



City of Franklin

109 3rd Ave S
Franklin, TN 37064
(615) 791-3217

Meeting Minutes 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

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

4/4/24
Date