th></tr><tr><td>1</td><td>3/4/2024</td><td>MADE ADJUSTMENTS TO FRONT AND SIDE RETAINING WALLS PER OWNER REQUEST</td></tr><tr><td>2</td><td>1/11/2024</td><td>MADE ADJUSTMENTS TO REAR RETAINING WALLS PER OWNER REQUEST</td></tr><tr><td>3</td><td>12-20-2023</td><td>RE-GRANDED LOT ACCORDANTLY WITH PERMITS</td></tr><tr><td>4</td><td>6/26/2023</td><td>RE-GRANDED LOT ACCORDANTLY WITH PERMITS</td></tr><tr><td>5</td><td>4/10/2023</td><td>ISSUED TITLE TO GRANTEE ADDED CODE DRAWN & OWNER EXEMPT. ADDED UTILITY SERVICES</td></tr></table>		NO.	DATE	DESCRIPTION	1	3/4/2024	MADE ADJUSTMENTS TO FRONT AND SIDE RETAINING WALLS PER OWNER REQUEST	2	1/11/2024	MADE ADJUSTMENTS TO REAR RETAINING WALLS PER OWNER REQUEST	3	12-20-2023	RE-GRANDED LOT ACCORDANTLY WITH PERMITS	4	6/26/2023	RE-GRANDED LOT ACCORDANTLY WITH PERMITS	5	4/10/2023	ISSUED TITLE TO GRANTEE ADDED CODE DRAWN & OWNER EXEMPT. ADDED UTILITY SERVICES
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LEGEND

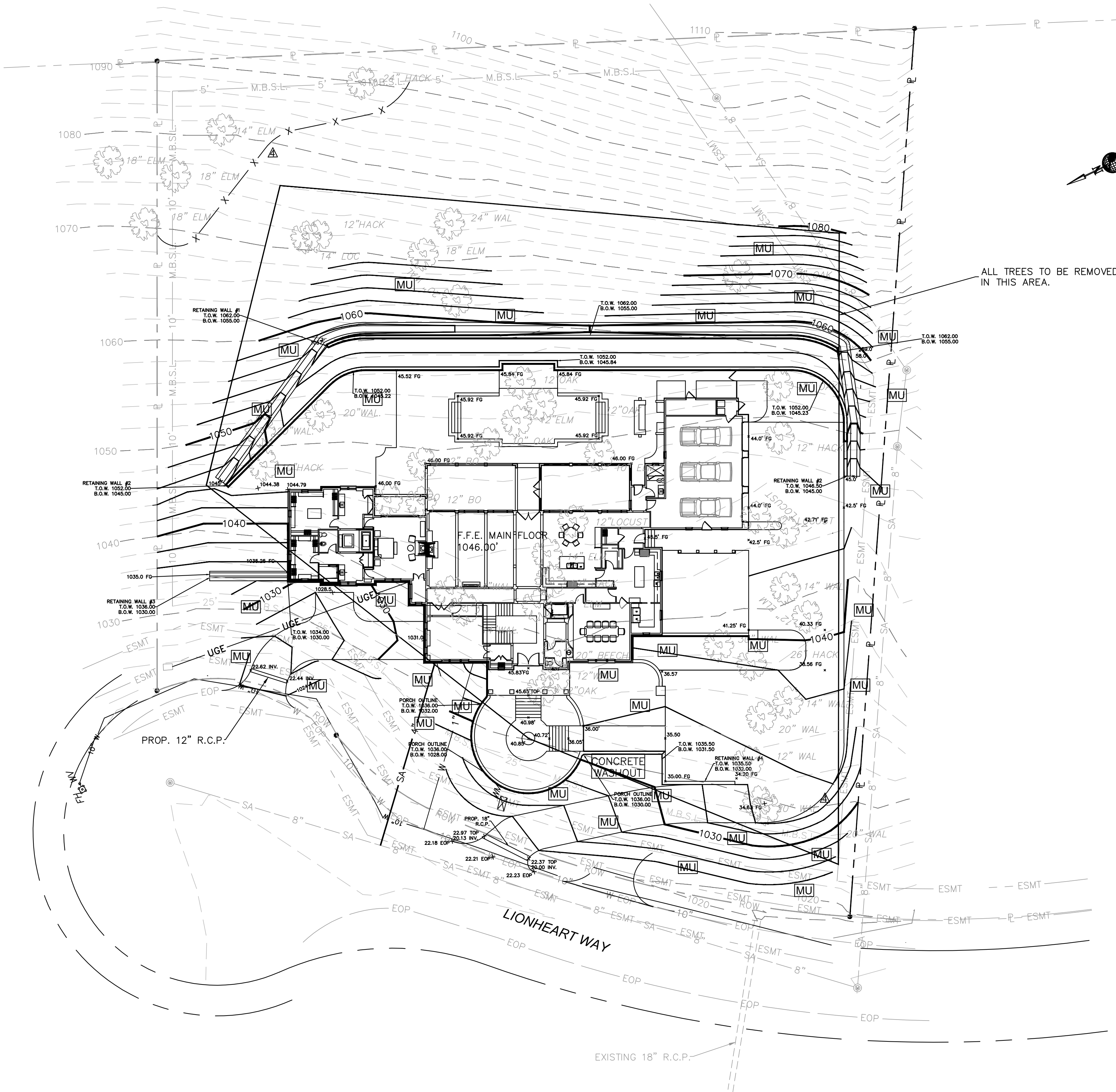
- CONCRETE WASHOUT
OUTLET PROTECTION
SEEDING WITH MULCH (ALL DISTURBED AREAS NOT RECEIVING MATTING)
CONSTRUCTION EXIT
FILTER RING
SF * · SF ** · SILT FENCE
X — X — TREE PROTECTION FENCE

NOTE: TWO LETTER DESIGNATIONS REFER TO THE T.D.E.C. EROSION CONTROL AND SEDIMENT HANDBOOK.

TREE REMOVAL TABLE			
SIZE	TREE SPECIES	SIZE	TREE SPECIES
10"	HACKBERRY	12"	OAK
20"	WALNUT	14"	WALNUT
20"	WALNUT	12"	LOCUST
20"	WALNUT	10"	HACKBERRY
30"	OAK	20"	BEECH
12"	OAK	12"	WALNUT
10"	ELM	12"	LOCUST
12"	HACKBERRY	14"	WALNUT
14"	WALNUT	30"	WALNUT
14"	ELM	14"	WALNUT
10"	ELM	12"	WALNUT
12"	BLACK OAK	20"	WALNUT
12"	BLACK OAK	12"	OAK
12"	BLACK OAK	14"	LOCUST
10"	OAK	12"	ELM
12"	ELM	26"	HACKBERRY
12"	OAK	20"	WALNUT
20"	WALNUT		

TREE REMAINING TABLE			
SIZE	TREE SPECIES	SIZE	TREE SPECIES
18"	ELM	14"	LOCUST
18"	ELM	12"	HACKBERRY
8"	ELM	18"	ELM
14"	ELM	24"	WALNUT
24"	HACKBERRY		

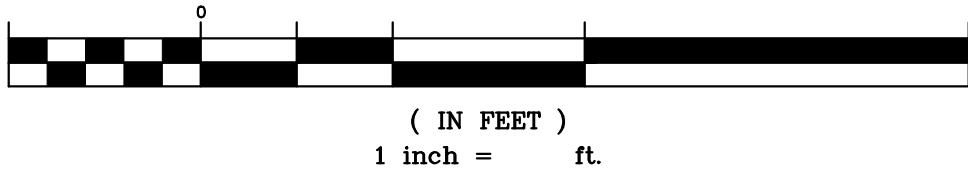
AVALON SUBDIVISION
OWNER AND CONTRACTOR:
AURORA BUILDING CO., LLC
4701 TROUSDALE DR. #210
NASHVILLE, TN 37220



EROSION PREVENTION AND SEDIMENT CONTROLS

- A COPY OF ALL STORMWATER RELATED PERMITS SHALL BE POSTED ON-SITE AT ALL TIMES.
- A COPY OF THE APPROVED STORM WATER POLLUTION PREVENTION PLAN (SWPPP), NOTICE OF INTENT (NOI) AND RELATED DOCUMENTS SHALL BE MAINTAINED ON THE SITE AND AVAILABLE FOR REVIEW UPON REQUEST.
- THE CONTRACTOR SHALL BE DESIGNATED A CO-PERMITTEE TO THE GENERAL CONSTRUCTION STORM WATER NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REQUIREMENTS UNDER THE T.D.E.C. ENVIRONMENTAL PROTECTION AGENCY (TDEC EPA) GENERAL PERMIT.
- ALL CONTRACTORS AND SUB-CONTRACTORS SHALL PROVIDE SIGNATURES TO THE OWNER ACKNOWLEDGING THAT THEY REVIEWED AND UNDERSTAND THE CONDITIONS AND RESPONSIBILITIES OF THE GENERAL PERMIT AND SWPPP. THESE SIGNATURES SHALL BE PROVIDED PRIOR TO THE COMMENCEMENT OF WORK ON THE CONSTRUCTION SITE.
- EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO INITIAL DISTURBANCE ACTIVITIES OR AS SOON AS PRACTICAL. THE CONTRACTOR SHALL COMPLY WITH THE TERMS AND CONDITIONS OF THE TENNESSEE EPA GENERAL PERMIT AND THE STORM WATER POLLUTION PREVENTION PLAN (SWPPP) DEVELOPED FOR THE PROJECT.
- DURING CONSTRUCTION, THE CONTRACTOR SHALL PROVIDE PROPER SOIL EROSION MEASURES FOR PROTECTION OF ALL ADJOINING ROADS, LANDS, AND STREAMS. REFER TO S.C.S. MANUAL "RAINWATER AND LAND DEVELOPMENT" AND T.D.E.C. "EROSION & SEDIMENT CONTROL HANDBOOK" FOR REQUIREMENTS.
- ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE PLACED PRIOR TO OR AS THE FIRST STEP IN CLEARING AND GRUBBING. THE CONTRACTOR SHALL PROVIDE SEDIMENT CONTROL AT ALL POINTS WHERE STORM WATER LEAVES THE LIMITS OF THE PROJECT, ALL POINTS WHERE STORM WATER ENTERS A STREAM THAT TRAVERSES THE PROJECT, AND ALL POINTS WHERE STORM WATER ENTERS PORTIONS OF COMPLETED UNDERGROUND PIPING.
- THE SWPPP PLAN IS A DYNAMIC PLAN BASED UPON SITE CONDITIONS AND THE CONSTRUCTION SCHEDULE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING AND UPDATING THE SWPPP AS THE PROJECT PROCEEDS.
- THE CONSTRUCTION BMP'S WITHIN THESE PLANS REPRESENT THE MINIMUM REQUIRED ONSITE. THE CONTRACTOR SHALL PROVIDE AND MAINTAIN ONSITE BMP'S AS THE PROJECT PROGRESSES.
- THE CONTRACTOR SHALL PROVIDE QUALIFIED INSPECTION PERSONNEL TO CONDUCT INSPECTIONS PER SECTION 3.5.8 OF THE TENNESSEE GENERAL PERMIT. RECORDS OF THESE INSPECTIONS SHALL BE KEPT AND MADE AVAILABLE TO THE OWNER, THE OWNER'S REPRESENTATIVE, OR THE JURISDICTIONAL AGENCIES IF REQUESTED.
- AT A MINIMUM, ALL CONTROLS ON THE SITE SHALL BE INSPECTED AT LEAST TWICE PER CALENDAR WEEK AND WITHIN 24 HOURS AFTER ANY STORM EVENT GREATER THAN 1" OF RAIN PER 24 HOUR PERIOD. INSPECTION PERIOD SHALL BE AT LEAST 72 HOURS APART.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND REPAIR OF ALL TEMPORARY AND PERMANENT CONTROL PRACTICES TO ENSURE CONTINUED PERFORMANCE OF THEIR INTENDED FUNCTION. SHOULD A STRUCTURE OR FEATURE BECOME DAMAGED, THE CONTRACTOR SHALL REPAIR OR REPLACE AT NO ADDITIONAL COST TO THE OWNER.
- ONCE CONSTRUCTION ACTIVITIES HAVE BEEN COMPLETED AND THE SITE HAS MET FINAL STABILIZATION REQUIREMENTS WITH ALL TEMPORARY BMP'S REMOVED, THE AUTHORIZED SITE REPRESENTATIVE MAY FILE A NOTICE OF TERMINATION (NOT) WITH T.D.E.C..
- ALL SLOPES 3:1 OR GREATER SHALL USE SLOPE STABILIZATION METHODS SHOWN IN DETAILS.
- PERMANENT METHODS OF ENERGY DISSIPATION SHALL BE PLACED AT DOWNSPOUTS AND OTHER HIGH CONCENTRATION AREAS.

GRAPHIC SCALE



DESIGNED BY: E.J.W.

DATE: 12-20-23

JOB NO.: 940001

CHECKED BY: J.D.C.

SCALE: 1" = 20'

REVISIONS

NO	DATE	DESCRIPTION	BY	CHK
6	3-4-2024	MADE ADJUSTMENTS TO FRONT AND SIDE RETAINING WALLS TO ACCURATELY REFLECT FIELD CONDITIONS	J.D.C.	E.J.W.
5	1-11-2024	MADE ADJUSTMENTS TO REAR RETAINING WALLS PER OWNER REQUEST	J.D.C.	E.J.W.
4	12-20-2023	REDESIGNED LOT ACCORDING TO REVISIONS MADE PER CITY OF FRANKLIN	J.D.C.	E.J.W.
3	6/26/2023	SHOWED TREES TO BE REMOVED, ADDED CHECKS DRAINAGE LOCATIONS, ADDED UTILITY SERVICES	J.D.C.	E.J.W.
2	4/10/2023		J.D.C.	E.J.W.
1				

MID - TENN
ENGINEERING CO.

6445 HIGHWAY 58 BYPASS W.
LAFAYETTE, TN (615) 666-2385

HAMID ARAB HOUSE

326 LIONHEART WAY

FRANKLIN, TENNESSEE

EROSION PREVENTION
& SEDIMENT CONTROL

WARD CLAIBORNE

STATE OF TENNESSEE

12-20-23

12-20-23

12-20-23

C4

Page 17 of 37



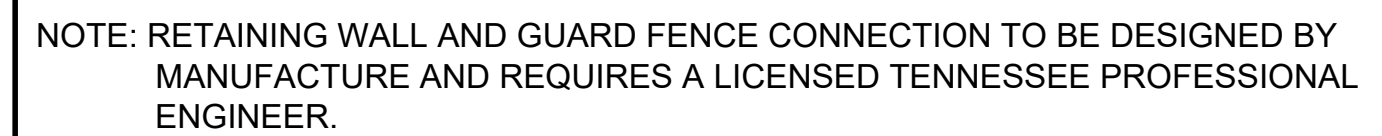
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SCALE: N.T.S.



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SCALE: N.T.S. (



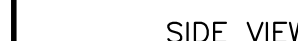
SCALE: N.T.S.



SCALE: N.T.S. (6)



DETAIL SILT FENCE



SCALE: N.T.S.



DETAIL

TENNESSEE ONE-CALL

SCALE: N.T.S. (9)



SCALE: N.T.S.

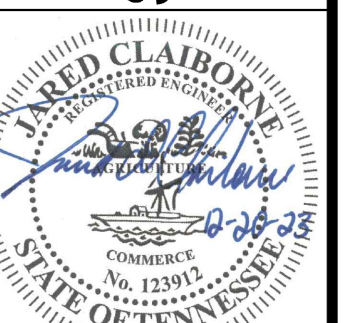
NO	DATE	DESCRIPTION	BY	CKD
1	10/12/2022	CITY OF FRANKLIN COMMENT	J.D.C.	E.J.W.
2	4/10/2023	SHOWED TREES TO BE REMOVED. ADDED CROSSHATCH AT LOWER	J.D.C.	E.J.W.
3	6/26/2023	REVISIONS MADE PER CITY OF FRANKLIN (6/12/2023)	J.D.C.	E.J.W.
4	12-20-2023	RAISED MAIN FLOOR F.F.E. 3- FEET	J.D.C.	E.J.W.



**MID - TENN
ENGINEERING CO.**
648 HIGHWAY 52 BYPASS W.
LAFAYETTE, TN (615) 666-2385

HAMID ARAB HOUSE
326 LIONHEART WAY
FRANKLIN, TENNESSEE

STANDARD SITE DETAILS



J.D.C.	E.J.W.
DRAWN BY: J.D.C.	DATE: 12-20-23
SCALE: AS-NOTED	JOB NO. 940001

C5

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Aurora Building Company, LLC.

03/16/2024

Chelsea Randolph, Principal Planner
City of Franklin
109 3rd Avenue South
Franklin, TN 37064

Re: Justification for BZA Variance Request
Arab Residence, 326 Lionheart Way, franklin, TN
Avalon P.U.D. Subdivision Lot 123, Section 5, Plat BK P49, Pg. 172
Map 061- FF-C, Parcel 00600

Ms. Randolph,

This letter is to explain the justification reason why this variance is requested.

Honorable members of board of Zoning appeal, this bord did grant our request to construct total of seven walls, four additional walls over and above total number of walls allowed within one residential lot, and construct walls in the front of the house taller than 4' high.

During the process of designing and permitting for the walls in the rear, it was brought to our attention that three of the walls in the rear of the site shown to encroache in the sanitary sewer easement and will never be approved in the proposed location. Further it was required by Franklin Water Management representative, "any walls that are built in the proximity of the easement has to withstand 50,000 lb loading for potential equipment". These restrictions prompted complete reevaluation of the proposed grading for this site.

Many options were presented, and the one that was least problematic was to raise the entire site by 3'. This option raised the terrace landing wall from 6' high, to 8' high in a small segment of the terrace. We understand that BZA Bord required that this terrace be screened by landscaping and only two feet of the top be shown, and we are still committing to adhere to this requirement.

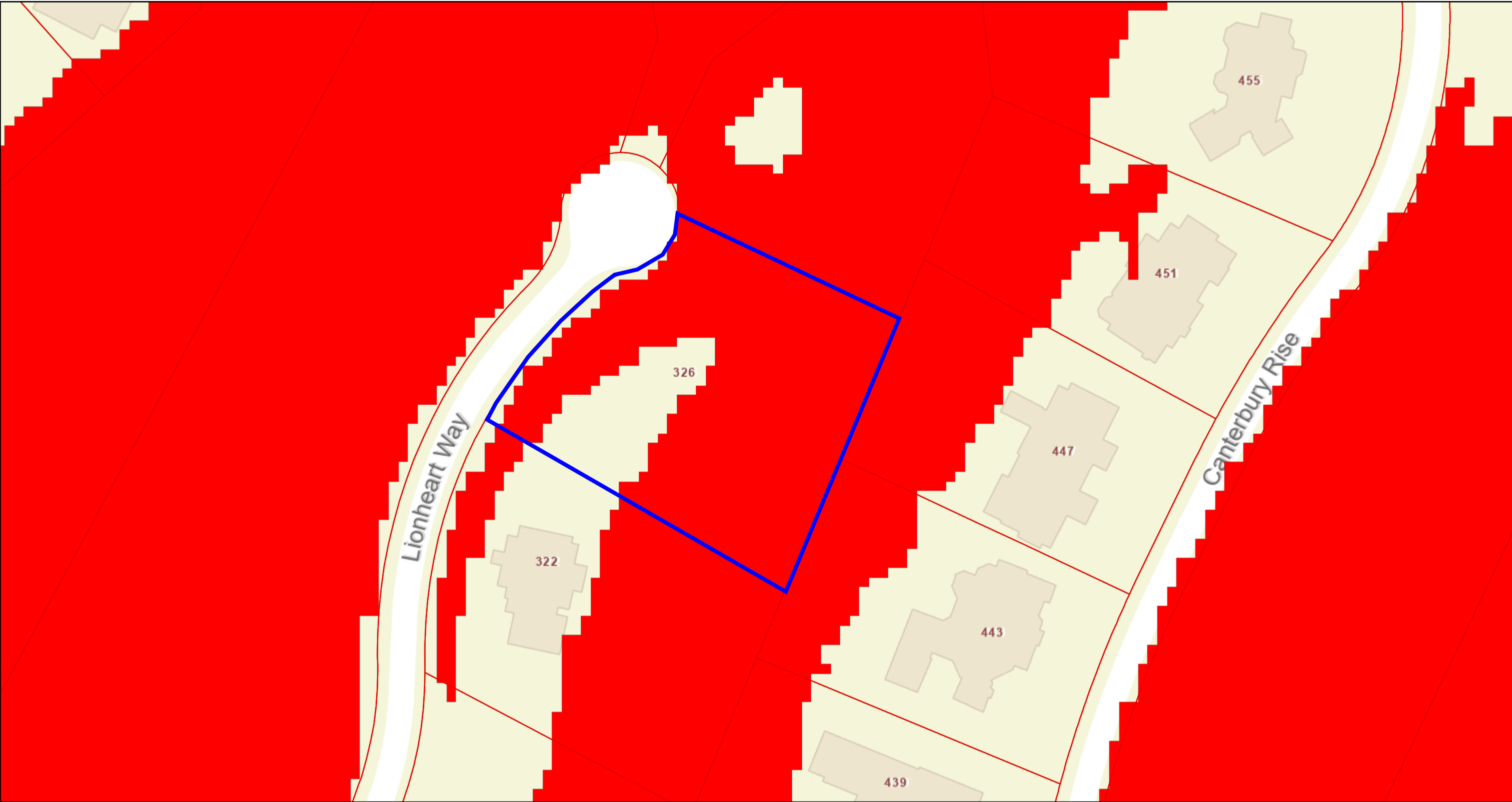
Thank you for your consideration of these variance requests, if you should have any questions regarding this matter, please contact me by phone at (615)207-9226 or by email at hamid@aurorabldg.com and we can discuss it further.

Aurora Building Company, LLC



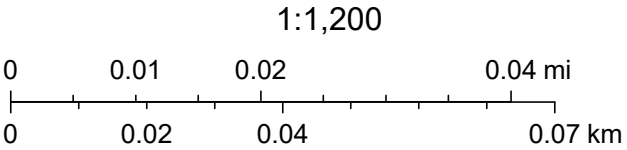
Hamid Arab (Managing Member)

Slopes Greater Than 20% - 326 Lionheart Way



326 Lionheart Way

11.3 - 64.40



Esri., Inc., City of Naperville, Illinois, City of Franklin GIS Dept.



File #: 21-06330

DATE: March 11, 2024
TO: Board of Zoning Appeals
FROM: Emily Wright, Director of Planning and Sustainability
Amy Diaz-Barriga, Asst Director of Planning Development
Ariella Stanford, Planner

SUBJECT:

A **Variance Request** To Allow An Accessory Structure To Be Located To The Side Of The Principal Building For The Property Located At 120 Aldersgate Way (FZO §3.12.5.).

PURPOSE:

PROJECT INFORMATION

COF Project Number: 8422
Applicant: Amy Tavalin
Owner: First United Methodist Church of Franklin, Inc.

BACKGROUND/STAFF COMMENTS:

Vicinity Zoning/Land Use

Site: CI Civic and Institutional District / Institutional
North: R-1 Residential, CI Civic and Institutional District / Institutional
South: CI Civic and Institutional District, R-2 Residential / Recreation, Vacant, Residential Single Family
East: ER Estate Residential / Residential Estate, Agriculture
West: CI Civic and Institutional District / Vacant

Applicable Zoning Ordinance Provisions

20.10 Variance

- A. The purpose of a variance is to:
1. Provide limited relief from the requirements of this Ordinance in cases where strict application of a particular requirement would create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this Ordinance; and
 2. Address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.
- B. Variances are not intended merely to remove inconveniences or financial burdens that the requirements of this Ordinance may impose on property owners in general.

3.12.5 - CI Civic Institutional District, Dimensional Standards

The following dimensional standards are required:

Accessory Structure Setbacks

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

Background

This 104.07 acre property is located at 120 Aldersgate Way and is zoned CI Civic and Institutional District. It is within the Flood Fringe Overlay, the Historic Preservation Overlay, and the Central Franklin Overlay. The site is currently owned and occupied by the Franklin First United Methodist Church. The Franklin Farmer's Market is looking to relocate, and they are working alongside the church to propose a pavilion on this property for the market. There is a significant portion of this property that is within the Flood Fringe Overlay, which has restricted their options for the location of the pavilion. The "Floodplain Border" exhibit shows the existing floodplain border (in red) as it exists today in relation to the location of the proposed pavilion. The proposed pavilion is located to the side of the principal building. Staff has determined that the pavilion is classified as an Accessory Structure, and for the CI district the Zoning Ordinance specifies that Accessory Structures must be located at least 5 feet behind the principal building. For this reason the applicant is requesting a Variance for the accessory structure to be located to the side of the principal building.

Because this property is within the Historic Preservation Overlay, it is also required to get approval from the Historic Zoning Commission. This proposal was first discussed at DRC in February 2024 and the board discussed the architectural style of the accessory structure as well as its location. The Board noted that the accessory structure should not be visible from Franklin Road, to not detract from the Franklin Road Historic District. The current proposed location aligns with this note from the HZC. Then the applicant submitted for a Certificate of Appropriateness and went to the HZC Meeting on March 11, 2024. The HZC approved the application with the following conditions:

1. The structure may be moved forward of the principal structure if necessary to not be located in the floodplain.
2. The arch design fronting Mack Hatcher Pkwy is to be removed and simplified to the design of the square entrances on the sides.
3. The application must receive a variance from the Board of Zoning appeals, as the location of the structure is not permitted per the Zoning Ordinance.
4. The application must meet all the requirements of the City of Franklin prior to the issuance of a building permit.
5. Any additional changes to the approved plans must be returned to the Preservation Planner or the Historic Zoning Commission for review and approval.

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.

Roughly half of this property is within the FFO and most of the property behind the church building that is not in the FFO is where the parking is currently located for the church. The HZC also noted at

DRC that they prefer for the accessory structure to be farther from Franklin Road, so it's not visible from Franklin Road, to ensure that it does not detract from the Franklin Road Historic District. Given the location of the existing church building and parking layout in relation to the floodplain on the property, along with the recommendation from HZC for the accessory structure not to be visible from Franklin Road, the options for the location of the accessory structure are limited. For this reason, 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 strict application of a provision enacted under the Zoning Ordinance would prevent the accessory structure from being both located outside of the floodplain and in compliance with the HZC's recommendation to not be visible from Franklin Road. The regulation that an accessory structure must be located at least 5 feet behind the principal building would restrict the location of the accessory structure to either be in the floodplain or visible from Franklin Road and thus, against recommendation from HZC. Considering this practical difficulty, 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.

The proposed location of this accessory structure would not be a detriment to the public good, nor would it impair the intent of the Zoning Ordinance. The intent of the Zoning Ordinance in this case is for the accessory structure to be secondary to the principal building. The height of the accessory structure is significantly shorter than the church building, and it is located no closer to the street than the church building. These conditions contribute to the accessory structure appearing secondary to the primary building. Staff finds this criteria is met.

FINANCIAL IMPACT:

None.

RECOMMENDATION:

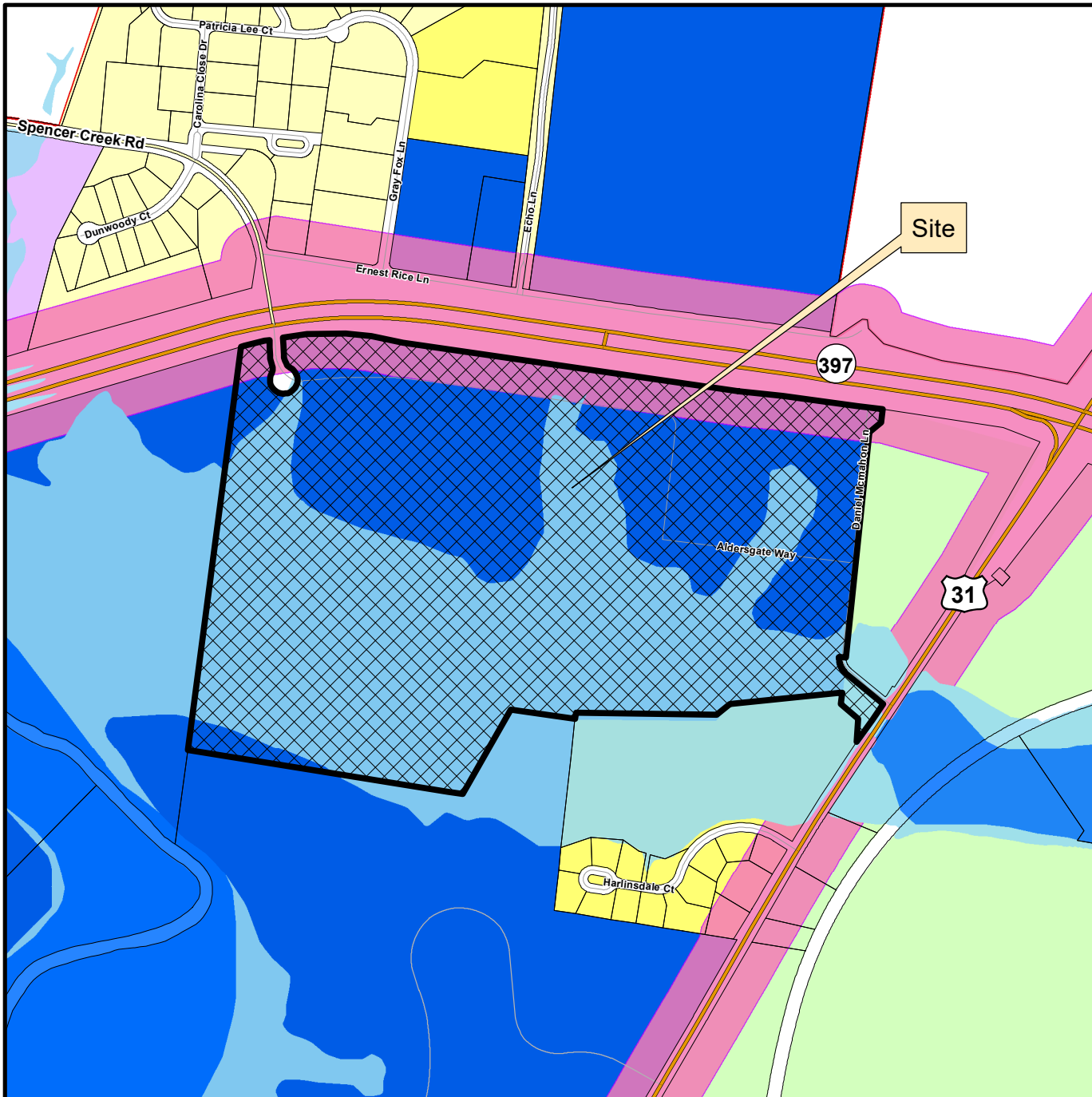
RECOMMENDED MOTION: Staff recommends the Board of Zoning Appeals move to approve the **Variance Request To Allow An Accessory Structure To Be Located To The Side Of The Principal Building For The Property Located At 120 Aldersgate Way**, because the criteria for granting a variance have been met.

120 ALDRSGATE WAY
TAX MAP 063, PARCEL 02200
BOARD OF ZONING APPEALS
APRIL 4, 2024

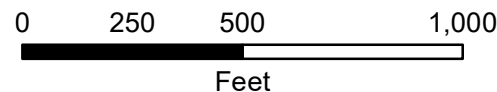
* This property is also within the
Historic Preservation Overlay and
Central Franklin Overlay. HPO
and CFO are not shown for
clarity purposes.

Legend

-  120 Aldersgate Way
-  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.
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The Franklin Farmers Market has been an important community service of the Franklin community for 21 years. The Franklin Farmers Market is a non-profit whose mission is to support TN agriculture and create a sustainable food system. Productive family farms are important to both the economic and environmental structures of middle Tennessee communities.

We fit three criteria for the variance:

1. The open air pavilion will be placed on a corner lot, in a flood plain. The size of the building is a significant large accessory structure and a unique structure.
2. If we were to comply with the zoning ordinance, our building would not be large enough to fit our needs. We are building a structure large enough to accommodate all the farmers market vendors, with bathrooms for the public and a comfortable space for the community to shop for local produce and meats out of the weather and elements.
3. The open-air pavilion will not be visible from the road. It will not affect the intent of the zoning ordinance, nor will it negatively affect the public. The farmers market is an important community service and the community relies on the market for locally grown produce, meats, eggs and milk.

Franklin Farmer Market

Enter address here

ALLIED DESIGN ARCHITECTURAL & ENGINEERING GROUP, P.C.
100 S. PERSHING P.O. BOX 110 MORTON, IL 61550
PHONE NUMBER 309-263-4105

DRAWN BY:	ZJE
DATE:	3/15/24
CHECKED BY:	Checker
DATE:	
REVISED DATE:	
REVISED DATE:	
REVISED DATE:	

Estimated Project Budget: Project Status

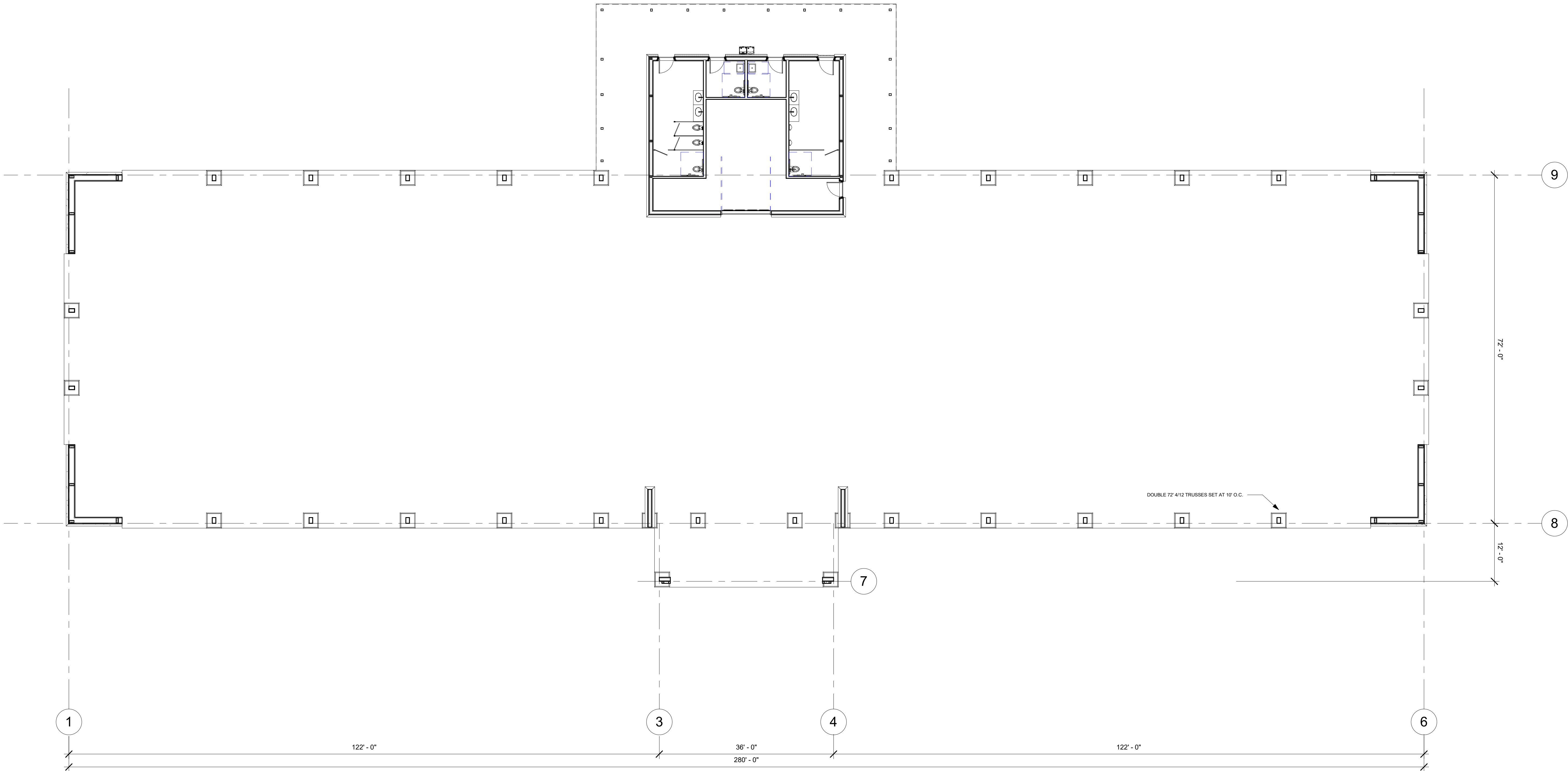
PRELIMINARY DRAWING
FOR OWNER'S APPROVAL

- ☐ - DRAWING APPROVED AS SUBMITTED
☐ - DRAWING APPROVED PENDING CHANGES NOTED
☐ - REVISE DRAWING WITH NOTED CHANGES AND RESUBMIT

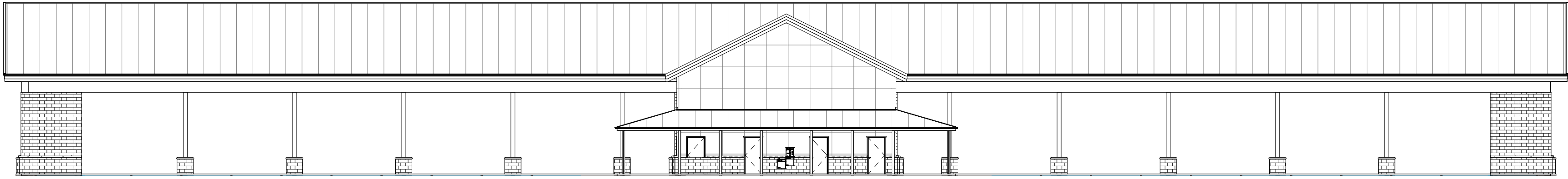
OWNERS SIGNATURE _____ DATE _____
This document is the property of Allied Design and represents a preliminary layout and rough sketch of a Morton building. Use of this document for purposes of construction is strictly prohibited. Reproduction of this document by anyone for any reason without written permission from Allied Design is prohibited.

ALLIED DESIGN ARCHITECTURAL & ENGINEERING GROUP, P.C.

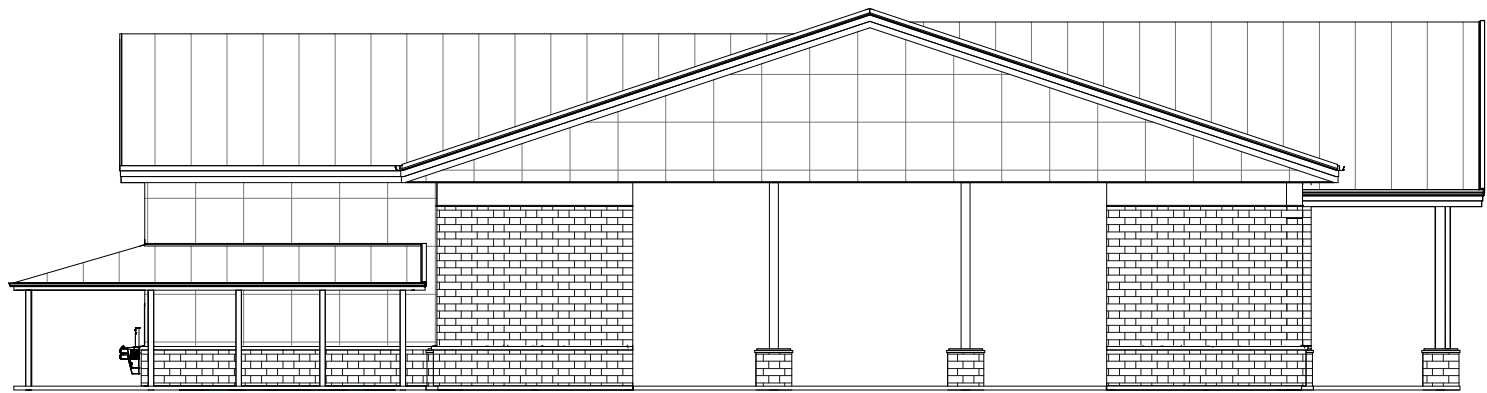
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SHEET NO.
A1 OF A5



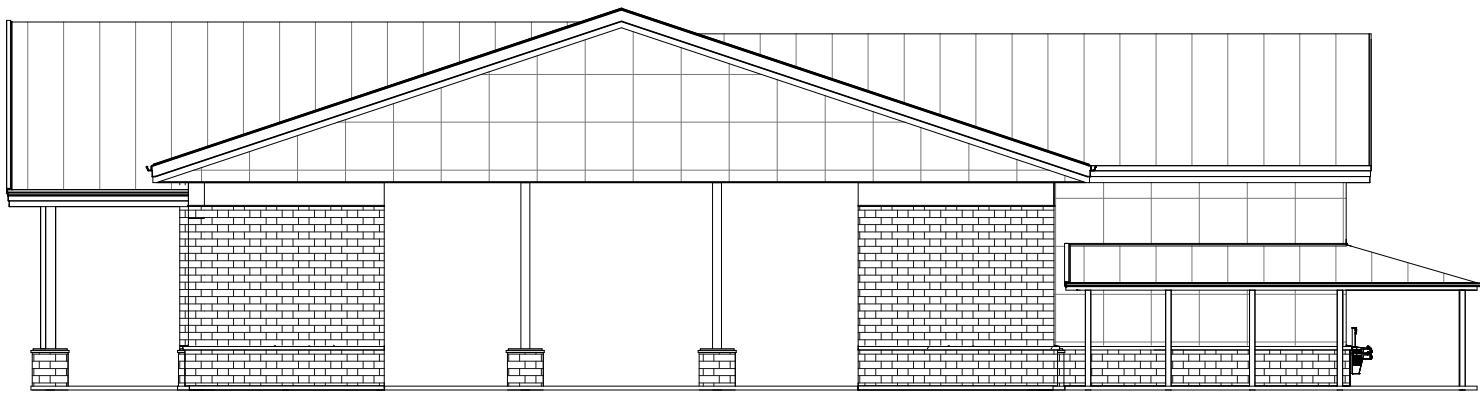
1 FLOOR PLAN
3/32" = 1'-0"



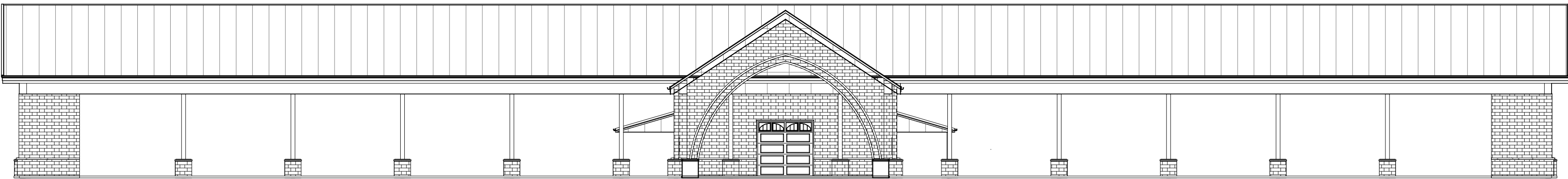
① West
1/16" = 1'-0"



④ South
1/16" = 1'-0"



③ North
1/16" = 1'-0"



② East
1/16" = 1'-0"

Franklin Farmer Market

Enter address here

ALLIED DESIGN ARCHITECTURAL & ENGINEERING GROUP, P.C.
100 S. PERSHING P.O. BOX 110 MORTON, IL 61550
PHONE NUMBER 309-263-4105

DRAWN BY:	ZJE
DATE:	3/15/24
CHECKED BY:	Checker
DATE:	
REVISED DATE:	
REVISED DATE:	
REVISED DATE:	
REVISED DATE:	

Estimated Project Budget: Project Status

PRELIMINARY DRAWING
FOR OWNER'S APPROVAL

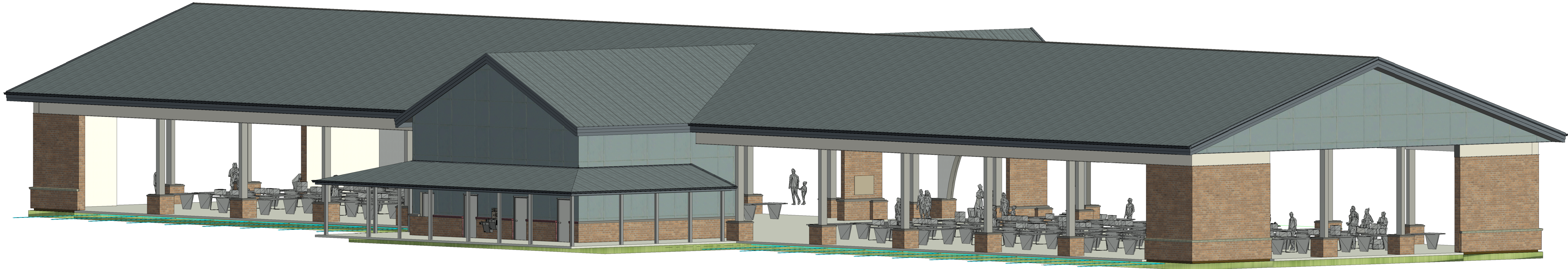
- ☐ - DRAWING APPROVED AS SUBMITTED
☐ - DRAWING APPROVED PENDING CHANGES NOTED
☐ - REVISE DRAWING WITH NOTED CHANGES AND RESUBMIT

OWNERS SIGNATURE _____ DATE _____
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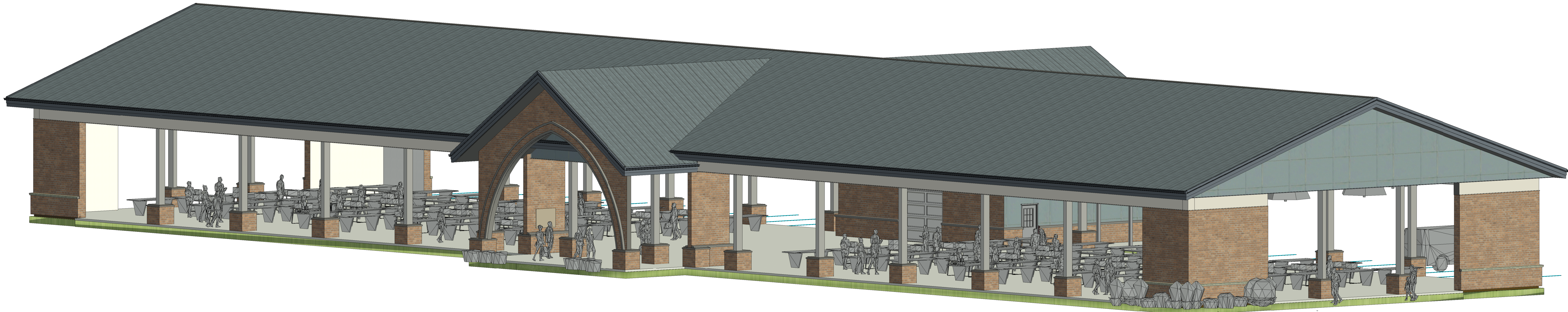
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SCALE: 1/16" = 1'-0"

SHEET NO.
A2 OF A5



③ SOUTHWEST VIEW



① NORTHEAST VIEW

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PHONE NUMBER 309-263-4105

DRAWN BY:	ZJE
DATE:	3/15/24
CHECKED BY:	Checker
DATE:	
REVISED DATE:	
REVISED DATE:	
REVISED DATE:	

Estimated Project Budget: Project Status

PRELIMINARY DRAWING
FOR OWNER'S APPROVAL

- ☐ - DRAWING APPROVED AS SUBMITTED
☐ - DRAWING APPROVED PENDING CHANGES NOTED
☐ - REVISE DRAWING WITH NOTED CHANGES AND RESUBMIT

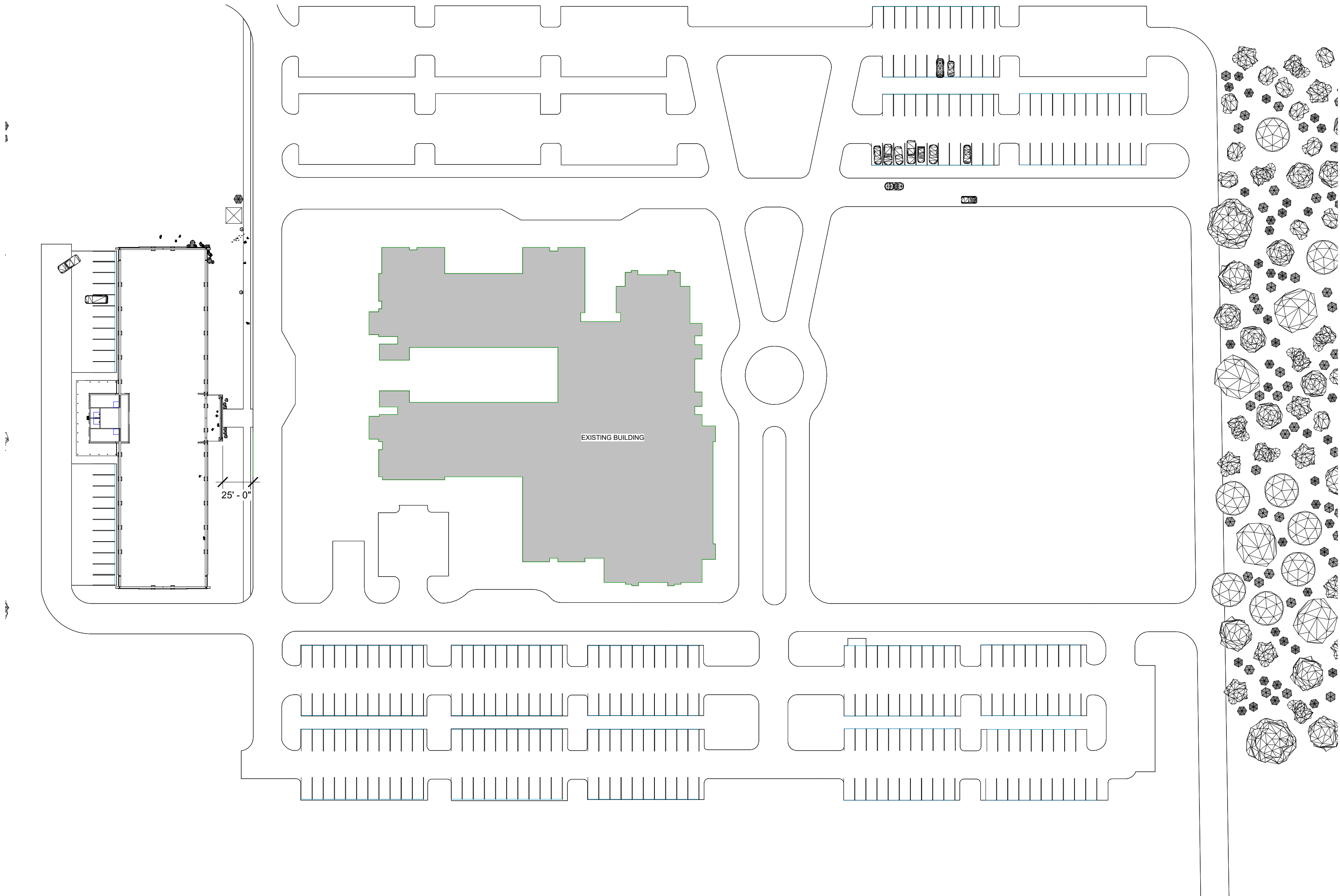
OWNERS SIGNATURE

DATE

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SCALE:
SHEET NO.
A3 OF A5



Franklin Farmer Market

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DRAWN BY:	ZJE
DATE:	3/15/24
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DATE:	
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REVISED DATE:	
REVISED DATE:	

Estimated Project Budget: Project Status

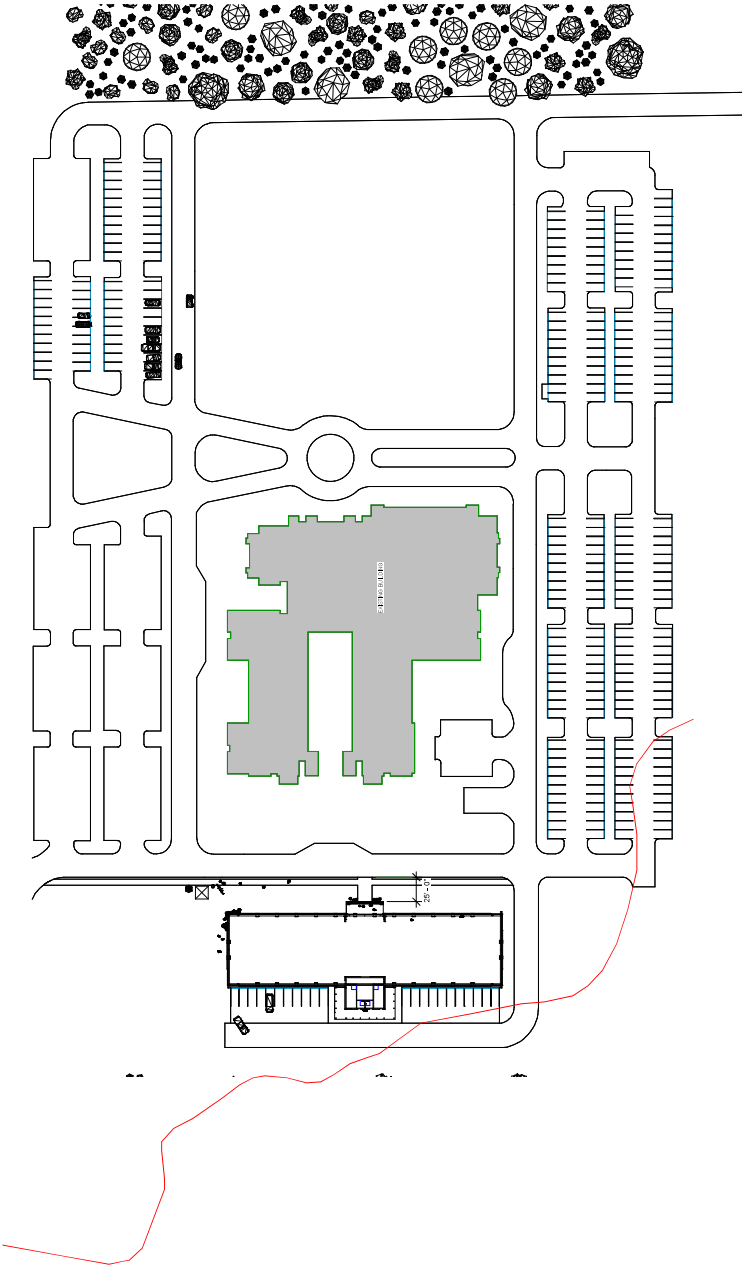
PRELIMINARY DRAWING
FOR OWNER'S APPROVAL

- ☐ - DRAWING APPROVED AS SUBMITTED
☐ - DRAWING APPROVED PENDING CHANGES NOTED
☐ - REVISE DRAWING WITH NOTED CHANGES AND RESUBMIT

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SCALE: 1" = 60'-0"
SHEET NO.
A5 OF A5



OFFICE: MURFREESBORO
JOB NO: 125-15008

Franklin Farmer Market

Enter address here

100 S. PERSHING RD. BOX 110 MORTON IL 61550
PHONE NUMBER: 208-283-1155

ALLIED DESIGN ARCHITECTURAL & ENGINEERING GROUP, P.C.
TN

DRAWN BY:	ZJE
DATE:	3/15/24
CHECKED BY:	Checker
DATE:	
DESIGNED BY:	
DESIGN DATE:	
PROJECT DATE:	
REVIEW DATE:	

SCALE: 1" = 80'-0"

SHEET NO. A5 OF A5

Estimated Project Budget: Project Status:

PRELIMINARY DRAWING
FOR OWNER'S APPROVAL

☒ DESIGN AND CONSTRUCTION PERMITS
☒ PERMITS AND AS-BUILT DRAWINGS
☒ CONSTRUCTION AND FINISHES
☒ REVISIONS AND FINISHES

OWNER'S REVIEW

NOT

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ALLIED DESIGN ARCHITECTURAL & ENGINEERING GROUP P.C.



File #: 21-06339

DATE: March 11, 2024
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 Parking Within The Murfreesboro Road Frontage Area For A Principal Building For The Property Located At 1450 Murfreesboro Road (FZO §7.5).

PURPOSE:

PROJECT INFORMATION

COF Project Number: 8423
Applicant: Marcus Magers
Owner: Waltrip-Hendrick Realty Investments

BACKGROUND/STAFF COMMENTS:

Vicinity Zoning/Land Use

Site: RC-6 Regional Commerce 6 / Retail
North: RC-6 Regional Commerce 6 / Vacant
South: RC-6 Regional Commerce 6 / Retail
East: RC-6 Regional Commerce 6 / Commercial, Industrial
West: RC-6 Regional Commerce 6 / Retail

Applicable Zoning Ordinance Provisions

20.10 Variance

- A. The purpose of a variance is to:
1. Provide limited relief from the requirements of this Ordinance in cases where strict application of a particular requirement would create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this Ordinance; and
 2. Address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.
- B. Variances are not intended merely to remove inconveniences or financial burdens that the requirements of this Ordinance may impose on property owners in general.

7.5 - Frontage Types, Landscape Frontage

Parking shall be located behind or to the side of the principal building, but no closer to the street than

the front facade, unless it is parallel parking.

Background

This 5.64 acre property is located at 1450 Murfreesboro Road and is zoned RC6 Regional Commerce 6 District. The existing building is occupied by Darrell Waltrip Subaru which is a car dealership, and they are proposing an expansion to the existing building. Because the square footage of the proposed expansion is greater than 50% of the existing building square footage, the site must come into compliance with the current Zoning Ordinance requirements. The RC6 Zoning District allows either Landscape Frontage or Urban Frontage, neither of which allow parking to be located in front of the principal building. There are 32 parking spaces that are currently located in front of the existing building, and applicant is proposing to leave these parking spaces in their current locations with the expansion of the building. For this reason, the applicant is requesting a Variance to allow parking within the frontage area 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.

Staff did not find a condition of the property that prevents the required parking from being located to the side or rear of the principal building. While it appears the lot is fully developed, the existing parking provides an excess of inventory parking behind the principal building which could be reallocated as customer parking. 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.

The strict application of the Zoning Ordinance does not restrict or prevent the required parking from being located to the side or rear of the principal building. 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.

The design of this site would not be a detriment to the public good, but it would impair the intent of the Zoning Ordinance. The Zoning Ordinance introduced the requirements for Frontage starting with the 2019 Zoning Ordinance update, as a direct response to the adoption of Envision Franklin in 2017. Two of the core Guiding Principles are Exceptional Design and Vibrant Neighborhoods. One characteristic of Exceptional Design as outlined in Envision Franklin is that parking should be secondary to the building and its relationship to the street, and that views from the street should not be of parking lots. One characteristic of Vibrant Neighborhoods as outlined in Envision Franklin includes pedestrian-friendly neighborhoods that make walking and biking more enjoyable along streets. The intent of the Zoning Ordinance is to reinforce the principles of Envision Franklin, and in this case it's by keeping parking to the side or behind principal buildings for specified districts. It was intentional that RC6 district only permits the Landscape or Urban Frontage Types, as other Frontage Types that permit parking in front of buildings were not included in the RC6 zoning district and instead only permitted in more industrial or civic based zoning districts. The Zoning Ordinance is also

intentional in specifying when this regulation must be enforced, which is significant in this case. As stated in the Applicability section of the chapter, Frontage shall comply with Chapter 7 of the Zoning Ordinance when a building expansion exceeds 50% of the building's existing square footage, which is the case with this proposed expansion. When the Zoning Ordinance update was approved, it was established that exceeding 50% is the threshold for remaining in noncompliance with the Zoning Ordinance. For these reasons, this site is not designed in a way that meets the intent of the ordinance. Staff finds this criteria is not met.

FINANCIAL IMPACT:

None.

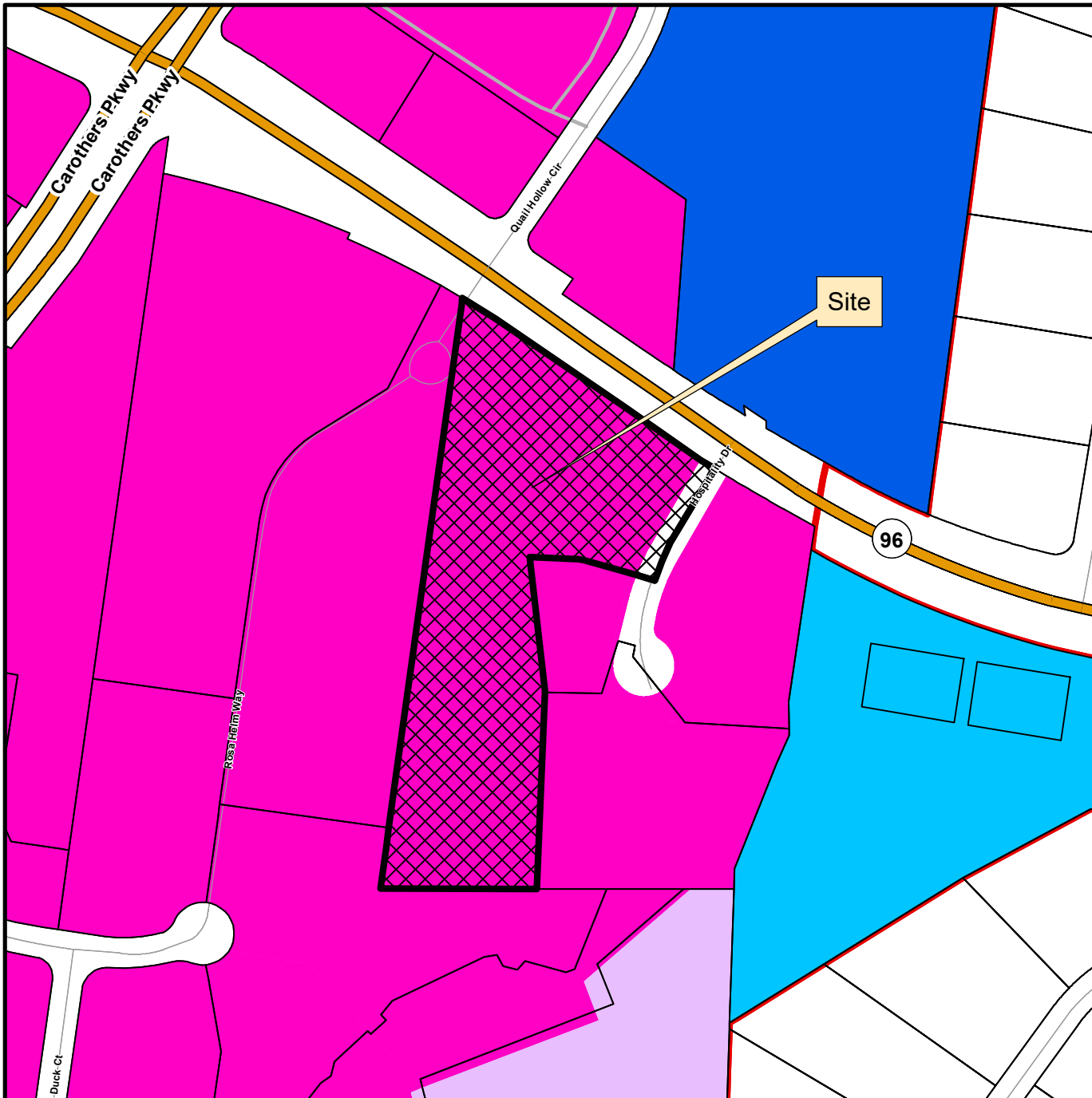
RECOMMENDATION:

RECOMMENDED MOTION: Staff recommends the Board of Zoning Appeals move to deny the **Variance Request To Allow Parking Within The Murfreesboro Road Frontage Area For A Principal Building For The Property Located At 1450 Murfreesboro Road**, because the criteria for granting a variance have not been met.

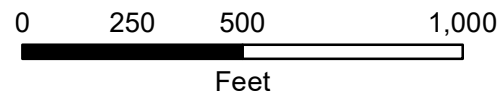
1450 MURFREESBORO ROAD
TAX MAP 079, PARCEL 06501
BOARD OF ZONING APPEALS
APRIL 4, 2024

Legend

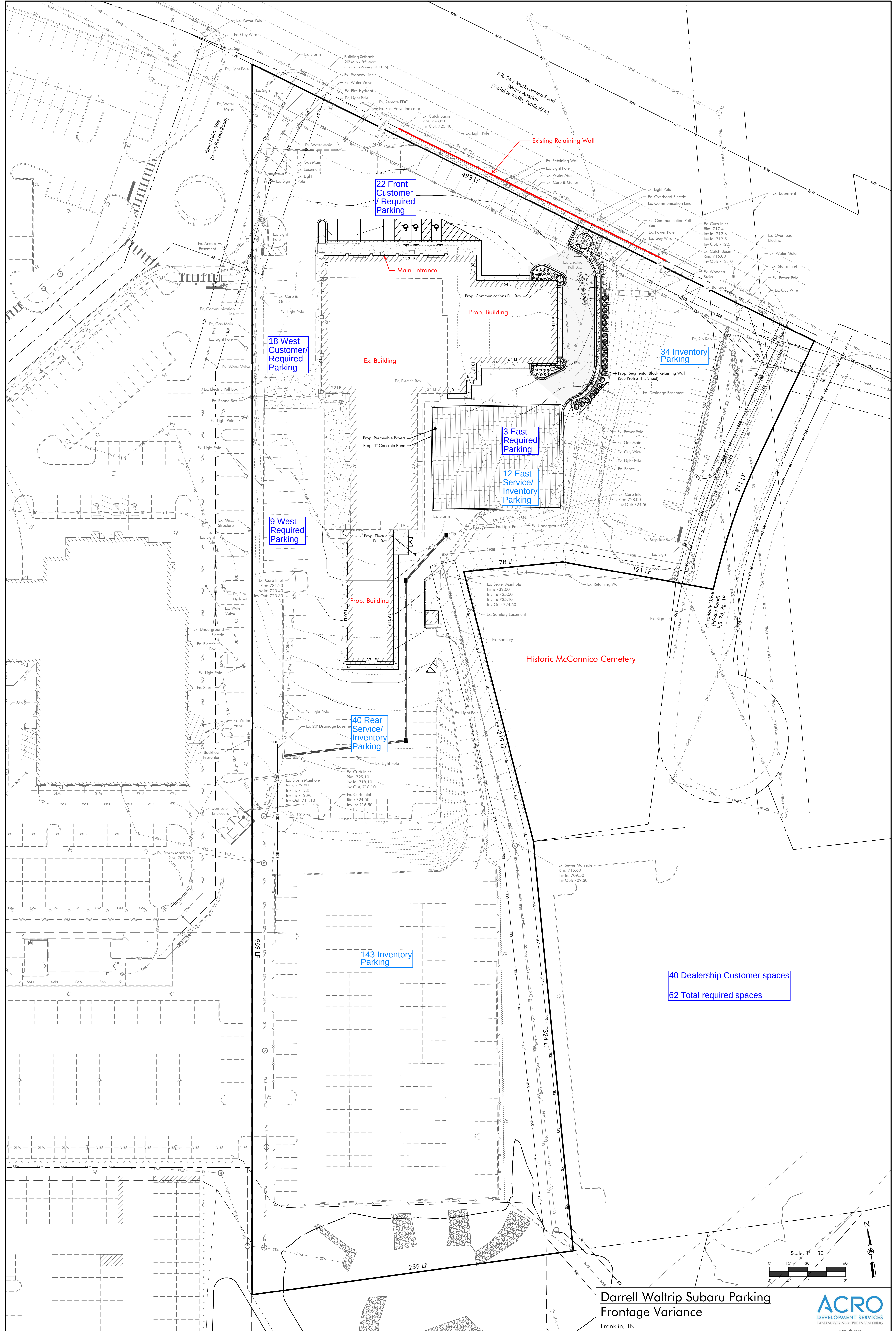
-  1450 Murfreesboro Road
-  AG Agricultural District
-  ER Estate Residential District
-  R1 Residential 1 District
-  R2 Residential 2 District
-  R3 Residential 3 District
-  R4 Residential 4 District
-  R6 Residential 6 District
-  MR Mixed Residential District
-  PD Planned District
-  OR Office 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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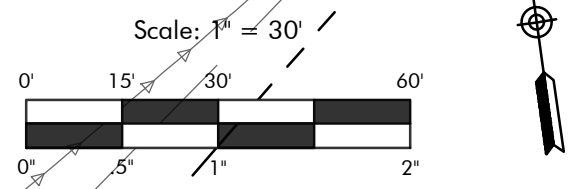


HISTORIC
FRANKLIN
TENNESSEE



**Darrell Waltrip Subaru Parking
Frontage Variance**

Franklin, TN



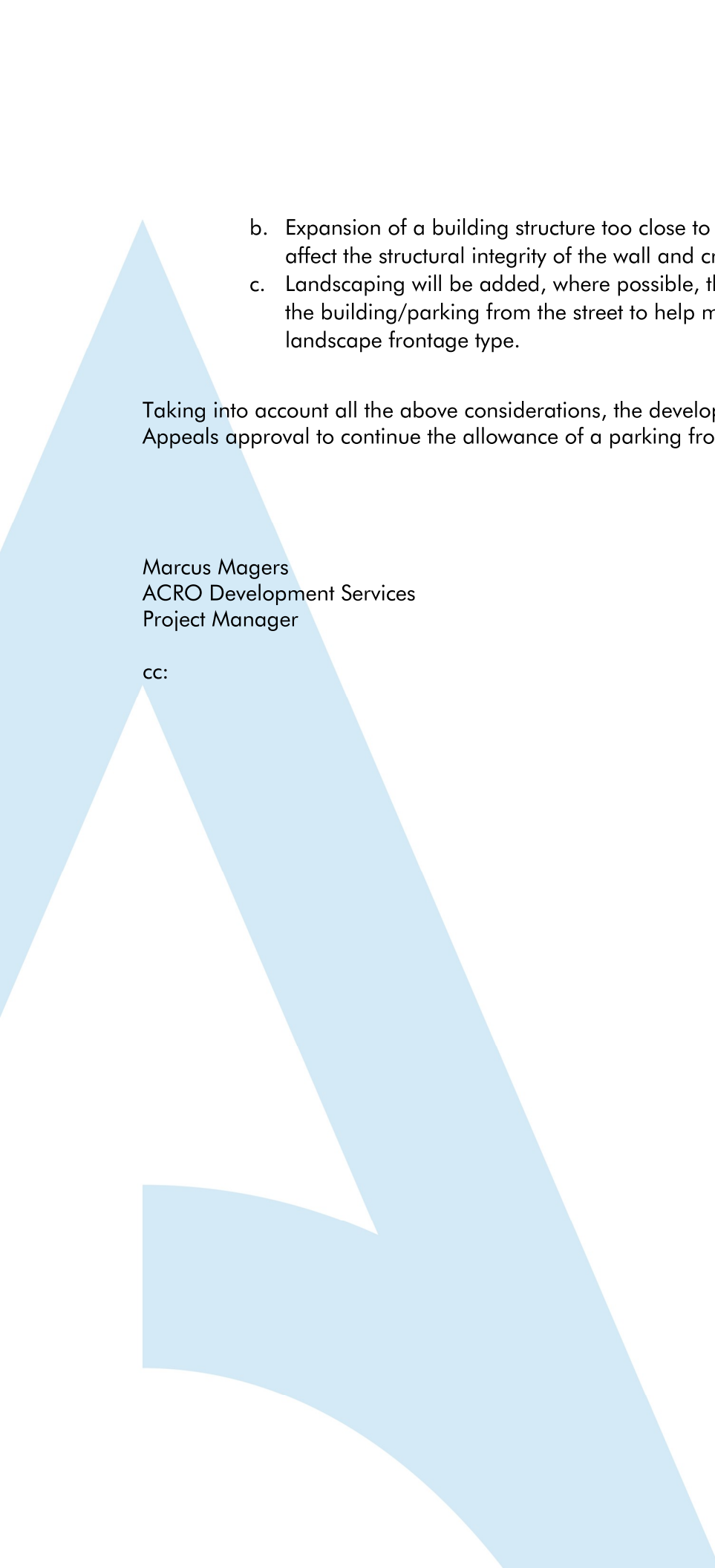
ACRO
DEVELOPMENT SERVICES
LAND SURVEYING-CIVIL ENGINEERING
acro-ds.com

VARIANCE JUSTIFICATION LETTER

March 11, 2023

A frontage type variance is being requested for the proposed development occurring at 1450 Murfreesboro Road. The existing frontage for the parcel is parking frontage, which was allowed with the ordinance in-place during the initial construction of the dealership. The proposed development consists of expansions of the existing car dealership. The expansions will house additional service bays, showroom, and office space. Due to the total expansion square footage being greater than 50% of the existing building square footage the site is subject to compliance with the current ordinance frontage type requirements. There are multiple contributing factors, outlined below, that demonstrate the hardship that would be created if compliance with the landscape frontage requirements are accommodated.

1. Site constraints:
 - a. The lot is narrow with no expansion to the east due to the historic McConnico Cemetery.
 - b. Due to the narrowness of the lot, if the current 22 parking spaces are relocated to the rear of the building, the increased distance consumers will have to travel to get to the main entrance is over 150 feet. This would place customers into areas that are generally considered "back of house", where more vehicular maneuvering is taking place, therefore a safety concern.
 - c. The site has substantial topographical conditions in the rear that separates the building from a significant amount of the parking and the northeasterly side which has a retaining wall proposed with the current plans.
2. Hardship:
 - a. The previously completed road widening of Murfreesboro Road incorporated a retaining wall, which limits the parcels ability to expand to the north.
 - b. The building was initially constructed under a previous ordinance that allowed parking along the roadway frontage. The developer constructed the building to best suit those conditions with the parking and primary dealership showroom/offices at the front. Removal of the parking would limit the parking that potential customers have to the entrance of the building and inventory to choose from.
 - c. Removal of direct access to the front of the building would increase the ADA accessible route to the building entrance, from 25 feet to 120 feet.
3. Public good and without impairing the intent of the Ordinance
 - a. The current zoning ordinance has an exception for road frontage parking along Murfreesboro Road between South royal Oaks boulevard and Carothers Parkway. The parcel in question fronts Murfreesboro Road and is 800 feet away from the Carothers Parkway intersection. The ordinance has an acknowledgement that exceptions need to be made in this area due to the layout of the buildings and parking as they were constructed under a prior Ordinance.

- 
- b. Expansion of a building structure too close to the retaining wall could negatively affect the structural integrity of the wall and create a public safety concern.
 - c. Landscaping will be added, where possible, to help break up the public's view of the building/parking from the street to help meet the intent of the Ordinance's landscape frontage type.

Taking into account all the above considerations, the developer is requesting the Board of Zoning Appeals approval to continue the allowance of a parking frontage for the parcel.

Marcus Magers
ACRO Development Services
Project Manager

cc: