



Meeting Agenda

Board of Zoning Appeals

Thursday, June 6, 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 until noon on the day prior to the meeting. Emailed comments will be provided to the Commission and included in the minutes, but not read aloud in their entirety during the meeting.

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 May 2, 2024 BZA Minutes.

ANNOUNCEMENTS

APPLICATIONS

2. A **Variance Request** To Allow More Than The Maximum Number Of Retaining Walls On A Site, A **Variance Request** To Allow For A Taller Than Allowable Retaining Wall Within A Front Yard, And A **Variance Request** To Allow For Encroachments Into Areas With Slopes Of 20% Or Greater For The Property Located At 326 Lionheart Way (F.Z.O. 13.2.4. And 4.4.6.)

Sponsors:

Amy Diaz-Barriga, Ariella Stanford

3. A **Variance Request** To Waive The Substantial Improvement Requirement To Floodproof Or Raise The First Floor Elevation Of A Historic Structure Above The Base Flood Elevation For The Property Located At 94-98 E Main Street (F.Z.O. 17.6.4.(B)).

Sponsors:

Amy Diaz-Barriga, Ariella Stanford

4. A **Variance Request** To Allow For A Retaining Wall To Be Located A Minimum Of 1 Inch From The Rear Property Lines And 0 Inches From The Side Property Lines, And A **Variance Request** To Allow For A Taller Than Allowable Retaining Wall Within A Rear Yard For The Properties Located At 1275 Habersham Way And 1277 Habersham Way (F.Z.O. 13.2.2. And 13.2.4.)

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

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CALL TO ORDER

Chair Langley called the meeting to order at 6:01 PM.

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

Board Members Absent: William Scales

Staff Members Present: Amy Diaz-Barriga, Ariella Stanford, Shanna McCoy, Nathan Hollingsworth, and Bill Squires

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 April 4, 2024, BZA Minutes.

Sponsors:

Board Member Reeves motioned to approve the minutes from the April 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. **Variance Request To Increase The Maximum Front Yard Setback From 30 Feet To 50 Feet, And A Variance Request To Allow 3 Parking Spaces Within The Jordan Road Frontage Area For The Principal Building For The Property Located At 3075 Mallory Lane (F.Z.O. 3.18.5 and 7.5).**

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

Staff Presentation: Ariella Stanford. This 1.45-acre property is located at 3075 Mallory Lane, and is zoned RC-6 Regional Commerce 6 District, and within the Flood Fringe Overlay. The applicant is proposing a drive-thru restaurant on the property. The Flood Fringe Overlay is located at the front corner of the property, which restricts the possible location of the restaurant and its parking. There is a sewer line running diagonally at the corner of the property, then running north through the property, with a 20-foot easement over it. In addition, because the property is located at the corner of Mallory Lane and Jordan Road, the principal building is required to comply with the setback requirements along both Mallory Lane and Jordan Road. Due to the location of the Flood Fringe Overlay on the property, the proposed location of the principal building is 50 feet from Jordan Road, which is not in compliance with the 30 feet maximum setback as required in the Zoning Ordinance. Additionally, the proposed building has a Landscape Frontage type, which requires parking to be behind or to the side of the building facade. As shown in the proposed plans, there are 3 parking spaces that extend into the Jordan Road frontage area of the principal building. The applicant is requesting a variance to increase the maximum front yard setback from 30 feet to 50 feet, and a variance to allow 3 parking spaces within the Jordan Road Frontage area for 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 considering these criteria:

Request 1 - To increase the maximum front yard setback from 30 feet to 50 feet.

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 location of the Flood Fringe Overlay at the corner of Mallory Lane and Jordan Road prevents the principal building from being a maximum of 30 feet from Jordan Road. To comply with the 85-foot maximum setback along Mallory Lane and stay out of the Flood Fringe Overlay, the principal building must be located farther than 30 feet from Jordan Road. In addition, the 20-foot sewer easement that would prevent the principal building from complying with both the setback requirements along Mallory Lane and Jordan Road as it is recorded. The location of the Flood Fringe Overlay and the existing sewer easement on this property creates an exceptional situation which prevents development in compliance with the setbacks required under this ordinance. Staff finds that this criterion is met.
2. The strict application of any provision enacted under the Zoning Ordinance would result in peculiar and exceptional practical difficulties for or exceptional or undue hardship for the owner of the property. Compliance with the required 30-foot maximum setback along Jordan Road would prevent development on this site, given the location of the Flood Fringe Overlay. The proposed drive-thru building cannot be located outside of the Flood Fringe Overlay and follow the 30 feet maximum setback from Jordan Road and the 85 feet maximum setback along Mallory Lane. In addition, the existing sanitary sewer easement is extremely close to the intersection of the two setbacks, which may prove challenging if a building foundation were to be placed at that intersection of setbacks. Staff finds this criterion is met.
3. Such relief may be granted without substantial detriment to the public good and without substantially impairing the purpose and intent of the Zoning Ordinance. The proposed location of the principal building would not be a detriment to the public good, nor would it impair the intent of the Zoning Ordinance. The intent of the ordinance in this case is to encourage pedestrian-friendly neighborhoods by keeping buildings close to the street. To comply with the 85-foot required setback along Mallory Lane and keep the principal building out of the Flood Fringe Overlay, the principal building must be located farther than 30 feet from Jordan Lane. The proposed plans locate the principal building as close to Mallory Lane and Jordan Road as possible, in an effort to foster a more pedestrian-friendly environment along both streets. Further, the block face of Jordan Road is only occupied by this singular

building, so granting the variance on Jordan Road (versus Mallory Lane) has the least impact to the surrounding character. Staff finds this requirement is met.

Ms. Stanford stated that she would not read each criterion for the variance request for request two but would read each justification and would answer any questions.

Request 2 - To allow 3 parking spaces within the Jordan Road frontage area for the principal building.

1. Variance Request Criteria 1 Justification: The location of the Flood Fringe Overlay at the corner of Mallory Lane and Jordan Road and the existing sewer easement are preventing the principal building from being closer to Jordan Road, which leaves a limited amount of space for the required parking. The drive-thru building is required to have 31 parking spaces, which is the amount shown in the proposed plan. Given the restricted location of the principal building and the limited space remaining on the lot for parking behind the principal building, this lot presents an exceptional situation. Staff finds that this criterion is met.
2. Variance Request Criteria 2 Justification: Compliance with the frontage requirements along Jordan Road would not leave enough room on the remaining portion of the lot for the required amount of parking. If every parking space were located behind the principal building along Mallory Lane and Jordan Road, the proposed use would not be able to provide the required 31 parking spaces. Staff finds this criterion is met.
3. Variance Request Criteria 3 Justification: The parking spaces encroaching into the frontage area of the principal building would not be a detriment to the public good, nor would it impair the intent of the Zoning Ordinance. The intent of the ordinance in this case is to encourage pedestrian-friendly neighborhoods by not having views parking lots in front of buildings. Most of the parking spaces are following the frontage requirements, and the parking is following the frontage requirements along Mallory Lane. To meet the intent of the Zoning Ordinance, nearly all the required parking is located behind the principal building to ensure the least amount of parking is visible from the street as possible. Staff finds this requirement is met.

Recommendation: Staff recommends the Board of Zoning Appeals move to approve the Variance Request to increase the maximum front yard setback from 30 feet to 50 feet, and approve the Variance Request to allow 3 parking spaces within the Jordan Road frontage area for the principal building for the property located at 3075 Mallory Lane, because the criteria for granting a variance have been met.

Applicant Presentation: Mary McGowan, Kimberly-Horn & Associates. Ms. McGowan did not have any new information to add but would be happy to answer any questions.

Questions for Staff

Chair Langley asked if the site plan could be pulled up for referencing.

Board Member Smith asked if the exception regarding stacking spaces (increased from 15-21) had been discussed and resolved.

Ms. Stanford stated that it had been discussed with engineering and determined that the application followed the standards.

Board Member Reeves asked what the intent of the ordinance was to not have parking spaces near the street.

Ms. Diaz-Barriga stated that the idea or goals of Envision Franklin include a pedestrian friendly focus. In mixed use areas of town, parking is to the side and back of buildings avoiding large parking lots in front of buildings. Also, perimeter landscaping is required as part of the zoning ordinance, answering Board Member Reeves question about landscaping.

Ms. Staford provided and referenced the exhibit highlighting easements throughout the site.

Public Comment: None

Board Member Smith motioned to close the public comment portion of the meeting, seconded by Board Member Reeves. The motion carried 4-0.

Chair Langley asked for a motion from the Board.

Motion

Board Member Smith motioned to approve Variance Request To Increase The Maximum Front Yard Setback From 30 Feet To 50 Feet, And A Variance Request To Allow 3 Parking Spaces Within The Jordan Road Frontage Area For The Principal Building For The Property Located At 3075 Mallory Lane (F.Z.O. 3.18.5 and 7.5), seconded by Board Member Reeves. The motion carried 4-0.

OTHER BUSINESS

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

ADJOURN

Board Member Fleishour motion to adjourn the May 2, 2024, BZA meeting, seconded by Board Member Reeves.

There being no further business, the meeting adjourned at 6:15 PM.

Chair

Date



File #: 21-0223

DATE: May 16, 2024
TO: Board of Zoning Appeals
FROM: Amy Diaz-Barriga, Asst Director of Planning Development
Ariella Stanford, Planner

SUBJECT:

A **Variance Request** To Allow More Than The Maximum Number Of Retaining Walls On A Site, A **Variance Request** To Allow For A Taller Than Allowable Retaining Wall Within A Front Yard, And A **Variance Request** To Allow For Encroachments Into Areas With Slopes Of 20% Or Greater For The Property Located At 326 Lionheart Way (F.Z.O. 13.2.4. And 4.4.6.)

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
Number of Retaining Walls	Maximum 3 per lot

4.4.6. - Lots, Uses, and Structures Established Prior to The Effective Date of this Ordinance

Development shall be prohibited on natural slopes of 20 percent or greater.

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 needed to request a new Variance Request for the updated plans for the front yard retaining wall.

Update since item deferral in April:

The Variance Request to allow a taller retaining wall in the front yard was requested at the April 4, 2024 BZA meeting. At this meeting, it was realized that the previous variance requests had expired, and the applicant would have to submit these requests again. For that reason, the item was deferred in April and the applicant is now additionally requesting to allow more than 3 retaining walls on the lot, and to allow development within areas of 20% slopes or greater (which are the requests that expired).

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:

Request 1: Maximum Height of Front Yard Retaining Walls (deferred from April 4, 2024)

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 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 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 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 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 this criteria for Request 1 to be met.

Request 2: Maximum Number of Retaining Walls

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 20% slopes across the majority 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 4 retaining walls. The applicant has determined that this is the minimum number of retaining walls required to develop a single-family home on this lot. Due to the exceptional slope 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, more than 3 retaining walls are needed to support development of this site. 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 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 in order 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 4 retaining walls is the minimum number necessary for development on the lot; therefore, there would not be an excess of retaining walls dominating the site. Staff finds this criteria for Request 2 to be met.

Request 3: Encroachments into Areas With Slopes Of 20% Or Greater

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. Staff recognizes the exceptional slope conditions across the 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 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.

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 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 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 the Zoning Ordinance is to allow a single-family residential home on this lot, and this variance is the minimum necessary deviation from the requirements of the Zoning Ordinance in order to develop a single-family home on the lot, given the current conditions of the site. Staff finds this criteria for Request 3 to be met.

FINANCIAL IMPACT:

Unknown.

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, and the **Variance Request** To Allow More Than The Maximum Number Of Retaining Walls On A Site, and the **Variance Request** To Allow For Encroachments Into Areas With Slopes Of 20% Or Greater, 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

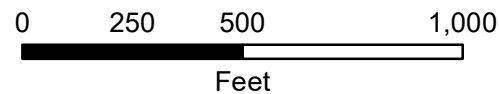
* This property is zoned
PD Planned District.

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

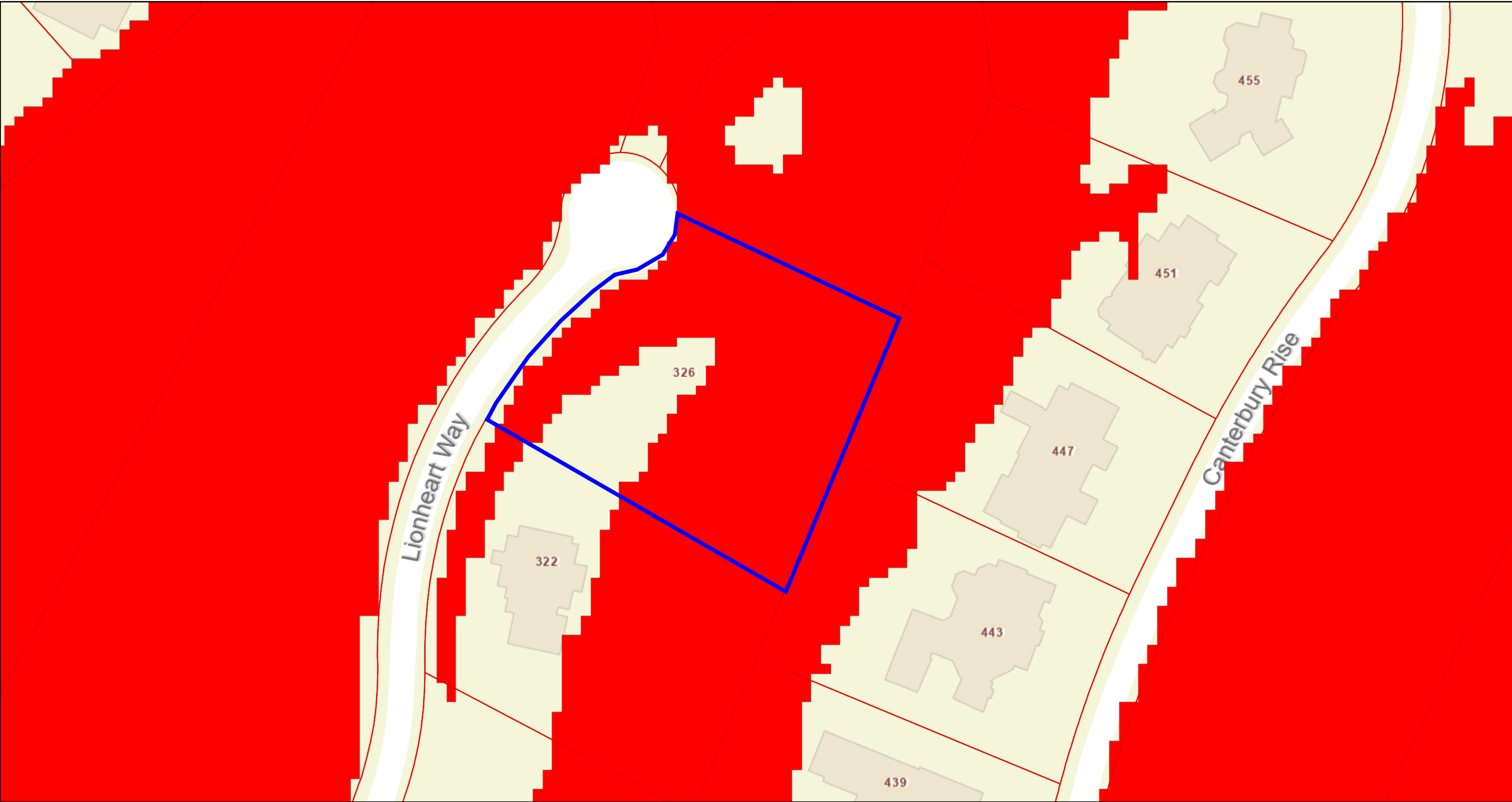
Site

This map was created by the Franklin Planning Department.
It was compiled from the most authentic information available.
The City is not responsible for any errors or omissions contained herein.
All data and materials (c) copyright 2024. All rights reserved.



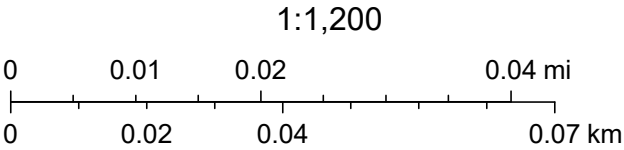
HISTORIC
FRANKLIN
TENNESSEE

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.

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.

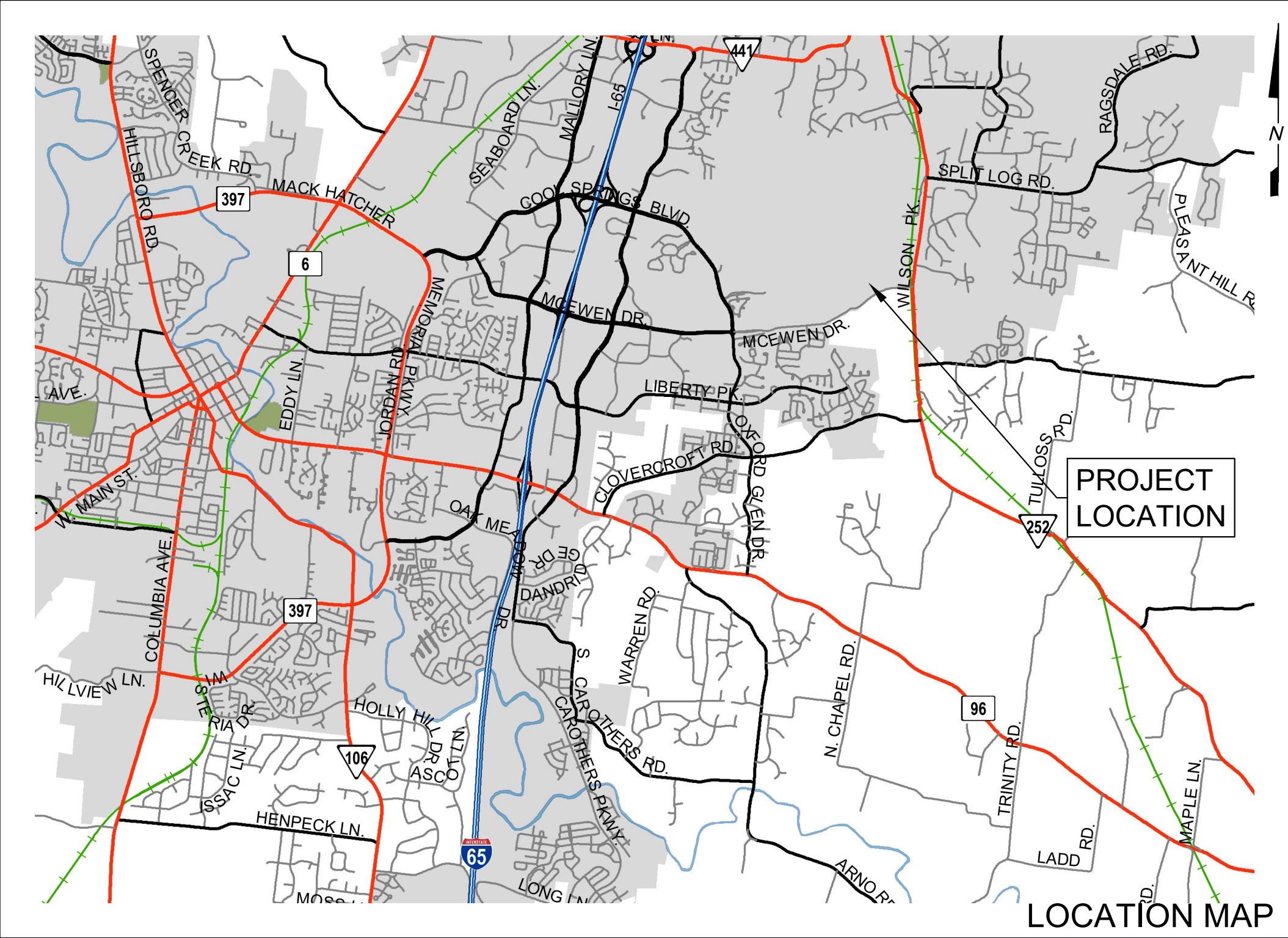
--CONSTRUCTION PLANS--

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%



Know what's below.
Call before you dig.

MID - TENN
ENGINEERING CO.

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

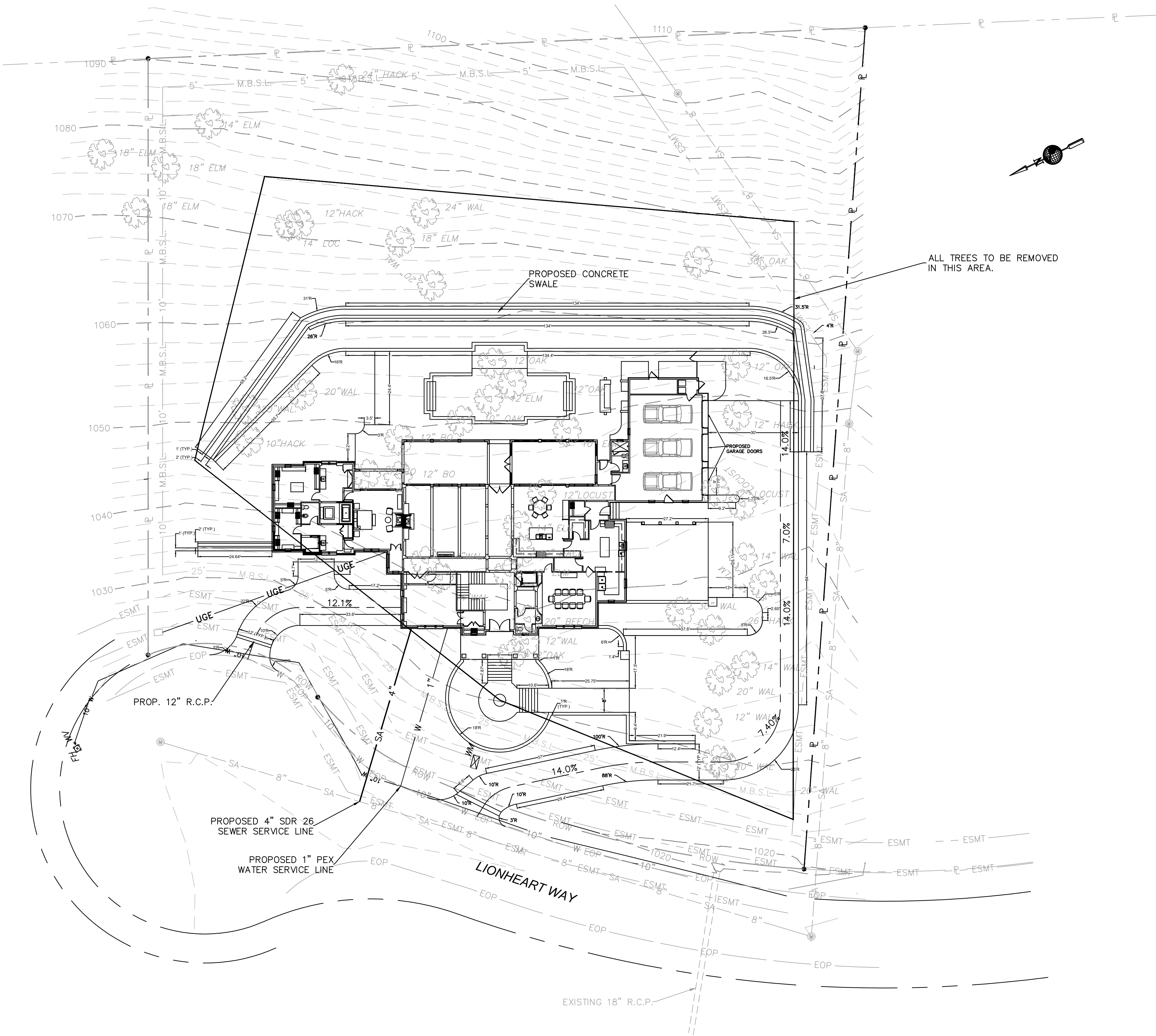
CITY OF FRANKLIN
ENGINEERING DEPARTMENT
(615) 791-3218



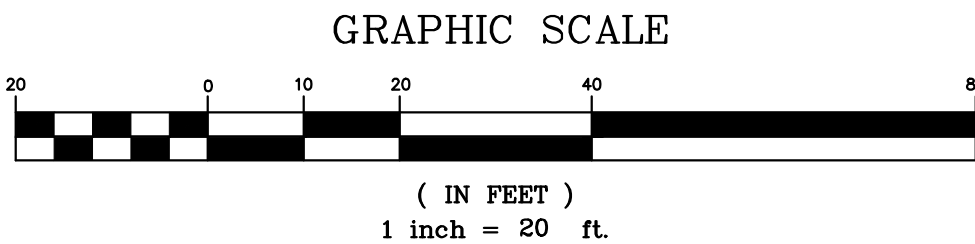
SITE DATA INFORMATION

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

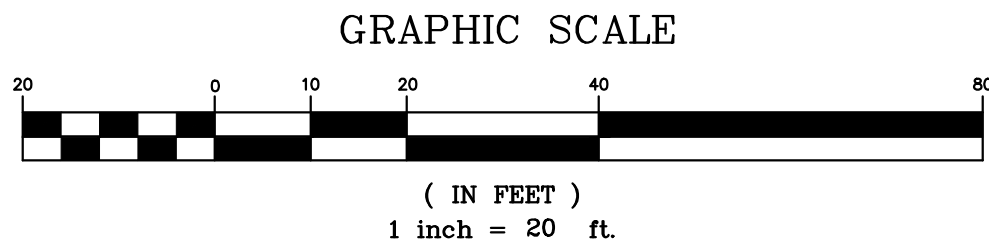
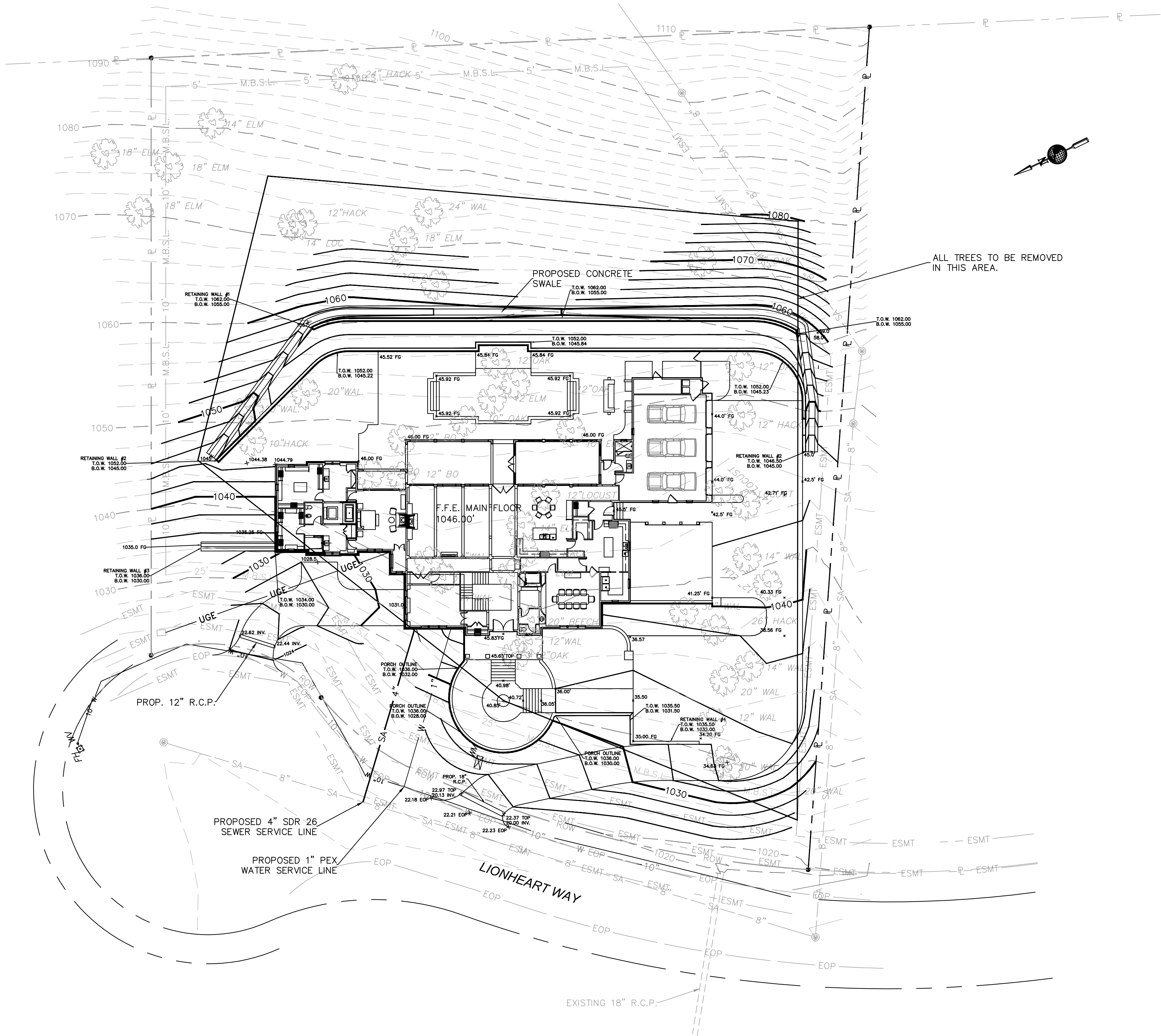


ALL TREES TO BE REMOVED
IN THIS AREA.



DESIGNED BY:		CHECKED BY:		DATE		JOB NO.		SHEET	
J.D.C.	E.J.W.	J.D.C.	E.J.W.	12-20-23		940001		C2	
J.D.C.		E.J.W.		12-20-23		940001		C2	
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AVALON SUBDIVISION
OWNER AND CONTRACTOR:
AURORA BUILDING CO., LLC
4701 TROUSDALE DR. #210
NASHVILLE, TN 37220



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			
MID - TENN ENGINEERING CO. 6445 HIGHWAY 58 BYPASS W. LAFAYETTE, TN (615) 666-2385				HAMD ARAB HOUSE 326 LIONHEART WAY FRANKLIN, TENNESSEE			
PROPOSED GRADING PLAN				REVISIONS			
NO		DATE		DESCRIPTION		BY	
6		3-4-2024		MADE ADJUSTMENTS TO FRONT AND SIDE RETAINING WALLS PER OWNER REQUEST		J.D.C.	
5		1-11-2024		MADE ADJUSTMENTS TO REAR RETAINING WALLS PER OWNER REQUEST		J.D.C.	
4		12-20-2023		RE-GRANDED LOT ACCORDANTLY		J.D.C.	
3		6/26/2023		REVISIONS MADE PER CITY OF FRANKLIN		J.D.C.	
2		4/10/2023		SHOWED TREES TO BE REMOVED, ADDED CHANGES DRAINAGE LAYOUT, ENTRANCE, ADDED UTILITY SERVICES		J.D.C.	
NO						OKD	



LEGEND

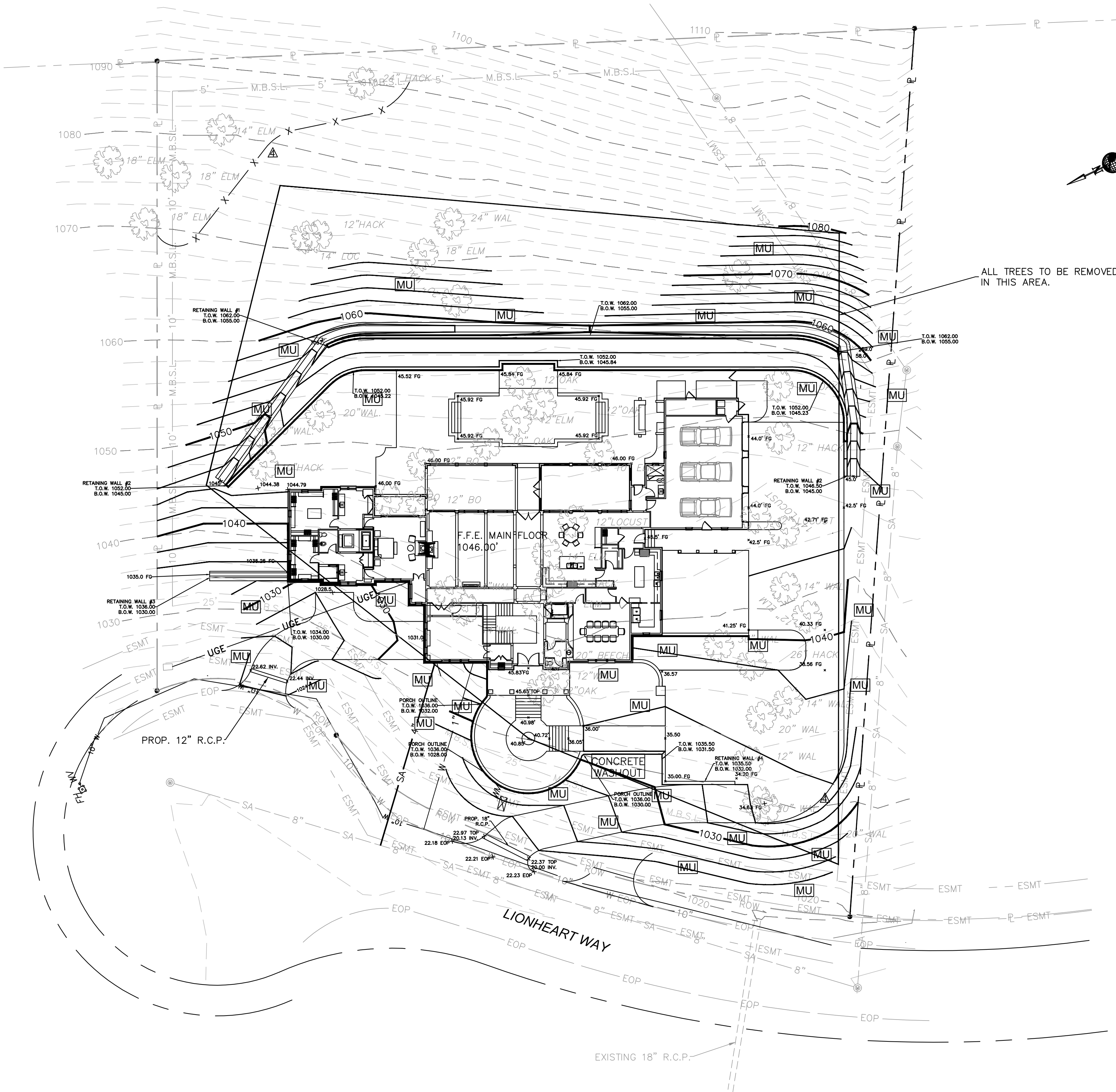
- CONCRETE WASHOUT
- OUTLET PROTECTION
- SEEDING WITH MULCH (ALL DISTURBED AREAS NOT RECEIVING MATTING)
- CONSTRUCTION EXIT
- FILTER RING
- SF * · SF ** · SILT FENCE
- TREE PROTECTION FENCE

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		

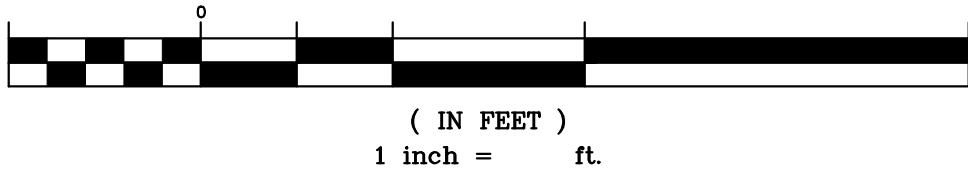
AVALON SUBDIVISION
OWNER AND CONTRACTOR:
AURORA BUILDING CO., LLC
4701 TROUSDALE DR. #210
NASHVILLE, TN 37220



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'

SHEET

EROSION PREVENTION & SEDIMENT CONTROL

MID - TENN ENGINEERING CO.

645 HIGHWAY 58 BYPASS W.

LAFAYETTE, TN (615) 666-2385

HAMID ARAB HOUSE

326 LIONHEART WAY

FRANKLIN, TENNESSEE

MADE ADJUSTMENTS TO FRONT AND SIDE RETAINING WALLS PER OWNER REQUEST

MADE ADJUSTMENTS TO REAR RETAINING WALLS PER OWNER REQUEST

REGRANDED LOT ACCORDANTLY

REVISIONS MADE PER CITY OF FRANKLIN

SHOWED TREES TO BE REMOVED, ADDED CHECKS DRAINAGE LOWERS ENTRANCE, ADDED UTILITY SERVICES

NO

DATE

BY

DESCRIPTION

REVISIONS

OKO



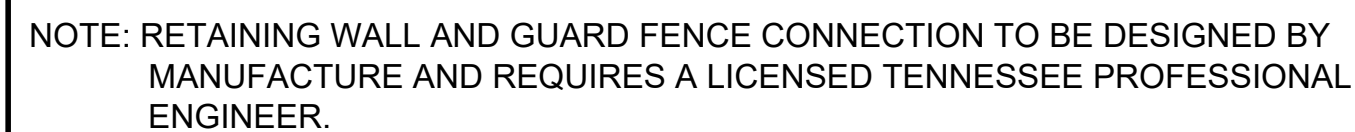
SCALE: N.T.S.



SCALE: N.T.S.



SCALE: N.T.S. (3)



SCALE: N.T.S.



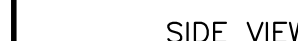
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SCALE: N.T.S. (6)



SILT FENCE



SCALE: N.T.S.



DETAIL

TENNESSEE ONE-CALL

SCALE: N.T.S. (9)



SCALE: N.T.S. (1)

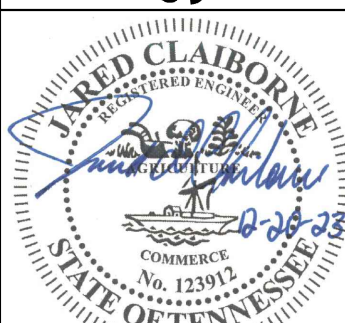
NO.	DATE	DESCRIPTION	BY	CKD	REVISIONS
1	10/12/2022	CITY OF FRANKLIN COMMENT	J.D.C.	E.J.W.	
2	4/10/2023	SHOWED THERE IS NO REMOVED ADDED SIGNAGE AT LOWER (616) 222-2222	J.D.C.	E.J.W.	
3	6/28/2023	REVISIONS MADE PER CITY OF FRANKLIN	J.D.C.	E.J.W.	
4	12-20-2023	RAISED MAIN FLOOR F.F.E. 3- FEET	J.D.C.	E.J.W.	



**MID - TENN
ENGINEERING CO.**
648 HIGHWAY 52 BYPASS W.
LAFAYETTE, TN (615) 666-2885

HAMID ARAB HOUSE
326 LIONHEART WAY
FRANKLIN, TENNESSEE

STANDARD SITE DETAILS



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

C5

Aurora Building Company, LLC.

04/23/2024

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

Re: **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 the board of Zoning appeal, this bord did grant a variance on Nov, 2022. This variance covered our request to construct three additional walls over and above total number of walls allowed within one residential lot, and construct walls taller in the front of the house than 4' high walls that are allowed, but due to the conditions explained bellow, our variance did expire.

The civil plan as originally designed and approved could not meet all criteria as relates to the requirement presented by the City of Franklin Water Management department. This requirement stated that no structure and or Retaining wall can be built within the easement, and additionally any structure built in proximity of this easement has to withstand loads of 50,000 lb excavator. It was impossible to design the number of walls that required to meet the topography and build it to withstand the required loading, therefore this required regrading of the entire site by raising the finish floor elevation 3'. Additional to this restriction, the number of walls and height of each wall made it nearly impossible to construct a wall with the topography that this lot imposes.

An extensive effort was made to design this site's development in a manner that would fit within all of the City's Zoning ordinances. However, as described in the variance request above, the lot has exceptional topographic conditions that don't allow for a design to fit within the zoning ordinance parameters. Without the city of Franklin granting all the requested variances, this lot will be rendered non developable. 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)

Aurora Building Company, LLC.

04/30/2024

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

Re: 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,

Aurora Building Company, LLC is requesting 3 variances for this residence, located at 326 Lionheart way, Lot 123 of the Avalon Subdivision, in Franklin, Tennessee. Below are the variances we are requesting.

- Chapter 13.2.4 (Retaining walls for residential lots)
 - Front yard retaining wall Height- Maximum 2 feet in height.

This lot is located within the “Hill Side Overlay” zone in Franklin. Because of the existing natural grade ranging between 33-50 percent, there is more elevation changes needing to be retained that is capable within a 2 feet high wall. We are requesting a variance from the 2 feet maximum wall height. The submitted plans have two walls in the front yard. They range from 2 feet in height and one 4 feet and one 6 feet and last is ranging from 4 to 8 feet. However, this wall incorporated into the entrance of the home, allowing for an aesthetically pleasing appearance.

- Chapter 13.2.4 (Number of the retaining walls)
 - Maximum 3 per lot.

Because the lot is located within the “Hill Side Overlay”, there is more grade that must be retained, than is possible with three walls six feet in height. The submitted lot development has been designed with a total of four retaining walls. Two in the rear of the lot which in compliance, and we currently have permit for, and two walls in the front of the house. We are requesting a variance to allow for more than Three retaining walls on this lot.

- Chapter 4.4.6 (Lots, Uses, and Structure Established prior to the Effective Date of this Ordinance)
 - Part B Development shall be prohibited on natural slopes of 20 percent or greater.

The lot at 326 Lionheart way is located within the “Hill Side Overlay” zone in Franklin. A majority of the natural slopes range between 33 – 50 percent. Therefore, we are requesting a variance from chapter 4.4.6, allowing homeowners to build within this lot.

An extensive effort was made to design this lot development in a manner that would fit within all of the city's zoning ordinances. However, as described in the variance request above, the lot has exceptional topographic conditions that don't allow for the lot design to fit within the zoning ordinance parameters. Without the city of Franklin granting all of the requested variances, Mr. Arab's lot will be rendered non-developable.

Thank you for your consideration of these variance requests. If you have any question 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)



File #: 21-0225

DATE: May 16, 2024
TO: Board of Zoning Appeals
FROM: Amy Diaz-Barriga, Asst Director of Planning Development
Ariella Stanford, Planner

SUBJECT:

A **Variance Request** To Waive The Substantial Improvement Requirement To Floodproof Or Raise The First Floor Elevation Of A Historic Structure Above The Base Flood Elevation For The Property Located At 94-98 E Main Street (F.Z.O. 17.6.4.(B)).

PURPOSE:

PROJECT INFORMATION

COF Project Number: 8488
Applicant: Mark Kozevski
Owner: First and Main LLC

BACKGROUND/STAFF COMMENTS:

Vicinity Zoning/Land Use

Site: 1st Avenue District / Commercial
North: R-1 Residential / Single-Family Residential
South: Downtown District / Civic/Institutional
East: 1st Avenue District / Mixed-Use
West: 1st Avenue District and PD Planned District / Commercial and Mixed-Use

Applicable Zoning Ordinance Provisions

20.10 Variance

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

17.6.4.(B)(2)

In AE Zones, where base flood elevation data is available, new construction and substantial

improvement of any nonresidential building shall have the lowest floor, including basement, elevated or floodproofed to no lower than one foot above the level of the base flood elevation.

Background

This 0.42 acre property is located at 94-98 E Main Street. It is zoned 1st Avenue District and is within the Historic Preservation Overlay, the Central Franklin Overlay, the Flood Fringe Overlay, and the Floodway Overlay. The owner has proposed substantial renovations to the existing building, which requires compliance with the Zoning Ordinance section 17.6.4.

This property was on the agenda for the May 2024 Historic Zoning Commission meeting, and Planning Staff presented the following information on this property:

The buildings located at 94-98 East Main Street and the proposal to designate them as historic buildings has come before the Design Review Committee, to discuss their historic form and the history of a service station on the property. The application includes documentation proving that the building on this site (closest to the intersection of E. Main and 1st Avenue) has historically been a service station for vehicles since the late 1950s with the addition of the two adjoining buildings, closest to the Harpeth River, estimated to have been constructed in the 1970s. While these buildings are not a part of the National Register District, they are considered a part of the Local Historic District, and the DRC has been supportive of considering these buildings as historic resources.

The Zoning Ordinance requires an entire building to come into compliance with the floodplain regulations when the amount of the proposed investment into the building triggers substantial improvement value. This includes a requirement for commercial buildings to raise the finished floor elevation to at least three feet above the Base Flood Elevation.

The application includes several renderings of how the building would appear with it being raised 2.2 feet to be in compliance with the Zoning Ordinance. The Guidelines do not comment on the raising/elevation of historic structures and only comment on foundation height compatibility as related to infill construction. The foundation height required without the issuance of a variance would also require a significant change to the ca. mid-1900s buildings. This change would significantly alter the character-defining features of these historic buildings and therefore compromise its historic status. The proposal to maintain the finished floor elevation as it exists currently is more sensitive to the architectural qualities of the historic structure, presents the least amount of adverse impact to the historic structure, and presents the least amount of adverse impact to the context of its overall historic district.

Variances may be issued for the repair and rehabilitation of historic structures upon a determination that the proposed work will not preclude its continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of the Zoning Ordinance in order to preserve the historic character and design of the structure. It is recommended that variance requests for historic structures in the floodplain receive a recommendation by the HZC prior to consideration by the Board of Zoning Appeals (BZA). The HZC provided a favorable recommendation to the BZA at its May 2024 meeting for the building to remain at its existing First Floor Elevation, as the proposal is the most sensitive to the architectural qualities of the contributing structure and presents the least amount of adverse impact to the contributing status of the historic structure and the context of the overall historic district.

Staff Analysis

Variances shall be issued only upon the determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Paragraph 17.6.5.A, Variances, shall

only be issued upon:

1. A showing of good and sufficient cause.

Because this property is within the local Historic District, and the HZC has been supportive of considering these buildings as historic resources, the need to take measures to maintain this status amount to good and sufficient cause for granting a variance. The proposal is the most sensitive to the architectural qualities of the contributing structure and presents the least amount of adverse impact to the historic structure and the context of the overall historic district. The HZC provided a favorable recommendation to the BZA for these reasons. Staff finds that this criteria is met.

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

The proposal is to keep the historic house at its existing level and not floodproof the building in order to maintain the historic character of the buildings. The HZC determined that raising the house to meet Base Flood Elevation would affect the historic character of the buildings. As outlined in the Justification Letter exhibit, the applicant has determined that the required floodproofing methods would also affect the historic character of the buildings. Floodproofing the building would require alterations to the interior and exterior of the buildings that would detract from their historic character. Altering the historic character of the buildings would amount to exceptional hardship for the owner of the property. For these reasons, staff finds that this criteria is met.

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

The HZC has recommended approval of the variance request to maintain the current elevation of the buildings in order to protect the historic character of the buildings, which contributes to the historic significance of Franklin. Based on the recommendation of the HZC along with analysis of exhibits provided by the applicant, staff finds that granting the variance would not result in any of the outcomes listed above. Staff finds that the third criteria is met.

FINANCIAL IMPACT:

Unknown.

RECOMMENDATION:

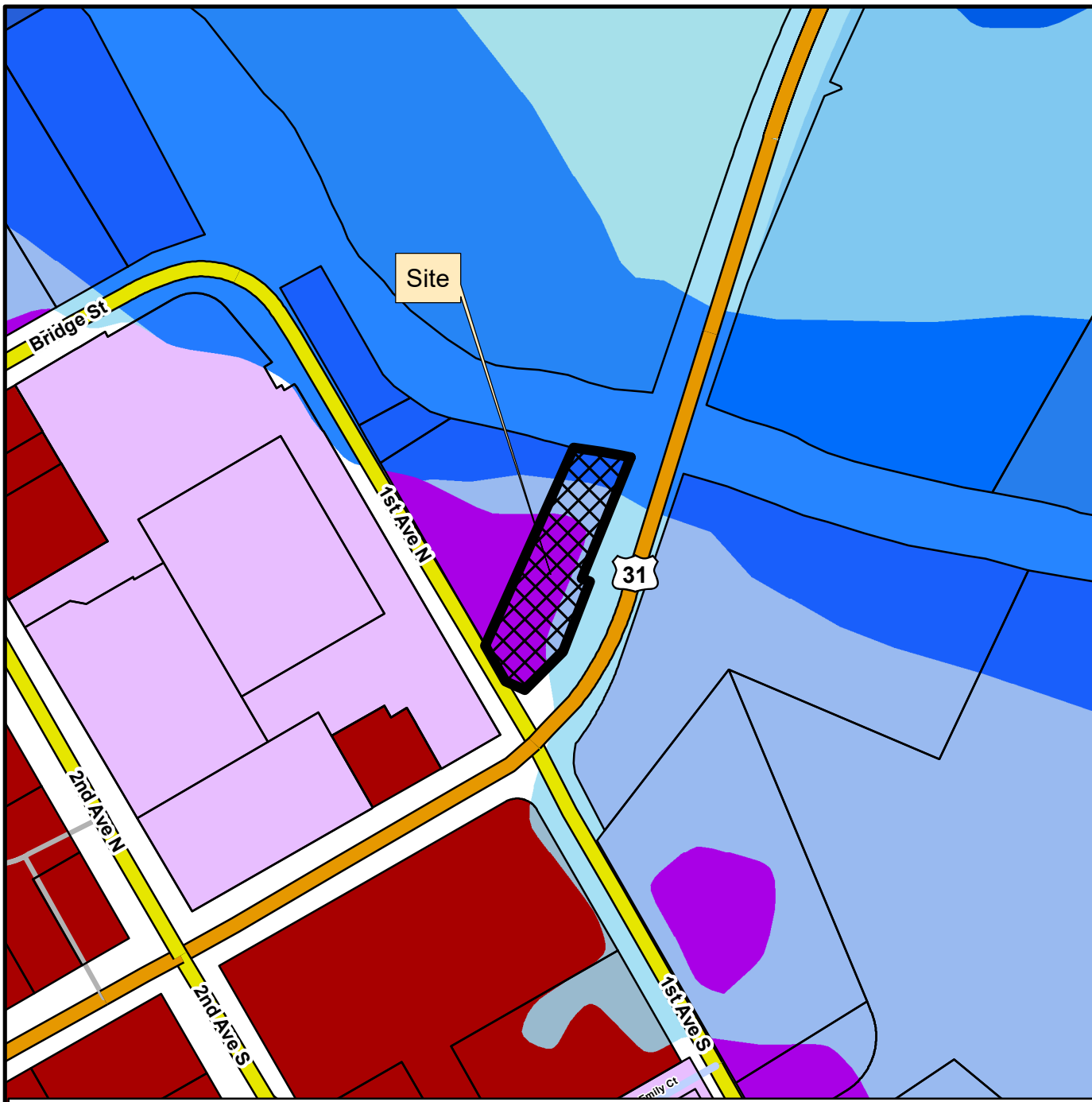
RECOMMENDED MOTION: Staff recommends the Board of Zoning Appeals move to **approve** the **Variance Request** To Waive The Substantial Improvement Requirement To Floodproof Or Raise The First Floor Elevation Of A Historic Structure Above The Base Flood Elevation For The Property Located At 94-98 E Main Street, because the criteria for granting a variance have been met.

94-98 E MAIN STREET
TAX MAP 078, GROUP B, PARCEL 05800
BOARD OF ZONING APPEALS
JUNE 6, 2024

**This property is also within the
CFO and HPO, which are not
shown for clarity purposes.

Legend

-  94-98 E Main Street
-  Floodway Fringe Overlay
-  Floodway Overlay
-  AG Agricultural District
-  ER Estate Residential District
-  R1 Residential 1 District
-  R2 Residential 2 District
-  R3 Residential 3 District
-  R4 Residential 4 District
-  R6 Residential 6 District
-  MR Mixed Residential District
-  PD Planned District
-  OR Office Residential District
-  CI Civic Institutional District
-  NC Neighborhood Commercial
-  CC Central Commercial District
-  DD Downtown District
-  1ST Avenue District
-  5TH Avenue District
-  RC6 Regional Commerce 6 District
-  RC12 Regional Commerce 12 District
-  GO General Office District
-  LI Light Industrial District
-  HI Heavy Industrial District



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





94 - 98 E. Main St. Franklin





BEFORE



AFTER



2007



2011-2013



2015-2018



- 1:** The gas station exterior was restored sometime after 2007.
- 2.** Buildings were joined as part of the renovation sometime before 2010.
- 3.** The boat garage building has undergone many various aesthetic updates to the coloration and awning type.

There were three gas filling stations located on the corners of 1st Ave and East Main St. in 1928. A new bridge was being constructed across the Harpeth River as part of the Andrew Jackson Highway which connected East Main Street to Franklin Road. Before this bridge was constructed, the principal bridge was located between Bridge Street and East Main. At the dedication in 1929, the bridge was named Memorial Bridge as a tribute to WWI soldiers.

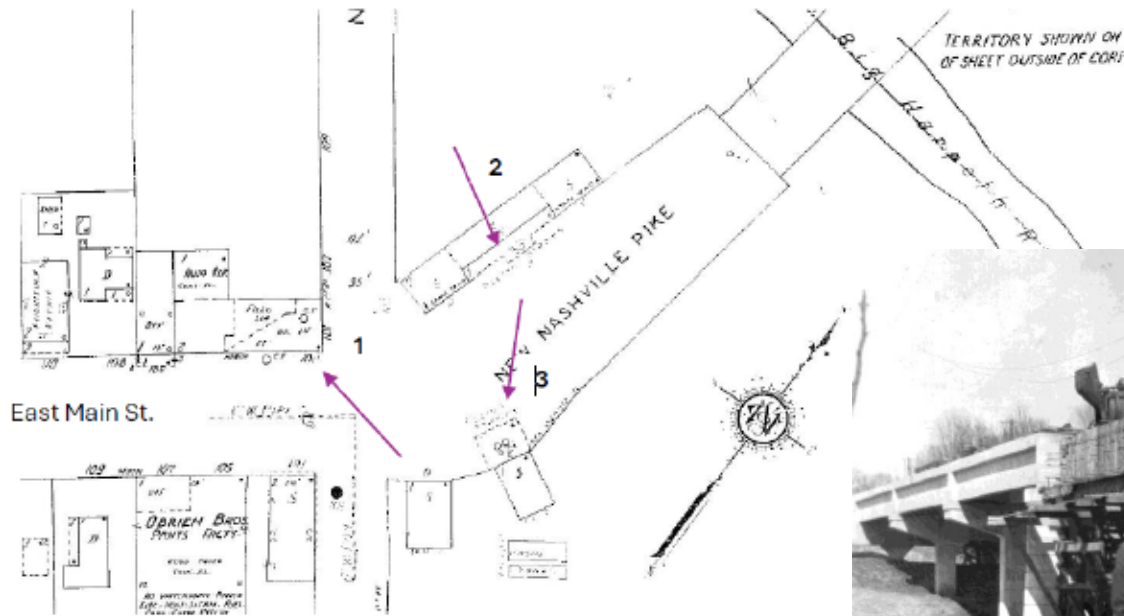


Figure 1 Sanborn Map 1928



Figure 2 Franklin Road bridge workers circa 1928. Black American men represented a significant workforce of brick/stone masons and concrete workers.

FILLING STATIONS



Figure 3 Becky Holt Sharber in front of her grandmother's gas station circa 1950. The Amoco station can be seen on the left. Harpeth Square is located on this corner today.

1. On the southwest corner, where Harpeth Square is located today was the Amoco Station owned by Spencer and Ivy Ellis Holt.
2. On the northwest corner was a series of three connected buildings (see figure 7). The two end buildings had veneered stone with sloping roofs. The middle building was the longest and had two end gables with a tile roof. The stone veneered building closest to 1st Ave. was Dr. R.A. Gathmann's Animal Hospital. Dr. Gathmann moved to Franklin in 1939. The middle building was a gas station in 1928 but later became the Riverview Club which served food and drinks. It was one of 15 "Honky Tonks" between Brentwood and Franklin in the 1930s and 40s. The stone veneered building closest to the river eventually became Givens Gulf which moved to this location from across East Main. This location is where Americana Tap House and Burger Dandy are located today.



Figure 4 Dr. Ray Gathmann's Animal Hospital. The center building barely seen in this photo, on the right, had gabled ends. It was anchored on both sides by stone veneered buildings. By 1939, the center building became the Riverview Club and the end building closest to the river became a Gulf Station. These buildings were demolished prior to 1958.

3. Across the street on the northeast corner of 1st and East Main was James Given's Gulf filling station.



Figure 5 James Given's Gulf Service Station circa 1928. The Lillie Mills' silos can be seen in the background.

Figure 6 By 1958, aerial photos confirm that the stone veneered buildings and Riverview Club were demolished and replaced with a new service station. Burger Dandy occupies the location today. The adjoining buildings were constructed after 1974.

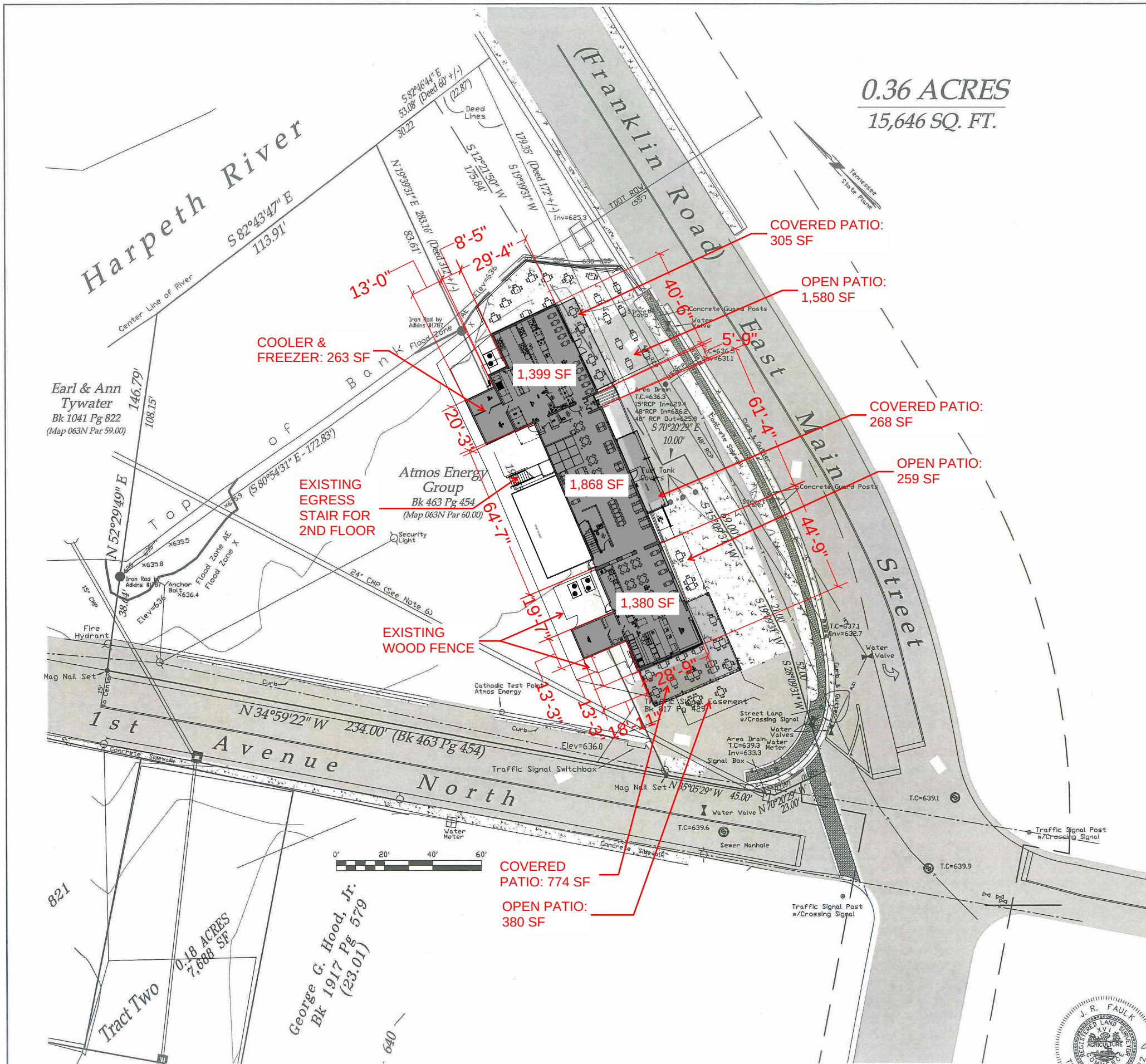




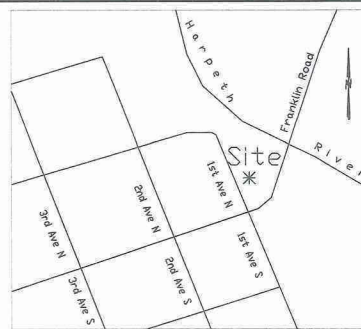
Figure 7 1950 aerial of East Main St. showing Holt's Amoco, Dr. Gathmann's building, and the Riverview Club.



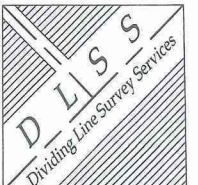
Figure 8 1958 aerial of East Main St. showing a new service station and old buildings demolished.



0.36 ACRES
15,646 SQ. FT.



Vicinity Map
not to scale



Dividing Line
Survey Services

Land Surveying
985 Yellow Creek Road
Dickson, TN 37055
PHONE (615) 441-1111
FAX (615) 441-8899

- Survey Notes**
- The purpose of this revision is to graphically depict the Tennessee Department Of Transportation (TDOT) right of way as shown on Sheet 3 of 4 File # 381-B, revised date June 18, 1928. At the time of the original survey, this surveyor contacted TDOT and the City of Franklin and was told no plans existed for this section of State Route 6 (East Main Street - US HWY 31). As no right of way monuments were called for, or found, right of way was established by field located roadway centerlines. Title Report as indicated in survey note 4 did not disclose the existence of TDOT right of way plans or deed of record as evidenced in Bk 72 Pg 420 Registers Office Williamson County, Tennessee (ROWC, TN).
 - Reference Deeds: Bk 72 Pg 420
Bk 81 Pg 109
Bk 83 Pg 576
Bk 99 Pg 428
Will Bk 34 Pg 581
Bk 265 Pg 769
Pg 4255 Pg 889 ROWC, TN
 - Area of conflict between deed of record and the TDOT right of way is 0.05 acres +/- (2,002 sq. ft.).
 - Title Report furnished by Old Republic National Title Insurance Company, commitment # 23388, effective date May 21, 2008.
 - Contours were derived from a field run survey. Elevations and Floodline are referenced to NAVD 83. Elevations were established via GPS using Reference Mark TN 27 of the Tennessee HARN (High Accuracy Reference Network) as a benchmark. Bearings are referenced to the Tennessee State Plane Coordinate System.
 - A portion of this property lies within the Flood Zone AE and the remainder in Zone X as shown on FIRM Map 47187C0211F, revised date September 29, 2006. Flood Zone AE is defined as areas subject to a 1% annual chance flood. Flood Zone X is defined as areas of 0.2% chance flood, areas of 1% chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 1% annual chance flood. Flood elevation determination provided by Jonathan Marston, Assistant Engineer for the City of Franklin, TN.
 - This surveyor did not physically locate any underground utilities shown on the face of this drawing. Locations shown were derived from above ground evidence and documents of public record. The Tennessee One Call System was contacted, but had not marked underground utilities as of the time of this survey. This surveyor does not warrant or guarantee the size and type of utility reported, or that all such utilities as may exist have been shown. Underground telephone and gas line locations are taken from a drawing entitled "Franklin Downtown Streetscape Program - Sheet 31 Site Utilities" dated July, 1989. Owners/developers/contractors should contact the appropriate agencies before beginning construction. In Tennessee it is the law to call the Tennessee One Call System at least 3 days and not more than 10 days before digging. Tennessee One Call System: 1-800-351-1111.
 - 8" pipe shown is 17.3" deep. It is unclear at this time whether the 3" corrugated metal pipe shown runs directly from the area drain at the southeast corner of the subject tract to the river bank, or whether it runs to this pipe and then breaks to the river bank.
 - This surveyor does not warrant or guarantee as to the existence or non-existence of cemeteries, wetlands, underground tanks or any other archeologic, geologic or any other environmentally sensitive or otherwise protected and/or regulated features. Owners/developers/contractors should contact the appropriate agencies before beginning construction.
 - Subject property ownership: Louis F. & Gaylon Freeman
Pg 4255 Pg 889 ROWC, TN
 - This survey was performed for the exclusive use of Jaymar Development, LLC, its heirs and assigns, and may not be used by any other person(s) or entity(ies) without the express written permission and re-certification of this surveyor.
 - This property is subject to an easement for the American Telephone and Telegraph Company as evidenced in Bk 81 Pg 109 ROWC, TN.

Land Description

Being a certain parcel of land located in the City limits of Franklin, in the 9th Civil District of Williamson County, Tennessee and being more particularly described as follows:

BEGINNING at the intersection of Main Street with 1st Avenue North, thence N 29°21'13" W - 152.7' to a mag nail situated on the north margin of 1st Avenue North, said mag nail being the southeast corner of the Atmos Energy Group property as evidenced in Bk 463 Pg 454 Registers Office Williamson County, Tennessee (ROWC, TN) and the southwest corner of the herein described parcel, said mag nail also being the TRUE POINT OF BEGINNING of this tract;

THENCE, leaving the northerly margin of 1st Avenue North and with the Atmos Energy Group's east line N 19°39'31" E, passing through an iron pipe set by Adkins, TN RLS # 1787 at 199.55', in all 283.16' to a point in the center of the Harpeth River;

THENCE, leaving Atmos and with the center of the Harpeth River S 82°46'44" E - 30.22' to a point in the right of way of East Main Street (Franklin Road);

THENCE, leaving the center of the Harpeth River and with the right of way of East Main Street S 12°21'50" W - 175.84' to a point;

THENCE, S 70°20'29" E - 10.00' to a point;

THENCE, S 15°09'31" W - 69.00' to a point;

THENCE, S 19°09'31" W - 21.00' to a point;

THENCE, S 28°09'31" W - 52.00' to a point;

THENCE, N 70°20'29" W - 23.00' to a point, the intersection of the rights of way of East Main Street and 1st Avenue North;

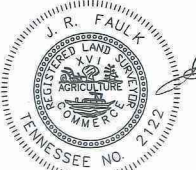
THENCE, leaving the right of way of East Main Street and with the right of way of 1st Avenue North N 35°05'29" W - 45.00' to the POINT OF BEGINNING.

Containing 0.36 acres +/- (15,646 sq. ft.), according to a survey by Dividing Line Survey Services, LLC dated 6/05/08.

CERTIFICATION:

I hereby certify that this is a true and accurate survey based on the best available physical evidence and the latest deeds of record; that it is a "Category 1" survey as defined by the State Board of Examiners for Land Surveyors with an unadjusted error of closure of 1:10,000 or greater.

By: Date: 9/15/08

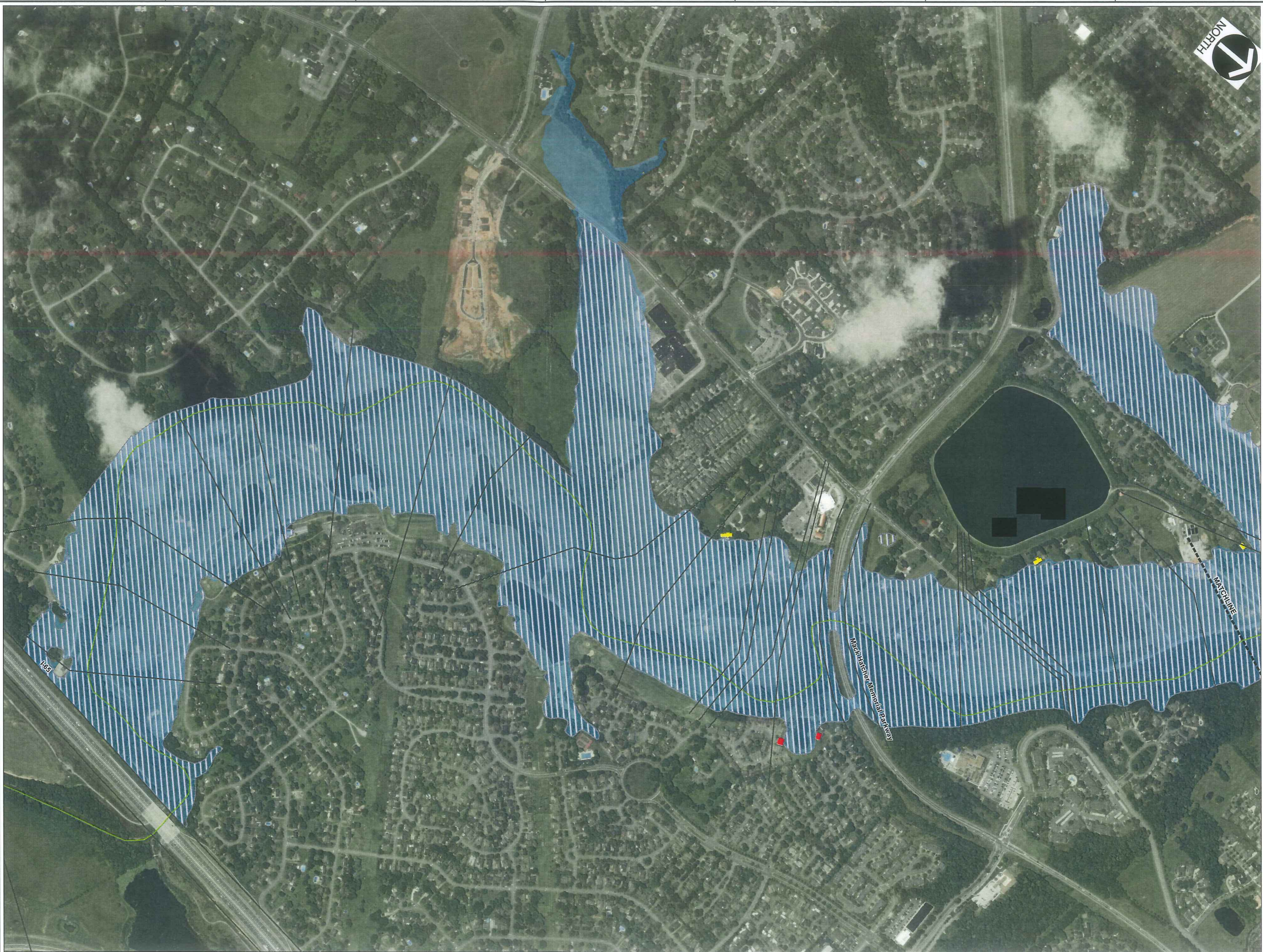


Boundary & Topographic Survey

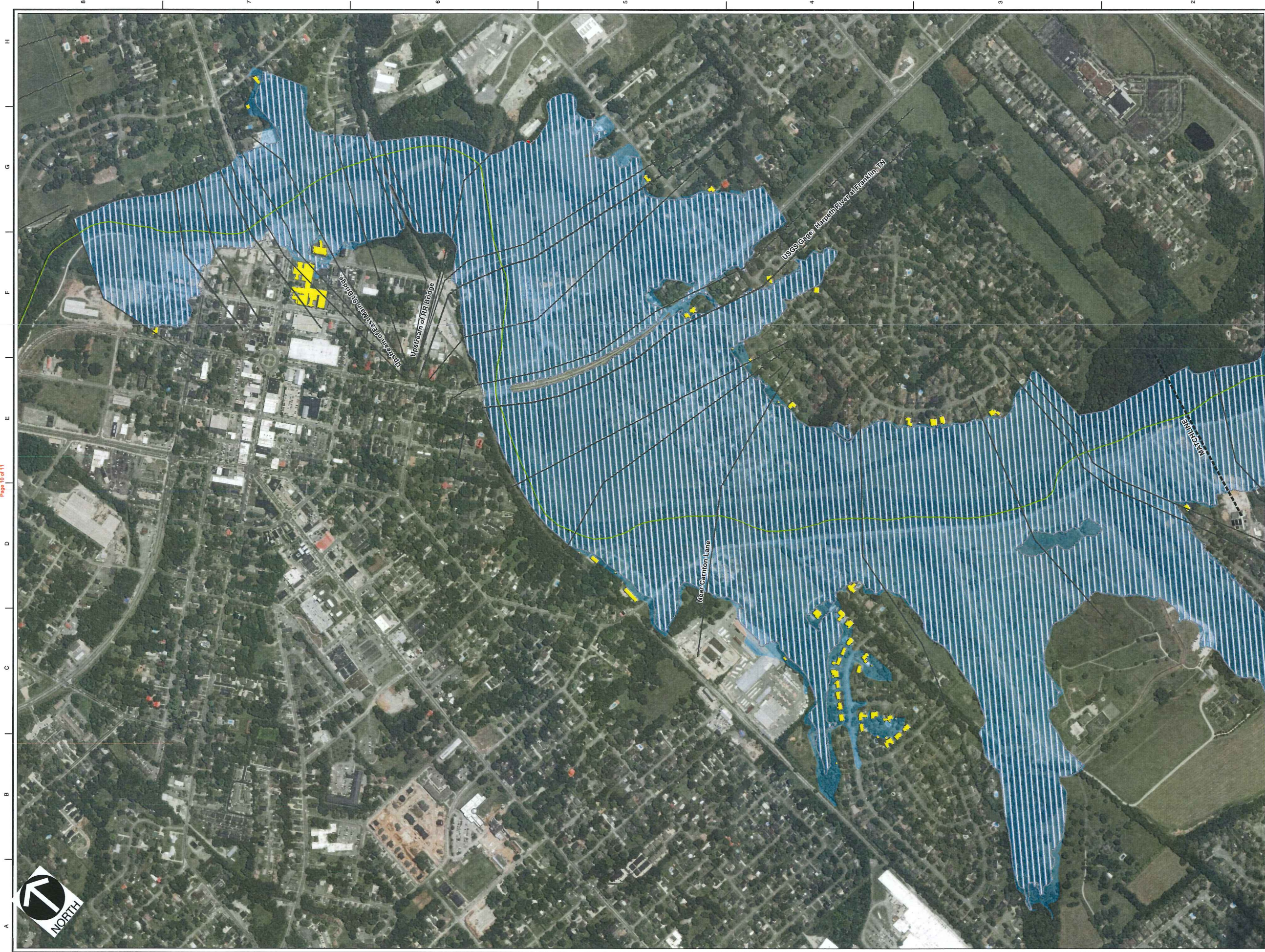
Louis F. & Gaylon Freeman
Map 63 N Group B Parcel 58.00 - Book 463 Pg 454
94-98 East Main Street - Franklin, TN 37064
9th Civil District - Williamson County, Tennessee

JAYMAR DEVELOPMENT, LLC
135 SOUTHEAST PKY.
FRANKLIN, TN, 37604
PHONE (615) 790-2447

DATE: 6/05/08
1st REVISION: 6/20/08
2nd REVISION: 9/15/08
SCALE: 1"=20'



Resolution 2019-02
Exhibit 1
Page 11 of 11



LEGEND

- Cross Sections
- River Reaches
- Buildings Removed from Effective 100 Year Floodplain
- Buildings Added to Revised 1% Annual Chance Floodplain
- Revised 1% Annual Chance Floodplain
- Effective 1% Annual Chance Floodplain

REFERENCE

ESRI WORLD IMAGERY / ARCGIS MAP SERVICE:
[HTTP://GO.TO/ARCISONLINE.COM/MAPS/WORLD_IMAGERY](http://go.to/arcgisonline.com/maps/world_imagery),
ACCESSED 12/19/2018, IMAGERY DATE: 2017.



Civil & Environmental Consultants, Inc.
325 Seaboard Lane, Ste. 170 Franklin, Tennessee
615-333-7787 800-763-2326
www.cecinc.com

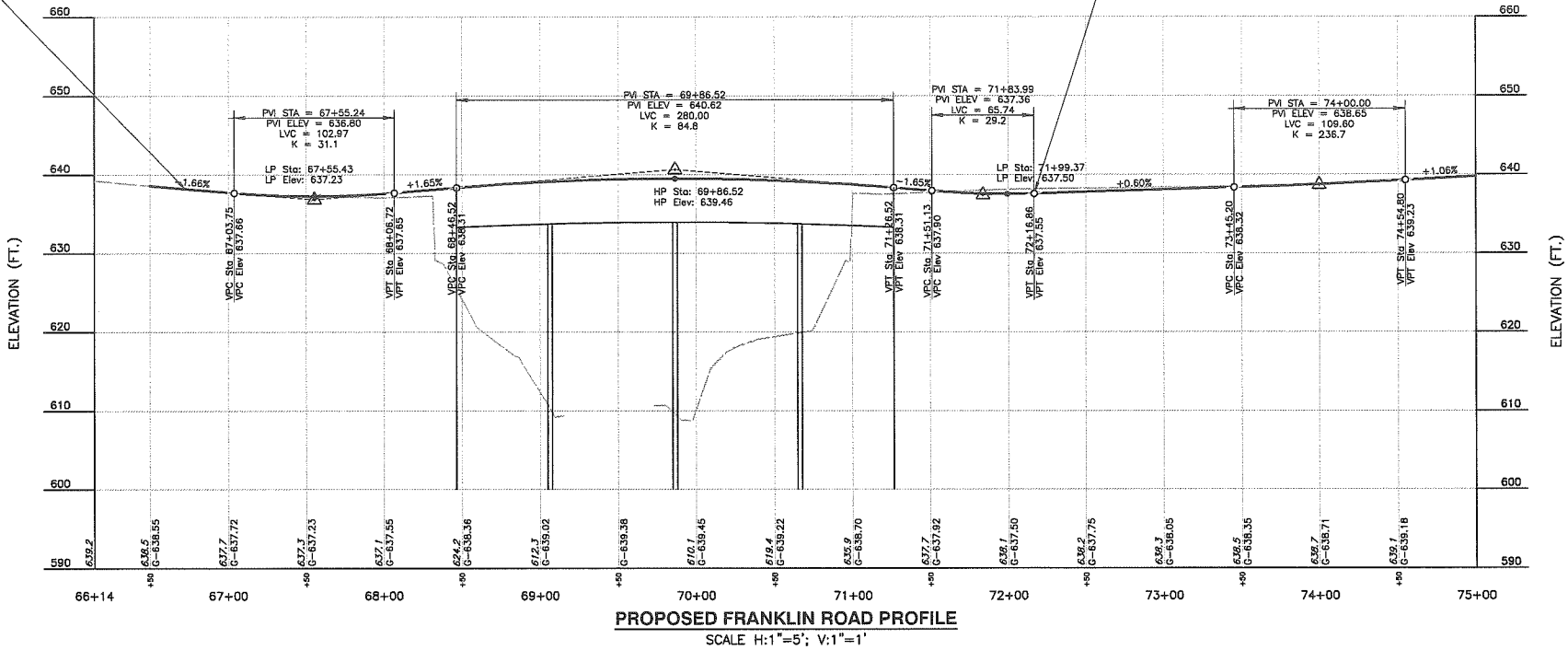
CITY OF FRANKLIN
PRELIMINARY HYDRAULIC ANALYSIS
EAST MAIN STREET (SR-6, US-31)
BRIDGE OVER HARPETH RIVER
FRANKLIN, TN

DRAWN BY: DR. CHECKED BY: JBS. APPROVED BY: JBS.
DATE: 12/19/2018 SCALE: 1" = 350' PROJECT NO: 182-736
FIGURE NO: 1

FLOODPLAIN COMPARISON
1% ANNUAL CHANCE

SHEET 1 OF 2

LIMITS OF CONSTRUCTION
HWY 31 STA. 66+72.68
(POINT WHERE PRESENT AND
PROPOSED GRADES CONVERGE)



COF #: 0000

EAST MAIN STREET (FRANKLIN ROAD)
BRIDGE OVER THE HARPETH RIVER
CITY OF FRANKLIN
WILLIAMSON COUNTY, TN

CEC
Civil & Environmental Consultants, Inc.
325 Seaboard Lane · Suite 170 · Franklin, TN 37067
615-333-797 · 800-763-2326
www.cecinc.com

REVISION RECORD

NO. DATE DESCRIPTION

DATE: SEPTEMBER 2018
DRAWN BY: GND
CHECKED BY: EIG
PROJECT NO: 182736
APPROVED BY: AS SHOWN

PROFILE

C1.02

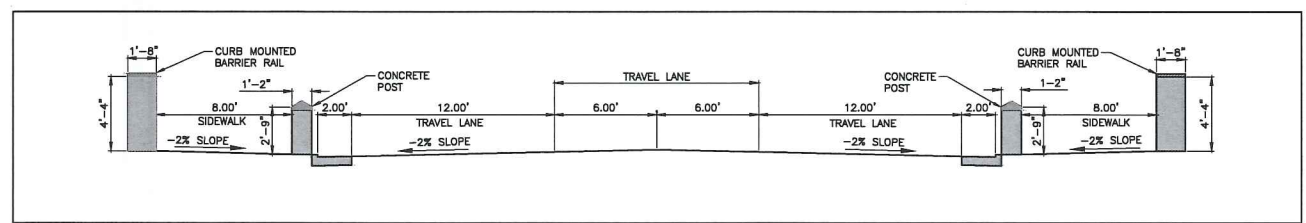
PRELIMINARY
NOT FOR CONSTRUCTION



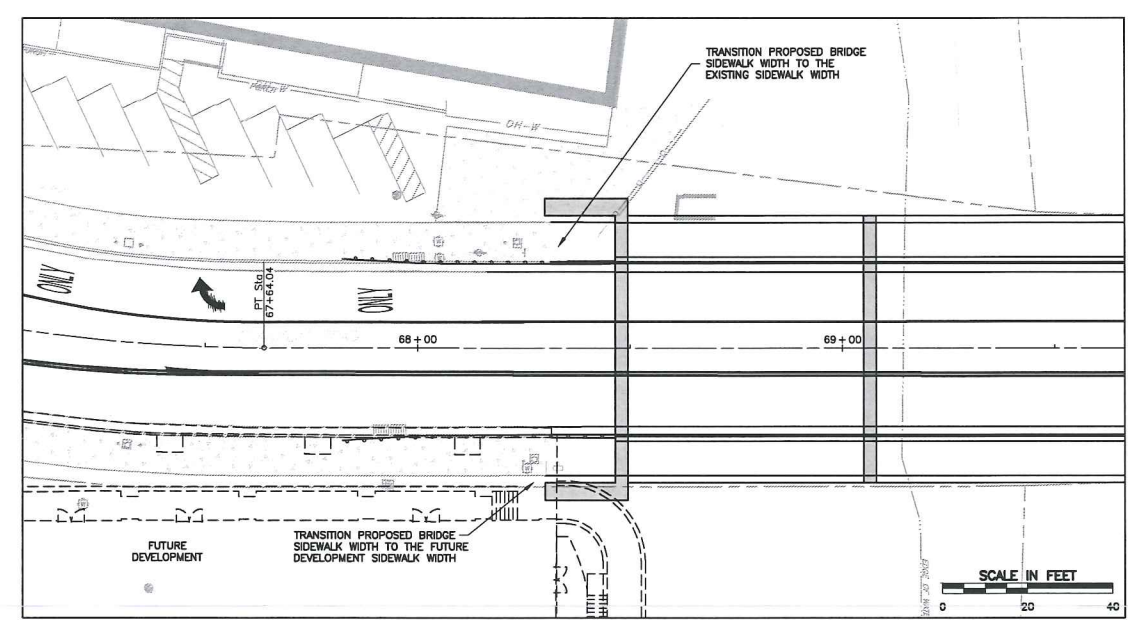
Know what's below.
Call before you dig.

NOTE TO CONTRACTOR:

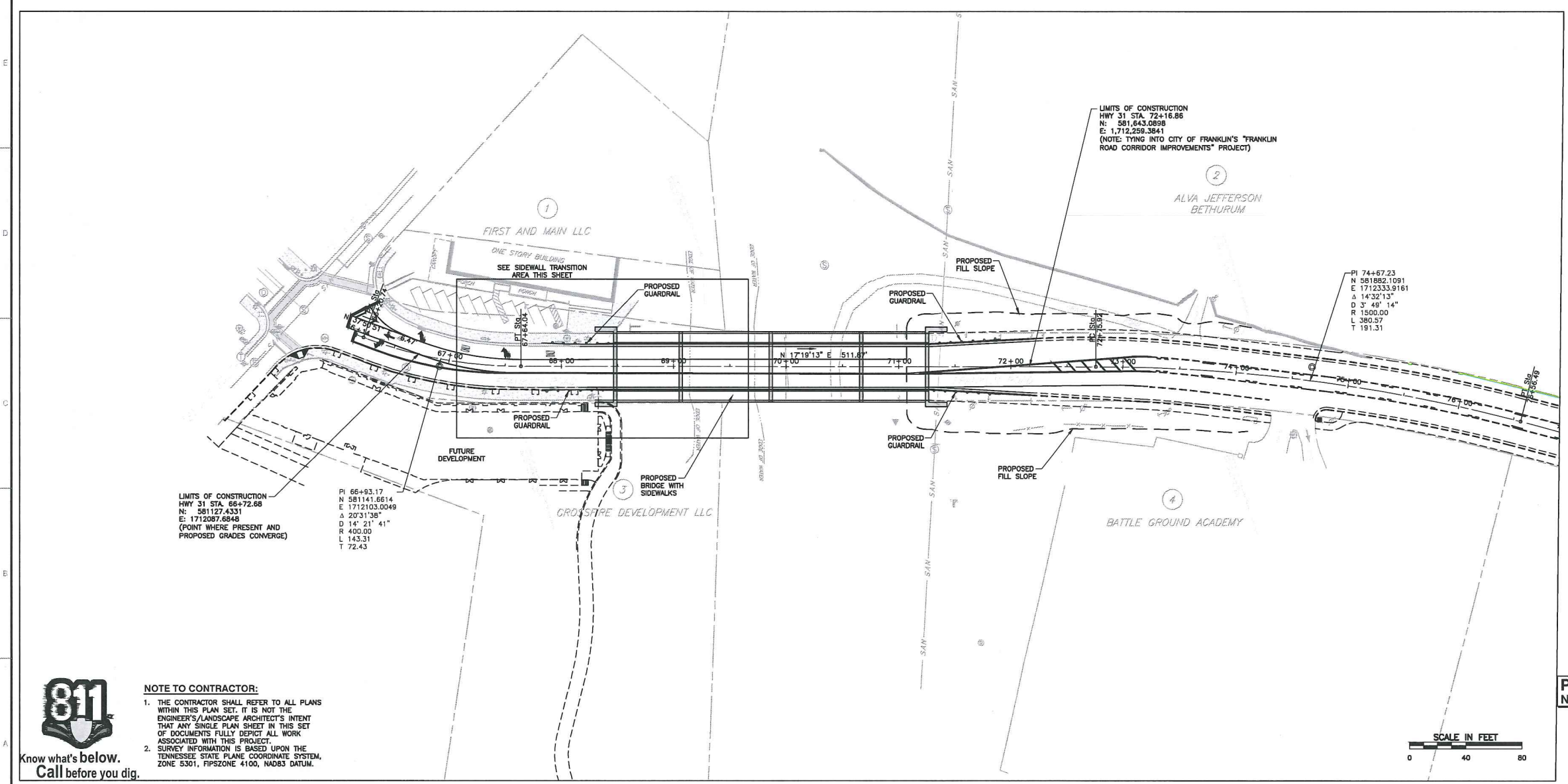
1. THE CONTRACTOR SHALL REFER TO ALL PLANS WITHIN THIS PLAN SET. IT IS NOT THE ENGINEER'S/LANDSCAPE ARCHITECT'S INTENT THAT ANY SINGLE PLAN SHEET IN THIS SET OF DOCUMENTS FULLY DEPICT ALL WORK ASSOCIATED WITH THIS PROJECT.
2. SURVEY INFORMATION IS BASED UPON THE TENNESSEE STATE PLANE COORDINATE SYSTEM, ZONE 5301, FIPSZONE 4100, NAD83 DATUM.



TYPICAL BRIDGE SECTION



SIDEWALK TRANSITION AREA



NOTE TO CONTRACTOR:

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2. SURVEY INFORMATION IS BASED UPON THE TENNESSEE STATE PLANE COORDINATE SYSTEM, ZONE 5301, FIPSZONE 4100, NAD83 DATUM.



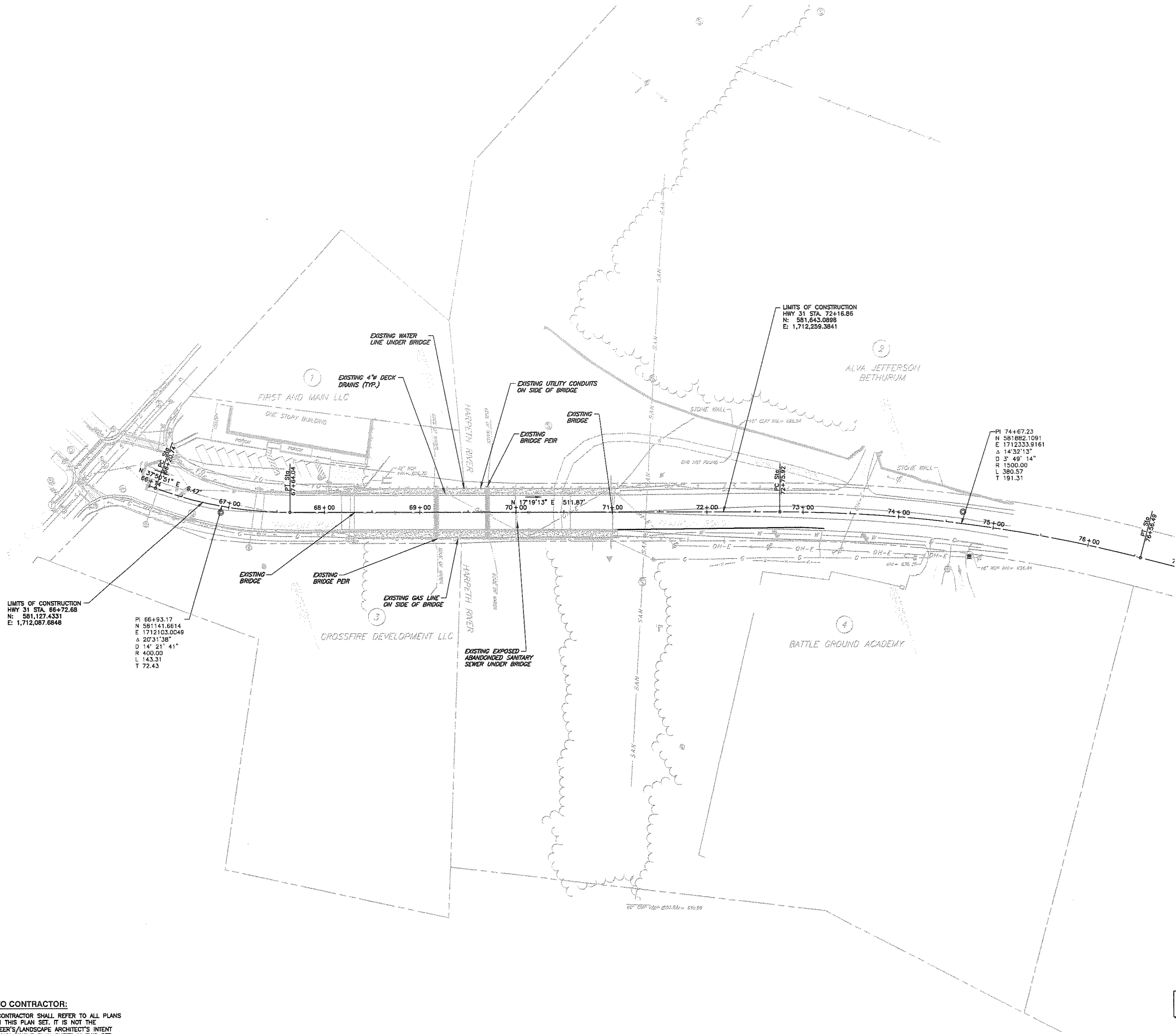
**PRELIMINARY
NOT FOR CONSTRUCTION**

REVISION RECORD	
NO.	DATE

Civil & Environmental Consultants, Inc.
325 Seaboard Lane · Suite 170 · Franklin, TN 37067
615-333-7797 · 800-765-2326
www.cecinc.com

**EAST MAIN STREET (FRANKLIN ROAD)
BRIDGE OVER THE HARPETH RIVER
CITY OF FRANKLIN
WILLIAMSON COUNTY, TN**

PROPOSED LAYOUT	
DATE:	SEPTEMBER 2018
DWG SCALE:	AS SHOWN
DRAWN BY:	EUG
CHECKED BY:	182-736
PROJECT NO.:	AS SHOWN
APPROVED BY:	
DRAWING NO.:	
C1.01	



NOTE TO CONTRACTOR:

1. THE CONTRACTOR SHALL REFER TO ALL PLANS WITHIN THIS PLAN SET. IT IS NOT THE ENGINEER'S/LANDSCAPE ARCHITECT'S INTENT THAT ANY SINGLE PLAN SHEET IN THIS SET OF DOCUMENTS FULLY DEPICT ALL WORK ASSOCIATED WITH THIS PROJECT.
2. SURVEY INFORMATION IS BASED UPON THE TENNESSEE STATE PLANE COORDINATE SYSTEM, ZONE 5301, FIPSZONE 4100, NAD83 DATUM.



**PRELIMINARY
NOT FOR CONSTRUCTION**

SCALE IN FEET
0 40 80

COF #: 0000

**EAST MAIN STREET (FRANKLIN ROAD)
BRIDGE OVER THE HARPETH RIVER
CITY OF FRANKLIN
WILLIAMSON COUNTY, TN**

CEE
Civil & Environmental Consultants, Inc.
325 Seaboard Lane - Suite 170 - Franklin, TN 37067
615-333-7797 - 800-763-2326
www.ceecnc.com

REVISION RECORD	
NO.	DATE

PRESENT LAYOUT	
DATE:	SEPTEMBER 2018
DRAWN BY:	AS SHOWN
CHECKED BY:	AS SHOWN
PROJECT NO.:	192-736
APPROVED BY:	AS SHOWN

C1.00

EAST MAIN STREET (FRANKLIN ROAD) BRIDGE OVER THE HARPETH RIVER

CITY OF FRANKLIN, WILLIAMSON COUNTY, TENNESSEE

DECEMBER 2018
FRANKLIN, TN 37064

CONTACT LIST

WATER MANAGEMENT
CITY OF FRANKLIN
124 LUMBER DRIVE
FRANKLIN, TN 37064
PHONE: 615-794-4554
CONTACT: BEN McNEIL
E-MAIL: ben.mcneil@franklin.tn.gov

ELECTRIC SERVICE
MTEMC
2156 EDWARD CURD LANE
FRANKLIN, TN 37067
PHONE: 615-4595-4685
CONTACT: ROGER JENKINS
E-MAIL: rjenkins@mtenc.com

GAS SERVICE
ATMOS ENERGY
200 NOAH DRIVE
FRANKLIN, TN 37064
PHONE: 615-794-2596 x325
CONTACT: RON MYATT
E-MAIL: ron.myatt@atmosenergy.com

CABLE TV SERVICE
COMCAST CABLE
660 MAINSTREAM DRIVE
NASHVILLE, TN 37228
PHONE: 615-244-7462, EXT. 1115647
CONTACT: MARLON FRIZZELL
E-MAIL: marlon_frizzell@comcast.com

TELEPHONE SERVICE
AT&T
500 LIBERTY PIKE
FRANKLIN, TN 37064
PHONE: 615-695-7816
CONTACT: DAVID TUTTEROW
E-MAIL: dt8243@att.com

STORM WATER FACILITIES
FRANKLIN ENGINEERING DEPARTMENT
109 THIRD AVENUE SOUTH
FRANKLIN, TN 37064
PHONE: 615-550-6651
CONTACT: JEFF WILLOUGHBY
E-MAIL: jeff.willoughby@franklin.tn.gov

BASIS OR BEARINGS

BEARINGS ARE BASED ON TENNESSEE STATE PLANE COORDINATE SYSTEM (NAD83).

UTILITY NOTE

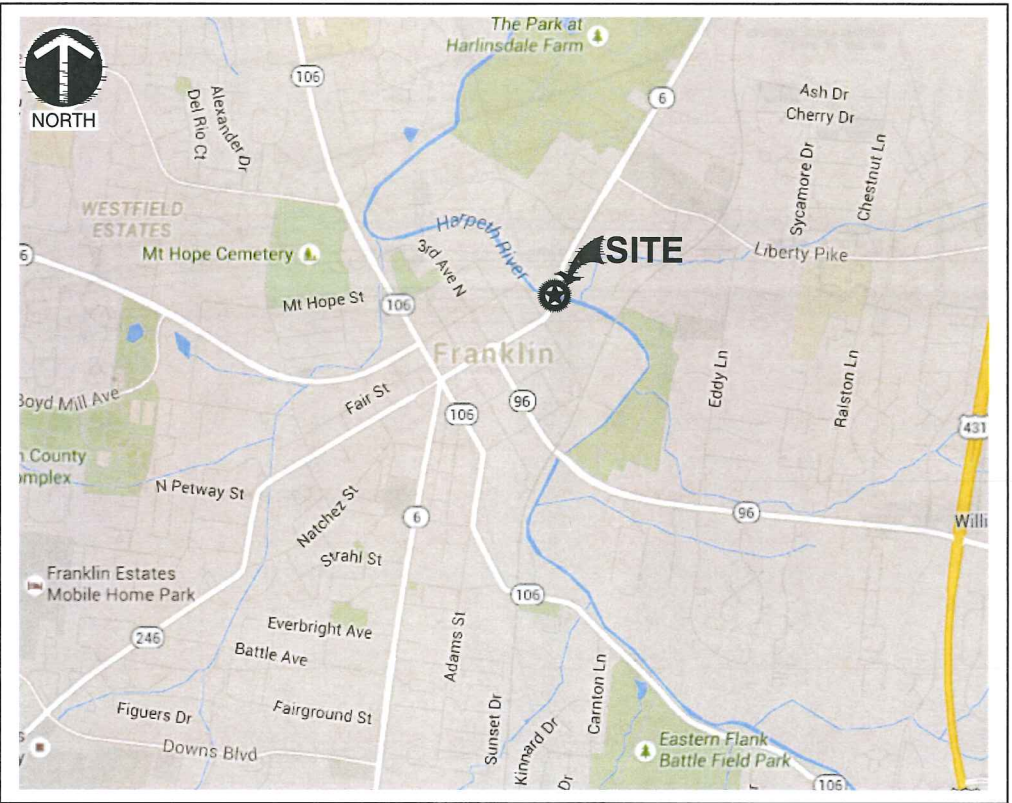
AVAILABLE PLANS AND OBSERVED EVIDENCE WAS USED TO DEVELOP A VIEW OF THE UNDERGROUND UTILITIES. THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY AND RELIABLY DEPICTED. UTILITIES MAY EXIST THAT ARE NOT SHOWN.

SPECIFICATION NOTE

PROJECT IS TO BE CONSTRUCTED IN ACCORDANCE WITH CITY OF FRANKLIN STANDARD SPECIFICATIONS.

NOTE TO CONTRACTOR:

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2. SURVEY INFORMATION IS BASED UPON THE TENNESSEE STATE PLANE COORDINATE SYSTEM, ZONE 5301, FIPSZONE 4100, NAD83 DATUM.



SITE LOCATION MAP
SCALE IN FEET
0 100 200

Sheet List Table

Sheet Number	Sheet Title
C0.00	COVER SHEET
C1.00	PRESENT LAYOUT
C1.01	PROPOSED LAYOUT
C1.02	PROFILE
C2.00	CROSS SECTIONS

COF #: 0000

EAST MAIN STREET (FRANKLIN ROAD)
BRIDGE OVER THE HARPETH RIVER
CITY OF FRANKLIN
WILLIAMSON COUNTY, TN

COVER SHEET

DRAWING NO.:
DATE: SEPTEMBER 2018
DWG SCALE: AS SHOWN
PROJECT NO: 182-736
DRAWN BY: GND
CHECKED BY: EUG
APPROVED BY: AS SHOWN

C0.00

CEL
Civil & Environmental Consultants, Inc.
325 Seaboard Lane - Suite 170 - Franklin, TN 37067
615-333-7797 • 800-763-2326
www.celinc.com

REVISION RECORD

DESCRIPTION

NO DATE



Know what's below.
Call before you dig.

RESOLUTION 2019-02

A RESOLUTION APPROVING THE PRELIMINARY DESIGN OF THE EAST MAIN STREET/FRANKLIN ROAD BRIDGE OVER THE HARPETH RIVER

WHEREAS, in June 2013 the City of Franklin, City of Brentwood, Davidson County, and the United States Army Corp of Engineers (USACE)/Department of the Army signed an agreement (COF Contract No. 2012-0198) funding the Harpeth River Tennessee Feasibility Study; and

WHEREAS, the USACE’s feasibility study identified one structural measure located in the City of Franklin, being the installation of two (2) 10-foot x 18-foot overflow box culvert bridge structures north of the East Main Street/Franklin Road Bridge, to help reduce flooding in the Harpeth River Watershed; and

WHEREAS, on October 25, 2016, the Board of Mayor and Aldermen (BOMA) approved Resolution 2016-69, funding the Franklin Road Improvement Project in the amount of \$14,340,000.00; and

WHEREAS, on June 13, 2017, BOMA approved Resolution 2017-36, funding the installation of the two USACE box culverts as part of the City’s Franklin Road Project, directing Staff to continue working with the USACE to implement the structural measures, with all costs associated with the construction being paid by the City of Franklin, Tennessee; and

WHEREAS, per the Tennessee Department of Transportation (TDOT) Proposed Fiscal Year 2019 Comprehensive State Route and Off-System Bridge Program, dated April 5, 2018, the East Main Street/Franklin Road Bridge over the Harpeth River (Bridge ID #94SR0060013, Log Mile 12.51) is funded for preliminary engineering, right-of-way, and full replacement construction; and

WHEREAS, in January 2019, CEC, Inc., completed a preliminary hydraulic modeling of the newly proposed East Main Street/Franklin Road bridge layout and preliminary roadway design resulting in a net reduction of approximately fifty-three (53) buildings from the 1%-annual-chance floodplain upstream of the East Main Street/Franklin Road bridge, while also eliminating the need for the two (2) 10-foot x 18-foot overflow box culvert bridge structures previously proposed by the USACE.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE, AS FOLLOWS: The City of Franklin City Administrator and/or City Engineer are directed to request that the Tennessee Department of Transportation incorporate the preliminary bridge layout and roadway design, completed by Civil & Environmental Consultants, Inc., into the State’s East Main Street/Franklin Road Bridge Replacement Project.

IT IS SO RESOLVED AND DONE on this ____ day of _____, 2019.

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

By: _____
Eric S. Stuckey
City Administrator

By: _____
Dr. Ken Moore
Mayor

Approved as to Form:

By: _____
Shauna R. Billingsley, City Attorney



File #: 21-0224

DATE: May 16, 2024
TO: Board of Zoning Appeals
FROM: Amy Diaz-Barriga, Asst Director of Planning Development
Ariella Stanford, Planner

SUBJECT:

A **Variance Request** To Allow For A Retaining Wall To Be Located A Minimum Of 1 Inch From The Rear Property Lines And 0 Inches From The Side Property Lines, And A **Variance Request** To Allow For A Taller Than Allowable Retaining Wall Within A Rear Yard For The Properties Located At 1275 Habersham Way And 1277 Habersham Way (F.Z.O. 13.2.2. And 13.2.4.)

PURPOSE:

PROJECT INFORMATION

COF Project Number: 8459
Applicant: Andrew Bekken
Owner: Andrew Bekken and Michelle Bowen

BACKGROUND/STAFF COMMENTS:

Vicinity Zoning/Land Use

Site: PD Planned District / Residential Single Family
North: PD Planned District / Residential Single Family
South: PD Planned District / Residential Single Family
East: PD Planned District / Residential Single Family
West: PD Planned 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. Retaining Walls, Location

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.

13.2.4. Retaining Walls for Residential Uses

Residential Uses

Side and Rear Yard Retaining Wall Height	Maximum 6 feet
--	----------------

Background

This application and proposal involves both 1275 Habersham Way, and 1277 Habersham Way. Both properties are 0.21 acres and are zoned PD Planned District. The property owners have been in collaboration to propose a retaining wall that extends along the rear lot lines on both properties, with a break in the middle of the wall for stairs in order to access the bottom of the wall. As outlined in the applicant's Justification Letter, the intent of the retaining wall is to prevent further erosion, to support an existing rock wall that is starting to fall apart on 1277 Habersham Way, and to alleviate the steep slopes in the backyards. In addition to the setback requirements for retaining walls in the Zoning Ordinance, there is a 10-foot Public Utility and Drainage Easement (PUDE) along the rear lot lines. A Variance Request cannot be requested to allow the retaining wall in the PUDE, so the homeowners have worked with our Engineering Department to create plans that would theoretically allow the retaining wall to be in the 10-foot PUDE. Staff would like to note that if the Variance is approved, the proposed plans would also need approval for the retaining wall to be built in the PUDE.

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:

Request 1 - To allow for a retaining wall to be located a minimum of 1 inch from the rear property lines and 0 inches from the side property lines.

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 in the backyard create a unique situation across both properties. The land in the backyard slopes from the back of the house down to the rear property line. Building the retaining wall in compliance with the setback requirements would require the retaining wall to be built on the sloped portion of the yard, which would likely be impractical to build. Considering the steep slope and the limited space in the backyard, the excavation required for the back fill and slope stabilization would likely reach the decks on both homes and the foundation of 1275 Habersham Way. Additionally, the applicant has stated that the portion of the retaining wall along the side yard lot line would conflict with the existing HVAC pad at 1275 Habersham Way if it were to comply with the setback requirement. The unique topographic condition along with the limited space in the backyard to accommodate the retaining wall creates difficulty in accommodating development in accordance with the Zoning Ordinance. 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.

According to the Zoning Ordinance regulations, the 8.5 feet retaining wall is required to be at least

8.5 feet from the side and rear property lines. As stated above, placing the wall at least 8.5 feet from the rear property line would mean the wall would be built in the steep slopes, which would likely cause practical difficulties; the excavation required for the back fill and slope stabilization would likely reach the decks on both homes and the foundation of 1275 Habersham Way. Additionally, the applicant has stated that the portion of the retaining wall along the side yard lot line would conflict with the existing HVAC pad at 1275 Habersham Way if it were to comply with the setback requirement. Considering the practical difficulties that would result from complying with the Zoning Ordinance regulations, 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 could be a detriment to the neighboring properties and does not meet the intent of the Zoning Ordinance. Part of the intent of this Zoning Ordinance regulation is to ensure that if the wall were to crumble or fall it wouldn't have a negative impact on the neighboring property. The Zoning Ordinance regulation implements this intent by ensuring that the distance between a retaining wall and a side or rear property line is at least equal to the height of the wall. While the unique design of the retaining wall addresses stormwater runoff concerns, it is still an 8.5 feet tall retaining wall proposed to be a minimum of 1 inch from the rear property line. If the wall were to crumble or fall, it would all crumble and fall onto the neighboring properties. Additionally, the stairs at the shared property line between the properties functions primarily to access and perform any necessary maintenance on the wall, but the wall is possibly going to be 1 inch from the property line. Because of the minimal distance between the wall and the property line, they would have to be on the neighboring property to access or maintain the wall. Staff finds this criteria is not met.

Request 2 - To allow for a taller than allowable retaining wall within a rear yard.

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 in the backyard create a unique situation across both properties. In order to alleviate the slopes in the backyard, the retaining wall would need to be taller than the required 6 feet. 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.

If the retaining wall were a maximum of 6 feet tall, the slopes in the backyard would not alleviate the slopes as much as the applicant needs in order to maintain the yard. This would be a practical difficulty for the property owners, as it would not allow them to fully address the issues that the slopes present for the owners. 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 could be a detriment to the neighboring properties and does not meet the intent of the Zoning Ordinance. Part of the intent of this Zoning Ordinance regulation in relation to the Zoning Ordinance regulation for retaining wall setbacks is to ensure that if the wall were to crumble or fall it wouldn't have a negative impact on the neighboring property. The Zoning Ordinance regulation implements this intent by ensuring that the height of the wall is not greater than the distance between

the retaining wall and the side or rear property lines. While the unique design of the retaining wall addresses stormwater runoff concerns, it is still an 8.5 feet tall retaining wall proposed to be a minimum of 1 inch from the rear property line. If the wall were to crumble or fall, it would all crumble and fall onto the neighboring properties. Additionally, part of the intent in this case is for aesthetic concerns to neighboring properties. Putting an 8.5 feet tall retaining wall 1 inch from the property line would likely present aesthetic concerns for the neighboring properties. Staff finds this criteria is not met.

FINANCIAL IMPACT:

Unknown.

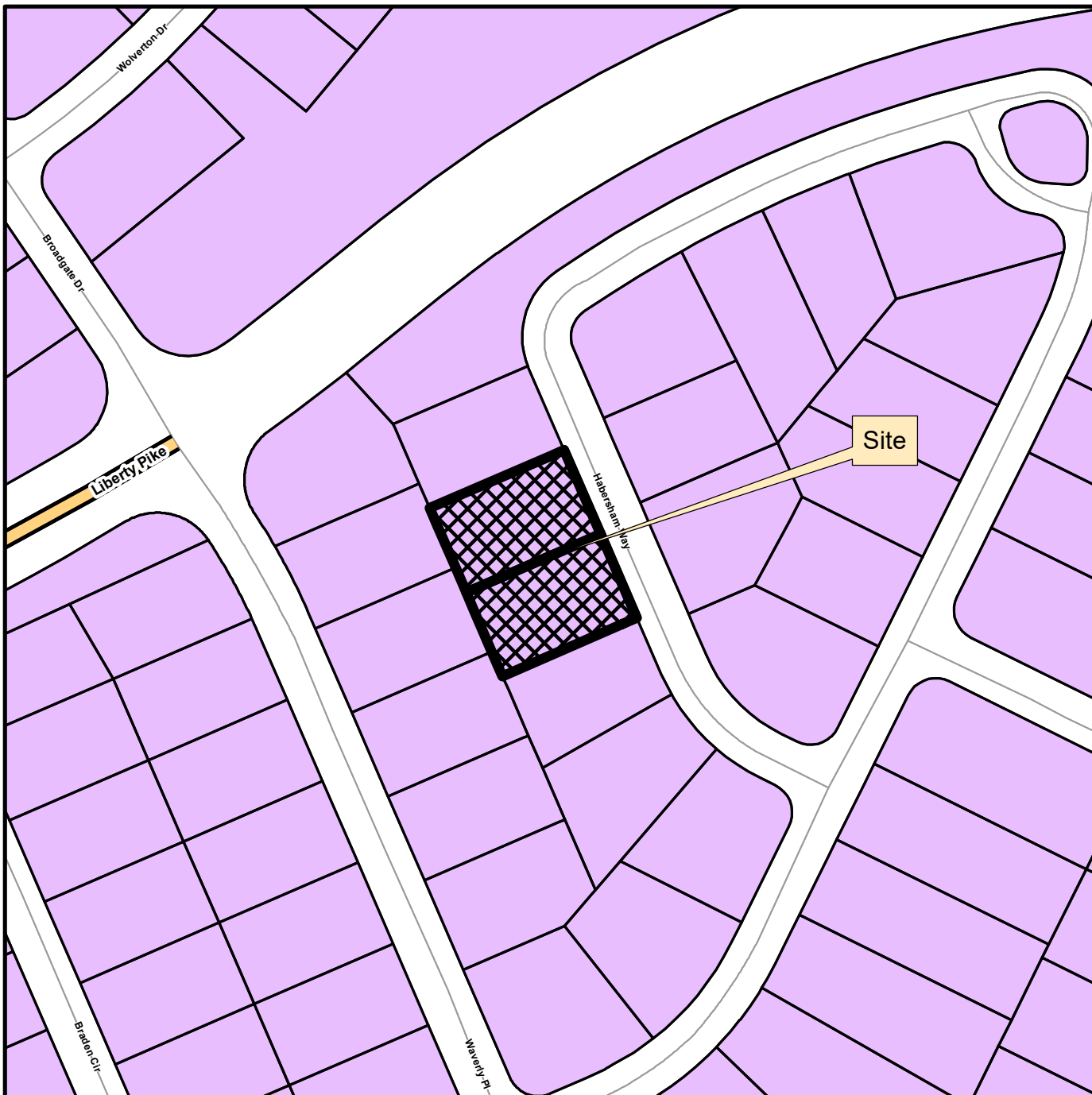
RECOMMENDATION:

RECOMMENDED MOTION: Staff recommends the Board of Zoning Appeals move to **deny** the **Variance Request** to allow for a retaining wall to be located a minimum of 1 inch from the rear property lines and 0 inches from the side property lines, and **deny** a **Variance Request** to allow for a taller than allowable retaining wall within a rear yard for the properties located at 1275 Habersham Way and 1277 Habersham Way, because the criteria for granting a variance have not all been met.

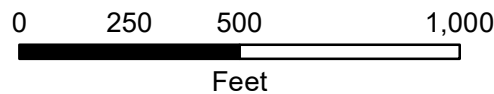
1275 AND 1277 HABERSHAM WAY
TAX MAP 080, GROUP C, PARCEL 02500
TAX MAP 080, GROUP C, PARCEL 02400
BOARD OF ZONING APPEALS
JUNE 6, 2024

Legend

-  1275 and 1277 Habersham Way
-  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 herein.
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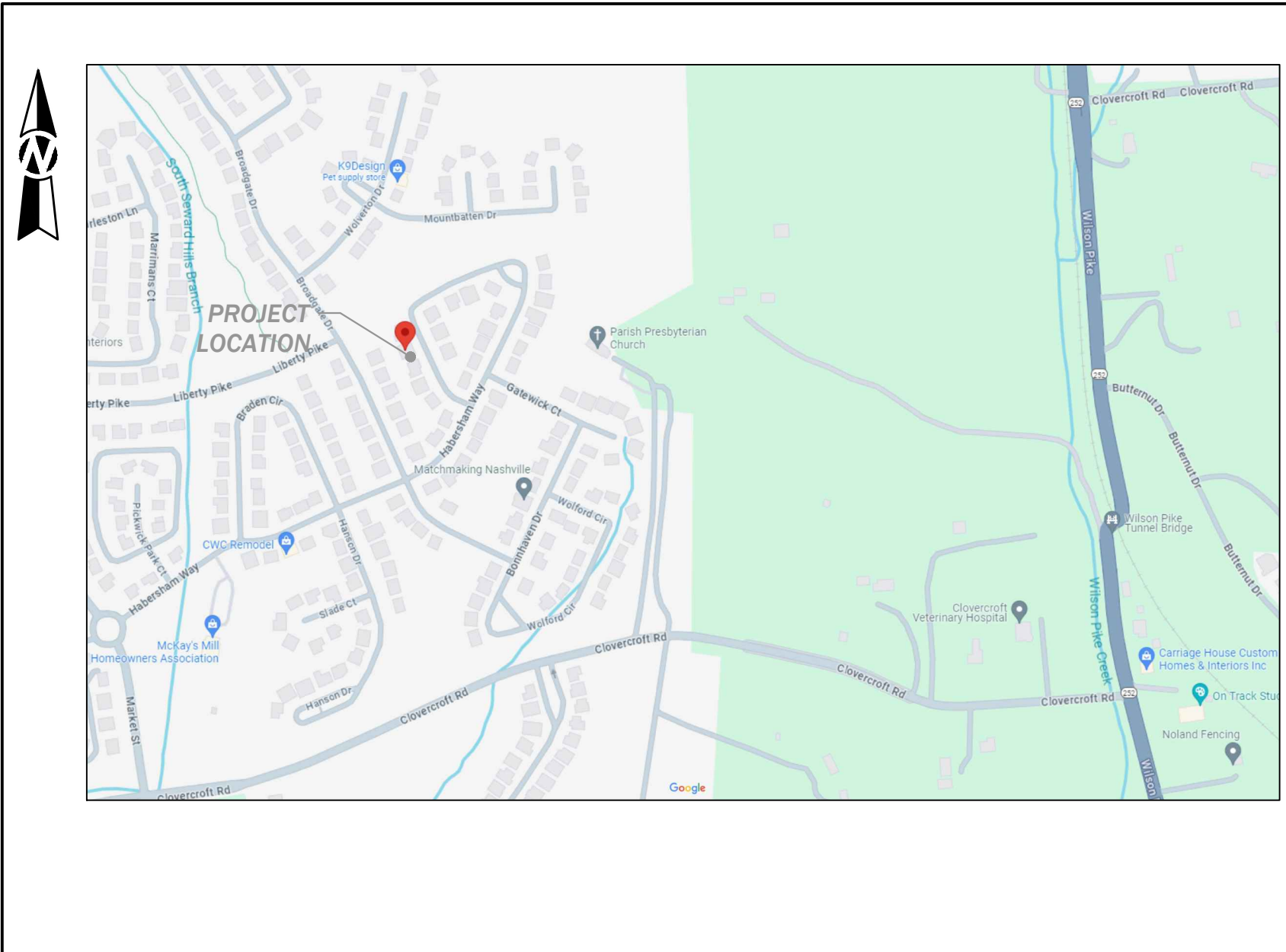


BEKKEN RESIDENCE SITE PLAN

ANDREW BEKKEN
1275 HABERSHAM WAY
CITY OF FRANKLIN, TENNESSEE

APRIL 4, 2024

VICINITY MAP



PROPERTY INFORMATION

OWNER/DEVELOPER: ANDREW BEKKEN
AB@MIDSOS.COM
205.447.9400
1275 HABERSHAM WAY
FRANKLIN, TN 37067

ENGINEER: SOUTHERN CONSULTING
TRENT SMITH, PE
615-740-8777
TRENTACS@COMCAST.NET
1208 HIGHWAY 47E
DICKSON, TENNESSEE 37055

PARCEL ID: PARCEL 080C C 024.00 /
ZONING: PD, PLANNED DEVELOPMENT
LAND USE: RESIDENTIAL

TOTAL ACREAGE = ±0.21 ACRES (±9,000 S.F.) EACH LOT

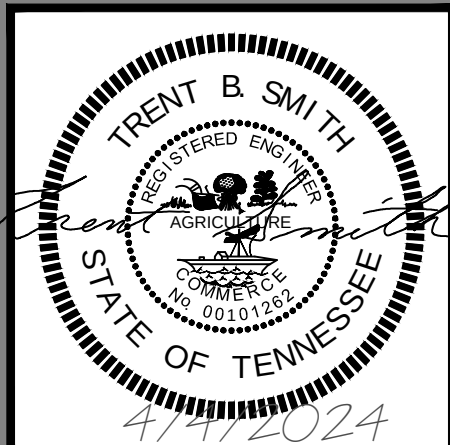
FEDERAL FLOOD NOTE

THIS PROPERTY IS NOT LOCATED WITHIN THE 100
YEAR FLOODPLAIN AS DESIGNATED ON CURRENT
FEDERAL EMERGENCY MANAGEMENT AGENCY MAP
NO. 47187C0220F, EFFECTIVE DATE 9/29/2006

SHEET INDEX

C0.0	TITLE SHEET
C1.0	EXISTING SITE CONDITIONS
C2.0	GRADING PLAN
C3.0	DETAILS
SRW 1.0	WALL 1 - PLAN AND PROFILE
SRW 2.0	WALL 2 - PLAN AND PROFILE
SRW 3.0	RETAINING WALL DETAILS
SRW 3.0	RETAINING WALL DETAILS

BEKKEN RESIDENCE
ANDREW BEKKEN
1275 HABERSHAM WAY
CITY OF FRANKLIN, TENNESSEE



APPROVED BY:
SOUTHERN CONSULTING

TRENT B. SMITH, P.E.
TENNESSEE REG. NO. 00101262

SET NO. _____



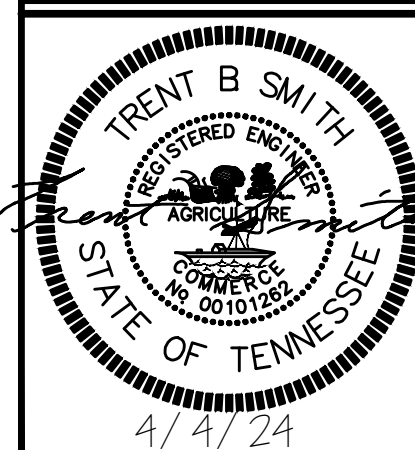
Southern Consulting
Engineering • Materials Testing • Surveying
Environmental Services
1208 Highway 47E, Dickson, TN 37055
(615) 740-8777 (T) (615) 441-8776 (F)



1277 HABERSHAM WAY
MCKAY'S MILL, SECTION 21, LOT 1025
PLAT BOOK 40, PAGE 74
DEED BOOK 9255, PAGE 356

REVISIONS:

EXISTING SITE CONDITIONS
BEKKEN RESIDENCE
1275 HABERSHAM WAY
CITY OF FRANKLIN, TENNESSEE

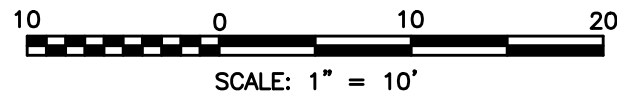


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DATE
04/04/2024
SCALE
1" = 10'
PROJECT NO.

SHEET
C 1.0

Southern Consulting
Engineering • Materials Testing • Surveying
Environmental Services
208 HIGHWAY 47E DICKSON, TN 37055
(615) 740-8777 (T) (615) 441-8776 (F)

INVERT TO BE 0.08-FT BELOW DISCHARGE GROUND ELEVATION.
PLEASE NOTE OWNER HAS CHOSEN TO NOT INSTALL EROSION
PROTECTION (I.E. RIP RAP). SOUTHERN CONSULTING SITE AND
WALL DESIGN EXCLUDES ALL LIABILITY ASSOCIATED WITH THE
LACK OF EROSION CONTROL



SITE NOTES:

1. THE WALLS SHOWN BY THIS DESIGN ARE LOCATED APPROXIMATELY 6-INCHES INSIDE THE PROPERTY. THE HISTORICAL STORM WATER DRAINAGE IS NOW DESIGNED TO BE CONVEYED BEHIND THE WALL IN STORM PIPING, THUS NOT IN THE HORIZONTAL ALIGNMENT.
2. THE RELOCATION OF THE DRAINAGE ALIGNMENT IS INTENDED TO PREVENT EROSION OF/TO THE NEW WALL FOUNDATION LEVELING PAD. IN ADDITION TO THE BENEFIT TO THE STORM WATER SYSTEM RESULTING FROM THE WALL ALIGNMENT, THE ALIGNMENT ALSO EXTENDS THE EXCAVATION OF THE GEOGRID UNDERCUT FURTHER FROM THE TWO RESIDENCES THUS REDUCING THE POTENTIAL DAMAGE TO THE TWO HOMES.

DESIGN CONSTRAINTS

DRAINAGE AREA - 0.90 ACRES (APPROX.)

SLOPE - 0.16 FT/FT

MIN Tc = 5 MINUTES

ASSUME STORM EVENT 10-INCHES, M 24 HOUR TYPE 2

PIPE SLOPE AT 6.4%, ASSUME MISLAYED AT 3.0%

PIPE FLOWS 50% FULL

- SEEDING NOTES:
1. LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR FINE GRADING OF TOPSOIL PLACED BY OTHERS.
 2. SOIL TO BE TILLED TO A DEPTH OF 4-INCHES.
 3. SEED MIX TO BE A DROUGHT TOLERANT FESCUE BLEND.
 4. SEED TO BE SOWN AT A RATE OF 9#/1,000 S.F.
 5. A 10-10-10 FERTILIZER TO BE SPREAD AT A RATE OF 10#/1,000 S.F.
 6. LIME TO BE SPREAD AT A RATE OF 1,000#/ACRE.
 7. STRAW TO BE PLACED AT A RATE OF 2 BALES/1,000 S.F.
 8. CONTRACTOR RESPONSIBLE FOR RESEEDING BARE AREAS UNTIL AN ACCEPTABLE STAND OF GRASS IS ACHIEVED.

SODDING NOTES: (IF CHOSEN BY DEVELOPER)

1. LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR FINE GRADING OF TOPSOIL PLACED BY OTHERS.
2. SOIL TO BE TILLED TO A DEPTH OF 6-INCHES.
3. SOD TO BE A DROUGHT TOLERANT FESCUE BLEND.
4. A 10-10-10 FERTILIZER TO BE SPREAD AT A RATE OF 10#/1,000 S.F.

GENERAL SITE GRADING NOTES:

- 1) ALL SUBGRADE AREAS TO BE PROOF ROLLED WITH FULLY LOADED TANDEN AXLE TRUCK WITH NO PUMPING OR YIELDING SOILS. ALL STRUCTURAL FILL TO BE SUITABLE GRANULAR FILL OF LEAN CLAY WITH F.I. OF FROM 35 TO 65
- 2) ALL SUBGRADE AREAS UNDER YARD AREA EACH LIFT SHALL BE TESTED FOR COMPACTION AT A MINIMUM FREQUENCY OF 1 TEST PER 1600 S.F. AND AT EACH DAY FILLING IS PERFORMED WITH A PASS / FAIL CRITERIA AS FOLLOWS: > 98% COMPACTION RELATIVE TO STANDARD PROCTOR, AND MOISTURE WITHIN - 3% AND 2+% OF OPTIMUM.
- 3) AT THE END OF EACH WORKING DAY (WHEN RAIN IS FORECAST), THE SOILS MUST BE SEALED BY AN APPROPRIATE METHOD, E.G., SMOOTH ROLLING.
- 4) PRIOR TO INITIATING ANY CONSTRUCTION ACTIVITY, CONTRACTOR IS TO OBTAIN CONSTRUCTION STORM WATER PERMIT (IF NEEDED) AND CONTACT TENNESSEE ONE CALL AT (800) 351-1111.
- 5) CONTRACTOR TO INSTALL ALL EROSION AND SEDIMENT CONTROL PROTECTION PRIOR TO GRADING AND PROVIDE CONTINUOUS MAINTENANCE OF SAME.
- 6) CONTRACTOR TO PLACE FILL IN MAXIMUM EIGHT INCH (8") LIFTS.
- 7) ALL ENGINEERED FILL MATERIALS SHALL BE REVIEWED AND APPROVED BY THE GEOTECHNICAL REPRESENTATIVE WELL IN ADVANCE OF FILL OPERATIONS. THE GEOTECHNICAL CONTRACTOR SHALL IDENTIFY ALL BORROW SOURCES FOR PD SAMPLES TO BE TAKEN AND EVALUATED. ALL EMBANKMENT FILL AND BORROW EXCAVATION MATERIALS SHALL BE COMPACTION IN LOOSE 8" LIFTS AS PER THE GEOTECHNICAL REPRESENTATIVE REQUIREMENTS. SEE THE GEOTECHNICAL REPORT FOR THIS INFORMATION.
- 8) GRADING OPERATIONS SHALL INCLUDE TOPSOIL STRIPPING AND REMOVAL THROUGHOUT THE PROJECT SITE, UNCLASSIFIED EXCAVATION, AND BORROW EXCAVATION, ROCK REMOVAL, ETC. TO BRING THE SITE TO FINISHED SUBGRADE (ONLY LEAVING PAVEMENTS AND TOPSOIL TO REACH FINAL FINISHED GRADE) AS SHOWN ON THE CONSTRUCTION PLANS. NO EXTRA PAYMENT WILL BE MADE FOR EXCESS MATERIAL BROUGHT ON-SITE. MATERIAL REQUIRED TO BE MOVED MULTIPLE TIMES BECAUSE OF CONSTRUCTION PHASING, OR EXCESS MATERIAL TO BE REMOVED FROM THE SITE UPON GRADING COMPLETION.
- 9) THE CONTRACTOR SHALL REMOVE ALL EXCESS MATERIALS FROM THE SITE PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY.

GENERAL EROSION CONTROL NOTES:

- 1) SEDIMENT BARRIERS SHALL BE PLACED AS INDICATED ON THE PLAN PRIOR TO ANY GRADING WORK.
- 2) EROSION CONTROL DEVICES SHALL BE REPAIRED AS NECESSARY TO MAINTAIN A FUNCTIONAL EROSION CONTROL SYSTEM.
- 3) EROSION CONTROL DEVICES SHALL BE MAINTAINED UNTIL PERMANENT GROUND COVER IS ESTABLISHED AND THEN REMOVED SO THAT DRAINAGE OF THE SITE IS NOT IMPAIRED.
- 4) ANY DISTURBED AREA LEFT EXPOSED FOR A PERIOD GREATER THAN 14 DAYS SHALL BE STABILIZED WITH TEMPORARY SEEDING AND MULCHING.
- 5) ALL DISTURBED AREAS SHALL BE SEEDDED AND RE-SEEDDED AS NECESSARY TO PROVIDE A STABILIZED SITE.
- 6) REMOVE ALL SEDIMENT FROM ALL DRAINAGE STRUCTURES PRIOR TO ACCEPTANCE BY THE OWNER.
- 7) CONTRACTOR TO INSTALL ALL EROSION CONTROL DEVICES IN ACCORDANCE WITH STATE AND LOCAL CODES.
- 8) ANY FINES INCURRED DUE TO FAILURE TO MAINTAIN EROSION CONTROL MEASURES SHALL BE PAID FOR BY THE CONTRACTOR. ANY ADDITIONAL WORK AND MATERIALS REQUIRED TO COMPLY WITH ANY VIOLATIONS SHALL BE AT THE CONTRACTOR'S EXPENSE.
- 9) THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING AND KEEPING CLEAN ALL EROSION CONTROL STRUCTURES UNTIL THE NPDES PERMIT IS ACCEPTED AS COMPLETE BY IDEC AND IS TERMINATED BY THE CONTRACTOR.

OUND 1/2" REBAR CAPPED
R.L.S. VALLEY AND ASS
CB-3, RIM = 832.81
NYLOPLAST DRAIN BASIN
WITH DOME GRATE

FACE OF
BOTTOM BLOCK
TO BE 6-INCHES
OFF PROPERTY LINE

WALL 1

STA 0+99.2
90° OUTSIDE CNR

STA 0+21
90° OUTSIDE CNR

WALL 2

FACE OF
BOTTOM BLOCK
TO BE 6-INCHES
OFF PROPERTY LINE

RETAINING WALL

6' WOOD FENCE

1275 HABERSHAM WAY

EXISTING BUILDING

EXISTING PORCH

EXISTING CONCRETE
DRIVEWAY

HABERSHAM WAY

PUBLIC ROAD
(40' R.O.W.)

EXISTING BUILDING

EXISTING CONCRETE
DRIVEWAY

EXISTING PORCH/
DECK

CB-1, RIM = 839.71
NYLOPLAST DRAIN BASIN
WITH DOME GRATE

PIPE/STRUCTURE TABLE

STRUCTURE	RIM ELEV	IN	INVERT	OUT	PIPE	TYPE	LENGTH (ft)	SLOPE (%)
CB1	839.71	--	--	833.20	1	15" ADS N12	48.7	6.4
CB2	835.83	830.10	830.00	--	2	15" ADS N12	74.5	6.7
CB3	832.81	825.00	824.90	--	3	15" ADS N12	2.6	3.9

LEGEND

- DRAINAGE DIRECTION
- (SF) SILT FENCE
- (PS) PERMANENT SEEDING/SOD
- x 839.06 PROPOSED SPOT ELEVATION
- x TW 839.06 TOP OF WALL ELEVATION
- x BW 839.06 BOTTOM OF WALL ELEVATION

C2.0 SITE PLANS.DWG



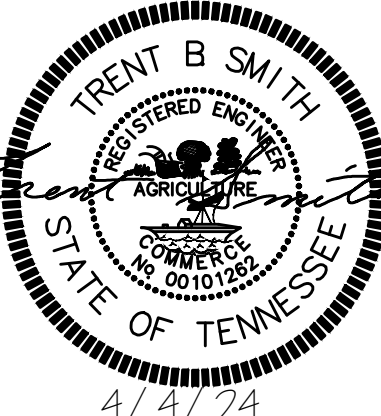
REVISIONS

GRADING PLAN

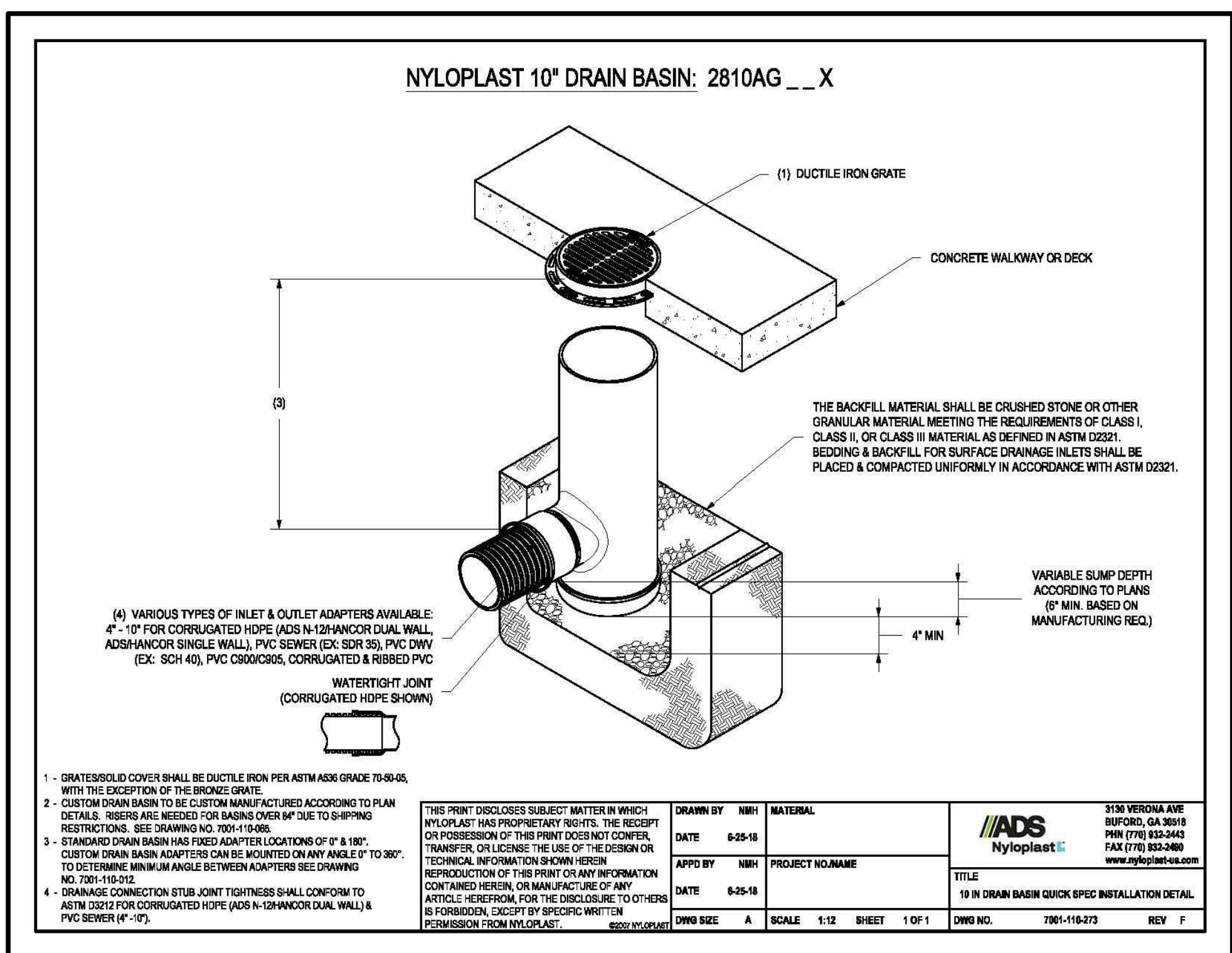
BEKKEN RESIDENCE

1275 HABERSHAM WAY

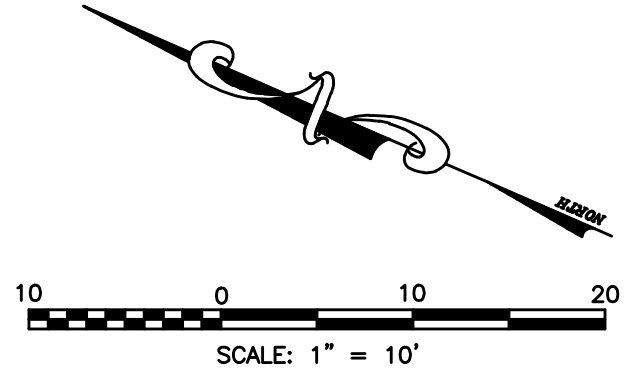
CITY OF FRANKLIN, TENNESSEE



DESIGNED	ICJ
DRAWN	ICJ
CHECKED	ICJ
DATE	04/04/2024
SCALE	1" = 10'
PROJECT NO.	
SHEET	C 2.0



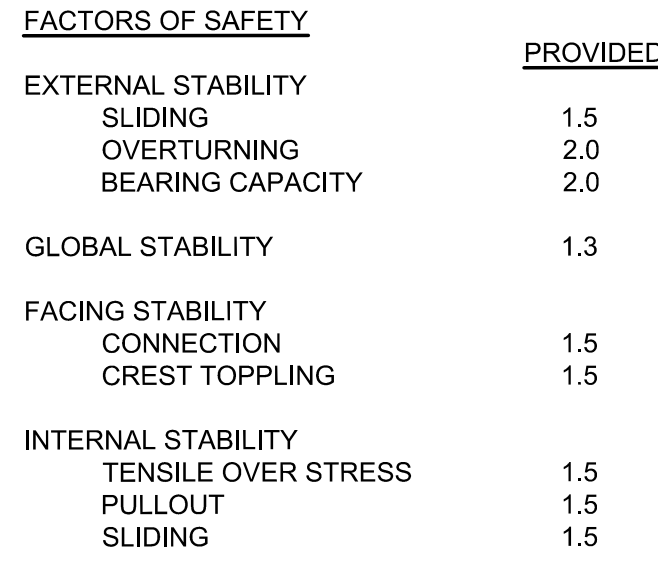
20' SEWER EASEMENT



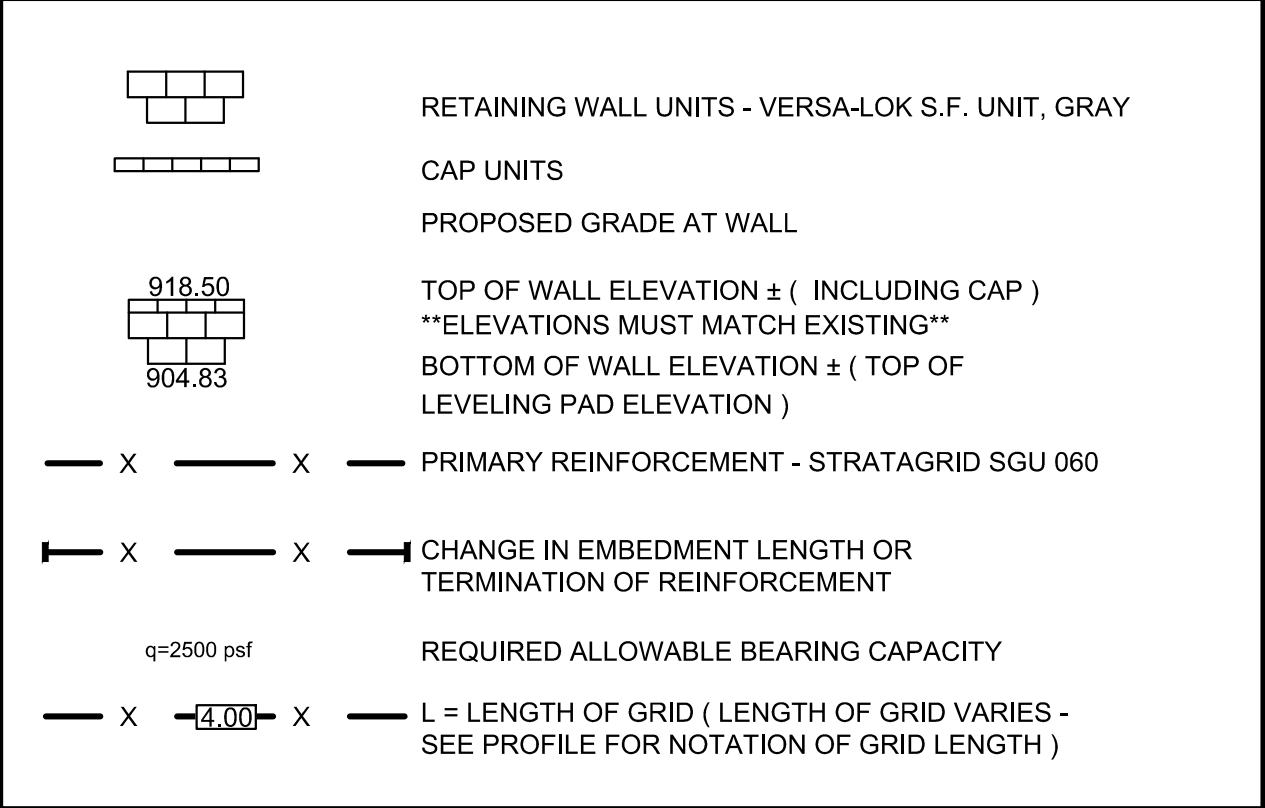
REVISIONS:

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TBS
DATE
04/04/2024
SCALE
1"=10'
PROJECT NO.
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SHEET
SRW 1.0

1. FOUNDATION BEARING STRENGTH EACH 5 FEET.
2. FOUNDATION/LEVELING PAD
 - * COMPACTION, AND
 - * MINIMUM DIMENSION
3. APPROPRIATE/CORRECT STONE AT EACH 1 FOOT VERTICAL SPACING AND AT EACH 25 FOOT LATERAL SPACING
4. VERIFY COMPACTION OF REINFORCED STONE AT EACH 1 FOOT VERTICAL SPACING AND EACH 25 FOOT LATERAL SPACING
5. VERIFY CORRECT GEOGRID, CORRECT LENGTH AND PLACEMENT IS TIGHT DURING REINFORCING STONE PLACEMENT - AT EACH GEOGRID
6. VERIFY ALIGNMENT - HORIZONTAL SHALL HAVE NO VISIBLE CURVES (SHALL APPEAR STRING LINE STRAIGHT WITH NO WAVES)
7. MATERIALS TESTING FIRM TO REVIEW/OBSERVE SOILS AND CONFIRM MATERIALS USED ARE IN CONCERT WITH DESIGN CRITERIA
8. PROVIDE STAMPED LETTER VERIFYING ABOVE.
9. SOUTHERN CONSULTING SHALL ONLY PROVIDE A WALL CERTIFICATION LETTER IF SOUTHERN CONSULTING PROVIDES DAILY INSPECTION OF WALL CONSTRUCTION.



STA 1+70.4
15" ADS N12 PIPE
PENETRATES WALL
INV at wall = 829.2

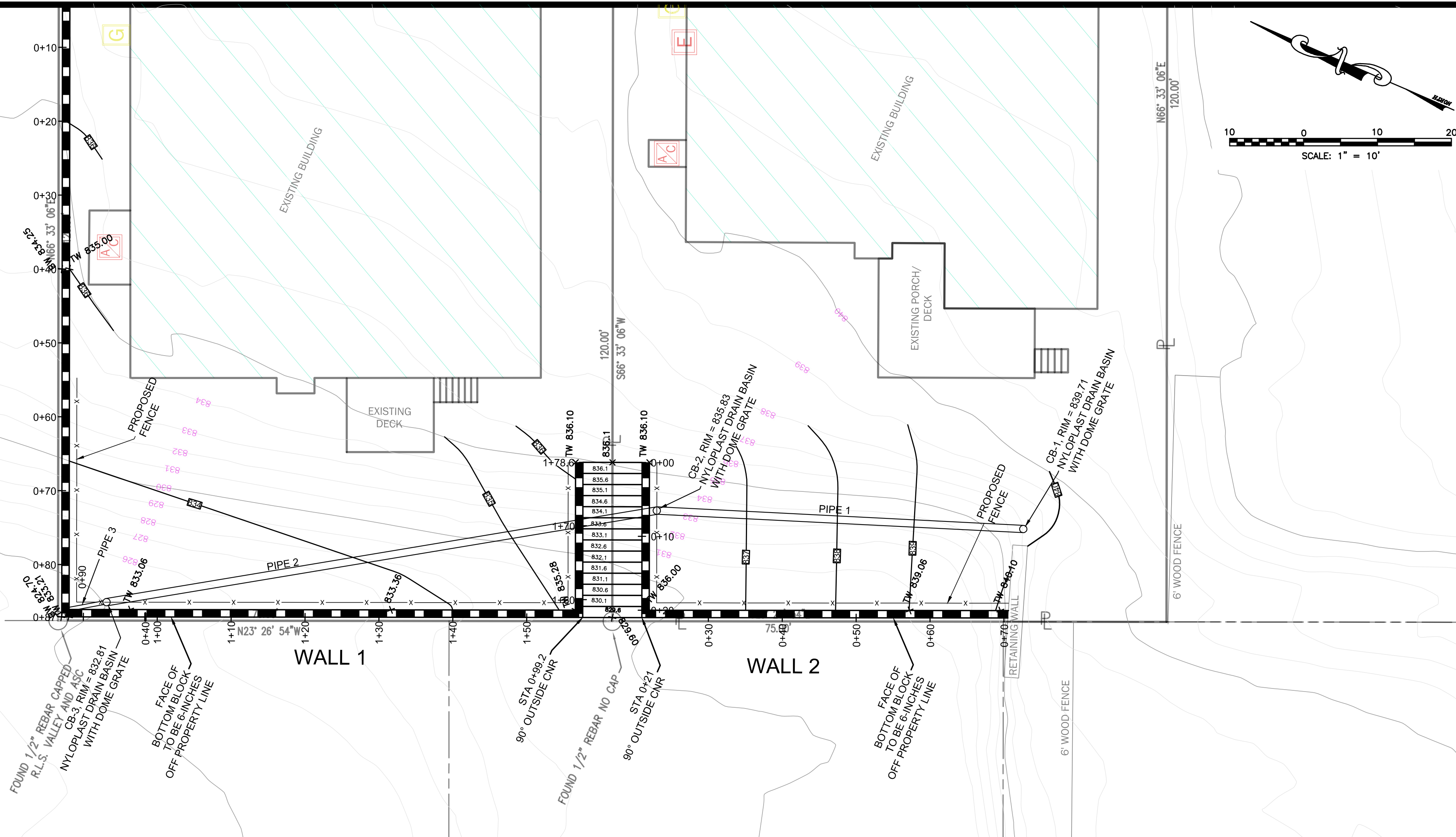


SCALE : 1" = 10' H & 1" = 5' V

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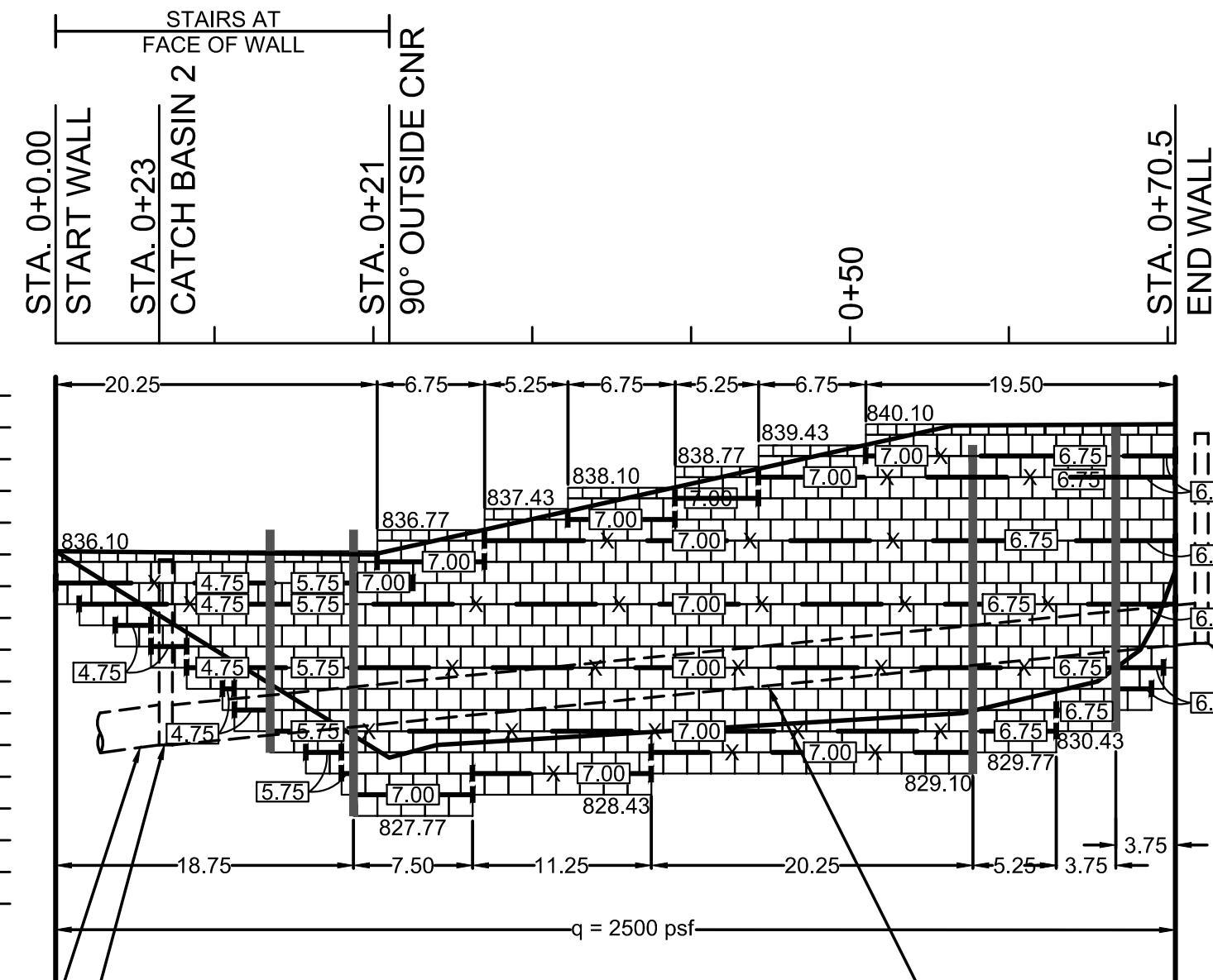
OPEN SPACE &

20' SEWER EASEMENT



MINIMUM INDEPENDENT THIRD PARTY INSPECTION REQUIRED:

1. FOUNDATION BEARING STRENGTH EACH 5 FEET.
2. FOUNDATION/LEVELING PAD
 - * COMPACTION, AND
 - * MINIMUM DIMENSION
3. APPROPRIATE/CORRECT STONE AT EACH 1 FOOT VERTICAL SPACING AND AT EACH 25 FOOT LATERAL SPACING
4. VERIFY COMPACTION OF REINFORCED STONE AT EACH 1 FOOT VERTICAL SPACING AND EACH 25 FOOT LATERAL SPACING
5. VERIFY CORRECT GEOGRID, CORRECT LENGTH AND PLACEMENT IS TIGHT DURING REINFORCING STONE PLACEMENT - AT EACH GEOGRID
6. VERIFY ALIGNMENT - HORIZONTAL SHALL HAVE NO VISIBLE CURVES (SHALL APPEAR STRING LINE STRAIGHT WITH NO WAVES)
7. MATERIALS TESTING FIRM TO REVIEW/OBSERVE SOILS AND CONFIRM MATERIALS USED ARE IN CONCERT WITH DESIGN CRITERIA
8. PROVIDE STAMPED LETTER VERIFYING ABOVE.
9. SOUTHERN CONSULTING WILL ONLY PROVIDE A WALL CERTIFICATION LETTER IF SOUTHERN CONSULTING PROVIDES DAILY INSPECTION OF WALL CONSTRUCTION.



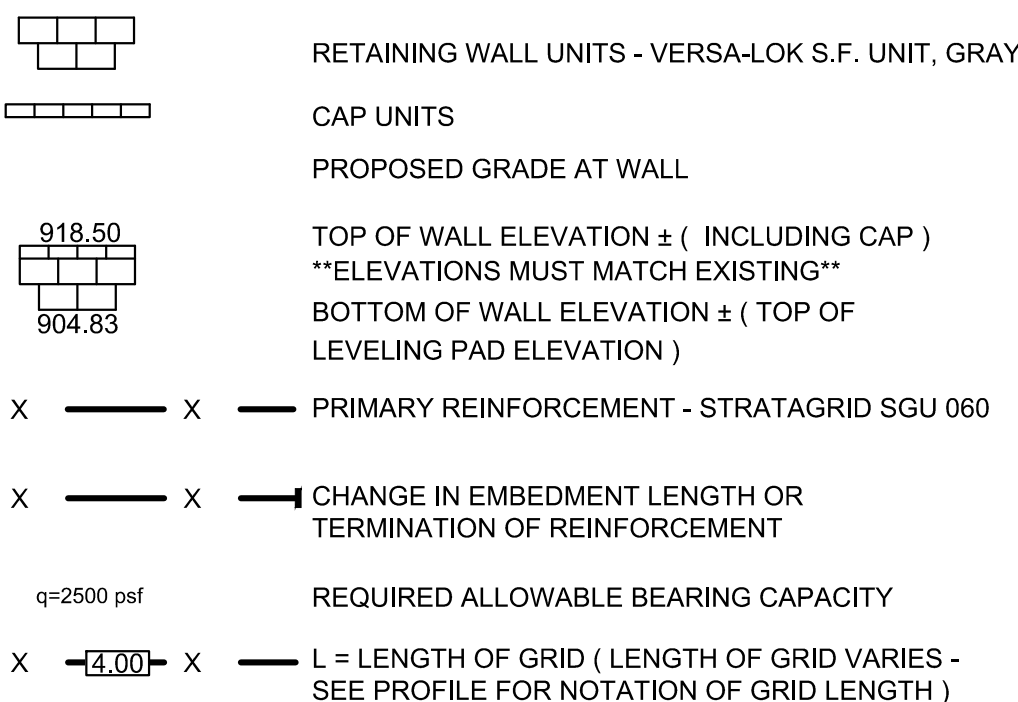
CB-1
NYLOPLAST DRAIN BASIN
WITH DOME GRATE
10-INCH DIAMETER
RIM = 839.71
INVout = 833.20

FACTORS OF SAFETY

	PROVIDED
EXTERNAL STABILITY	
SLIDING	1.5
OVERTURNING	2.0
BEARING CAPACITY	2.0
GLOBAL STABILITY	1.3
FACING STABILITY	
CONNECTION	1.5
CREST TOPPLING	1.5
INTERNAL STABILITY	
TENSILE OVER STRESS	1.5
PULLOUT	1.5
SLIDING	1.5

RETAINING WALL DESIGN CRITERIA:

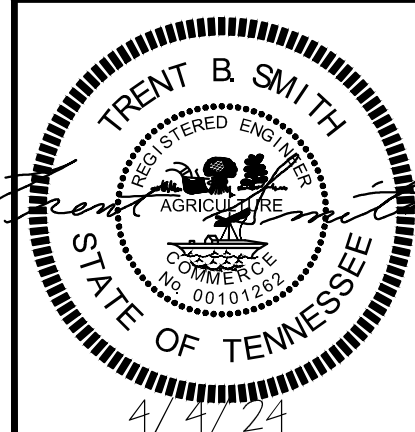
1. TYPICAL PHI ANGLE USED IN WALL DESIGN FOR CLAYEY SOILS IS 25° FOR THIS DESIGN A PHI ANGLE OF 25° IS USED FOR RETAINED SOIL
2. THE REINFORCED SOIL AND THE FOUNDATION SOIL PHI ANGLE (USED NO. 57 STONE) IS 38°
3. FOUNDATION SUBGRADE IS THE SAME AS CLAYEY SOILS NOTED ABOVE
4. TRAFFIC LOADS NOT CALCULATED FOR THIS WALL.



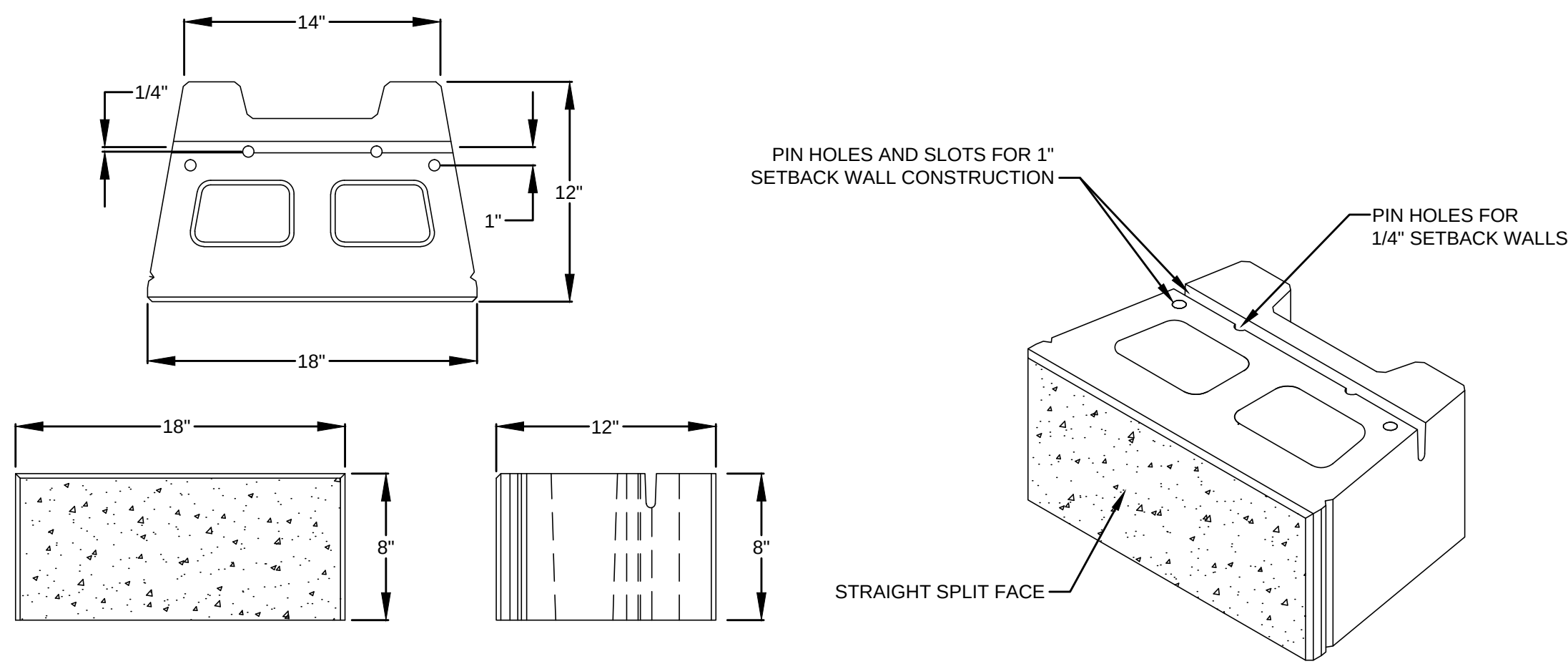
C COPYRIGHT SOUTHERN CONSULTING 2024

REVISIONS:

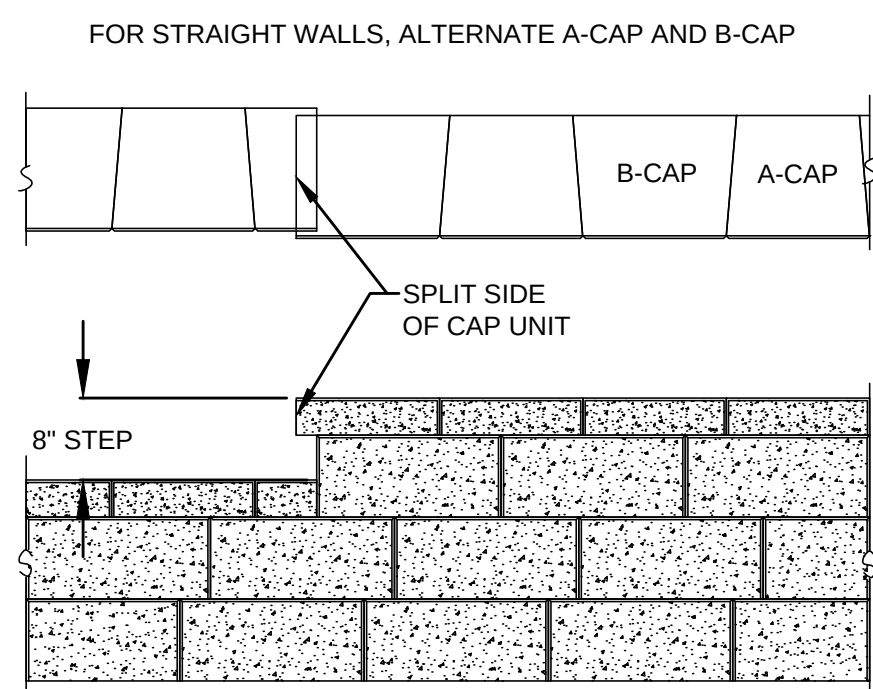
WALL 2 - PLAN & PROFILE
BEKKEN RESIDENCE
1275 HABERSHAM WAY
CITY OF FRNKLIN, TENNESSEE



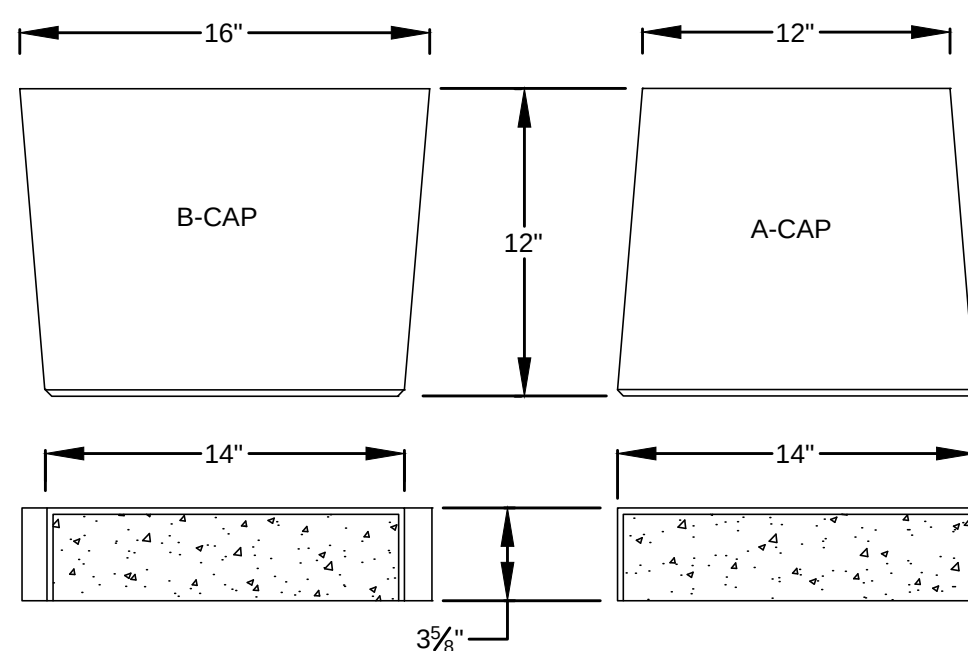
DESIGNED	TRB
DRAWN	ICJ
CHECKED	TRB
DATE	04/04/2024
SCALE	1"=10'
PROJECT NO.	BR
SHEET	
SRW 2.0	



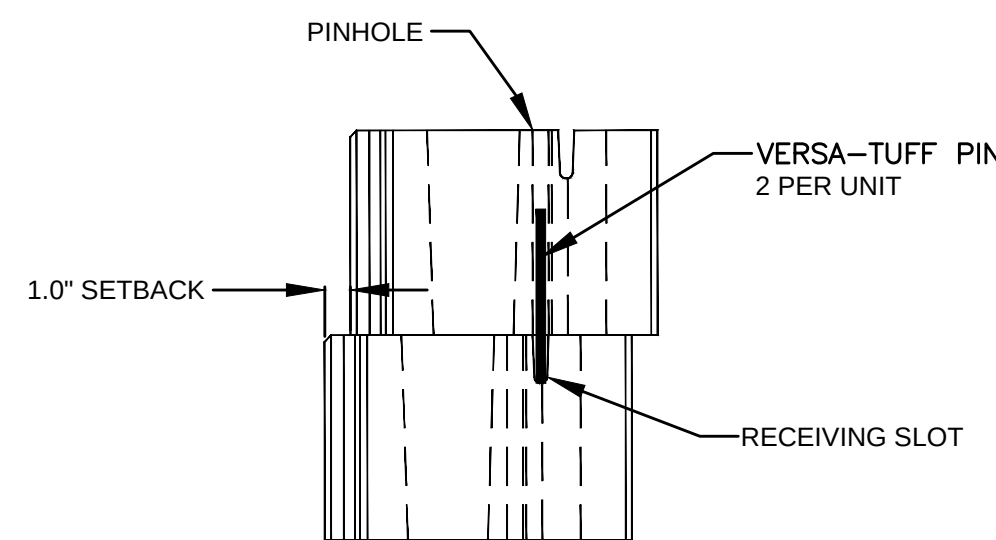
VERSA-LOK SQUARE FOOT UNIT
UNIT DIMENSIONS
SCALE: NONE



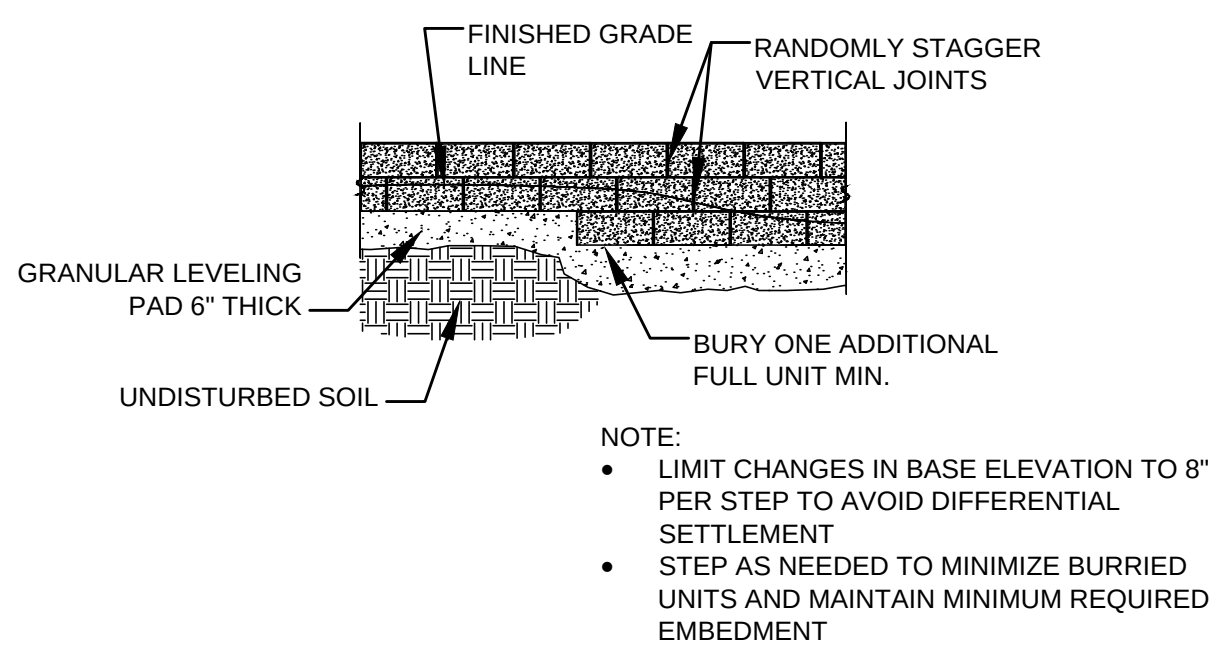
VERSA-LOK CAPPING DETAIL-PROFILE
SQUARE FOOT UNIT-STEP AT TOP OF WALL
SCALE: NONE



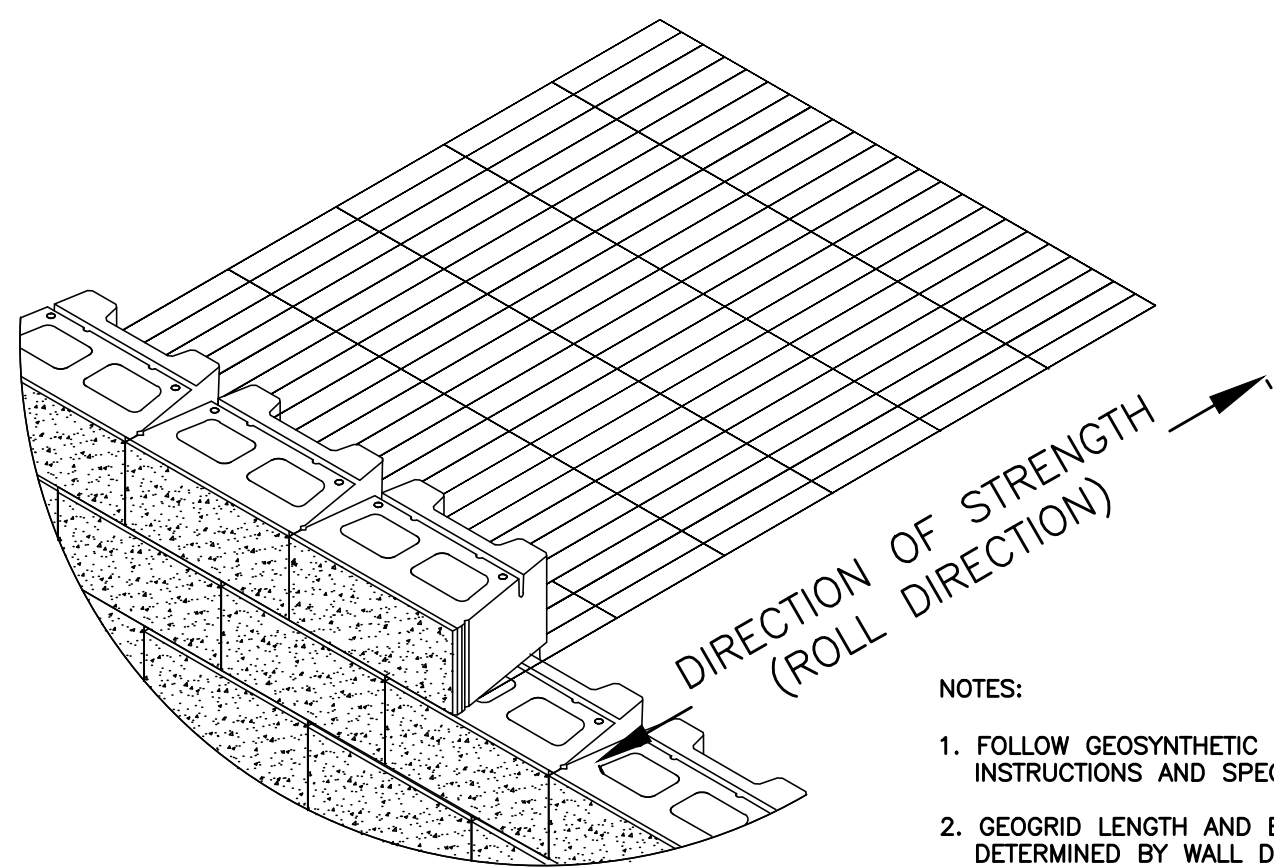
VERSA-LOK CAP UNITS
UNIT DIMENSIONS
SCALE: NONE



VERSA-LOK PINNING DETAIL
SQUARE FOOT UNIT-CROSS SECTION
SCALE: NONE

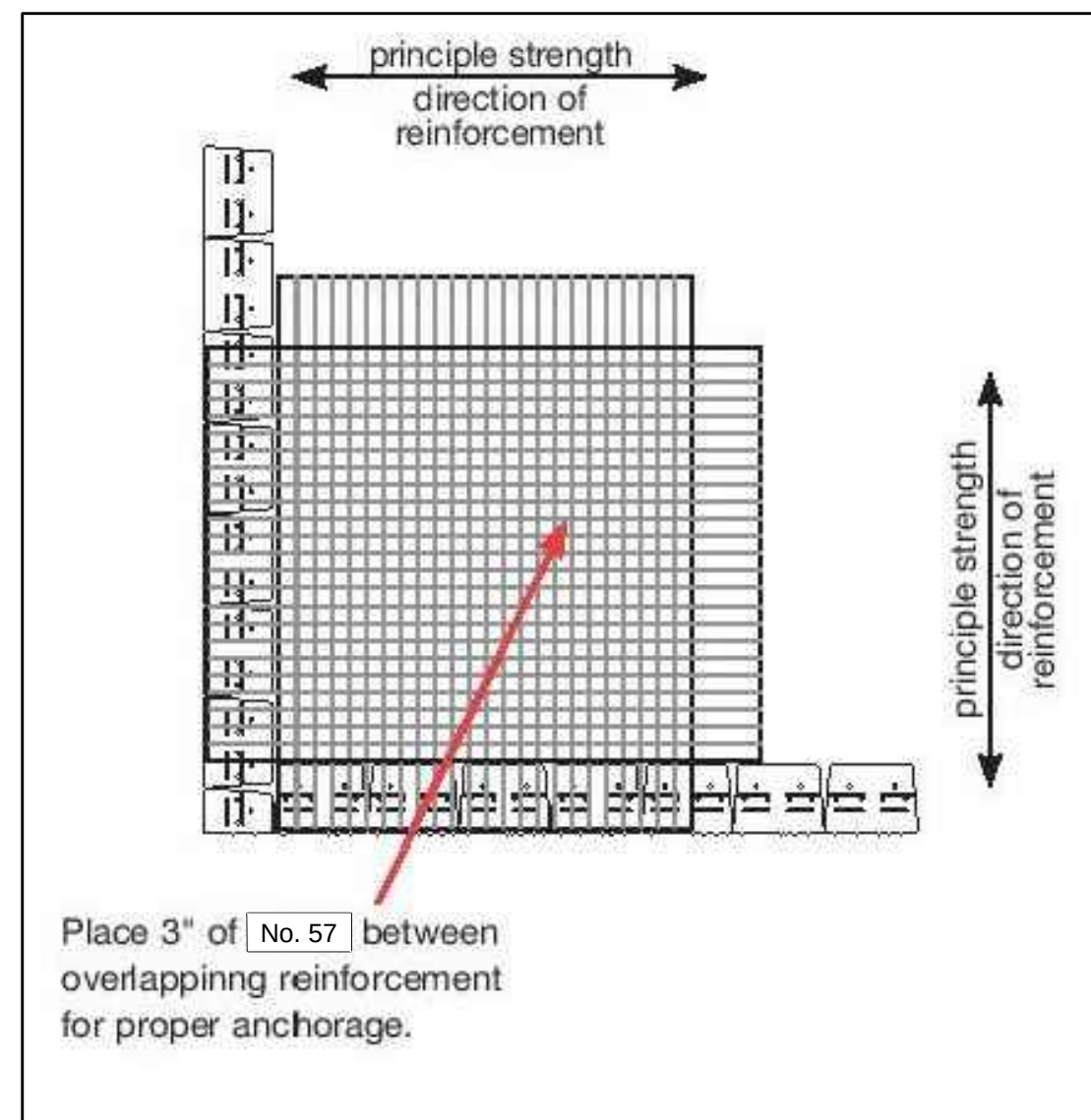


VERSA-LOK STEPPING BASE DETAIL
SQUARE FOOT UNIT
SCALE: NONE

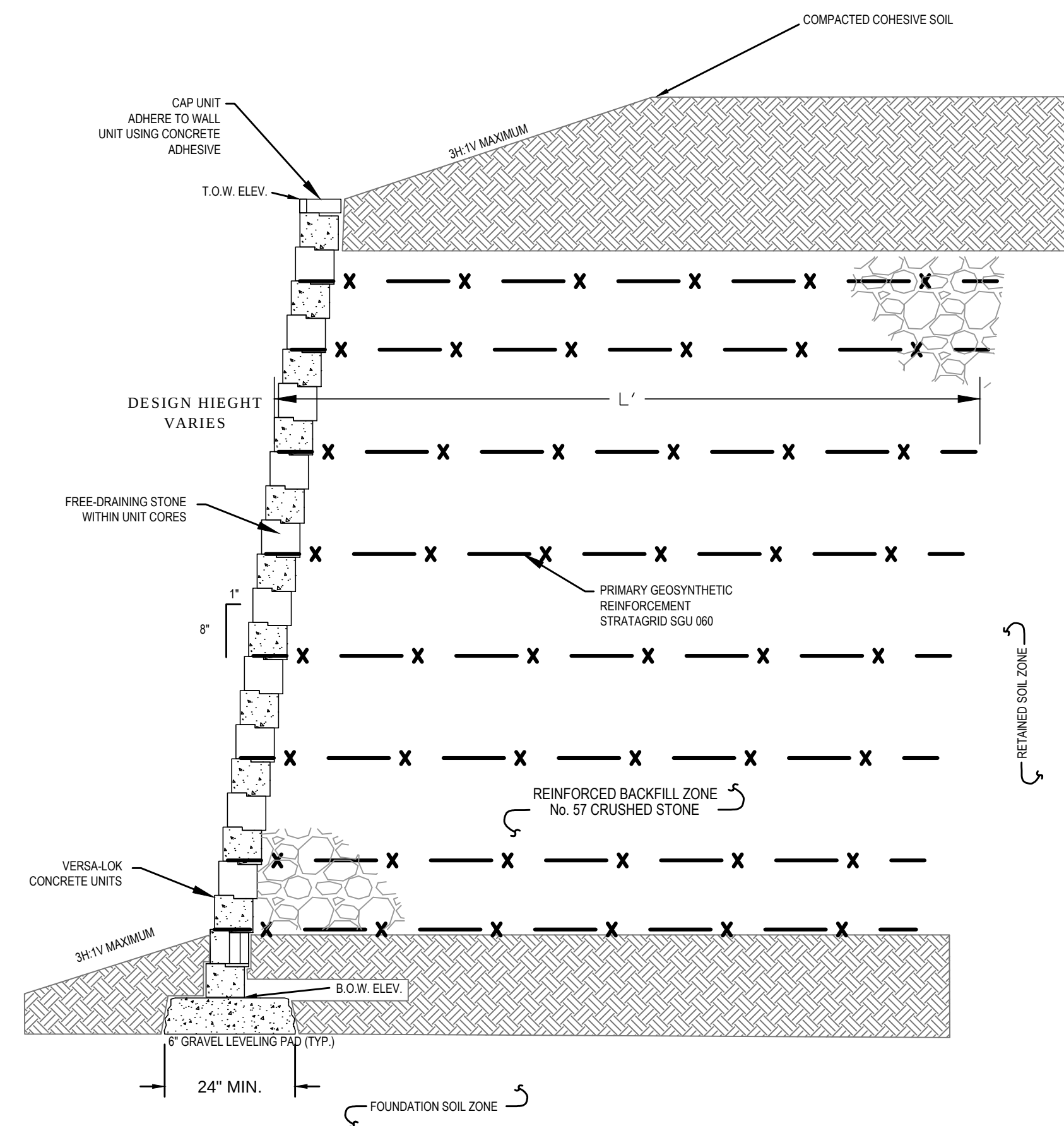


GEOSYNTHETIC INSTALLATION DETAIL
SQUARE FOOT UNIT
SCALE: NONE

- NOTES:
1. FOLLOW GEOSYNTHETIC GRID MANUFACTURER'S INSTALLATION INSTRUCTIONS AND SPECIFICATIONS
 2. GEOGRID LENGTH AND ELEVATION PLACEMENT SHALL BE DETERMINED BY WALL DESIGN ENGINEER
 3. INSTALLER TO HOLD GRID TIGHT WHILE PLACING No. 57 STONE, THE REINFORCEMENT LAYER



OUTSIDE CORNER DETAIL
SQUARE FOOT UNIT
SCALE: NONE



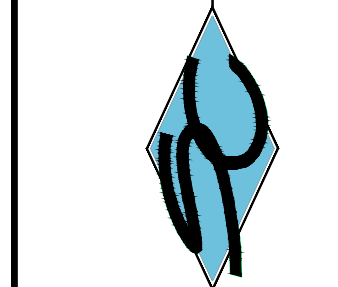
TYPICAL VERSA-LOK RETAINING WALL
CROSS SECTION
NOT TO SCALE

GENERAL NOTES:

1. STRIP ALL VEGETATION AND ORGANIC SOIL FROM THE WALL AREA, INCLUDING THE GEOSYNTHETIC REINFORCEMENT EMBEDMENT LENGTH. PLAN EXCAVATION DIVERSION DITCHES TO ROUTE SURFACE WATER AROUND EXCAVATION DURING WALL CONSTRUCTION.
2. BENCH CUT ALL EXCAVATED SLOPES TO THE LINES AND GRADES SHOWN ON THE DRAWINGS. CHECK AND VERIFY WALL LOCATION AND ALIGNMENT PRIOR TO STARTING WALL CONSTRUCTION.
3. SITE SOIL ENGINEER SHALL VERIFY FOUNDATION SOILS AS BEING COMPETENT PER THE DESIGN STANDARDS, PARAMETERS, AND/OR LOCAL BUILDING CODES. DO NOT OVER EXCAVATE SOIL UNLESS DIRECTED BY SITE SOILS ENGINEER TO REMOVE UNSUITABLE SOIL. REPLACE WITH APPROVED COMPACTED FILL.
4. LEVELING PAD SHALL CONSIST OF COMPACTED DRAINAGE STONE, APPROX. 6" THICK.
5. COMPACTION WITHIN 6 FT. OF THE BACK OF WALL UNITS SHALL BE DONE WITH SMALL HAND OPERATED EQUIPMENT, E.G. VIBRATING PLATE COMPACTORS OR WACKER TAMPERS.
6. SEE WALL PROFILE (ELEVATION VIEW) FOR GEOGRID TYPE, LENGTH, ELEVATION AND HORIZONTAL LOCATION REQUIRED.
7. ESTABLISH SURFACE "FINAL STABILIZATION" IMMEDIATELY AFTER THE WALL IS COMPLETED, BY OTHERS.

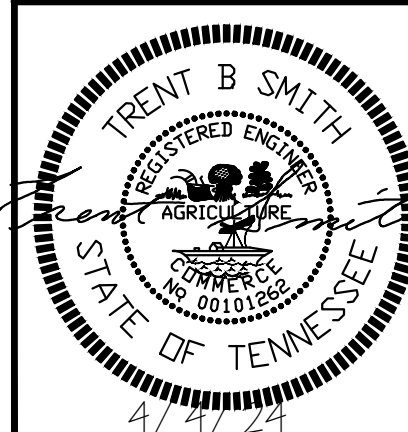
- CAUTION:
- IF EXISTING CONDITIONS ARE DIFFERENT THAN THOSE STATED IN THESE DRAWINGS AND SPECIFICATIONS, OR THE SITE SOILS REPORT. THE CONTRACTOR MUST CONTACT THE ENGINEER AND/OR THE OWNER'S REPRESENTATIVE PRIOR TO PROCEEDING WITH WALL CONSTRUCTION.
 - FOLLOWING COMPLETION OF WALLS, NO EQUIPMENT SHALL BE OPERATED WITHIN 6 FEET.

© COPYRIGHT SOUTHERN CONSULTING 2024



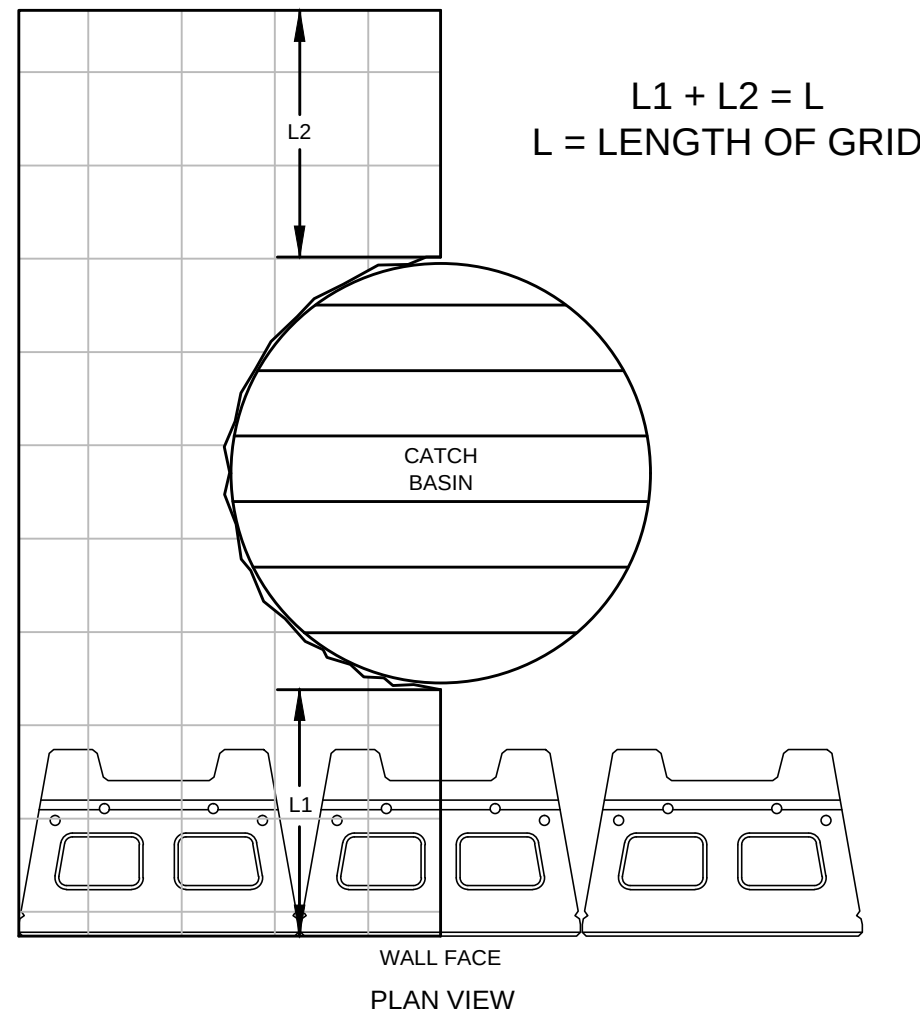
REVISIONS:

RETAINING WALL DETAILS
BEKKEN RESIDENCE
1275 HABERSHAM WAY
CITY OF FRANKLIN, TENNESSEE



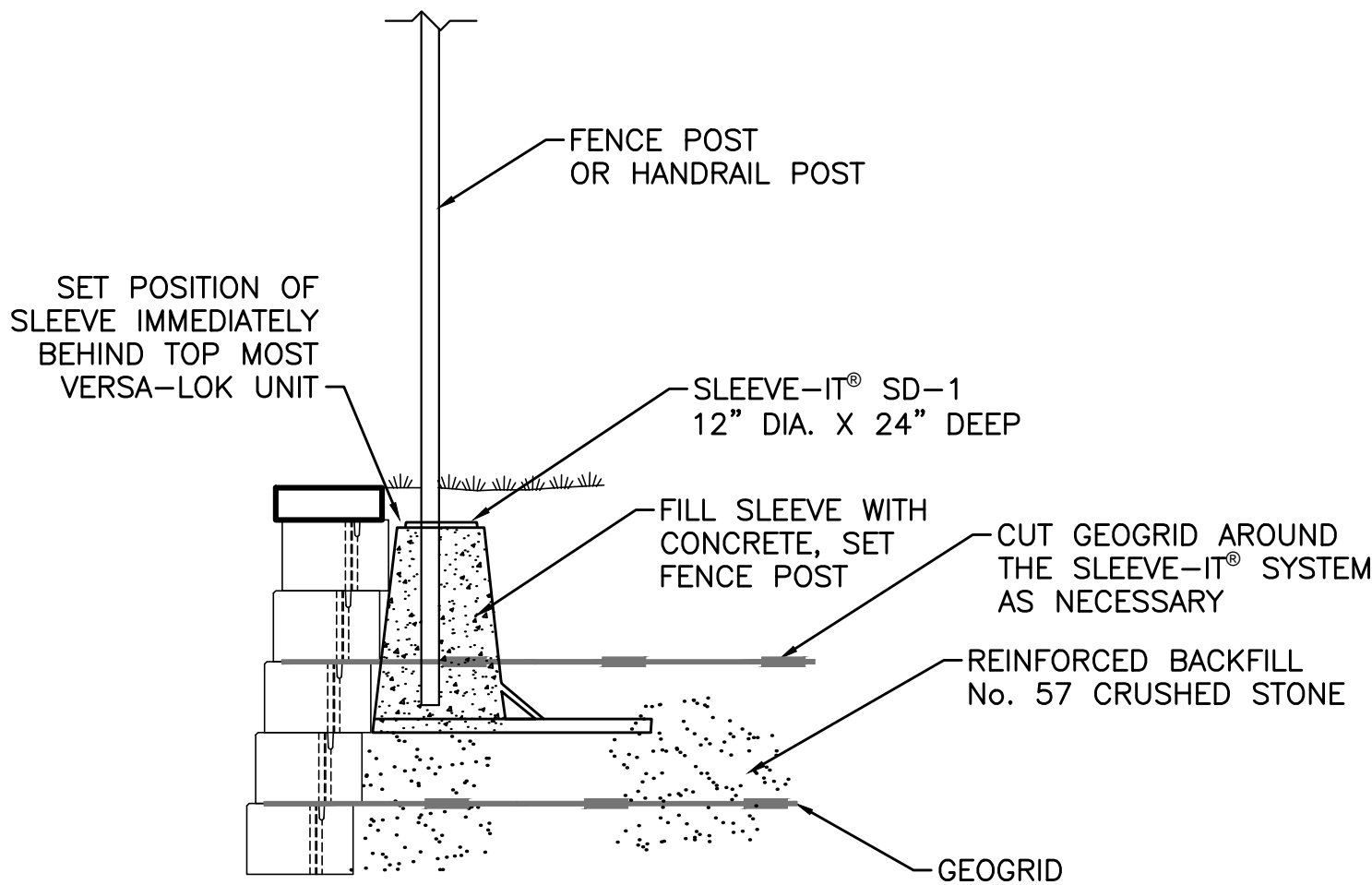
DESIGNED
DRAWN
CHECKED
DATE
SCALE
PROJECT NO.

SHEET
SRW 3.0

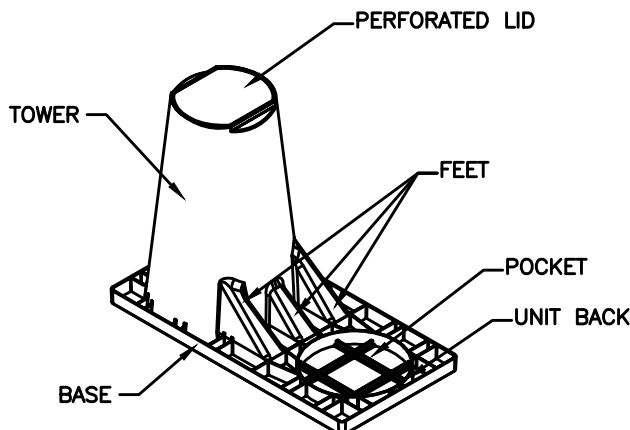


GRID AT CATCH BASIN
NOT TO SCALE

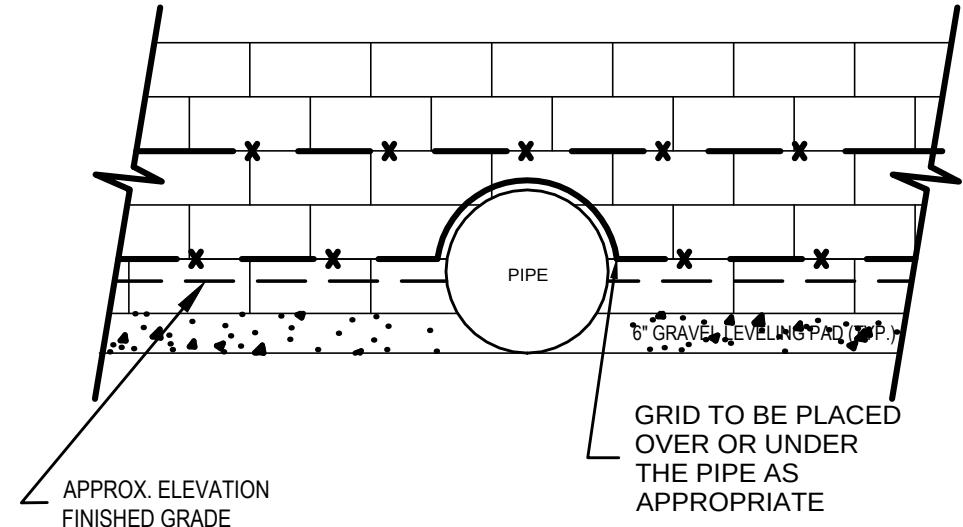
*SEE SLEEVE-IT® MANUFACTURER, STRATA SYSTEMS PREFERRED SPECIFICATION DOCUMENT FOR APPROPRIATE APPLICATIONS. NOT SUITABLE FOR SOLID BOARD PRIVACY FENCES, PRIVACY CLOTH, OR SCREENING.



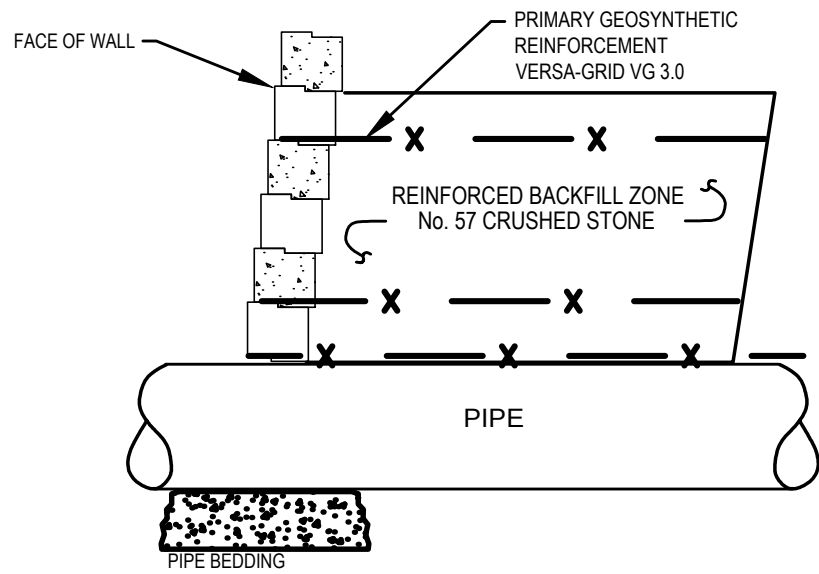
FENCE POST DETAIL W/ SLEEVE-IT® SD-1
STANDARD UNIT WITH SLEEVE-IT® SD-1
SCALE: 1/2"=1'



SLEEVE-IT® SD-1
SYSTEM COMPONENTS
SCALE: NONE
SEE SLEEVE-IT® SYSTEM MANUFACTURER, STRATA SYSTEMS FOR COMPLETE SPECIFICATIONS, AND TECHNICAL GUIDANCE

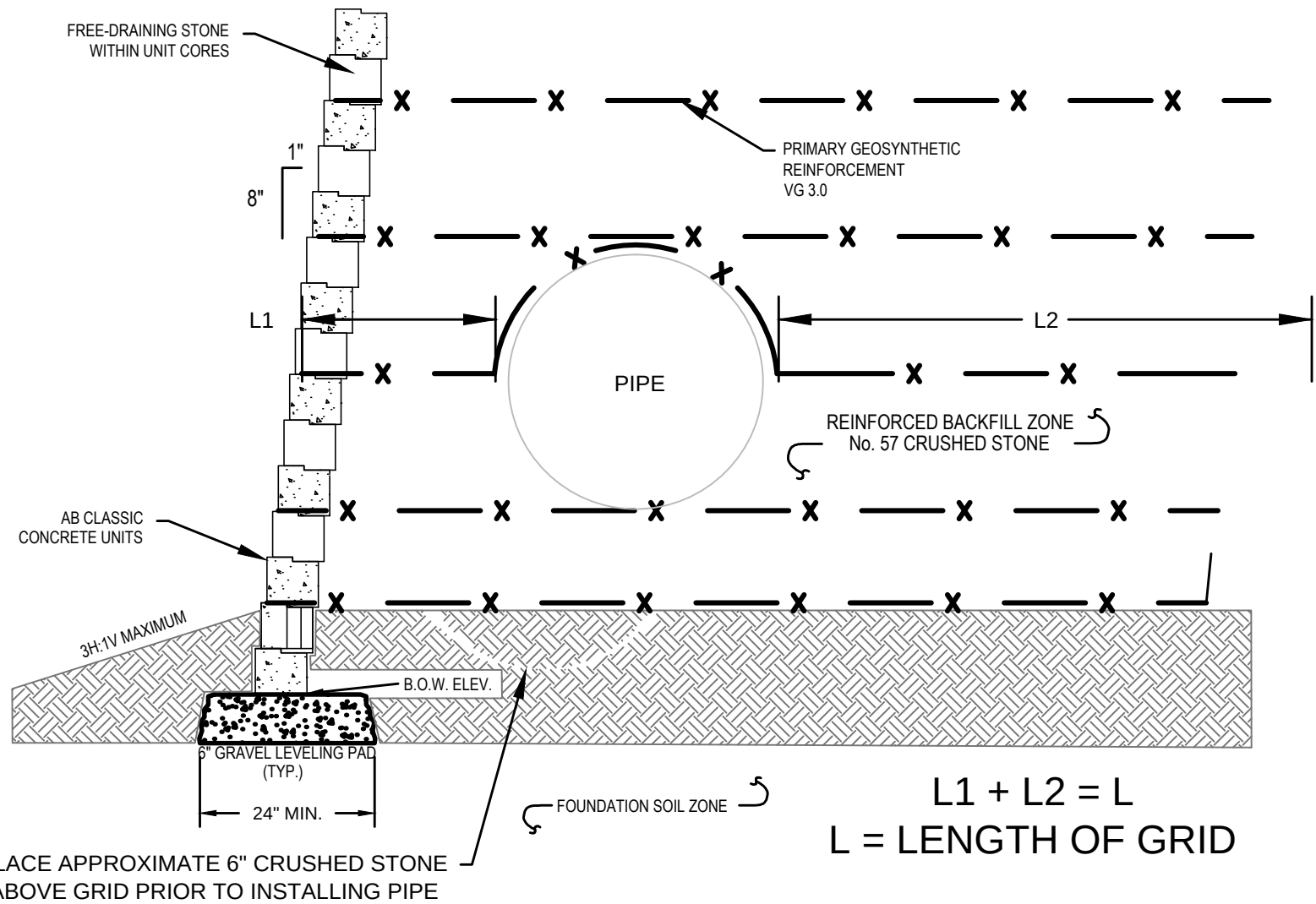


ELEVATION VIEW
NOT TO SCALE



CROSS SECTION
NOT TO SCALE

PIPE PENETRATION THROUGH WALL



GRID PLACEMENT AT PIPE
PARALLEL TO BACK OF WALL
NOT TO SCALE

DEVELOPED BY

ANCHOR

DIAMOND

WALL INDUSTRY EXPERTS

LANDINGS™

STEP UNIT

ADD GRAND STYLE WITH A QUARRIED LIMESTONE LOOK

FEATURES & BENEFITS

- Each step unit has two unique faces on the rise. When nested together, the narrower joint creates a landing with excellent aesthetics.
- Smooth sides allow steps to be placed side by side for longer treads.
- Double-sided texture on rise means steps can be rotated for optimal aesthetics.
- Even bottom and consistent size offer installation ease.
- Palletized for easy skid-steer loader removal.
- Dry-cast production provides consistent color throughout the unit.
- Subtle textures surface provides traction.

SHAPES & SIZES

STEP UNIT	Approx. Dimensions (in)	Approx. Weight (lbs)	Coverage (sq ft)
	6 x 48 x 18	400	

Nested together

Landing

Stair tread

ANCHOR

DIAMOND

ANCHOR DIAMOND Group
3707 Baker Rd., Suite 350
Minnetonka, MN 55345
1-952-933-8855

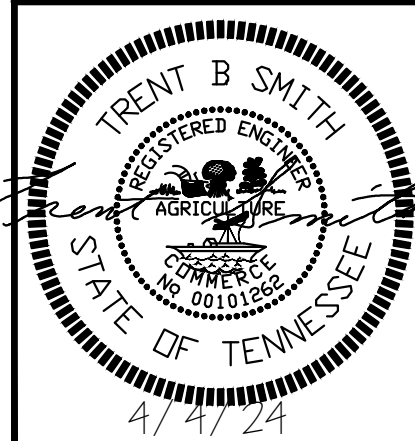
For more info visit
AnchorDiamond.com

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4023-001 LANDINGS

NOTE TO WALL INSTALLER

THE LOWER STEP IS SHORTER THAN THE SUBSEQUENT STEPS (DUE TO WALL BATTER). THE INSTALLER IS RESPONSIBLE TO CUT THE STEPS AS NEEDED TO ACCOUNT FOR TWO WALL BATTERS, OR INSTALL THE WALLS AT THE STAIRS AT VERTICAL (NO BATTER).

RETAINING WALL DETAILS
BEKKEN RESIDENCE
1275 HABERSHAM WAY
CITY OF FRANKLIN, TENNESSEE



DESIGNED	TBS
DRAWN	ICU
CHECKED	TBS
DATE	04/04/2024
SCALE	N/A
PROJECT NO.	
SHEET	
SRW 3.1	

May 14, 2024

Ms. Stanford
City of Franklin
Planning and Sustainability Department
109 3rd Avenue South
Franklin, Tennessee 37064
ariella.stanford@franklintn.gov

Ariella,

Thank you for your assistance with this application.

There are 2 properties included in this application – 1275 Habersham Way (Andrew and Charlotte Bekken) and next door, 1277 Habersham Way (Scott and Michelle Bowen). I will refer to both properties as “both”. I will refer to the Bekken’s property as “1275” and the Bowen’s property as “1277”.

Both properties are in significant and immediate need of retaining walls. The walls need to be built to:

- 1) To prevent further erosion of both back yards. This erosion is currently jeopardizing the foundation of 1275 as cracks are developing in the foundation and exterior brick. Erosion is also reaching/affecting the decks on both homes. The back yard of 1275 has eroded about 8”. The back yard of 1277 has eroded about 9’ closer to the deck. These measurements are based on measurements taken today, 5/14/24. With each rain, the erosion increases.
- 2) To prevent erosion on the side of 1275. This erosion has caused the undermining of the HVAC pad and thus the HVAC pad and HVAC unit are tilting and pulling away from the house – clearly visible from the street.
- 3) To provide support for the rock wall located on 1277 that is being undermined. Parts of stone are falling, some of the remaining stone are cracking. A significant collapse is a matter of when, not if.
- 4) To remove the steep hills in both back yards and thus:
 - a. Eliminate the danger of trying to traverse across either back yard. There is no flat or low slope section to use when going behind 1275. The erosion in 1277 is creating craters that are about to extend across the width of the back yard. My wife and I have both slipped when trying to go across our back yard. These slips happened when it was wet but also when it was dry.
 - b. Eliminate the danger of going up and down both back yards. My wife and I have slipped numerous times when going up and down – as have our neighbors. These slips happened when it was wet but also when it was dry.
 - c. Provide the ability to safely maintain both back yards. I have slipped several times while cutting what grass we do have on the hill. And that when its dry and even with me wearing soccer cleats – which I shouldn’t have to wear when cutting my own grass. Recently, 1277’s lawn service was cutting their grass. I just happened to be outside and when the yard guy was cutting the grass on their back hill. I saw the yard guy’s lawnmower literally start to turn over on him. He was just able to get out of the way but it could have been deadly or at least caused him serious injury.
 - d. Provide a reasonable slope on both back yards that will allow for grass to flourish. The steepness of the back yards makes it hard for grass to grow on the hills. Without a full stand of grass, the erosion mentioned previously gets increasingly worse.

The wall will not cause an increase of storm water to run on to our back door neighbor’s property. It will in fact actually help because it will detain storm drainage and direct it in to a drain pipe system that will direct the water past our back door neighbors’ homes and in to the existing drainage ditch. In the process of detaining the storm drainage, it will prevent excessive amounts of water that currently can and have overflowed the drainage swale and run on to our back door neighbors’ lots.

The proposed work is to build a retaining wall on both properties. While it will be one continuous wall, this application will reference 3 different sections:

- Section A) will start at and be mechanically tied in to the existing rock wall that extends about 12’ in to 1277. This section of the wall will run along the west property line from the rock wall to the northwest corner of 1277 and the southwest corner of 1275. This section will be a maximum of 8.5’ tall.

- Section B) will start at and be tied in to Section A at the southwest corner of 1275 and the northwest corner of 1277. It will run along the west property line to the northwest corner of 1275. This section will be a maximum of 8.5' tall.
- Section C) will start at and be tied in to Section B at the northwest corner of 1275 and will run along the north property line to the front of the house of 1275. This section will be a maximum of 8.5' tall where it joins Section B and decrease to 0' near the front corner of the house on 1275.

Note that as the engineering plans show, we are proposing to also build a set of stairs at the southwest corner of 1275 and the northwest corner of 1277. We are also planning to add fencing – with gates – on top of the wall as required by code.

The strict application of the Zoning Ordinance to build the retaining wall outside of the 10' drainage easement, would result in practical difficulties to and create undue hardships on both property owners for the following reasons:

- 1) It would create a drainage area at the base of the retaining wall that would run against and along the foundation of the wall that would cause erosion and undermining of the foundation.
- 2) The excavation required for the back fill and slope stabilization, could reach the decks on both homes and the foundation of 1275.
- 3) It would create difficulties with construction because it would be on the hill and not the flatter area which is the drainage easement.
- 4) It would create additional difficulties with construction because there is rock right below the surface on the hill which would be difficult to excavate.
- 5) It would provide little to no support for the rock wall on 1277 that is crumbling and looks to be on the verge of collapse.
- 6) It would not allow for the proper collection of the storm runoff that is causing the undermining and inevitable collapse of the rock wall.
- 7) It would create a lower section on both properties that Bekken and Bowen would have to maintain. It would be impractical/impossible for Bekken and Bowen to maintain their respective areas without going on someone else's property.
- 8) It could adversely affect the value of both of the homes.
- 9) The wall would be on the hill which would be impractical to build, it would cost more to build and it would create issues and difficulties with construction.
- 10) It would make both back yards impractical.
- 11) If the wall were to be located 10' from the property line – outside of the drainage easement and basically in the middle of our back yards, it would look awkward, not be aesthetically pleasing and pointless.

Bekken (1275) is seeking three variances:

- 1) To build a retaining wall that needs to encroach 9+ feet into the rear yard setback. The wall will be 1-4" from the property line in order to address/minimize/eliminate the issues listed elsewhere.
- 2) To build a retaining wall that needs to encroach 4+ feet into the side yard setback. The wall will be 1-4" from the property line in order to address/minimize/eliminate the issues listed elsewhere.
- 3) To build a retaining wall that exceeds 6' tall – with a maximum of 8.5 feet in order to address/minimize/eliminate the issues listed elsewhere.

Bowen (1277) is seeking two variances:

- 4) To build a retaining wall that needs to encroach 9+ feet into the rear yard setback. The wall will be 1-4" from the property line in order to address/minimize/eliminate the issues listed elsewhere.
- 5) To build a retaining wall that exceeds 6' tall – with a maximum of 8.5 feet in order to address/minimize/eliminate the issues listed elsewhere.

Variances 1 and 4 are required for the following reasons:

- A) If not allowed to encroach as detailed above, there would remain a drainage area at the base of the retaining wall that would run against and along the foundation of the wall that would cause erosion and undermining of the foundation.
- B) If not allowed to encroach as detailed above, the excavation required for the back fill and slope stabilization, would reach the decks on both homes and the foundation of 1275.
- C) If not allowed to encroach as detailed above, the wall would provide little to no support for the rock wall on 1277 that is crumbling and looks to be on the verge of collapse.
- D) If not allowed to encroach as detailed above, it would prevent the proper collection of the storm runoff that is causing the undermining and inevitable collapse of the rock wall.

- E) If not allowed to encroach as detailed above, it would create a lower section on both properties that Bekken and Bowen would have to maintain. These areas would be difficult, if not near impossible to access – or be expensive to maintain.
- F) If not allowed to encroach as detailed above, the existing drainage easement would be split in to two distinctly different sections due to elevation differences at the base of the wall and at the proposed height. This could make enforcement and/or maintenance difficult.
- G) If not allowed to encroach as detailed above, the wall would be on the hill which would be impractical to build, it would cost more to build and it would create issues and difficulties with construction.

Having retaining walls at or very near the property line is not unprecedented. The section of McKay's Mill right next to ours has a retaining wall right on the property line on homes that are in essence of the same hill as we are with similar topographic conditions.

Variance 2 is required for the following reasons:

- A) If not allowed to encroach as detailed above, the construction of the wall would directly conflict with the existing HVAC pad.
- B) If not allowed to encroach as detailed above, there will remain a section of both properties that Bekken and Bowen would have to maintain.
- C) If not allowed to encroach as detailed above, it would be impossible to traverse between the front and back yards

Variance 3 and 5 are required for the following reasons:

- A) A maximum height of 8.5' would allow for maximum support of the crumbling rock wall on 1277.
- B) A maximum height of 8.5' would allow for decreased slopes from both homes to the wall which would:
 - a. Eliminate all of the issues listed previously caused by the steep slope.
 - b. Increase the ability to grow grass in the back yards which would help prevent erosion and slow water runoff.
 This would help:
 - i. Prevent excessive water pressure against the wall.
 - ii. Prevent erosion of the back yards.

Having retaining walls that exceed 6' tall is not unprecedented. The retaining walls in the section of McKay's Mill mentioned above exceed 6'. They are about 14' tall.

I have been working with Lance Fittro of the City of Franklin engineering department to ensure this project is in compliance with or exceeds City Engineering requirements as well as engineering standards including the location, size and details of construction. I met with Mr. Fittro and Casey Chrisman on-site to discuss the issues and review possible solutions. Further, I am a graduate civil engineer so I was very involved in the design. I will be very involved with the construction of the wall.

This request for the five variances listed above is justified by both of the following: (i) the properties are exceptional due to shallowness and narrowness of the properties and (ii) the properties contain exceptional topographic conditions. Further, the storm water is allowed run freely across our back yards which is causing the erosion. For 1277, the stormwater flows freely at the end of the rock wall which is causing significant erosion in their yard and undermining the rock wall and causing its collapse.

Both properties are shallow. With the footprint of the homes being as it is, the remaining yard was not sufficiently long enough for a reasonable slope to be constructed. In order to get from the back of the house to the property line, a steep hill had to be created. Retaining walls should have been constructed when the homes were built – similar to the homes with similar topographic conditions in the Broadgate section which is next to ours (Waverly). Due to the back yards being so steep, it causes both lots to have exceptional topographic conditions. Therefore, both properties are not able to accommodate the retaining wall requirements under the retaining wall Ordinance.

The proposed work would not cause any or substantial detriment to the public good and would not substantially impair the intent and purpose of the Zoning Ordinance. In fact, not allowing the wall to be constructed at or very near the property line could cause significant detriment and cost to the public were the rock wall collapse or injury incur. Further it could be dangerous to transport the required equipment to maintain the lower section of yards that would be created if the wall were not constructed at the property line.

These variances are completely based on dimensional requirements of both properties and encroachments in to easements.

Based on all of the above, all three criteria are met so the variances should be granted. Please note that not only does neither home owner gain financially from the variances, but both home owners will incur great cost to complete the work.

From: [Erin Blackburn](#)
To: [Planning Intake](#)
Cc: [Jonathan Blackburn](#)
Subject: Variance Application Hearing for 1275 & 1277 Habersham Way
Date: Tuesday, June 4, 2024 5:17:27 PM

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

Good afternoon,

We own a property that is within 500 ft of 1275 & 1277 Habersham Way. We would like to put on the record that we have reservations and concerns about a retaining wall being built behind our property and within 500 ft of us. Our concerns are on the affect this would have on the drainage behind our property, or any other considerations this may cause from building a structure that is larger than allowed.

Thank you for your consideration in this matter.

Erin Blackburn

From: [Terry McAleer](#)
To: [Planning Intake](#)
Subject: 6/6/24 Variance hearing
Date: Sunday, May 26, 2024 7:28:35 AM

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

Comments for 6/6/24 variance hearing for 1275 & 1277 Habersham Way, Franklin, Tn properties: The improvements requested make sense for both structural and aesthetic reasons. Given use of proper building materials, this project should be allowed.

I recommend an approval of this project.

Terrence McAleer
1268 Habersham Way
Franklin, Tn
Sent from my iPad

From: [David Oberstadt](#)
To: [Debbie Larkin](#)
Cc: [Melissa Oberstadt](#); [David Oberstadt](#)
Subject: Comment - Variance Application & Request (Bollen & Bowen @ 1275/77 Habersham Way)
Date: Sunday, May 26, 2024 4:18:54 PM
Attachments: [Video.mp4](#)

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

We are submitting a comment on the upcoming Variance Request for a retaining wall to be built along the rear property lines of 1275 and 1277 Habersham Way.

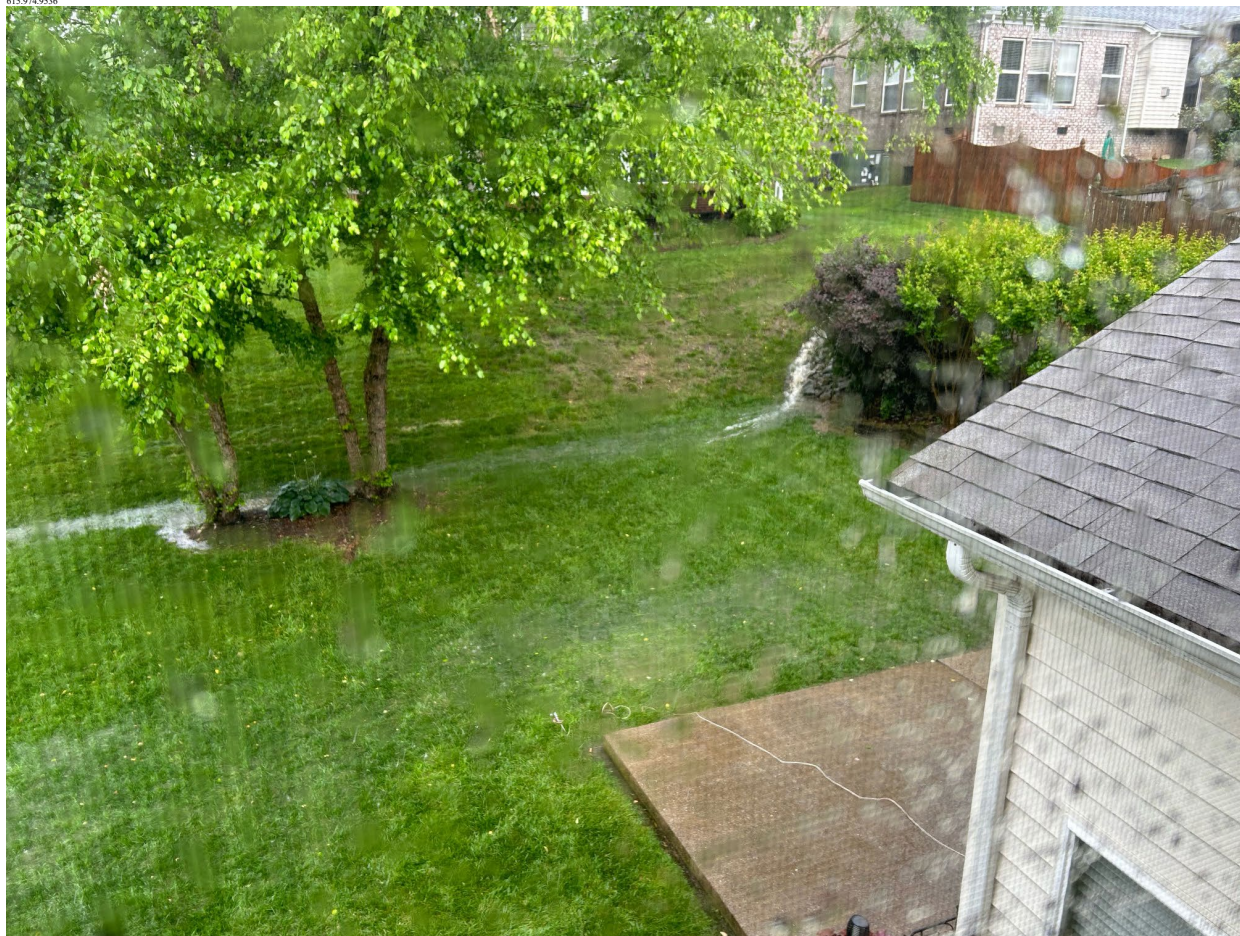
No issues from us fundamentally as to what needs to be done. Our questions have to do with exactly where the wall will be placed along that property line. And our questions arise from how water that flows between the properties will continue to be diverted.

The attached pictures were taken on Sunday, May 26th from 1126 Waverly Pl, which is directly behind Bowen. As you can see, the heavy rains flow through the channel that currently exists along the property lines. Plus there's significant water that "waterfalls" over the existing rock wall that was put in place when the neighborhood was built.

If understood correctly, allowing the wall to be built a minimum of one inch from the property line would mean the wall could be in the middle of the channel. We do have concerns whether this wall will create flooding issues for 1126 Waverly Pl. And we need to understand how the water coming from the hill between our properties will continue to be diverted.

Again, we support our neighbors in seeking a solution. We just don't want to create a new problem as a result of this.

David & Melissa Oberstadt
1126 Waverly Pl
615.974.9536







Sent from my iPhone