



Meeting Agenda

Board of Zoning Appeals

Thursday, July 11, 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 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 June 6, 2024, BZA Minutes.

ANNOUNCEMENTS

APPLICATIONS

2. A **Variance Request** To Allow The Front Facade Of A Proposed Principal Building To Be Oriented In A Non-Parallel Manner To The Frontage, And A **Variance Request** To Allow One Additional Parking Bay Within The West Fowlkes Street Designated Frontage Area For A Proposed Principal Building, For The Property Located At 1140 Columbia Avenue (F.Z.O 6.11 and 7.4).

Sponsors:

Amy Diaz-Barriga, Ariella Stanford

3. A **Variance Request** To Reduce The Minimum Front Yard Setback From 30 Feet To 20 Feet From The Front Lot Line For The Property Located At 305 Berry Circle (F.Z.O. 3.7.5.).

Sponsors:

Amy Diaz-Barriga, Ariella Stanford

OTHER BUSINESS

ADJOURN

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



Meeting Minutes

Board of Zoning Appeals

Thursday, June 6, 2024

6:00 PM

Board Room

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CALL TO ORDER

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

Board Members Present: Jonathan Langley, Jeff Fleishour, and William Scales

Board Members Absent: Lee Reeves and Dorinda Smith

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

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 May 2, 2024 BZA Minutes.

Sponsors:

Board Member Scales motioned to approve the minutes from the May 2, 2024, BZA meeting, seconded by Board Member Fleishour.

The motion carried 3-0.

ANNOUNCEMENTS

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

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

Staff Presentation: Amy Diaz-Barriga. Ms. Diaz-Barriga updated the Board about the previously approved variance requests. The application was previously approved for three variance requests with conditions. Since the approval of these Variance Requests, the applicant has had to change their plans. The new variance request would change the height and number of walls requested, requiring the applicant to request a new variance request for the updated plans. 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). Ms. Diaz-Barriga stated that she will read each criteria (1-3) for the first variance request, then she will refer to each criteria by number for the second and third variance requests.

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).

Criteria #1

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

Staff Analysis: 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. To prevent a retaining wall from encroaching into the sanitary sewer easement on the property, the proposed house must be raised by 3 feet from their previous plans, which also increases the necessary height of the retaining wall in the front yard. The Franklin Zoning Ordinance allows for retaining walls located in the front yard of a residence to be a maximum of 2 feet in height. The applicant is requesting retaining wall heights up to 8-feet in the front yard of the property. Due to the exceptional slopes on this property and the location of the sanitary sewer easement, Staff finds criteria #1 for Request #1 to be met.

Criteria #2

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

Staff Analysis: Strict application of the Zoning Ordinance would create practical difficulties in the development of this site due to exceptional topographic conditions that exist. Due to the exceptional slope conditions across the site and the location of the sanitary sewer easement, retaining walls higher than 2-feet in the front yard are necessary to support the house and prevent the retaining walls in the backyard from encroaching into the easement. Therefore, Staff finds criteria #2 for Request #1 to be met.

Criteria #3

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

Staff Analysis: 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 Various Request to have landscaping cover up to the top 2 feet of the wall in the front yard. Staff finds criteria #3 for Request #1 to be met.

Request 2: Maximum Number of Retaining Walls

Criteria #1

Staff Analysis: 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 criteria #1 for Request #2 to be met.

Criteria #2

Staff analysis: 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 criteria #2 for Request #2 to be met.

Criteria #3

Staff Analysis: Allowing for additional retaining walls on this site would not be a detriment to the public good, nor would it impair the purpose and intent of the Zoning Ordinance. The Zoning Ordinance limits the number of retaining walls on a residential site to prevent a site from being dominated by retaining walls which may result in aesthetic concerns for neighboring property owners and the community. Because several neighboring lots within the Avalon Subdivision have also had to implement unique retaining walls, this development would not contradict the aesthetic qualities of the neighborhood. In addition, the applicant 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 criteria #3 for Request #2 to be met.

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

Criteria #1

Staff Analysis: 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 criteria #1 for Request #3 to be met.

Criteria #2

Staff Analysis: 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 criteria #2 for Request #3 to be met.

Criteria #3

Staff Analysis: 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 to develop a single-family home on the lot, given the current conditions of the site. Staff finds criteria #3 for Request #3 to be met.

Recommendation: 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.

Public Comment: None

Board Member Fleishour motioned to close the public comment for this item, seconded by Board Member Scales. The motion carried 3-0.

Applicant: Devin Decker

Chair Langley asked staff to address conditions for the expired variance requests, from a year ago, regarding the maximum number of retaining walls requested (7) and the condition requiring the applicant to provide landscaping so that a minimum of two feet is visible for the front retaining walls.

Ms. Diaz-Barriga explained that one of the retaining walls in the rear encroached into the sewer easement. The proposed solution is to raise the site by three feet, which removed the need for a retaining wall in the back. This reduced the number of retaining walls needed but increased the height of the front retaining wall section.

Mr. Decker confirmed that three retaining walls are requested in the back and two retaining walls are requested in the front. Mr. Decker also noted that the applicant is agreeable to the front landscaping that will allow a minimum of two feet of visibility.

Motion

Board Member Scales motioned to approve 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 with the condition that landscaping will be provided so that the front retaining wall will have two feet of visibility because the criteria for granting a variance request have been met, seconded by Board Member Fleishour.

The motion carried 3-0.

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

Staff Presentation: Amy Diaz-Barriga. This 0.42 acre property is located at 94-98 East 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:

1. 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.
2. 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.

3. 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.
4. 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 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 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 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.

Recommendation: 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 East Main Street, because the criteria for granting a variance have been met.

Applicant: Mark Kozevski. Mr. Kozevski did not have any new information to add.

Citizen Comment: None

Board Member Fleishour motioned to close the public comment portion of the item, seconded by Board Member Scales. The motion carried 3-0.

Board Member Scales asked the applicant about the proposed plans for the building.

Mr. Kozevski stated that the new tenants planned to make changes to the interior and maintain the historic exterior.

Motion

Board Member Fleishour motioned 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 East Main Street because the criteria for a variance have been met, seconded by Board Member Scales.

The motion carried 3-0.

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

Staff Report: Amy Diaz-Barriga. Ms. Diaz-Barriga noted that three public comment emails were received and are attached to the application documents. This application and proposal involve 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 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

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.

Criteria #1

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

The slopes 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 backfill 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 criteria #1 for request #1 is met.

Criteria #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 backfill 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 criteria #2 for request #1 is met.

Criteria #3

Such relief may be granted without substantial detriment to the public good and without substantially impairing the purpose and intent of the Zoning 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. Also, the required plantings could not be planted on the same property as the retaining wall. Staff finds criteria #3 for request #1 is not met.

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

Criteria #1

The slopes in the backyard create a unique situation across both properties. To alleviate the slopes in the backyard, the retaining wall would need to be taller than the required 6 feet. Staff finds criteria #1 for request #2 is met.

Criteria #2

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 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 criteria #2 for request #2 is met.

Criteria #3

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 criteria #3 for request #2 is not met.

Recommendation: 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.

Applicant: Andrew Bekken. Mr. Bekken stated that when the lots were subdivided, years ago, some lots ended up being steep lots over a 20 % grade and over time erosion has occurred affecting the water flow and HVAC pad. A rock wall crosses the drainage easement causing the water to rush over and around the wall triggering deterioration of the wall. Ultimately, Mr. Bekken is concerned that eventually the erosion will affect the foundation of his home.

Chair Langley asked the applicant how the proposed changes would solve the drainage and erosion problems.

Mr. Bekken explained that the main issue is the deterioration of the rock wall as the rock and dirt are filling up the drainage area. Mr. Bekken also stated that an engineer completed a storm water study of the properties.

Citizen Comments:

Ted Martinez, 1128 Waverly Place. Mr. Martinez stated that he's mostly concerned with his home value and the unintended consequences the proposed wall may create. He would prefer not to have a retaining wall and is disappointed in the lack of storm water drainage consideration of the developer.

Board Member Fleishour stated that the yard will need to be stabilized somehow. The newer retaining walls are constructed in a way that is more aesthetically pleasing and useful in other ways.

David Overstaff, 1126 Waverly Place. Mr. Overstaff's main concern is the proposed retaining wall and if the proposed drainage system will accommodate the amount of storm water runoff.

Board Member Fleishour stated that the worst-case scenario is that erosion occurs in front and back of the retaining wall. One must rely on the engineer for their knowledge and experience.

Melissa Overstaff, 1126 Waverly Place. Ms. Overstaff is concerned about the drainage system and how it will affect her property. "How tall will the retaining wall be above the grass line?" Ms. Overstaff stated she would like to avoid a build up of mud in her backyard.

Mr. Bekken stated and referenced the drawings showing that the retaining wall would be about a foot above the grass line so that any surface water would be caught and not flow over the wall.

Board Member Fleishour asked if a drainage swale would be created to redirect the water away from the wall.

Mr. Bekken explained that there will be inlets that allow the water to drain into the main pipe and be routed away from the property.

Brenda Martinez, 1128 Waverly Place. Ms. Martinez stated concerns about water running down the proposed stairs of the retaining wall.

Mr. Bekken stated that an inlet would be installed to the right of the stairs that would catch water and route it away from the stairs.

Board Member Scales motioned to close the public comment portion of the item, seconded by Board Member Fleishour. The motion carried 3-0.

Chair Langley asked Mr. Bekken to detail how the water will be piped away from the wall and property.

Mr. Bekken stated that the reasoning behind positioning the retaining wall on the property line is to avoid any increase in water flow into the neighbor's property. Otherwise, positioning of the wall further away from the property line would allow for areas of water collection that may undermine the structure of the wall. Regarding the exiting of the water, the retaining wall would run along the existing drainage swale where the water would exit the pipe into the existing drainage swale at the corner of the property.

Mr. Martinez explained that currently the flood water runs through the open green space or gully to a larger concreted drainage area.

Mr. Bekken added that the overall water flow, if the proposal is approved and completed, would not increase the level of water flow into the neighborhood drainage system.

Motion

Board Member Fleishour motioned to approve 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, seconded by Board member Scales.

Board Member Fleishour stated that, in his opinion, the criteria for granting a variance request have been met. Looking at the drawings, the engineer has addressed the water flow with appropriate piping and with the depth of gravel (8 feet deep). If water is captured upstream, these preparations would allow water to flow downstream easily.

Board Member Scales mentioned his concerns about the integrity of the water.

Board Member Fleishour stated that the engineer had addressed the water flow especially considering the length and depth of gravel recommended. It will take numerous truckloads of gravel to cover the recommended dimensions and when the water penetrates the grass and gravel, the water will flow downstream. The only concern is the retaining wall corner area where the water will exit. Knowing the engineer for this project increases "my" confidence in the proposed project. This is the best approach to deal with the drainage issue before it becomes a greater problem.

Chair Langley stated that the BZA is focused on zoning rules and regulations such as retaining wall height and placement of retaining walls on the property. Tonight, the discussion mainly focused on drainage issues which have come to light because of initial building development in this neighborhood. There appears to be no great solution, but no solution doesn't help the homeowners solve the problem before it becomes a larger issue.

Ms. Diaz-Barriga noted that because of the height of the retaining wall, BNS and engineering will be required to review the plans before the project moves forward.

Board Member Scales asked if a water study would be part of the project review process.

Ms. McCoy confirmed that a water study will be part of the engineering review.

There being no further discussion, Chair Langley asked the Board members to vote.

The motion carried 3-0.

OTHER BUSINESS

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

ADJOURN

Board Member Scales motioned to adjourn the meeting, seconded by Board Member Fleishour. The motion carried 3-0.

There being no further business, the meeting adjourned at 7:09 PM.

Chair

Date



File #: 21-0377

DATE: June 18, 2024
TO: Board of Zoning Appeals
FROM: Amy Diaz-Barriga, Asst Director of Planning Development
Ariella Stanford, Planner

SUBJECT:

A **Variance Request** To Allow The Front Facade Of A Proposed Principal Building To Be Oriented In A Non-Parallel Manner To The Frontage, And A **Variance Request** To Allow One Additional Parking Bay Within The West Fowlkes Street Designated Frontage Area For A Proposed Principal Building, For The Property Located At 1140 Columbia Avenue (F.Z.O 6.11 and 7.4).

PURPOSE:

PROJECT INFORMATION

COF Project Number: 8528
Applicant: Gary Vogrin
Owner: John M. Hull

BACKGROUND/STAFF COMMENTS:

Vicinity Zoning/Land Use

Site: CI Civic Institutional / Institutional
North: R-6 Residential and CC Central Commercial / Retail, Residential Single Family, and Residential Multifamily
South: CC Central Commercial and PD Planned District / Institutional and Mixed Residential
East: CC Central Commercial / Mixed Nonresidential and Office
West: CI Civic Institutional and R-6 Residential / Institutional and 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.

6.11 Civic Building, Building Orientation

The front facade shall face the public street, private street, or internal drive, in that priority order. The front facade shall be parallel to the frontage.

7.4 Parking Frontage

A maximum of 2 bays of parking with a single drive aisle shall be permitted between the building and the street.

Background

The subject property is located at 1140 Columbia Ave and is zoned Civic Institutional (CI) District. This property is the location of the historic Carter House, an extremely historically significant site. This property received approval for these same Variance Requests in February 2023, but has not yet begun site work. A 6-month extension was granted for these requests, which extends these requests until August 2, 2024. The applicant has expressed that this project will not be able to obtain permits prior to this deadline, due to constraints in schedules and timelines. For this reason, the applicant is re-requesting the same two variance requests that were previously approved.

As presented for the previously approved Variance Request:

The property owners have been finalizing their master plan for the site, which includes a new visitor's center. They submitted a Site Plan back in 2018 and it was approved, but it has since expired. Their plan for the site was designed in collaboration with the Historic Zoning Commission (HZC) and was designed in a way that respects the historic nature of the site and minimizes disturbance of the majority of the grounds. The previously approved plan was approved by the SHPO (State Historic Preservation Office) and the Historic Zoning Commission. The previous Site Plan complied with the Zoning Ordinance at the time, but it no longer complies with the frontage requirements of the current Zoning Ordinance. The new plan would like to utilize a Parking Frontage type, which requires no more than one drive aisle with two bays of parking. Both the expired plan and the new plan propose improvements to the existing parking lot, which would have more than one bay of parking. The existing parking lot is currently located in a non-parallel manner in the frontage area. For this reason, they are also requesting to allow the front facade of the visitor's center to be oriented in a non-parallel manner to the frontage. The non-parallel orientation would allow the building to be oriented parallel to the existing parking lot.

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 The Front Facade Of A Proposed Principal Building To Be Oriented In A Non-Parallel Manner To The Frontage

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 historical significance of this site makes it an exceptional situation. The historically significant area of the site that should be preserved (according to the HZC), is the corner of the lot, at the intersection of West Fowlkes Street and Columbia Avenue. This is the location of the original historic areas of the site, which includes the historic Carter House, its original outbuildings, and the historic open spaces. In order to limit disturbance to that area, the visitor's center must be located at its proposed location. In addition, the existing parking lot is located in a non-parallel orientation due to the slopes that are oriented in a non-parallel manner at that location on the site. The location of the

visitor's center is dependent on the location and orientation of the parking lot and the slopes at that location. As shown in the submitted exhibits, there are areas of varying slopes that restrict the location of both the parking lot and the visitor's center. The parking lot also sits on the lower elevation of the site, and to relocate the parking lot and the curb cut would cause a greater impact of disturbance to the site. The proposed design would minimize disturbance of the historically significant areas of the site, and it would allow the visitor's center to create a buffer between the parking lot and the original historic areas of the site. Considering these extraordinary conditions on the site, Staff finds this criteria met.

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

Staff finds that the application of a provision enacted under the Zoning Ordinance would result in undue hardship upon the owner of the property. According to the Zoning Ordinance, the front facade of the proposed building must be oriented in a parallel manner to the frontage. As explained in the previous criteria, there are multiple factors that are restricting the location of both the visitor's center and the parking. With the location of the parking lot, the topography of the site, and the historically significant area to preserve, orienting the building parallel to the frontage would result in a difficult and unnatural design for the site, and the visitor's center would intrude further into the historically significant area. Staff finds that 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 proposed plan would not cause substantial detriment to the public good. Staff also finds that it would not impair the intent of the Zoning Ordinance. Because this proposal complies with the Zoning Ordinance in having the front façade of the visitor's center facing West Fowlkes Street and orients the parking lot and visitor's center in a way that fits the topography of the site, it is evident that this proposal is deviating from the Zoning Ordinance in the smallest margin possible. This shows their effort to meet the intent of the Zoning Ordinance. Staff finds that this criteria is met.

Request 2: To Allow One Additional Parking Bay Within The West Fowlkes Street Designated Frontage Area For A Proposed Principal Building

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 historical significance of this site makes it an exceptional situation. In addition, the parking lot already exists on the site, and there are multiple restrictions that are preventing its relocation. As shown in the submitted exhibits, there are areas of varying slopes that restrict the location and orientation of the parking lot and the visitor's center. The slopes create an area of low elevation, which is the location of the proposed parking lot and visitor's center. The area of lower elevation that the slopes create has a unique shape which limits its ability to accommodate parking in compliance with the Zoning Ordinance. Because of the slopes directly behind and to the side of the proposed visitor's center, the necessary additional parking must be located in the building's frontage area. Additionally, it is not an option to relocate the parking lot and the curb cut, as it would cause a greater impact of disturbance to the area of historical significance on the site. One of the primary goals for this design is to respect the historical significance of the site. The proposed design would minimize disturbance to the historically significant areas, and the visitor's center would create a buffer between the parking lot and the original historic areas of the site. Considering these extraordinary conditions

on the site, Staff finds this criteria met.

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

Staff finds that the application of a provision enacted under the Zoning Ordinance would result in undue hardship upon the owner of the property. According to the Zoning Ordinance, the site is only allowed to have one parking bay between the front façade and the street. As explained in the previous criteria, there are multiple factors that are restricting the location of parking. With the location of the parking lot, the additional parking is necessary to serve the visitor's center and for ADA compliance. Staff finds that 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 proposed plan would not cause substantial detriment to the public good. Staff also finds that it would not impair the intent of the Zoning Ordinance. Because this proposal places the additional parking at the back end of the lot so that it is less visible and orients the parking lot and visitor's center in a way that fits the topography of the site, it is evident that this proposal is deviating from the Zoning Ordinance in the smallest margin possible. This shows their effort to meet the intent of the Zoning Ordinance. Staff finds that this criteria is met.

FINANCIAL IMPACT:

Unknown.

RECOMMENDATION:

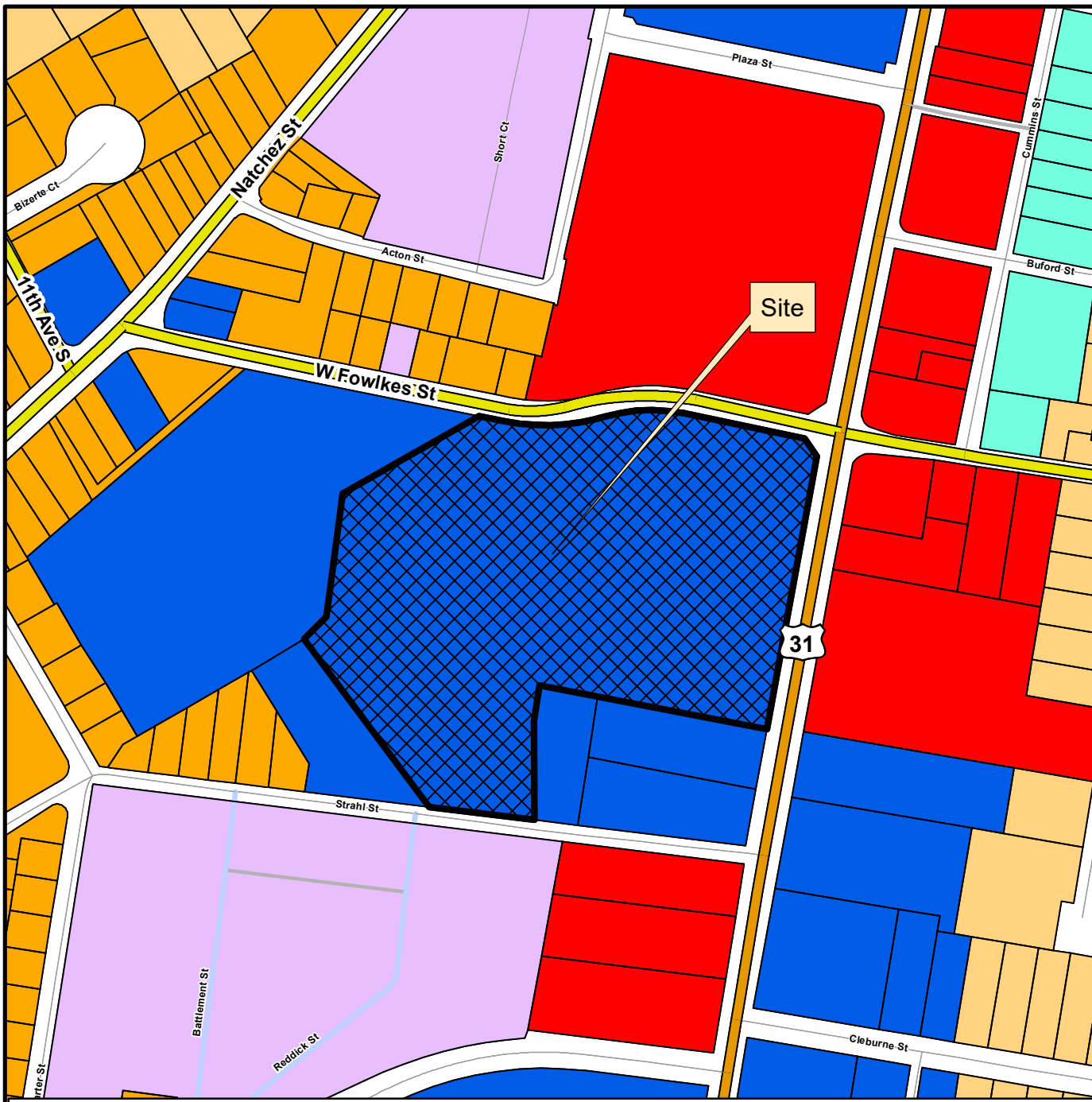
RECOMMENDED MOTION: Staff recommends the Board of Zoning Appeals move to **approve** the **Variance Request** To Allow The Front Facade Of A Proposed Principal Building To Be Oriented In A Non-Parallel Manner To The Frontage, And A **Variance Request** To Allow One Additional Parking Bay Within The West Fowlkes Street Designated Frontage Area For A Proposed Principal Building, For The Property Located At 1140 Columbia Avenue, because the criteria for granting a variance have been met.

1140 COLUMBIA AVENUE
TAX MAP 078F, GROUP G, PARCEL 01000
BOARD OF ZONING APPEALS
JULY 11, 2024

**This property is also within the
CFO, HPO, and CAO-2, which
are not shown for clarity purposes.

Legend

-  1140 Columbia Ave
-  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



June 17, 2024



Ariella Stanford
Planner | Planning and Sustainability Department
109 3rd Avenue South
Franklin, Tennessee 37064

RE: **Carter House Visitor Center- BZA Submittal**
1140 Columbia Ave.
Franklin, TN

City of Franklin Project No: 8236
KVD Project No. 24045

Ariella~

On behalf of our client, State of Tennessee, please find attached our BZA Application Submittal in the form of the attached graphics, owner affidavit and project justification/narrative outline below.

Project Background History:

The co-applicants of this submittal (Kiser + Vogrin Design and Orcutt Winslow) have been working with the State of Tennessee since 2014 to prepare the overall Carter House Master Plan and Vision Book, as well as detailed Site Plans Submissions to the City of Franklin for construction of a New Visitor Center. On February 2, 2023, the co-applicants received approval of two variance requests as described in this letter. The New Visitor Center Site Plan was most recently approved by the City of Franklin on 11/20/2023 including these approved variances described below. Since these approvals, the variance has received a 6-month extension until August 2nd, 2024. Due to constraints in schedules and timelines, the State of Tennessee will not be able to submit for or receive permits by this August deadline.

In conversations with the State of Tennessee and City of Franklin Planning Staff it has been requested that we submit a new variance request to better align with the current project construction timeline. As approved previously, two elements of the Site Plan design are not fully in compliance with the most current Zoning Ordinance and thus the request for 2 BZA Requests. These are as follows:

1) ZO Section 6.11 Civic Building, Building Orientation and Entry, Façade Location:

*The front facade shall face the public street, private street, or internal drive, in that priority order.
The front facade shall be parallel to the frontage.*

The previously approved site plan denotes the Visitor Center in a non-parallel orientation, but the building/entry does meet the requirements of the "Civic" Building Type, that the main entrance IS prominently located on the front façade, and that the front façade faces the public street. We respectfully request that the proposed Visitor Center Building Orientation to be in a non-parallel fashion to West Fowlkes Street. Please see the justification narrative below.

2) ZO Section 7.2 Overview of Frontage Types, Parking Frontage (Civic Building):

Parking Frontage: Intended for areas where front access to buildings by vehicles is desired but where some level of walkability is maintained. This frontage has a moderate setback and a low street screen, except at the driveway or internal drive. A parking area with a maximum of two bays of on-site parking and a drive aisle is provided between the building and the street or internal drive.

The previously approved site plan denotes the Visitor Center with 3 bays of parking in front of the building (which exceeds the maximum 2 bays of parking per the ZO). We respectfully request the use of 3 bays of parking in front of the Visitor Center for pedestrian accessibility and site preservation design elements per the justification narrative below.

We have provided site plan graphics to paint a picture of the proposed site plan design and its relationship to the overall Carter House Campus Master Plan with support of the below justification narrative.

BZA Justification Narrative

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

- **BZA Request #1 - Front door parallel to frontage road**

The topography and historic nature of the site do not allow us to meet the criteria of the zoning ordinance for the front door to be parallel to the frontage road (W Fowlkes Street). The front door- along with its covered entrance porch- does face W Fowlkes Street, but is not literally parallel to this road.

Due to the topography and historic nature of the site, we are limited in the area available to place the curb cut. By keeping the curb cut at its current location in the lower elevation of the site, we are able to minimize disturbance to the upper portions of the historic site.

In working with an historic site of national prominence, one of our primary goals was to limit the area of site disturbance wherever feasible. Our design team coordinated with an archeological consultant, who surveyed the entire site early in the process. Due to the topography and the desire to limit site disturbances, we placed the building parallel with the hillside and set the building into the hill to make the grounds more handicapped accessible. Guests will enter the building at the lower level from the parking lot, then take the elevator to the upper level and exit out onto the historic grounds. Currently there is a long ramp system to get from the parking level up to the visitors center, and then another ramp up to the site from the visitor's center. The new Visitors Center is intended to function as a 'bridge' between the lower areas of the campus off W Fowlkes Street- where visitors park and are received and oriented- and the original historic areas of the Carter House site, including the house itself, its original outbuildings and historic open spaces.

By keeping the building in its current location, we are limiting disturbances to the upper portions of the historic site, and working within the areas that have been previously disturbed.

- **BZA Request #2 - One tray of parking between the front door and frontage road.**

The topography of the site does not allow for us to meet the criteria of one tray of parking between the front door and the frontage road, due to limited space at the lower elevation of the site.

Our intent was to keep the parking in the same general location to reduce site disturbance. In order to obtain the required number of spaces, to provide separation from the parking lot and the historic site and provide required stormwater retention, it is necessary to have more than one tray of parking due to the limited area to locate the parking at the lower elevations of the site. By using the topography and locating our building parallel to the hillside, we are able to use the building as a separation between the parking lot and the historic site and structures. This places the parking in front of the building, which as has been stated is the current configuration.

Landscaping will be provided throughout the parking lot and along West Fowlkes Street.

By keeping the parking in its current location, we are limiting disturbance to the site and providing a separation between the parking lot and the historic grounds.

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

- **BZA Request #1 - Front door parallel to the frontage road**

The topography and historic nature of the site does not allow for us to meet the criteria of the zoning ordinance for the front door to be parallel to the frontage road (W Fowlkes Street). The front door does face W Fowlkes Street, but is not literally parallel to it.

Due to the historic nature of the site, we are attempting to limit site disturbance, especially within the upper portion of the historic grounds. We are limited in realistic locations for the curb cut at the lower portion of the site, and feel that utilizing the current curb cut as proposed is the best and most responsible solution.

Due to topography and limited site area at the bottom of the hill, we are not able to make the building literally parallel to Fowlkes without creating disturbances to the historic grounds and opening the historic site up to views of the parking lot. By locating the building into the hillside, we are creating a separation between the historic grounds and the parking lot while creating a more accessible entry.

By keeping the building in the proposed location, we are limiting disturbances to the historic site.

- **BZA Request #2 - One tray of parking between the front door and the frontage road.**

The topography of the site does not allow for us to meet the criteria of one tray of parking between the front door and the frontage road or locating the parking behind the building.

We are not able to reduce the parking lot to one tray in front of the building due to limited site area at the lower elevations, parking count requirements and storm water

retention area requirements. By retaining parking in the same general existing location, we are able to reduce disturbance to the site.

We are not able to locate the parking lot behind the visitors center for the following reasons: (1) our desire to work with the existing topography wherever feasible; (2) the need to preserve and protect the historic grounds; (3) our desire to create a visual and functional separation between the parking lot and the historic grounds; (4) the proposed site plan allows us to keep the rural and historic feel of the site when visitors are interacting with the historic grounds and structures at the upper level.

By keeping the parking in its current location, we are limiting site disturbances and providing a separation between the parking lot and the historic grounds.

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

- **BZA Request #1 - Front door parallel to the frontage road**

The focus of this project is to preserve and enhance the historic grounds and historic structures. The proposed Visitor's Center building is intended to be more of an outbuilding that does not take away the focus from the historic structures- principally the Carter House itself, original outbuildings and historic open spaces. By limiting site disturbances, we are creating a better space for the current and future community.

Having the building set back off the road and placing it parallel to the hillside allows us to make the grounds/topography more handicapped accessible. Guests will enter the building at the lower level from the parking lot, then will take the elevator to the upper level and exit out onto the historic grounds. The current configuration requires a long outdoor ramp system to get from the parking level up to the visitor's center, and then another ramp up to the site from the visitor's center.

- **BZA Request #2 - One tray of parking between the front door and the frontage road**

By locating the building parallel to the hillside and retaining the parking in front of the building, we are creating a separation between the historic grounds and the parking lot to better preserve the nature of the site. By retaining parking in its current general location, we are limiting disturbance to the site. Due to limited site area at the lower elevations and the need for storm water retention, we are not able to reduce the parking to one tray and keep the required number of spaces.

Locating the parking lot and ADA parking in front of the building allows us to create a more accessible entry through the building from the parking lot to the upper historic grounds. This configuration also allows for dedicated accommodation of tour buses, again with access from the existing curb cut at W Fowlkes Street and visually isolated from the upper historic grounds.

We look forward to the opportunity for our project to make a positive impact in Franklin.

Sincerely,

Gary M. Vogrin



Kiser + Vogrin Design, LLC

Copy:

Carly Wansing, RA, Orcutt Winslow Architects

Sarah Dexheimer, Principal, RA, Orcutt Winslow Architects

Doug Freeman, Senior Development Manager, State of Tennessee Real Estate Asset Management

**HISTORIC CARTER HOUSE VISITOR CENTER
BOARD OF ZONING APPEALS 7/11/24 SUBMITTAL**



BOARD OF ZONING APPEALS SUBMITTAL
1140 COLUMBIA AVE., FRANKLIN, WILLIAMSON CO., TN
TAX MAP 78, PARCEL 9.01, 10, 9
COF # 8236

OWNER

State of Tennessee
312 Rosa L. Parks Ave.
24th Floor
Nashville, TN 37243
Contact: Doug Freeman
(Development Manager)
615.339.7806
doug.freeman@tn.gov

LANDSCAPE ARCHITECT
/ APPLICANT



CIVIL ENGINEER



ARCHITECT



Barge Civil Associates
6606 Charlotte Pike
Ste. 210
Nashville, TN 37209
Contact: Seth Sparkman
615.324.4226
ssparkman@bacivil.com

Orcutt Winslow
5016 Centennial Blvd.
Third Floor
Nashville, TN 37209
Contact: Sarah Dexheimer
615.298.2525
dexheimer.s@owp.com

SHEET INDEX:

	BZA Submittal
C0.0 COVER	07-11-2024
C1.0 OVERALL EXISTING SITE	07-11-2024
C1.1 ENLARGED EXISTING SITE	07-11-2024
L1.0 STATE OF TENNESSEE APPROVED CARTER HOUSE MASTER PLAN	07-11-2024
C2.0 OVERALL SITE PLAN	07-11-2024
C2.1 ENLARGED SITE PLAN	07-11-2024
C3.0 OVERALL GRADING & DRAINAGE PLAN	07-11-2024
C3.1 ENLARGED GRADING & DRAINAGE PLAN	07-11-2024
L2.0 ENLARGED LANDSCAPE PLAN	07-11-2024
A1.0 EXTERIOR ELEVATIONS	07-11-2024



SITE VICINITY MAP (NTS)

SITE DATA

PROJECT NAME: CARTER HOUSE VISITOR CENTER
PROJECT NUMBER: 8236
ADDRESS: 1140 COLUMBIA AVENUE
CITY: FRANKLIN
COUNTY: WILLIAMSON
STATE: TENNESSEE
CIVIL DISTRICT: 9
MAP: PARCEL NUMBERS: 78G, 9.01, 10, 9
SUBDIVISION: N/A
OVERALL SITE ACREAGE: +/- 10.51 AC
OVERALL SITE SQUARE FOOTAGE: +/- 457,739 SF
PHASE 1 SITE ACREAGE: +/- 3.07 AC
PHASE 1 SITE SQUARE FOOTAGE: +/- 133,813
VESTING: SEE COVER SHEET C0.0

REGULATIONS:
BASE ZONING: CIVIC INSTITUTIONAL DISTRICT
EXISTING ZONING: CI
OVERLAYS:
HPO - HISTORIC PRESERVATION OVERLAY DISTRICT
CAO2 - COLUMBIA AVENUE OVERLAY DISTRICT
CFO - CENTRAL FRANKLIN OVERLAY DISTRICT
BUILDING TYPES APPLIED: CIVIC BUILDING
FRONTAGE TYPES APPLIED: PARKING FRONTAGE
LOT WIDTH: N/A
SETBACKS -
FRONT YARD: 0'-20'
SIDE YARD: 0'
REAR YARD: 0'
BUILDING HEIGHT: 2 STORIES

OVERALL MINIMUM LANDSCAPE SURFACE AREA: 40% - 4.21 AC (+/- 183,096 SF)
PHASE 1 MINIMUM LANDSCAPE SURFACE AREA: 40% - 1.23 AC (+/- 53,576 SF)
OVERALL OPEN SPACE SF REQUIRED: 5% - 0.53 AC (+/- 22,887 SF)
PHASE 1 OPEN SPACE SF REQUIRED: 5% - 0.15 AC (+/- 6,691 SF)
OVERALL TREE CANOPY RETENTION ACREAGE:
REQUIRED: 24% - .93 ACRES (+/- 40,478 SF)
PROVIDED: 64% - 2.93 ACRES (+/- 127,641 SF)

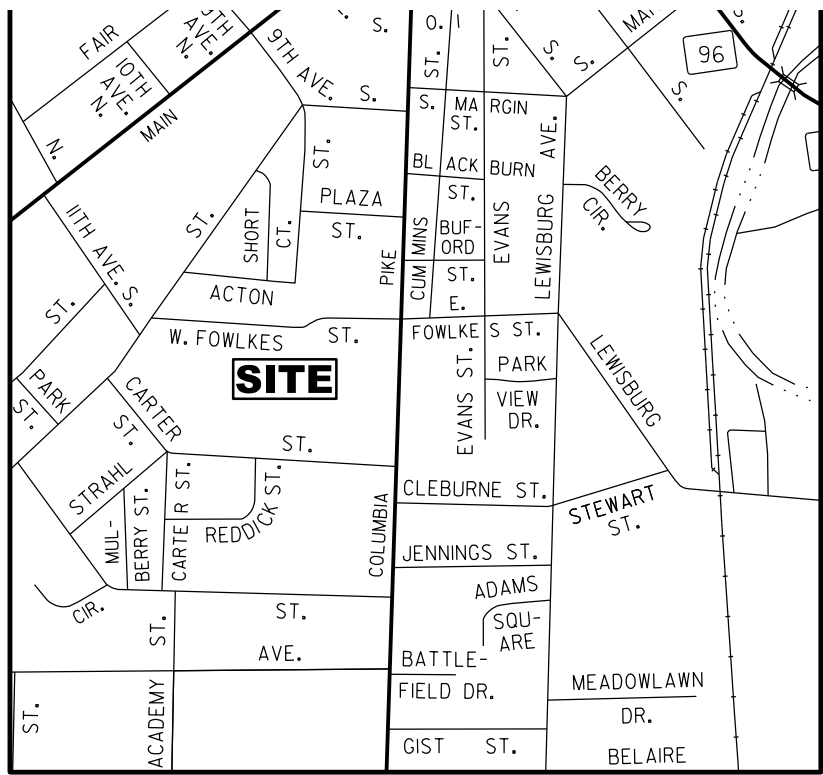
MINIMUM PARKING
REQUIRED: TBD
PARKING PROVIDED: 47 SPACES
BICYCLE PARKING
REQUIRED: 3
PROVIDED: 8
HISTORIC RESOURCE: N/A

THIS SITE PLAN HAS BEEN DESIGNED TO MEET THE CITY OF FRANKLIN STANDARDS AND THE APPROVAL OF THE PLANNING COMMISSION. CHANGES SHALL NOT BE MADE TO THE APPROVED SITE PLAN UNLESS APPROVED BY EITHER THE RELEVANT DEPARTMENT SUPERINTENDENT OR THE PLANNING COMMISSION.

KVD PROJECT# : 23034
COF # : 8236
Sheet #:
C0.0
DATE: 7-11-2024



CARTER HOUSE VISITOR CENTER
FRANKLIN, WILLIAMSON COUNTY, TN



VICINITY MAP
NTS

SITE DATA CHART

PROJECT NAME:	CARTER HOUSE VISITOR CENTER
PROJECT #:	COF# 8236
SUBDIVISION:	XX
MAP AND PARCEL:	MAP: 78, PARCEL: 9.01, 10, 9
ADDRESS:	1140 COLUMBIA AVENUE
CITY:	FRANKLIN
COUNTY:	WILLIAMSON
STATE:	TENNESSEE
CIVIL DISTRICT:	NINTH
EXISTING ZONING:	CI CIVIC AND INSTITUTIONAL
OVERLAYS:	C402 AND C70
ACREAGE OF SITE:	10.51 ACRES +/-
SQUARE FOOTAGE OF SITE:	457,739 SQUARE FEET +/-
LAND USE:	CIVIC
MINIMUM REQUIRED SETBACK LINES:	
YARD FRONTING ON ANY STREET:	0'-20'
SIDE YARD:	0'
REAR YARD:	0'
OWNER:	STATE OF TENNESSEE
ADDRESS:	312 8TH AVENUE NORTH NASHVILLE, TN 37243
PHONE NO.:	615-339-7808
E-MAIL ADDRESS:	doug.freeman@tn.gov
CONTACT NAME:	DOUG FREEMAN (DEVELOPMENT MANAGER)
ENGINEER:	BARGE CIVIL ASSOCIATES, INC.
ADDRESS:	6606 CHARLOTTE PIKE, SUITE 210 NASHVILLE, TN 37209
PHONE NO.:	615-356-9811
FAX NO.:	615-352-6737
E-MAIL ADDRESS:	sparkman@bcardll.com
CONTACT NAME:	MR. SETH SPARKMAN
BUILDING SQUARE FOOTAGE:	9,600 GROSS SF +/-
BUILDING HEIGHT:	(2 STORIES: SEE ARCHITECTURAL PLANS)
LANDSCAPE SURFACE RATIO:	(SEE LANDSCAPE PLANS)
MINIMUM LANDSCAPE SURFACE RATIO:	0.10
MINIMUM PARKING REQUIREMENT:	TBD
MAXIMUM PARKING LIMIT:	TBD x 1.20
PARKING PROVIDED:	47 SPACES
TREE CANOPY:	(SEE LANDSCAPE PLANS)
FORMAL OPEN SPACE:	(SEE LANDSCAPE PLANS)

NO EVIDENCE HAS BEEN FOUND THAT MINERAL RIGHTS ARE HELD BY ANYONE OTHER THAN THE PROPERTY OWNER

LINE TABLE

LINE	BEARING	LENGTH
L1	S79°03'55"E	39.08'
L2	N79°03'46"E	125.43'
L3	S76°59'13"E	216.31'
L4	S25°51'57"E	34.36'

CURVE TABLE

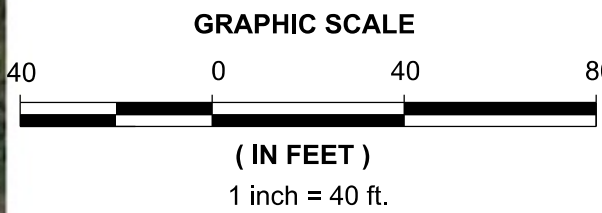
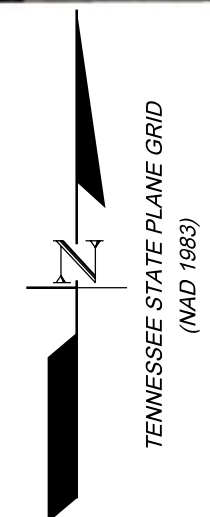
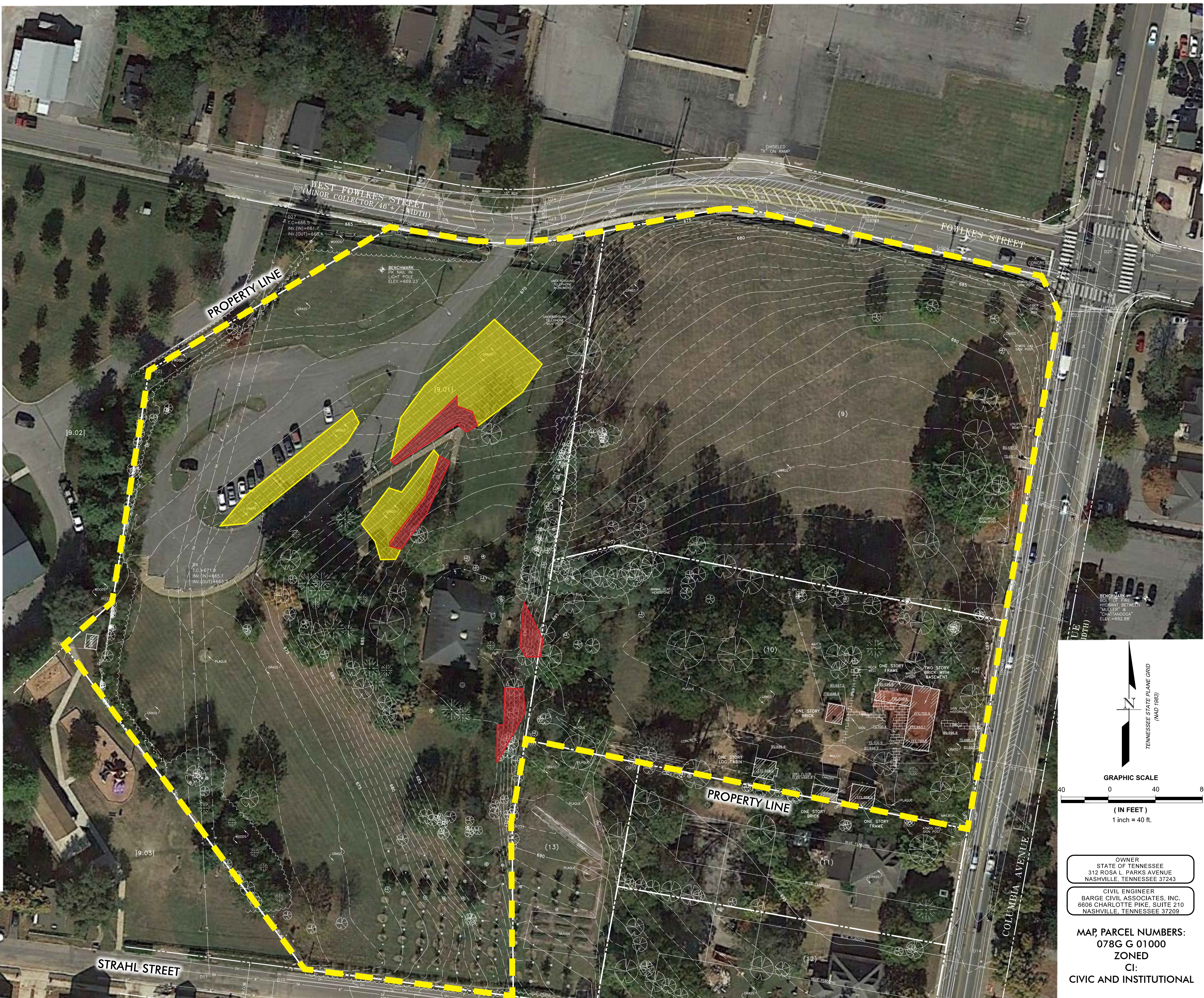
CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA
C1	102.27'	324.00'	101.85'	S88°06'30"E	18°05'09"
C2	14.87'	225.00'	14.87'	N80°57'21"E	03°47'10"
C3	41.78'	130.22'	41.60'	S85°04'20"E	18°22'53"
C4	22.95'	275.00'	22.94'	S79°22'40"E	04°46'54"

Owners Table

Tax Map	Control Map	Group	Parcel	Owner	Deed Book	Page
78F	78G	G	9	State of Tennessee	1845	826
78G	78G	G	9.01	State of Tennessee	370	467
78G	78G	G	9.02	Williamson County	1845	824
78G	78G	G	9.03	Williamson County	782	392
78F	78G	G	10	State of Tennessee	95	59
78F	78G	G	11	Franklins Charge Inc.	6670	536
78F	78G	G	12	Franklins Charge Inc.	6670	541
78F	78G	G	13	City of Franklin	6676	433

SLOPE LEGEND

EXISTING SLOPES	
14-19.99%	
20%+	



OWNER
STATE OF TENNESSEE
312 ROSA L. PARKS AVENUE
NASHVILLE, TENNESSEE 37243

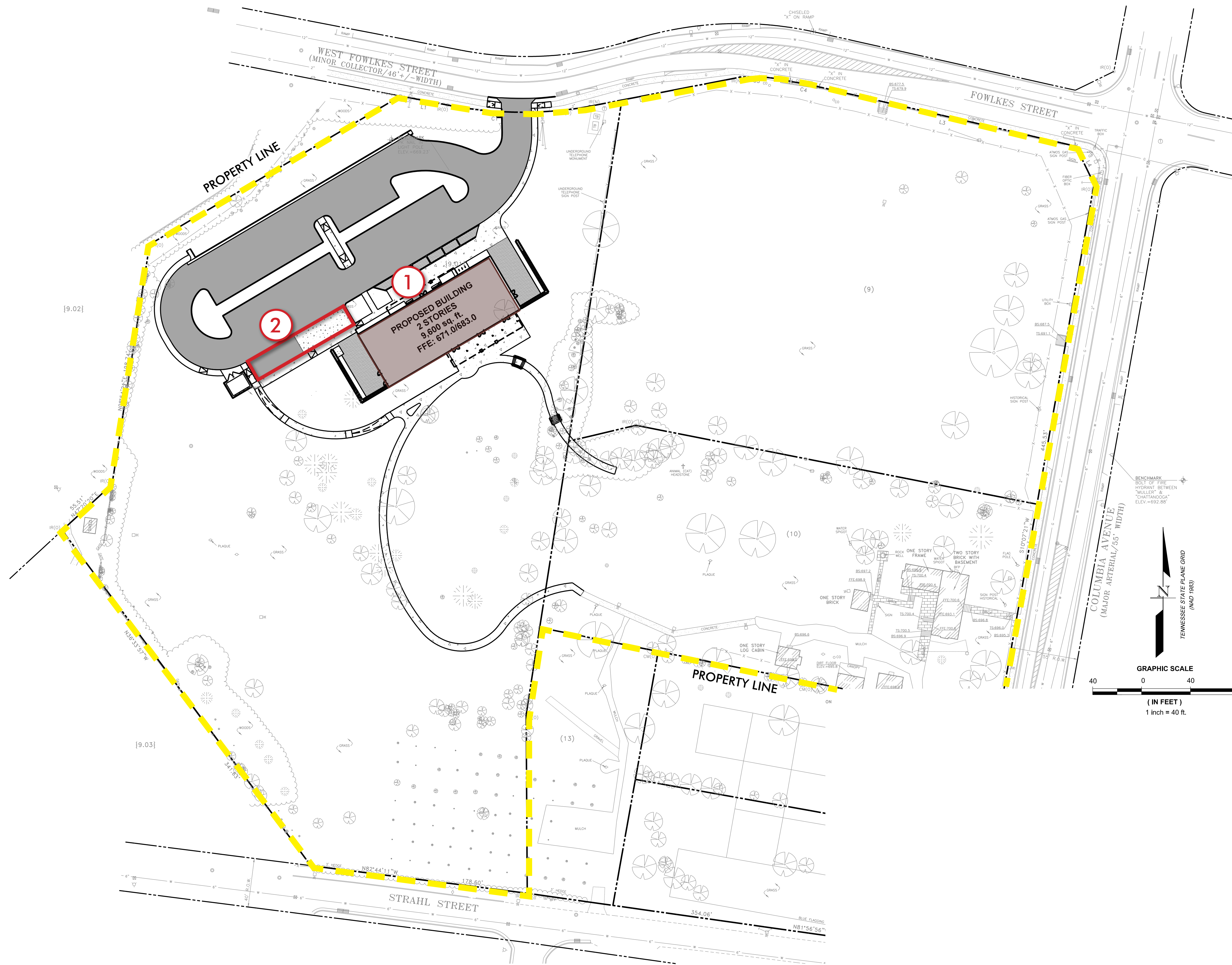
CIVIL ENGINEER
BARGE CIVIL ASSOCIATES, INC.
6606 CHARLOTTE PIKE, SUITE 210
NASHVILLE, TENNESSEE 37209

MAP, PARCEL NUMBERS:
078G G 01000
ZONED
CI:

CIVIC AND INSTITUTIONAL







BZA REQUEST #1

TO ALIGN THE FRONT FACADE OF THE BUILDING IN A NON-PARALLEL ORIENTATION TO LEAVE THE PARKING IN THE CURRENT LOCATION TO 1) PROVIDE LESS DISTURBANCE TO THE SITE AND 2) CONTINUE TO SCREEN THE PARKING FROM THE OVERALL SITE EXPERIENCE.

THE ORIENTATION OF THE BUILDING/ENTRY DOES MEET THE REQUIREMENTS OF THE "CIVIC" BUILDING TYPE, THAT THE MAIN ENTRANCE IS PROMINENTLY LOCATED ON THE FRONT FACADE, AND THAT THE FRONT FACADE FACES THE PUBLIC STREET, JUST NOT IN A PARALLEL ORIENTATION.

BZA REQUEST #2

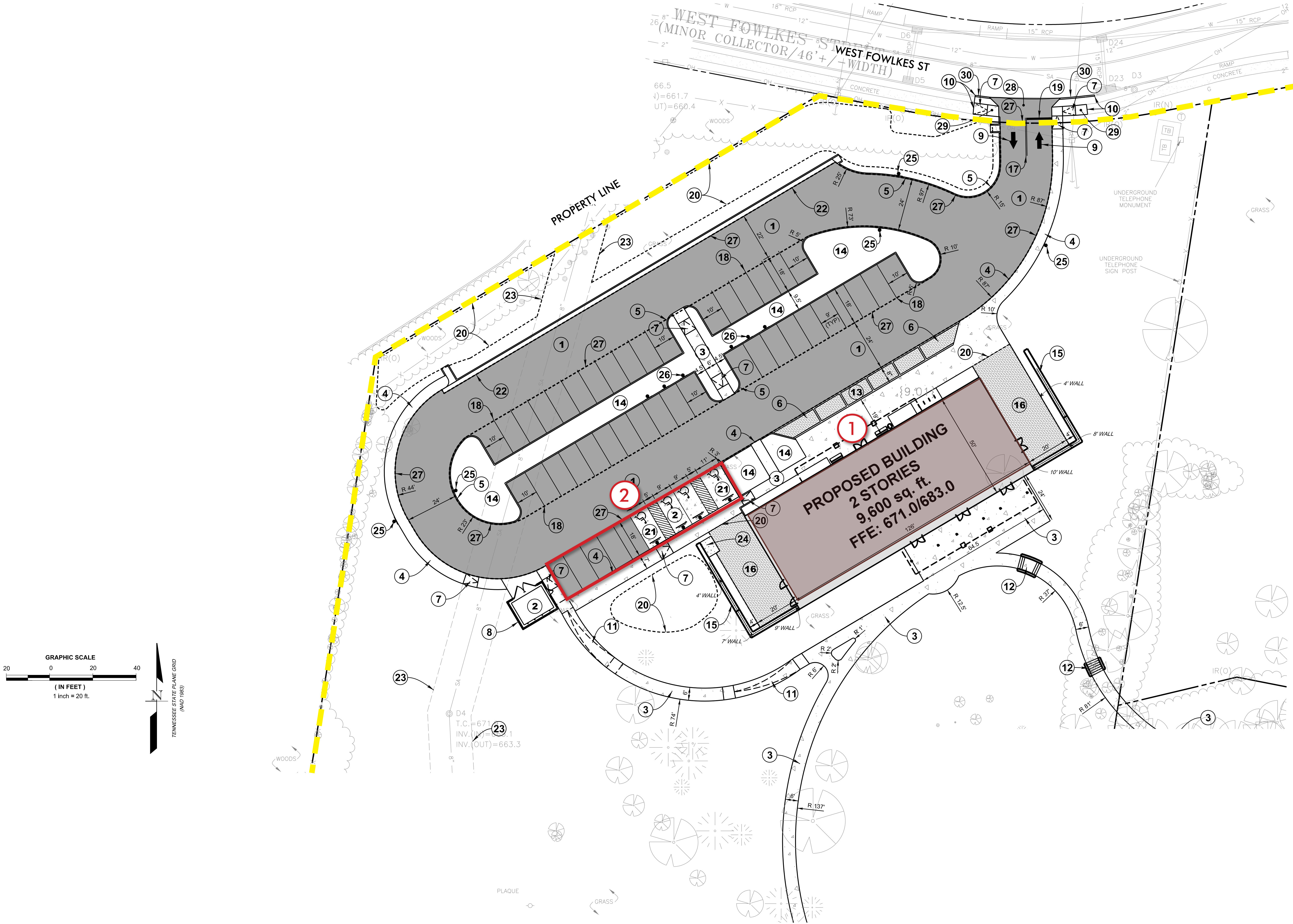
TO ALLOW 3 BAYS OF PARKING WITHIN THE FRONTAGE AREA TO ALLOW FOR ADA PARKING/ ADDITIONAL PARKING SPACES TO PROVIDE LESS DISTURBANCE TO THE SITE DUE TO TOPOGRAPHICAL CONSTRAINTS AND CONTINUE TO SCREEN THE PARKING FROM THE OVERALL SITE EXPERIENCE.

SEE SUPPLEMENTAL JUSTIFICATION NARRATIVE FOR MORE INFORMATION.

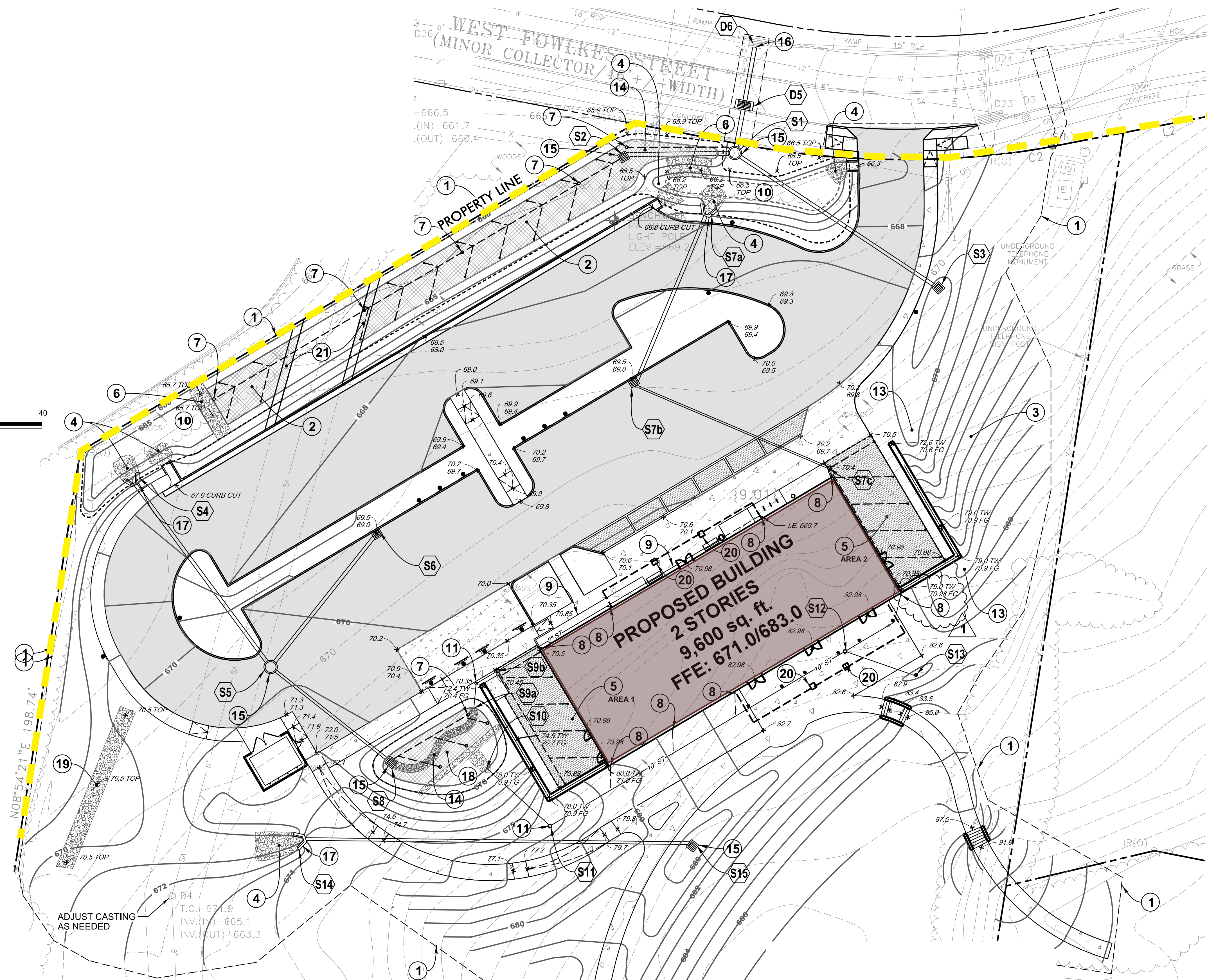
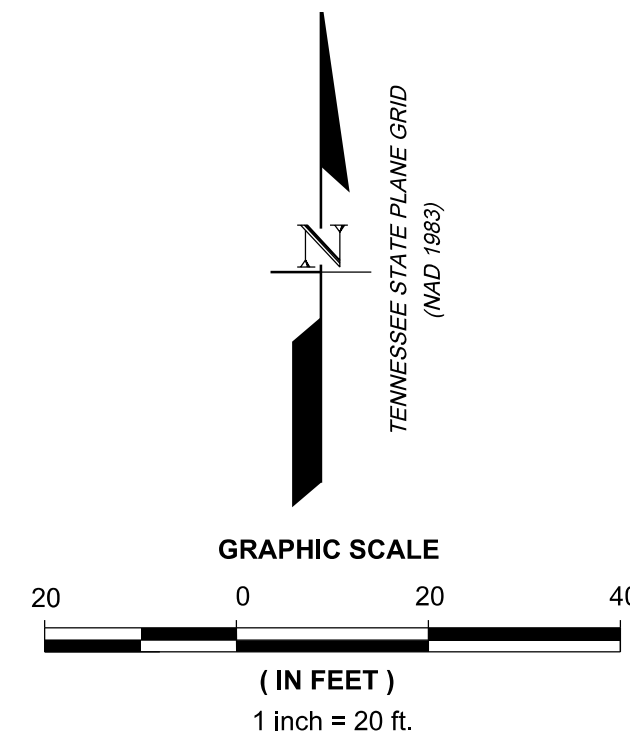
OVERALL SITE PLAN (PREVIOUSLY APPROVED BY CITY OF FRANKLIN 11/20/2023)

CARTER HOUSE VISITOR CENTER

FRANKLIN, WILLIAMSON COUNTY, TN



- BZA REQUEST #1**
- TO ALIGN THE FRONT FACADE OF THE BUILDING IN A NON-PARALLEL ORIENTATION TO LEAVE THE PARKING IN THE CURRENT LOCATION TO 1) PROVIDE LESS DISTURBANCE TO THE SITE AND 2) CONTINUE TO SCREEN THE PARKING FROM THE OVERALL SITE EXPERIENCE.
- THE ORIENTATION OF THE BUILDING/ENTRY DOES MEET THE REQUIREMENTS OF THE "CIVIC" BUILDING TYPE, THAT THE MAIN ENTRANCE IS PROMINENTLY LOCATED ON THE FRONT FACADE, AND THAT THE FRONT FACADE FACES THE PUBLIC STREET, JUST NOT IN A PARALLEL ORIENTATION.
- BZA REQUEST #2**
- TO ALLOW 3 BAYS OF PARKING WITHIN THE FRONTAGE AREA TO ALLOW FOR ADA PARKING/ ADDITIONAL PARKING SPACES TO PROVIDE LESS DISTURBANCE TO THE SITE DUE TO TOPOGRAPHICAL CONSTRAINTS AND CONTINUE TO SCREEN THE PARKING FROM THE OVERALL SITE EXPERIENCE.
- SEE SUPPLEMENTAL JUSTIFICATION NARRATIVE FOR MORE INFORMATION.



23034 SHEET L-400 OVERALL PLANT SCHEDULE

ABBR.	QTY	BOTANICAL NAME	COMMON NAME	CAL/HT/SPR/CONT.	NOTES
TREES					
IXO	9	<i>Ilex opaca</i>	American Holly	8' Ht. Min.	FTG
JVR	6	<i>Juniperus virginiana 'Brodie'</i>	Brodie Eastern Red Cedar	8' Ht. Min.	FTG
QUS	11	<i>Quercus shumardii</i>	Shumard Oak	3" Cal./ 16' Ht./ 7" Spr.	Specimen; Req'd by COF
SHRUBS					
IGS	71	<i>Ilex glabra 'Shamrock'</i>	Shamrock Inkberry	24" Ht./ 24" Spr.	Full Plants
IVM	64	<i>Itea virginica 'Merlot'</i>	Merlot Virginia Sweetspire	24" Ht./ 24" Spr.	Full Plants
TMD	55	<i>Taxus x media 'Densiflora'</i>	Dense Yew	30" Ht./ 30" Spr.	Full Plants
JHB	55	<i>Juniperus horizontalis 'Blue Rug'</i>	Blue Rug Juniper	30" Spr. Min.	60" O.C.
VDA	24	<i>Viburnum dentatum 'Arrowwood'</i>	Arrowwood Viburnum	30" Ht./ 30" Spr.	Full Plants
ANNUALS / PERENNIALS / GROUNDCOVER / ORNAMENTAL GRASSES					
ASI	60	<i>Asclepias incarnata</i>	Milkweed	1 Gal.	Full Plants, 2nd Yr Growth
CAA	28	<i>Clematis armandii 'Apple Blossom'</i>	Evergreen Clematis	1 Gal.	Full Plants, 2nd Yr Growth, Spaced Equally on Trellises
LBB	31	<i>Liriope muscari 'Big Blue'</i>	Big Blue Lilyturf	1 Gal.	Full Plants, 2nd Yr Growth, Spring/Summer Planting Only
PAV	34	<i>Panicum virgatum</i>	Switch Grass	3 Gal.	Full Plants, 2nd Yr Growth, Spring/Summer Planting Only
WARM SEASON GRASS MIX: +/- 63,800 SQ FT (Refer to sheet L-601, Detail 11)					
SOD: +/- 16,750 SQ FT					
Key Legend: Cal/Ht/Spr/Cont: This column provides suggested plant size when installing; Cal=Caliper (diameter of the tree trunk); Ht= Height of foliage Spr= Spread (diameter of plant foliage; Cont= Container in Gallon size Full: Plants shall have dense growth in height and width; ST: Single Trunk; MT: Multi-Trunk (3 Stems) 2nd Yr. Growth: A plant that has been growing for 2 years before instal FTG (Full to Ground): Plant has foliage from top to bottom Specimen: Refers to Tree/Shrubs that shall be top grade for each species and type. Plants shall exhibit exceptionally heavy, symmetrical, appearance as be unquestionably and outstandingly superior in form, compactness and shape Spacing: Refers to how far apart to plant plantings (from center to center of plants) when in massings. Otherwise, if plant stands alone, use scale on drawing to measure how far away to plant in relation to other plant:					

LANDSCAPE KEY

SOD - TURF TYPE TALL FESCUE

NON-COMBUSTIBLE MULCH EDGING
(REQUIRED BY CITY OF FRANKLIN)
(REFER TO SHEET L-601, DETAIL 9)

SPECIMEN TREE, TYP.
(REFER TO SHEET L-100)

LANDSCAPE - PROPOSED BIORETENTION AREA
(CITY OF FRANKLIN REQUIRES 1 TREE/400 SF + 75%
LANDSCAPE MATERIAL)

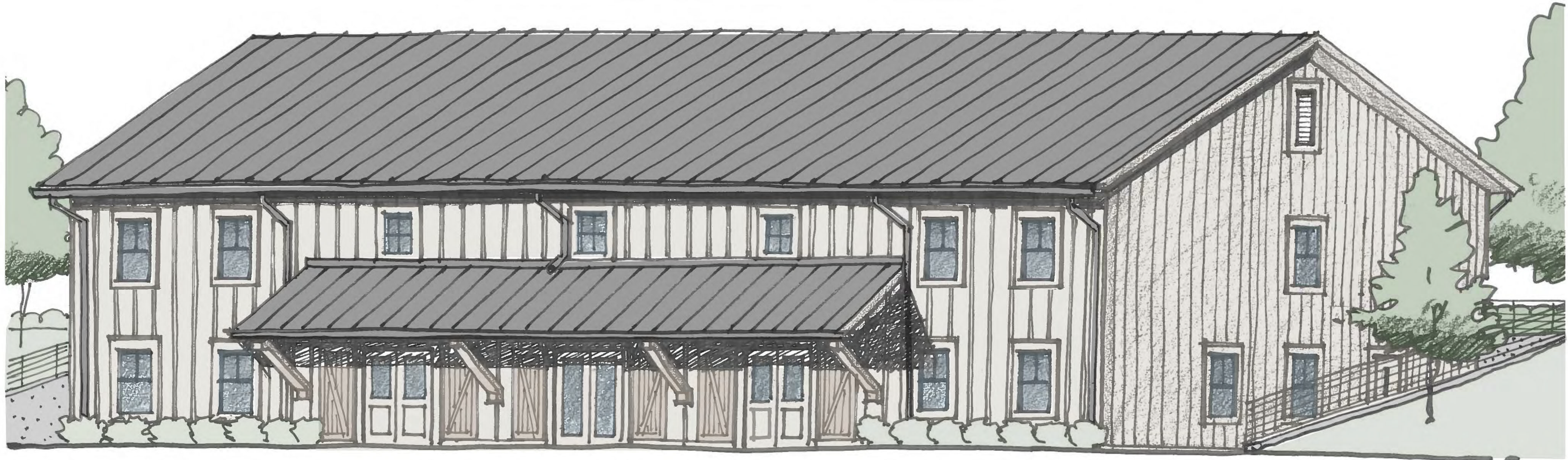
LANDSCAPE - WARM SEASON GRASS MIX
(REFER TO SHEET L-601, DETAIL 11)



ENLARGED LANDSCAPE PLAN (PREVIOUSLY APPROVED BY CITY OF FRANKLIN 11/20/2023)

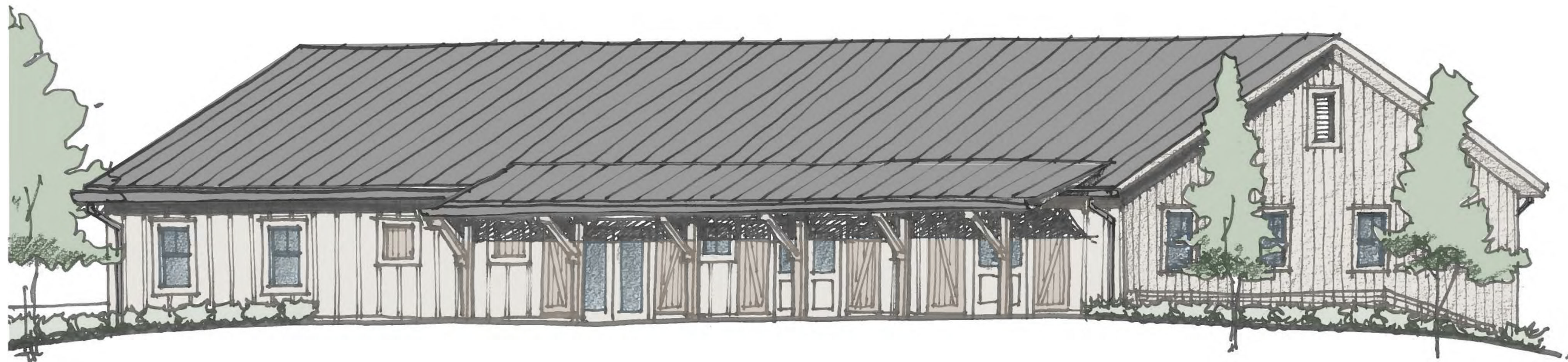
CARTER HOUSE VISITOR CENTER

FRANKLIN, WILLIAMSON COUNTY, TN



North/West Elevation

Exterior Materials
 - Walls: Natural/unfinished wood, board and batten siding, will weather to a gray color.
 - Roof: 5V crimp galvanized steel roofing



South/East Elevation

VISITOR CENTER ARCHITECTURAL ELEVATIONS (PREVIOUSLY APPROVED BY CITY OF FRANKLIN 11/20/2023)
CARTER HOUSE VISITOR CENTER
 FRANKLIN, WILLIAMSON COUNTY, TN



File #: 21-0378

DATE: June 18, 2024
TO: Board of Zoning Appeals
FROM: Amy Diaz-Barriga, Asst Director of Planning Development
Ariella Stanford, Planner

SUBJECT:

A **Variance Request** To Reduce The Minimum Front Yard Setback From 30 Feet To 20 Feet From The Front Lot Line For The Property Located At 305 Berry Circle (F.Z.O. 3.7.5.).

PURPOSE:

PROJECT INFORMATION

COF Project Number: 8527
Applicant: Vince Dunavant
Owner: Vince Dunavant

BACKGROUND/STAFF COMMENTS:

Vicinity Zoning/Land Use

Site: R-4 Residential / Residential Single-Family
North: Civic and Institutional District / Institutional
South: R-4 Residential / Residential Single-Family
East: Civic and Institutional District / Institutional
West: R-4 Residential / Residential Single-Family

Applicable Zoning Ordinance Provisions

20.10 Variance

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

3.7.5 - Zoning Districts, R-4 Residential 4 District, Dimensional Standards

Average setback of existing buildings on the same block face, but no closer to the front lot line than the closest adjacent building, and in no case less than 10 feet.

Background

The subject property is located at 305 Berry Circle and is zoned R4 - Residential 4 District. As explained in the submitted documents, the applicant wants to build a new house with a 2-car detached garage and a granny flat on this property. This property is located on a cul-de-sac with varying setbacks along the street. The Zoning Ordinance requires the principal building to be no closer to the front lot line than the closest adjacent building. With the closest adjacent building being the home located 30 feet from the front lot line at 309 Berry Circle, the required setback is 30 feet for 305 Berry Circle. In addition, section 6.3 of the Zoning Ordinance states that the plane width of a front-facing garage cannot be more than 40% (measured from the outside edges of the doors) of the total linear width of the front facade. With lot only being 62' wide, this lot would not be able to construct an attached front-facing 2-car garage onto the house. On a lot of this width, the garage would need to either be a 1-car garage, or be located in the rear of the lot. This Variance Request is to reduce the front-yard setback from 30 feet to 20 feet from the front lot line for the residential lot.

Staff Analysis

The BZA may authorize a variance only when the request has met all three criteria in accordance with F.Z.O §20.10.6 and State law. The staff has completed an analysis of the request in light of these criteria:

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

The shape of this lot combined with the location of the mature trees in the backyard create an exceptional situation. Because the lot is 62' wide, the home cannot fit an attached front-facing 2-car garage. This means the detached 2-car garage must be located behind the principal building. In addition, there are large oak trees in the backyard that the owner would like to protect. In order to protect the trees in the backyard, the garage in the rear of the lot must be located outside of the drip line of the tree, which is significantly farther from the rear property line than the permitted 5' for the location of the detached garage. In order to preserve the trees in the backyard and locate the garage behind the principal building, it becomes difficult to accommodate development on this property with the front setback being 30 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.

The 30-foot setback makes it difficult to preserve the trees in the backyard, considering the fact that the width of the lot requires the garage to be located in the rear. If the owner built the detached garage farther back in order to comply with the 30-foot front yard setback, the mature oak trees in the backyard would likely die. Staff finds this situation to be a practical difficulty for the owner of the property. Staff finds this criteria is met.

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

Staff finds that this request would not be a detriment to the public good and would not impair the intent of the Zoning Ordinance. While the adjacent house is located 30 feet from the front lot line, the rest of the houses on the street are located significantly closer to their front lot lines, including the house across the street from the subject property. Part of the intent of this Zoning Ordinance

requirement is that setbacks would be consistent along residential streets for aesthetic reasons. Considering the unique varying setbacks on this cul-de-sac, a 20-foot front yard setback would not be inconsistent with the rest of the houses on the street. Staff finds this criteria is met.

FINANCIAL IMPACT:

Unknown.

RECOMMENDATION:

RECOMMENDED MOTION: Staff recommends the Board of Zoning Appeals move to **approve** the **Variance Request** To Reduce The Minimum Front Yard Setback From 30 Feet To 20 Feet From The Front Lot Line For The Property Located At 305 Berry Circle, because the criteria for granting a variance have been met.

305 BERRY CIRCLE
TAX MAP 078F, GROUP F, PARCEL 03000
BOARD OF ZONING APPEALS
JULY 11, 2024

Legend

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

Site

431

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



HISTORIC
FRANKLIN
TENNESSEE

305 Berry Circle Variance Request - Vince & Wendy Dunavant, Owners

We are planning to remove the existing house at 305 Berry Circle and replace it with a new cottage-style home of approximately 2,500, with a 2-car detached garage and granny-flat for our elderly parent. As explained below, the characteristics of the lot combined with the current ordinance requirements restrict our ability to situate the home on the lot with the existing front setback requirement. Also, we would like our home placement to be consistent with the current redevelopment pattern of the street.

Variance Request – We are seeking a variance to adjust the current front setback to 20’ in response to context of the current development pattern of the street. To determine an appropriate setback request, we consulted with our architect and considered the existing setbacks of all other homes on the street. Also, as noted below, the front lot lines in relation to the edge of the street are not consistent which causes our house to be setback even further from the street edge than any other house on Berry Circle. We believe a 20’ setback is appropriate and provides for the allowable space needed. See calculation below:

Current Setback	30’
Less: Adjustment to Current Setback	<u>10’</u>
Proposed Requested Setback	20’
Plus: Approximate Distance to Street Edge from lot line	<u>6’</u> (See note and photos below)
Actual Distance of House to Street Edge	<u>26’</u>
Average Setback of All Lots on Berry Circle	18.2’

A new front setback of 20’ will result in the new house being placed approximately 26’ from the street edge, which is 8’ further back than the average setback of all 10 homes on the street. Therefore, we feel this request is reasonable and appropriate.

City of Franklin, TN Variance Criteria:

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

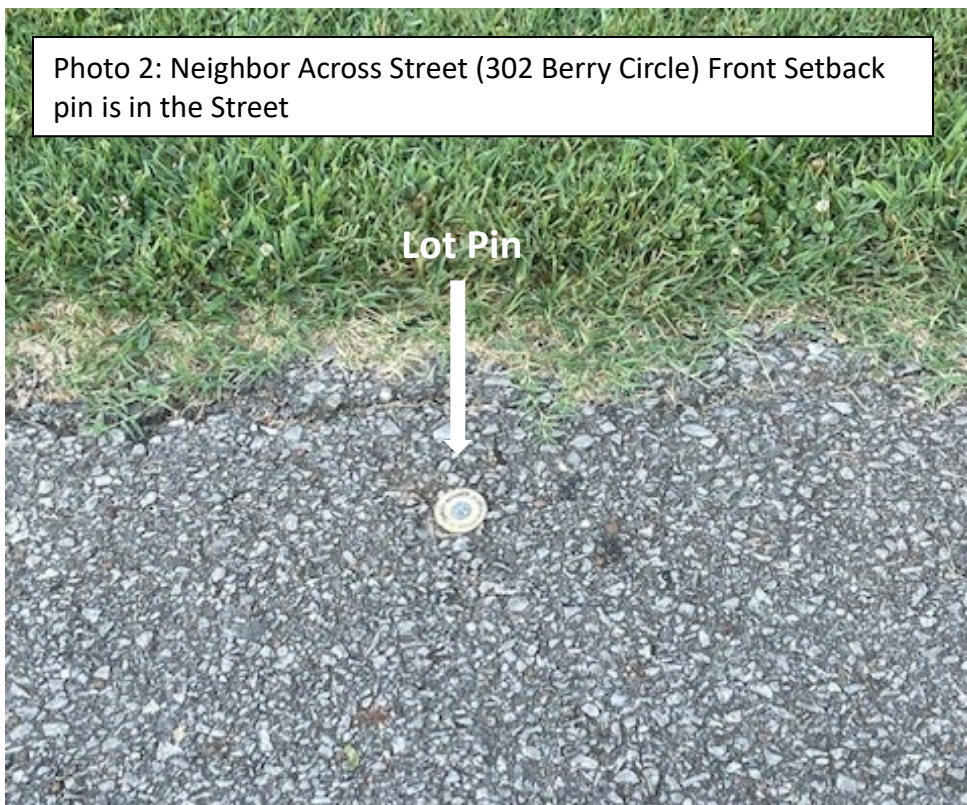
Physical characteristics of the lot causing need for variance:

- a) **Lot lines are skewed at the street.**
The front lot lines throughout Berry Circle are inconsistent with respect to their distance to the street edge. For example, our front lot line is approximately 6’ away from the edge of the street causing the front façade of our home to be 36’ from the edge of the street. Whereas the front lot line of our neighbor directly across the street (302) is in the street, causing his home to be closer to the street. (See photos below)

Photo 1: 305 Berry Circle Front Setback pin is approximately 6' from Street Edge



Photo 2: Neighbor Across Street (302 Berry Circle) Front Setback pin is in the Street

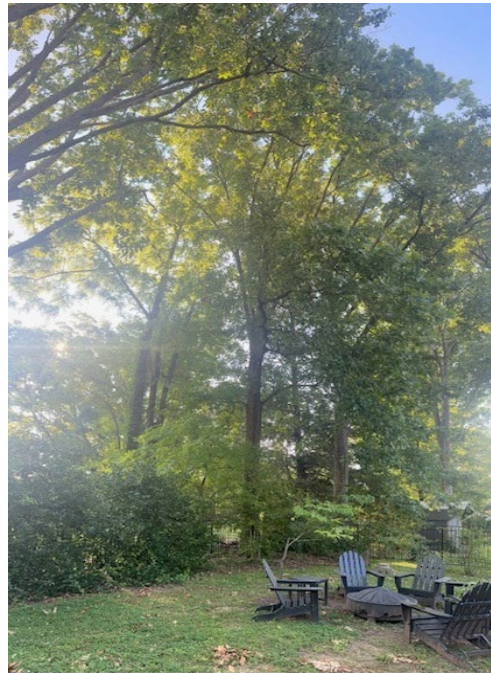


- b) Lot is the smallest on the street, is exceptionally narrow and narrows even further towards the back of the property.**

Since the lot is narrower at the back, one bay of the 2-car garage will be situated behind the primary residence and to have adequate depth for ingress/egress (est. 30'), the building envelope for the main house is substantially reduced. This variance will allow needed space for the proposed home. (See attached lot survey)

- c) There is a line of historic oak trees along the back property line that we would like to protect.**

The back property line has two large oak trees. An arborist has advised us that if we place the detached garage at the permitted 5' setback, these trees will likely not survive. The variance will allow us to move the detached garage away from the tree line. Loss of these trees would be detrimental to the aesthetics of the lot and the neighborhood. (See photos below)



- d) There is a utility easement along the left property line.**

Due to the existing utility easement, we are precluded from encroaching on this area of the property.

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

Ordinance provisions that create difficulties by reducing the building envelope of the lot:

- a) Under Section 3.7.5, all other lots on Berry Circle can be redeveloped with a front setback of 10' to 17', leaving our lot (305) as the ONLY lot on Berry Circle with a 30' front setback.**

Section 3.7.5: Average setback of existing buildings on the same block face, but no closer to the front lot line than the closest adjacent building, and in no case less than 10 feet.

Under this ordinance, our adjacent neighbor (309), which is actually two lots, can redevelop her

property with a front setback of 17' because her closest adjacent property is lot 311 which has a front setback of 17'. This would result in our home being the only home on Berry Circle with a front setback of 30', making it inconsistent with the context of the street.

- b) Section 6.3 requires that a front-facing garage width is not more than 40% of the total linear width of the front façade and must be 20' behind the front façade. Due to the exceptional narrowness of the lot, the garage must be detached and positioned behind the primary residence.**

Section 6.3: Not more than 40% (measured from the outside edges of the doors) of the total linear width of the front façade.

As our lot is wider in the front, our architect attempted to design a front-facing garage, however we were unable to meet the required 60/40 percent ratio required per Section 6.3. This results in us having to place the garage in the back of the property, which endangers the historical tree line.

- c) Section 10.1.17 which requires a minimum width of 10' for driveways and a minimum driveway setback of 5' from any abutting lot line results in a building envelope which is exceptionally narrow.**

Section 10.1.17: A minimum width of 10 feet, unless it is a ribbon driveway, but no wider than the width of the garage Where no garage exists or where the garage is less than 20 feet wide, the maximum width shall be 20 feet and configured to meet the width of the driveway apron at the lot line. Driveway setback shall be located a minimum of 5' from the abutting property line.

In order to comply with Section 10.1.17, 6.3, and all other existing setback requirements, we are required to place the 2-car garage in the back of the property. With the garage in the back of the property, per our architect, we must have approximately 30' of distance between the garage and house to accommodate ingress/egress into the garage. Therefore, our building envelope without the variance is exceptionally small to accommodate a 2,500 square foot house and granny flat. We have an elderly parent that will be living with us and we are trying to provide a small living area for them.

Criteria 3. Such relief may be granted without substantial detriment to the public good and without substantially impairing the purpose and intent of the zoning map and this Ordinance. In accordance with State law, all three criteria must be met to grant a variance. Variances are typically considered for dimensional requirements, such as encroachments into setbacks. Variances cannot be considered for use regulations. They also do not include financial burdens that an applicant may perceive to be incurred if asked to fully comply with the City's regulations.

Granting of this variance supports Envision Franklin's principle of "Context Responsive Infill."

Per Envision Franklin, "Infill development should be compatible with the surrounding context achieved by design that complements the fundamental neighborhood patterns, respect the block's existing lot

widths, building forms and orientation, height and scale, siting, the rhythm of development along the street, front setbacks and backyard patterns.”

This variance will have no detrimental impact on either the neighborhood or public good and is in direct response to the context of the existing neighborhood and the principles of Envision Franklin. Berry Circle is a cul de sac of 10 lots. In 2011, the back 4 lots of the original “Berry Home Place” subdivision were re-platted into 6 lots with new minimum 10’ front setbacks and 5’ side setbacks. (See the attached “Re-Subdivision of Berry Home Place” document).

This re-subdivision of the original lots was a redesign of the neighborhood, changing the existing character and establishing a pattern of development for the neighborhood into a “front porch community” with small front yards and garages in the rear of the main buildings. This redesign set the size, setbacks, materials and “rhythm of the street” just as Envision Franklin describes as an “Exceptional Design” feature. (See photos below of the homes with reduced setbacks built between 2013-2023 under the re-subdivision plan.)

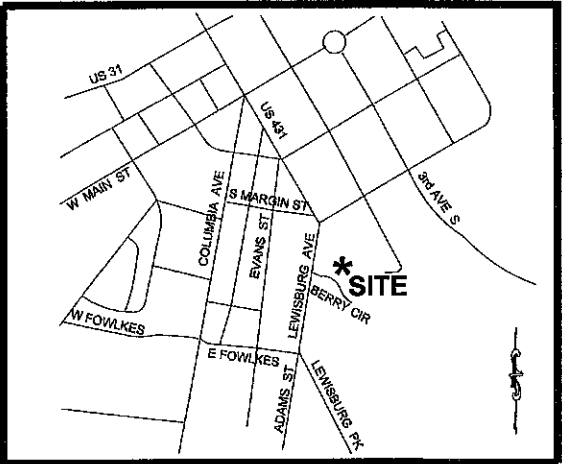


Of the 10 lots on Berry Circle, only 3 remain in their original context. All 3 remaining are nondescript ranch houses with front loading carports that will be redeveloped into the pattern established with the 2011 redesign as shown in the above photos.

The variance request to change the front setback of our lot (305) to 20' is consistent with the pattern of redevelopment on the street and exceeds the average setback of all other homes on Berry Circle. The current average front setback of all 10 lots on Berry Circle is approximately 18'. (See attached ariel view of all the lots on Berry Circle and their current setbacks)

Summary. Approval of this variance will allow our front setback to follow the current development pattern of the street, have no detrimental impact on the neighborhood, and will ensure that no property on Berry Circle is detrimentally impacted by future infill development.

MAP: 78F, GRP: F, PAR: 25
HERITAGE FOUNDATION OF
FRANKLIN & WILLIAMSON COUNTY
PB: 1, PG: 46
PB: 9, PG: 33
DB: 7566, PG: 325

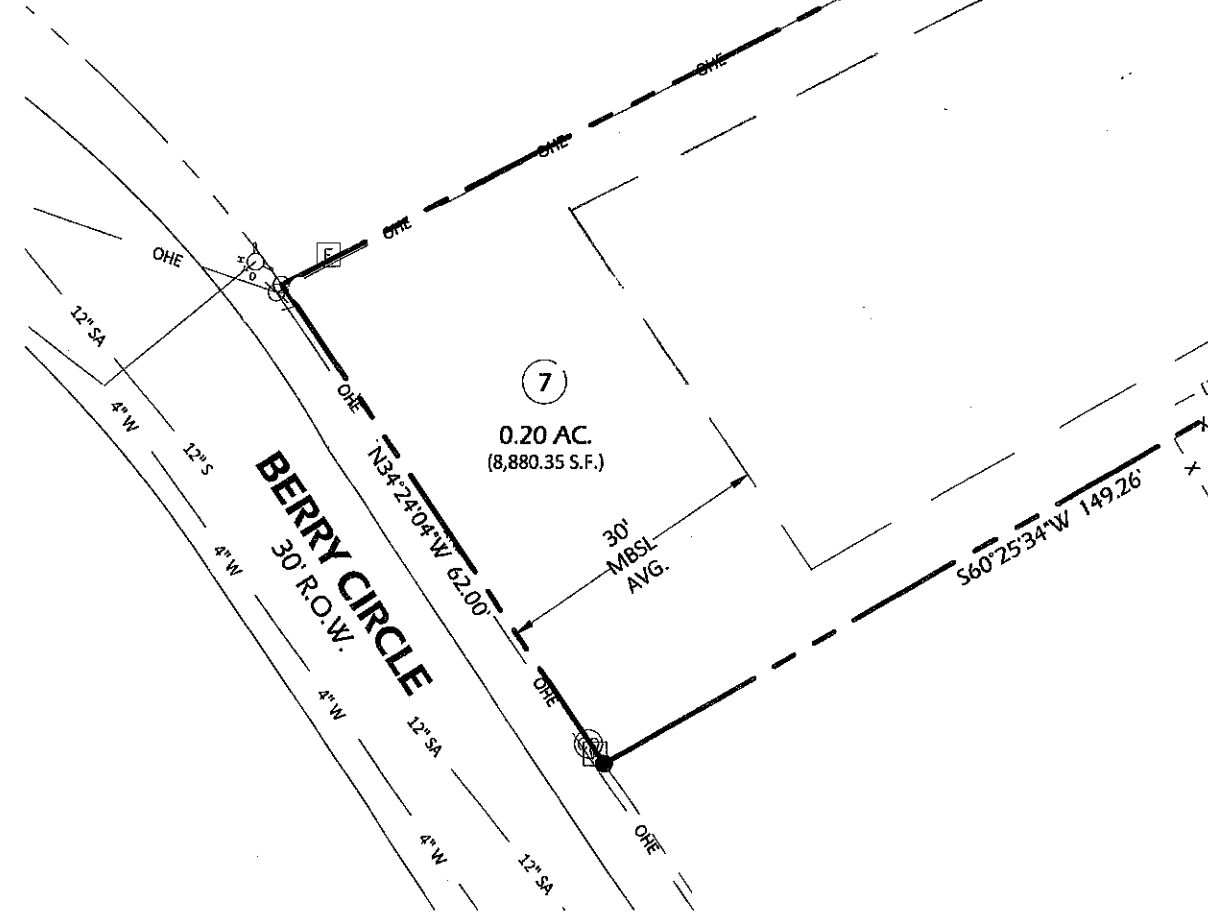


VICINITY MAP
NOT TO SCALE

GENERAL NOTES:

1. PURPOSE: RESIDENTIAL SITE PLAN.
2. SUBJECT PROPERTY PRESENTLY IDENTIFIED AS PARCEL 30, ON THE WILLIAMSON COUNTY TAX MAP 78F, GROUP "F". SAID PROPERTY IS FURTHER IDENTIFIED AS LOT 7 OF BERRY HOME PLACE AND IS SUBJECT TO ALL MATTERS SET FORTH ON THE FINAL PLAT AS RECORDED IN PLAT BOOK 1, PAGE 46 IN THE WILLIAMSON COUNTY REGISTERS OF DEEDS OFFICE AND TO ALL RESTRICTIONS OF RECORD.
3. CURRENT OWNER: HERITAGE FOUNDATION OF WILLIAMSON COUNTY. (DB: 8227, PG: 293)
4. PROPERTY ZONING: R-4 (CITY OF FRANKLIN).
5. BEARINGS SHOWN HEREON ARE BASED ON THE TENNESSEE STATE PLANE COORDINATE SYSTEM (NAD83).
6. DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
7. SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.
8. EVERY DOCUMENT OF RECORD REVIEWED AND CONSIDERED AS A PART OF THIS SURVEY IS NOTED HEREON. ONLY THE DOCUMENTS NOTED HEREON WERE SUPPLIED TO THIS SURVEYOR. NO ABSTRACT OF TITLE, OR TITLE COMMITMENT, NOR RESULTS OF TITLE SEARCHES WERE FURNISHED TO THIS SURVEYOR. OTHER DOCUMENTS OF RECORD MAY EXIST THAT WOULD AFFECT THESE PARCELS.
9. THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO THE FINDINGS OF SUCH REPORT.
10. UTILITIES SHOWN HEREON WERE COMPILED FROM VISIBLE STRUCTURES AT THE SITE, INFORMATION FROM PLANS, AND PHYSICAL MARKINGS AND COMBINED TO DEVELOP A VIEW OF THE UNDERGROUND UTILITIES. HOWEVER, LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY, AND RELIABLY DEPICTED. IN ADDITION, IN SOME JURISDICTIONS, 811 OR OTHER SIMILAR UTILITY LOCATE REQUESTS FROM SURVEYORS MAY BE IGNORED OR RESULT IN AN INCOMPLETE RESPONSE. THIS SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THIS SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. VERIFICATION OF EXISTENCE, LOCATIONS, AND DEPTH SHOULD BE MADE BEFORE CONDUCTING ANY EXCAVATION IN THE VICINITY OF THE UTILITY.
11. I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND WAS CONDUCTED IN ACCORDANCE WITH RULE 0820-03.11 (GLOBAL POSITION SYSTEMS SURVEYS) ACCORDING TO THE CURRENT TENNESSEE MINIMUM STANDARDS OF PRACTICE AS PROMULGATED BY THE TENNESSEE STATE BOARD OF EXAMINERS FOR LAND SURVEYORS. THIS SURVEY WAS CONDUCTED WITH DUAL-FREQUENCY RTK GPS EQUIPMENT BASED ON THE TDDT CORPS NETWORK.
 - a. POSITIONAL ACCURACY: 0.08'
 - b. DATE OF SURVEY: 01/19/2022
 - c. DATUM/EPOCH: TENNESSEE STATE PLANE (NAD83). OCCUPATIONS FOR CONTROL POINTS ARE 3 MINUTES EACH, SIDE SHOTS ARE 3 SECONDS.
 - d. GEOID 18
 - e. NO COMBINED GRID FACTORS WERE USED.

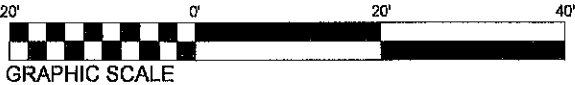
MAP: 78F, GRP: F, PAR: 31
SERVAY OLGA STONE TRUST
LOT'S 8-9 OF BERRY HOME PLACE
PB: 1, PG: 46
DB: 7775, PG: 438



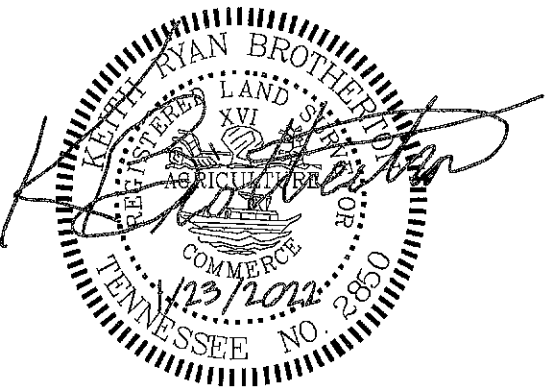
Keith Brotherton, RLS
Cell: 615-939-3419

Email: keith@brothertonsurveys.com

Mailing Address: 603 Jordan Road - Franklin, TN 37067



LEGEND	
IRON PIN FOUND	○
IRON PIN SET	●
WATER METER	⊗
WATER VALVE	⊕
FIRE HYDRANT	⊗
SANITARY SEWER MH	⊗
SANITARY SEWER SERV.	⊗
UTILITY POLE	⊗
GAS METER	⊗
GAS VALVE	⊗
EVERGREEN TREE	⊗
DECIDUOUS TREE	⊗
SANITARY SEWER	— 12" SA —
WATER	— 4" W —
OVERHEAD ELEC	— OHE —
BOUNDARY	— — — — —
FENCE	— — — — —



RESIDENTIAL SITE PLAN

MAP: 78F, GRP: F, PARCEL: 30
LOT 7 OF BERRY HOME PLACE
PLAT BOOK: 1, PAGE: 46
305 BERRY CIRCLE, FRANKLIN, TN 37064
9TH CIVIL DISTRICT, WILLIAMSON COUNTY, TN
FOR: WENDY DUNAVANT

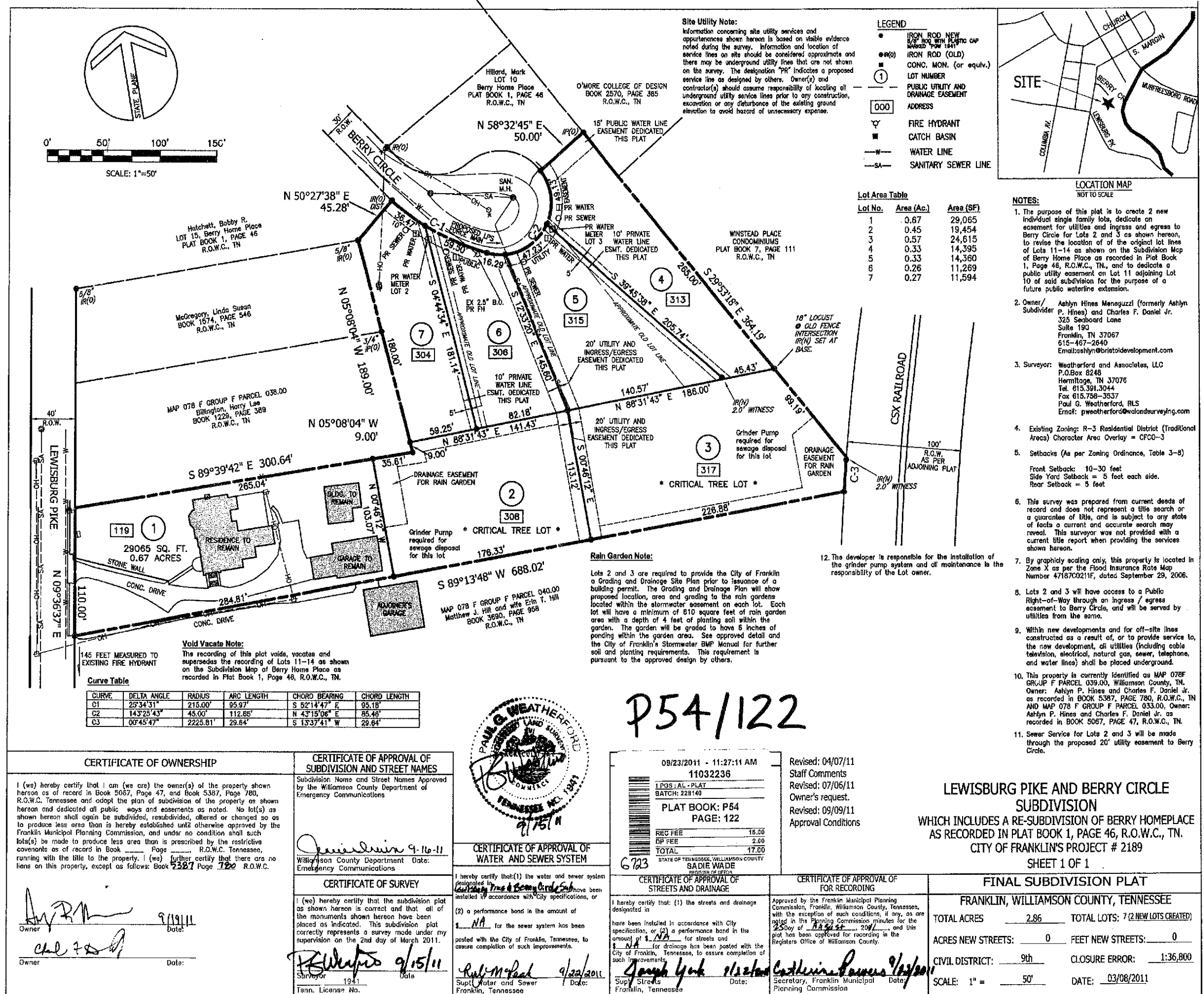
DRAWN BY: KRB DATE: 01/23/2022 SHEET NO.
PROJECT NO. 22-007 SCALE: 1"=20' 1 OF 1

Berry Circle

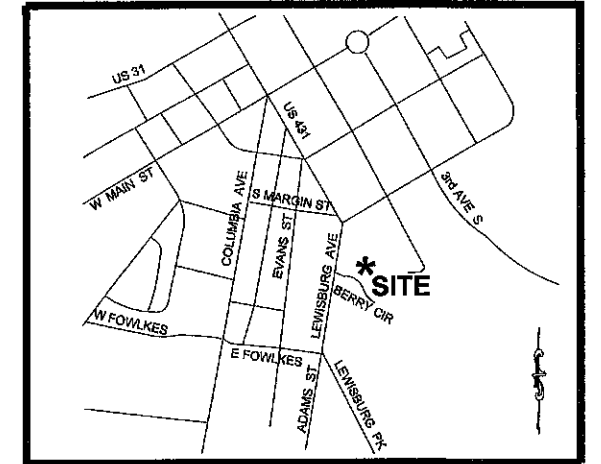
Lot	Setback
305	30.0'
309	29.6'
311	16.6'
313	21.2'
315	16.7'
302	18.8'
304	18.4'
306	10.4'
Lot 2*	10.0'
Lot 3*	10.0'
Average	18.2'

* Undeveloped





MAP: 78F, GRP: F, PAR: 25
HERITAGE FOUNDATION OF
FRANKLIN & WILLIAMSON COUNTY
PB: 1, PG: 46
PB: 9, PG: 33
DB: 7566, PG: 325



VICINITY MAP
NOT TO SCALE

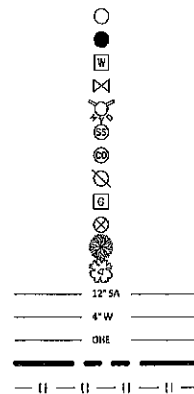
GENERAL NOTES:

- PURPOSE: RESIDENTIAL SITE PLAN.
- SUBJECT PROPERTY PRESENTLY IDENTIFIED AS PARCEL 30, ON THE WILLIAMSON COUNTY TAX MAP 78F, GROUP "F". SAID PROPERTY IS FURTHER IDENTIFIED AS LOT 7 OF BERRY HOME PLACE AND IS SUBJECT TO ALL MATTERS SET FORTH ON THE FINAL PLAT AS RECORDED IN PLAT BOOK 1, PAGE 46 IN THE WILLIAMSON COUNTY REGISTERS OF DEEDS OFFICE AND TO ALL RESTRICTIONS OF RECORD.
- CURRENT OWNER: HERITAGE FOUNDATION OF WILLIAMSON COUNTY. (DB: 8227, PG: 293)
- PROPERTY ZONING: R-4 (CITY OF FRANKLIN).
- BEARINGS SHOWN HEREON ARE BASED ON THE TENNESSEE STATE PLANE COORDINATE SYSTEM (NAD83).
- DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
- SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.
- EVERY DOCUMENT OF RECORD REVIEWED AND CONSIDERED AS A PART OF THIS SURVEY IS NOTED HEREON. ONLY THE DOCUMENTS NOTED HEREON WERE SUPPLIED TO THIS SURVEYOR. NO ABSTRACT OF TITLE, OR TITLE COMMITMENT, NOR RESULTS OF TITLE SEARCHES WERE FURNISHED TO THIS SURVEYOR. OTHER DOCUMENTS OF RECORD MAY EXIST THAT WOULD AFFECT THESE PARCELS.
- THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO THE FINDINGS OF SUCH REPORT.
- UTILITIES SHOWN HEREON WERE COMPILED FROM VISIBLE STRUCTURES AT THE SITE, INFORMATION FROM PLANS, AND PHYSICAL MARKINGS AND COMBINED TO DEVELOP A VIEW OF THE UNDERGROUND UTILITIES. HOWEVER, LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY, AND RELIABLY DEPICTED. IN ADDITION, IN SOME JURISDICTIONS, 811 OR OTHER SIMILAR UTILITY LOCATE REQUESTS FROM SURVEYORS MAY BE IGNORED OR RESULT IN AN INCOMPLETE RESPONSE. THIS SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THIS SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. VERIFICATION OF EXISTENCE, LOCATIONS, AND DEPTH SHOULD BE MADE BEFORE CONDUCTING ANY EXCAVATION IN THE VICINITY OF THE UTILITY.
- I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND WAS CONDUCTED IN ACCORDANCE WITH RULE 0820-03.11 (GLOBAL POSITION SYSTEMS SURVEYS) ACCORDING TO THE CURRENT TENNESSEE MINIMUM STANDARDS OF PRACTICE AS PROMULGATED BY THE TENNESSEE STATE BOARD OF EXAMINERS FOR LAND SURVEYORS. THIS SURVEY WAS CONDUCTED WITH DUAL-FREQUENCY RTK GPS EQUIPMENT BASED ON THE TDDT CORPS NETWORK.
 - POSITIONAL ACCURACY: 0.08'
 - DATE OF SURVEY: 01/19/2022
 - DATUM/EPOCH: TENNESSEE STATE PLANE (NAD83). OCCUPATIONS FOR CONTROL POINTS ARE 3 MINUTES EACH, SIDE SHOTS ARE 3 SECONDS.
 - GEOID 18
 - NO COMBINED GRID FACTORS WERE USED.

MAP: 78F, GRP: F, PAR: 31
SERVAY OLGA STONE TRUST
LOT'S 8-9 OF BERRY HOME PLACE
PB: 1, PG: 46
DB: 7775, PG: 438

LEGEND

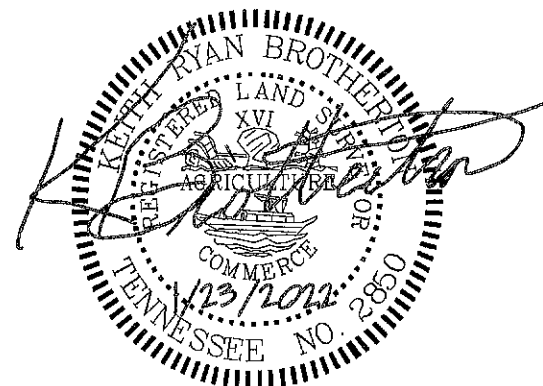
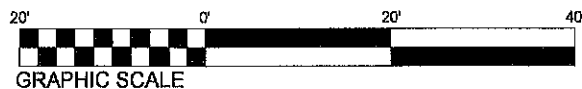
IRON PIN FOUND
IRON PIN SET
WATER METER
WATER VALVE
FIRE HYDRANT
SANITARY SEWER MH
SANITARY SEWER SERV.
UTILITY POLE
GAS METER
GAS VALVE
EVERGREEN TREE
DECIDUOUS TREE
SANITARY SEWER
WATER
OVERHEAD ELEC
BOUNDARY
FENCE



Keith Brotherton, RLS
Cell: 615-939-3419

Email: keith@brothertonsurveys.com

Mailing Address: 603 Jordan Road - Franklin, TN 37067



RESIDENTIAL SITE PLAN

MAP: 78F, GRP: F, PARCEL: 30
LOT 7 OF BERRY HOME PLACE
PLAT BOOK: 1, PAGE: 46
305 BERRY CIRCLE, FRANKLIN, TN 37064
9TH CIVIL DISTRICT, WILLIAMSON COUNTY, TN
FOR: WENDY DUNAVANT

DRAWN BY: KRB
PROJECT NO. 22-007
DATE: 01/23/2022
SCALE: 1"=20'
SHEET NO.
1 OF 1

User comment: I'm Olga M. Stone. I am the sole trustee of the trust that owns my home at 309 Berry Circle, the home immediately next to 305 Berry Circle. The owner of 305 Berry Circle is applying for a variance to change the setback from the current 30 feet setback to a 20 feet setback. I vehemently oppose such a change. Putting a Texas sized home on a small lot is not in character with what Historical Franklin represents. Additionally, our small street, Berry Circle, has a sharp incline, as well as a curve immediately upon entering the antique stone columns welcoming all to Berry Circle. Having a large, newly built home too close to the street will hit viewers smack in the face. Just past that curve, in my mind, the new large home will stick out like a Giant Sore Thumb. Also, I don't appreciate the fact that my established home and gardens will be adversely affected by a lack of sunlight and view. The lot at 305 Berry Circle never shrunk. It's the same size that the current owners purchased, with a lovely 3 bedroom, 3 bath brick home. If the current owners want to tear that nice home down, that's one thing, but changing the setback is a different can of worms that I, as the closest neighbor oppose. I am the ONLY residential neighbor whose property touches 305 Berry Circle. Such a variance will not only block out my home and gardens, the vision from Lewisburg Pike will show the Large New Home jutting out in an ill fitting and unattractive manner. I believe in preserving the past and not acting in a way that negatively impacts my neighbors or neighborhood. Olga Stone

City of Franklin Codes Department - City Hall

109 3rd Avenue South

Franklin, TN 37064

RE: Variance Application – 305 Berry Circle, Franklin, TN 37064

ATTN: Ariella Stanford

Dear Ms. Stanford,

We would like to offer this letter as confirmation of our full support and endorsement of the variance request being made by Wendy and Vince Dunavant for 305 Berry Circle.

We live at 109 Lewisburg Ave, which places us as direct side/back neighbors of the Dunavants. We were thrilled to hear of their plans for new construction on their lot. We believe they have a very logical and reasonable request for a variance to reduce the front yard set-back.

It is our belief that granting this set-back variance request will not negatively impact or change the experience of driving through our cul-de-sac in any way. The current home placements and spacing, along with the structures on the Franklin Grove property adjacent to 305 Berry Circle, do not present traditional sightlines. As an example, our home, located directly across Berry Circle from the Dunavants, was built in 1951. The corner of our home is exactly 9' from the street, less than 1/3 of the 30' called out in the current code. We believe that granting this variance will actually help the home better fit and flow with what is around it and align with what we feel is the charm of our little street.

We thank you for your time and would gladly speak to you as needed should you have any questions for us. Our cell phones are listed below.

Thank you,

Ginny and Steve Fahey

109 Lewisburg Ave, Franklin, TN 37064

615-719-2303 / 615-829-4233

gsmm@comcast.net