



City of Franklin

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

Meeting Minutes Board of Zoning Appeals

Thursday, May 2, 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.franklin.tn.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@franklin.tn.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

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

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

Board Members Absent: William Scales

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

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

Chair Langley asked for citizen comments. There were none.

APPROVAL OF MINUTES

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

Sponsors:

Board Member Reeves motioned to approve the minutes from the April 4, 2024, BZA meeting, seconded by Board Member Smith. The motion carried 4-0.

ANNOUNCEMENTS

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

APPLICATIONS

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

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

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

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

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

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

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

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

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

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

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

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

Questions for Staff

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

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

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

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

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

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

Public Comment: None

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

Chair Langley asked for a motion from the Board.

Motion

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

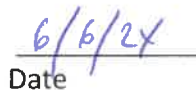
OTHER BUSINESS

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

ADJOURN

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

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


Chair
Date

