



Meeting Agenda

Board of Zoning Appeals

Thursday, August 1, 2024

6:00 PM

Board Room

Notice is hereby given that a meeting of the Board of Zoning Appeals will be held on the date, time, and location listed above. Additional information can be found at www.franklintn.gov/planning. For accommodations due to disabilities or other special arrangements, please contact the Human Resources Department at (615) 791-3216, at least 24 hours prior to the meeting.

Applicants are encouraged to attend the meeting, even if they agree with staff recommendation. The Board of Zoning Appeals may defer or disapprove an application/request unless someone is present to represent it.

Comments on agenda items may be made in person at city hall or by emailing planningintake@franklintn.gov until noon of 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 July 11, 2024 BZA Minutes

ANNOUNCEMENTS

APPLICATIONS

2. A **Variance Request** To Allow An Accessory Structure To Be Located A Minimum Of 0 Feet From The Rear Property Line For The Property Located At 3025 Natures Landing Drive (2014 F.Z.O. 4.1.2.(6)).

Sponsors:

Amy Diaz-Barriga, Ariella Stanford

3. A **Variance Request** To Allow For The Unfinished Side Of A Fence To Be Facing The Adjacent Property To The East For The Property Located At 500 Murfreesboro Road (F.Z.O. 13.1.3.E.).

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, July 11, 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, William Scales, Lee Reeves, and Dorinda Smith

Board Members Absent: None

Staff Present: Bill Squires, Ariella Stanford, and Nathan Hollingsworth

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 June 6, 2024, BZA Minutes.

Sponsors:

A motion was made by Board Members Scales, seconded by Board Member Fleishour, to Approve the Minutes from the June 6, 2024, meeting. The motion carried 5-0.

ANNOUNCEMENTS

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

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

Staff Presentation: Ariella Stanford. The subject property is located at 1140 Columbia Avenue 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 (HZN) 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.
 - o The historically significant area of the site that should be preserved (according to the HZN), 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. 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.
 - o 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.
 - o 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. Criteria #1 Justification
 - o 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. Criteria #2 Justification
 - o 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. Criteria #3 Justification
 - o 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.

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.

Applicant Presentation: Katie Garrett, Kiser Vogrin Design and Carly Wansing, Orcutt Winslow. Ms. Garrett stated that the site plan was approved in 2023, and she would be happy to answer any questions.

Citizen Comments: None

Board Member Fleishour motioned to close the public comment for Item #2, seconded by Board Member Smith.

Board Member Reeves asked for additional information about the approvals required for the project.

Ms. Wansing explained that the project required additional funding, delaying its progress. Approval has been received by the state Fire Marshall's office and will need approval from the FMPC as the project is a state project and will be required to go through the bidding process. The project should go out for bidding at the end of August.

Motion

Board Member Smith motioned to approve 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 because the criteria for a variance have been met, seconded by Board Member Reeves. The motion carried 5-0.

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

Staff Presentation: Ariella Stanford. 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 305 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:

- **Criteria #1 Justification**
 - 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 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.
- **Criteria #2 Justification**
 - The 30-foot setback makes it difficult to preserve the trees in the backyard, because the width of the lot requires the garage to be located in the rear. If the owner built the detached garage further back 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.
- **Criteria #3 Justification**
 - 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.

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.

Applicant Presentation: Vince Dunavant. Mr. Dunavant explained that while being respectful of his neighbors and protecting the Oak Trees in the backyard, he would like to add an attached garage with living space. The narrowness of the lot makes it difficult to meet the zoning requirements. Approval of the variance would allow for an easier turning radius for moving cars around and provide for living space for elderly parents. Mr. Dunavant stated his concerns about future development in the neighborhood, regarding setbacks. The newer homes would only require a 15–20-foot setback compared to their almost 36-foot setback.

Citizen Comments: Olga Stone, 309 Berry Circle. Ms. Stone stated her concerns about removal of the old Sugar Maple Tree in the middle of the lot and the Oak Trees at the back of the property. Ms. Stone provided photos of the lot in relationship to her property. Ms. Stone is afraid that a towering new home will block the sunlight to her house and green space will be lost.

Steve Fahey, 109 Lewisburg. Mr. Fahey stated that he supports the Dunavant's plan for the property. He believes that the project will be appropriate and tasteful and will fit well contextually with the area. Mr. Fahey mentioned that most people are not aware that Berry Circle exists as it is a small area of eight homes tucked away off Lewisburg Pike.

Board Member Smith motioned to close the public comment for Item #3, seconded by Board Member Reeves. The motion carried 5-0.

Board Member Scales asked the applicant why there were not plans to save the Sugar Maple Tree.

Mr. Dunavant stated that the location of the Maple Tree is in the center of the property, making development of the lot difficult. Also, MTE has flagged the tree to be trimmed as it interferes with the overhead power lines.

Board member Fleishour asked how many square feet the house is proposed to be.

Mr. Dunavant stated 2500 square feet.

Board Member Reeves staff to explain the plat map and state which lots are part of the plat.

Ms. Stanford stated that lots 313, 306, 304, and 315, were platted under a prior ordinance allowing ten feet to the property line. The subject property was not included, creating the need for a variance request.

Board Member Reeves asked staff how the setback would be determined for lot 309.

Nathan Hollingsworth. Two points must be considered for the R4 Residential zoning district. First, 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 (page 30 of Zoning Ordinance). Secondly, the homes in this location fall into the Central Franklin Overlay (CFO) and are required to meet the transitional features for the CFO (Chapter 8 of Zoning Ordinance). Most of the time, when a home is redeveloped, the average of the block face determines the setback. In this case, there is not a plat for lot 309, making the setback determined by the average of the block face.

Board Member Reeves stated that if the justification letter is correct then lot 311's setback is 16.6 feet. Is it allowable for lot 309 to be setback 16.6 feet or 30 feet?

Mr. Hollingsworth stated that more research would be necessary to answer the question.

Chair Langley stated that since lot 309 is not part of the re-plat, the same setback for lot 305 should apply to 309. Can Staff

confirm that this is correct?

Ms. Stanford stated that she didn't want to misspeak as she didn't know the particulars about lot 309. One may assume that the same regulation would apply to 309 as it does for 305 which is the average setback of existing buildings on the same block face, but no closer to the front lot line than the closest adjacent building. Ms. Stanford stated that she cannot confirm that the same regulation would apply because lot 309 was not part of the subject property evaluated for this variance request.

Board member Reeves stated that we know what the ordinance says, but we don't know the facts regarding lot 309, making it a difficult decision to make.

Motion

Board Member Scales motioned to approve 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 because the criteria for a variance have been met, seconded by Board Member Smith.

Board Member Scales stated that the narrowness of the lot and the location of the Maple Tree makes it difficult to find a buildable location on the lot. Most homes throughout the area have a variety of setback depths. The strict application of the ordinance doesn't seem to be fair in this situation and the project is not contrary to the public good. For these reasons, the variance request should be approved.

Board Member Smith stated that she drove around the property and agreed that the setbacks varied in depth. It doesn't seem reasonable to require one homeowner to abide by a certain setback depth and two lots over a different setback depth. Ms. Smith stated she supports the variance request because it is in-keeping with the context of the neighborhood.

Chair Langley stated that considering the narrowness of the lot along with the variations in setbacks in the area, it's a reasonable request and the criteria for granting a variance request have been met.

The motion carried 5-0.

OTHER BUSINESS

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

ADJOURN

Board Member Fleishour motioned, seconded by Board Member Smith, to adjourn the July 11, 2024, BZA meeting.

There being no further business, the meeting adjourned at 6:44 PM.

Chair

Date

305 Berry Circle - See Sugar maple Tree



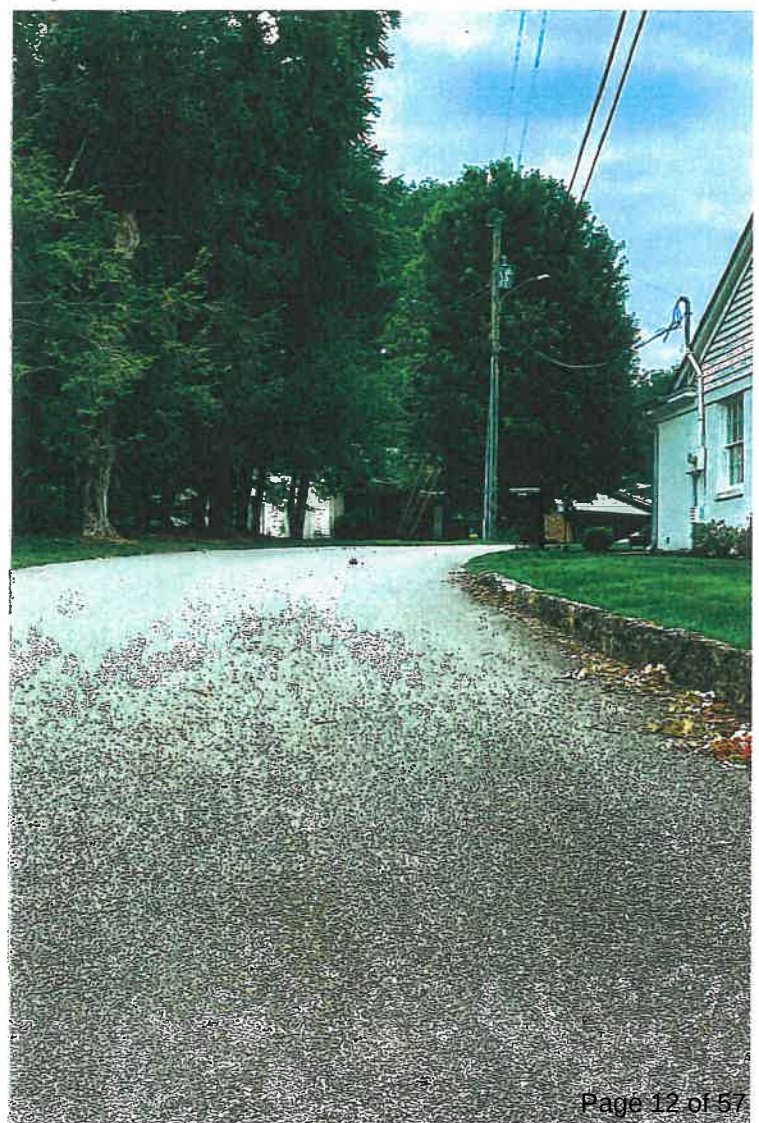
309 Berry Circle - my home





Columns
Incline
Curve

Optical Illusion Created



Large Trees on Far Back Edges



Trees
Safely
Located
For New
Construc-
tion

Fire Hydrant, Pole, Lines



Busy Already

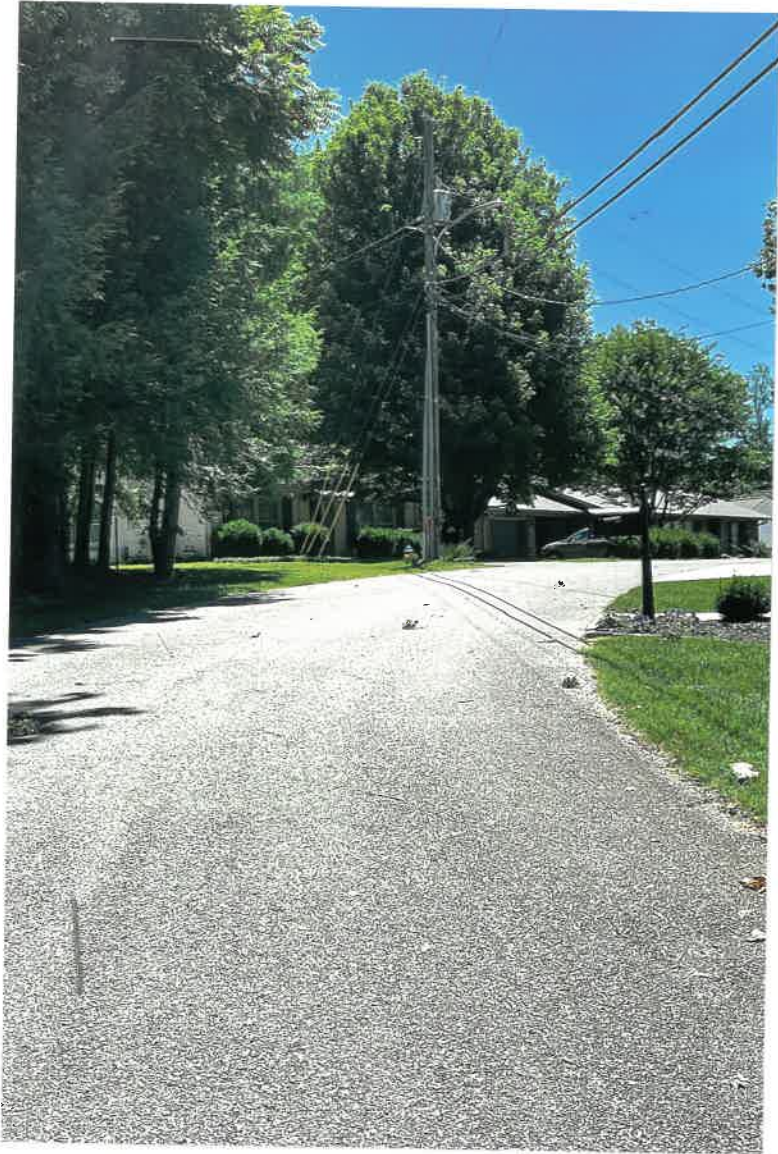




Depicts How Far
Large Home Will
Protrude

My Car
is
Set Back







File #: 21-0478

DATE: July 19, 2024
TO: Board of Zoning Appeals
FROM: Amy Diaz-Barriga, Asst Director of Planning Development
Ariella Stanford, Planner

SUBJECT:

A **Variance Request** To Allow An Accessory Structure To Be Located A Minimum Of 0 Feet From The Rear Property Line For The Property Located At 3025 Natures Landing Drive (2014 F.Z.O. 4.1.2.(6)).

PURPOSE:

PROJECT INFORMATION

COF Project Number: 8543
Applicant: Jason Brownlee
Owner: Reid Parrish and Michelle Parrish

BACKGROUND/STAFF COMMENTS:

Vicinity Zoning/Land Use

Site: R-2 Residential District / Residential Single Family
Northwest: R-2 Residential District / Open Space
Northeast: R-2 Residential District / Residential Single Family
Southeast: R-2 Residential District / Residential Single Family
Southwest: R-2 Residential District / Residential Single Family

Applicable Zoning Ordinance Provisions

20.10 Variance

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

2014 F.Z.O. 4.1.2.(6) - General Standards and Limitations for Accessory Structures

Accessory uses or structures shall:

(6) Be located at least five feet from all lot lines and ten feet from any other structures (except fences or walls) on adjacent properties; the required separation from structures on the same property shall be governed by the applicable building code.

Background

The subject property is located at 3025 Nature's Landing Drive, and is zoned R-2 Residential District. This property is located in the Nature's Landing Subdivision which is Vested in the 2014 Zoning Ordinance, so this property must comply with the regulations of the 2014 Zoning Ordinance. The applicant is proposing retaining walls to level the sloped yard, along with an outdoor structure which includes a fireplace, and outdoor living features with a pergola. Building and Neighborhood Services department has advised that this would be qualified as an accessory structure, and therefore must comply with the 5' setback requirement. The retaining walls are also proposed to be located right at the property line, but the 2014 Zoning Ordinance does not have regulations preventing retaining walls from being located at the property line. The retaining walls and accessory structure are proposed at this location primarily because there is an existing Sanitary Sewer Easement that extends across the center of the backyard. The existing Sanitary Sewer Easement is located 3' from the existing back patio of the house and extends 16' towards the rear property line. This leaves 12'-10" from the easement to the back property line, without accounting for the 5' Accessory Structure Setback from the rear property line. With the 5' setback, there is 7'-10" of developable space between the Sanitary Sewer Easement and accessory structure setback from the rear property line. The applicant has worked with Ben McNeil in our Water Management Department to ensure that the structure would not encroach over the Sanitary Sewer Easement. In order to prevent encroachment into the Sanitary Sewer Easement, the applicant is requesting a Variance to allow the accessory structure to be located a minimum of 0 feet from the property line.

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 Sanitary Sewer Easement encompasses more than half of the backyard space. With the Sanitary Sewer Easement and the 5' setback requirement, there is just under 8 feet of developable space, which severely limits the usable space for the homeowner. 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.

In order to comply with the 5' accessory structure setback and prevent encroaching on the Sanitary Sewer Easement, it becomes difficult for the homeowner to utilize their remaining backyard space. The easement and rear accessory structure setback leave a very narrow space for any structure to be located in the backyard. 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 or impair the intent of the

Zoning Ordinance. The land behind this property is dedicated Open Space as a part of the Nature's Landing Subdivision, with a creek running through it. So the accessory structure being at the rear property line would not disturb any neighbors directly behind the property. Part of the intent of this Zoning Ordinance regulation is so that accessory structures are not too close to neighboring properties, and to have aesthetic consistency with setbacks. Because this property only has a dedicated open space behind it, the accessory structure wouldn't be too close to any neighboring buildings or structures. In addition, the rear property lines abutting the open space for the lots on the same side of the street as this property are not uniform. This is likely due to the location of the FFO surrounding the creek to the rear of these properties. For this reason, it would not be clearly evident that this accessory structure is misaligned with the neighboring property line setbacks along the street, seeing as the property lines vary. For these reasons, Staff finds this criteria met.

FINANCIAL IMPACT:

Unknown.

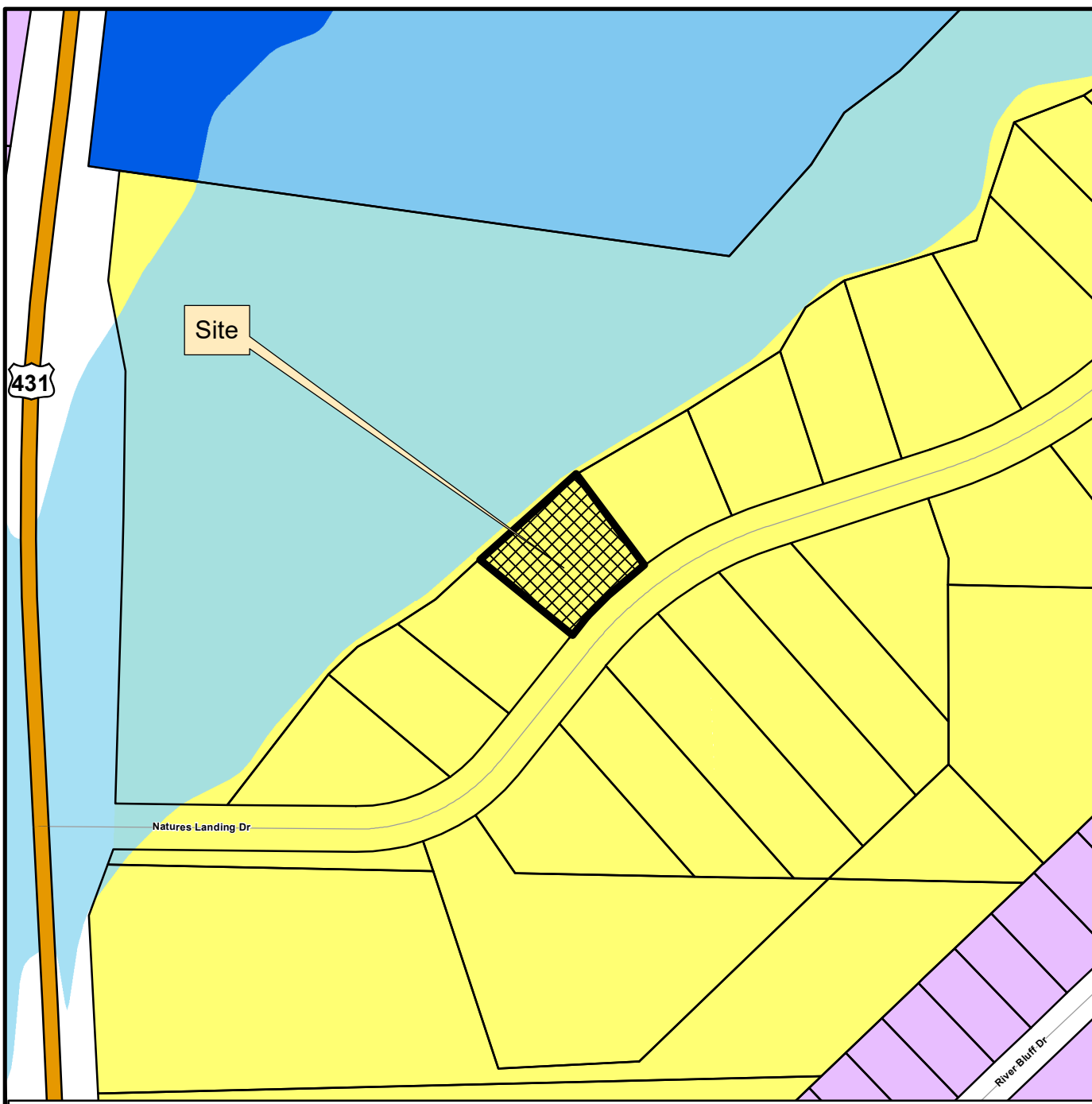
RECOMMENDATION:

RECOMMENDED MOTION: Staff recommends the Board of Zoning Appeals move to approve the **Variance Request** To Allow An Accessory Structure To Be Located A Minimum Of 0 Feet From The Rear Property Line For the property located at 3025 Natures Landing Drive, because the criteria for granting a variance have been met.

3025 NATURES LANDING DRIVE
TAX MAP 089, GROUP E, PARCEL 02900
BOARD OF ZONING APPEALS
AUGUST 1, 2024

Legend

-  3025 Natures Landing Drive
-  Floodway Fringe Overlay
-  Floodway Overlay
-  AG Agricultural District
-  ER Estate Residential District
-  R1 Residential 1 District
-  R2 Residential 2 District
-  R3 Residential 3 District
-  R4 Residential 4 District
-  R6 Residential 6 District
-  MR Mixed Residential District
-  PD Planned District
-  OR Office Residential District
-  CI Civic Institutional District
-  NC Neighborhood Commercial
-  CC Central Commercial District
-  DD Downtown District
-  1ST Avenue District
-  5TH Avenue District
-  RC6 Regional Commerce 6 District
-  RC12 Regional Commerce 12 District
-  GO General Office District
-  LI Light Industrial District
-  HI Heavy Industrial District

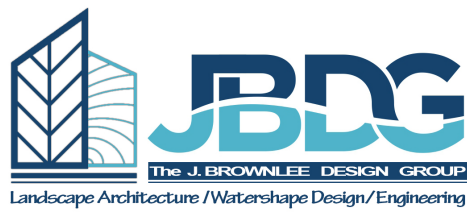


This map was created by the Franklin Planning Department.
It was compiled from the most authentic information available.
The City is not responsible for any errors or omissions contained hereon.
All data and materials (c) copyright 2024. All rights reserved.



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Feet





July 8, 2024

Ariella Stanford
City Planner / Planning & Sustainability Department
Franklin, Tennessee

RE: City of Franklin BZA Application – 3025 Nature’s Landing Drive:

To whom it may concern:

Thank you for the opportunity to present this residential Outdoor Living design solution for the residence at 3025 Nature’s Landing Drive. I am representing the homeowners, Reid & Michelle Parrish as their Landscape Architect. We look forward to presenting the difficult issues with the site, describing the hardship that it creates for our clients, and reviewing our proposed design solution as a viable option to address these site challenges.

Our clients purchased this property from the homebuilder, Carbine Builders, in December 2021. The backyard property has a significant 2.5:1 or 40% slope which made the backyard unusable. They were told they would not be able to build a pool in the backyard but were led to believe they would be able to level the yard and add outdoor living features and a kids playground area without a problem whenever they were ready to do so. I was retained in November 2023 to design a safe, secured, and functional outdoor living area that graded the yard into terraces to provide entertainment and play amenities for the family to enjoy. During our property discovery phase, we obtained the development site plan and immediately saw the hardship that the two intersecting sewer easements at the back of this property created. We have worked with the Parrish’s and Ben McNeil with the City of Franklin Sewer & Public Works Department through a series of design options to arrive at the submitted design plan that gives the family the best option to make a safe, secure, and functional backyard solution while also providing the flexibility that Franklin Public Works will need if and when disruptive maintenance to the sewer may occur. The narrative below addresses the three criteria reasons why we believe the site situation creates a hardship and why we are seeking relief from the 5’ required Accessory Structure setback from the rear property line as outlined in the R-2 District Zoning Ordinance.

1. The specific physical / topographic grading combined with invasive site-specific sewer easement / political features of the property serve to hinder the strict application of the development as required in the zoning ordinance. The existing sanitary sewer easement as shown on the surveyed property is located only 3’ from the existing back patio of the house and extends 16’ across the center of the backyard. This leaves 12’-10” from the easement to the back property line, of which 5’ is reserved for the Accessory Structure Setback against the rear property line. This only leaves 7’10” of developable space as the combined sanitary sewer easement and accessory structure setback lines account for 21’ of the 31’10” (approximately 65%) of the backyard space. Furthermore, the topographic grading over the sanitary sewer easement is graded at a 2.5:1 slope, as the elevations extending from the back patio drop 7’ over the 16’ sewer easement span (an approx. 44% slope). The grades level out at the back of the property, but development of this space is currently restricted by the 5’ rear property offset accessory structure setback. The combination of these physical and political boundary factors creates a hardship where the homeowners are not able to provide a safe and functional environment for small children to play.
2. The strict application of the accessory structure provisions of this zoning ordinance result in particular and exceptional practical difficulties for the homeowner as the setback prevents the necessary terracing of the property to create a safe and functional environment for the home. At present, the 44% slope as described

above runs from the current back patio to the end of the sewer easement before it begins to level out. At present the homeowner's small child (toddler age) and his friends will literally roll down the hill. If a terraced wall is placed at the current accessory structure setback, the children will hurdle down the slope and slam into a safety railing with no room for slowing their roll.

3. Granting the requested relief and allowing development within the 5' accessory structure setback would not create a substantial detriment to the public good and would not impair the purpose and intent of the zoning ordinance. The rear property line does not connect to another residence or private property where the proposed accessory structure development might impact another homeowner. In this specific case, the residence backs up to the Nature's Landing HOA Common Open Space with a large natural buffer of several hundred feet. Therefore, the proposed development does not pose any harm or have any negative impact to surrounding homeowners or the public good.

In working through details of this design with both planning staff and Public Works, we have made significant revisions to address their needs, and appreciate the openness that Ben has displayed as we have worked together for a solution that will address the family's needs while allowing the City potential sewer easement access without worry of impacting the proposed structures. In working with Ben, the primary needs for the city include:

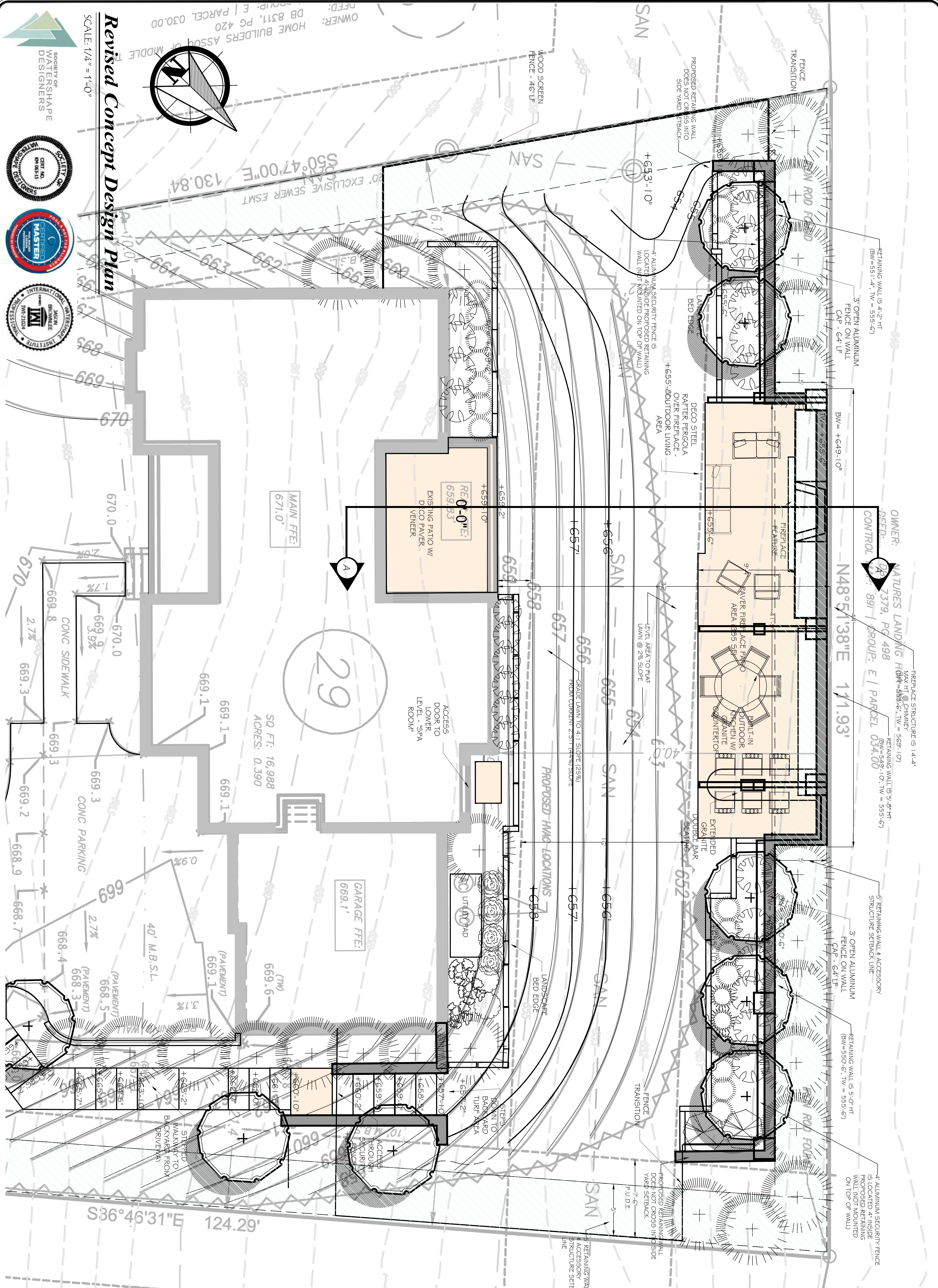
1. No hardscape or synthetic turf over the easement. We have provided natural grass only.
2. No trees or significant landscape over the easement. We have kept the easement free of any trees or shrubs.
3. No upper level (house side) hardscape development adjacent to the easement unless designed by a structural engineer to allow for complete excavation of the easement to a depth of 8' (the approx. sewer line elevation). We removed all hardscape steps, stones, and structures on the high (house) side of the easement entirely. The only non-landscape feature is a 2-stone stacked stone bed edge (8" ht). to define the landscape bed apart from the sod lawn.
4. Ben has expressed that he would allow minor grading over the sewer easement to help mitigate the negative effect of these steep grades. This would include up to 3' of soil and sod lawn cover on the low side of the easement. This is shown in the section of the proposed development plan.
5. No overhead shade canopy may extend as a cantilevered element over the sewer easement. This would hinder an excavator boom arm from working during potential maintenance sewer repairs. The current design plan with the accessory structures located within the 5' property easement keeps the overhead pergola shade canopy from extending over the existing sewer easement.
6. It is Mr. McNeil's desire to keep the proposed wall and fireplace accessory structure development as far away from the existing sewer easement as possible. We completely agree with this desired decision to preserve the structural integrity of the structures if /when the sewer line is accessed for maintenance. The design decision to move the proposed structures into the 5' property setback accomplishes all requested and desired aspects from the Public Works Dept.
7. Finally, Mr. McNeil has requested that any structure adjacent to the sewer easement be design by a licensed structural engineer. We completely agree and have a licensed Structural Engineer on board and ready to provide the structural design once the project is approved.

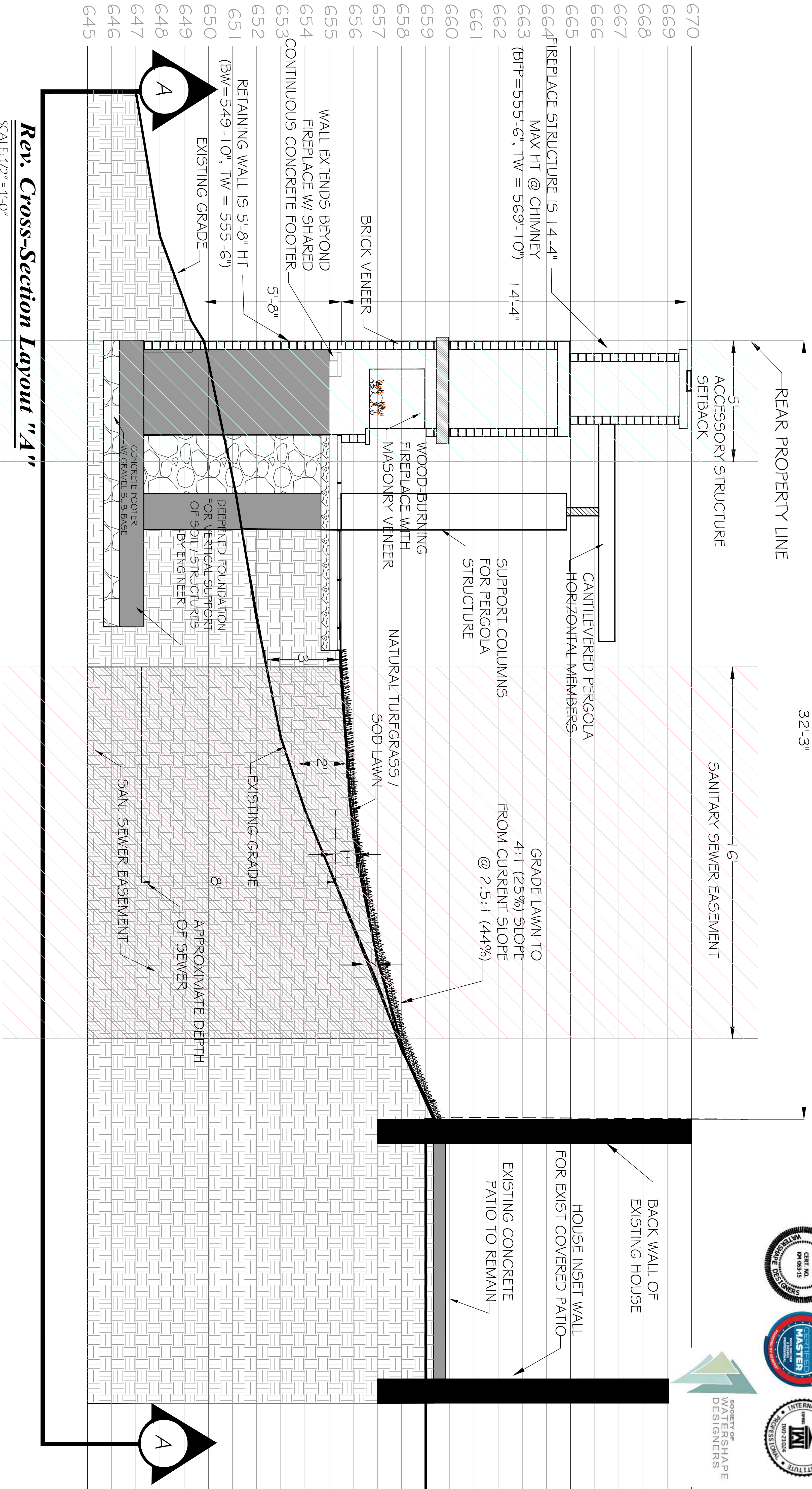
Thank you once again for your time and consideration of this project. We look forward to discussing it further with you at the Franklin BZA meeting in August and are happy to answer any questions or provide any further clarification if needed. Please feel free to reach out if needed.

Sincerely,



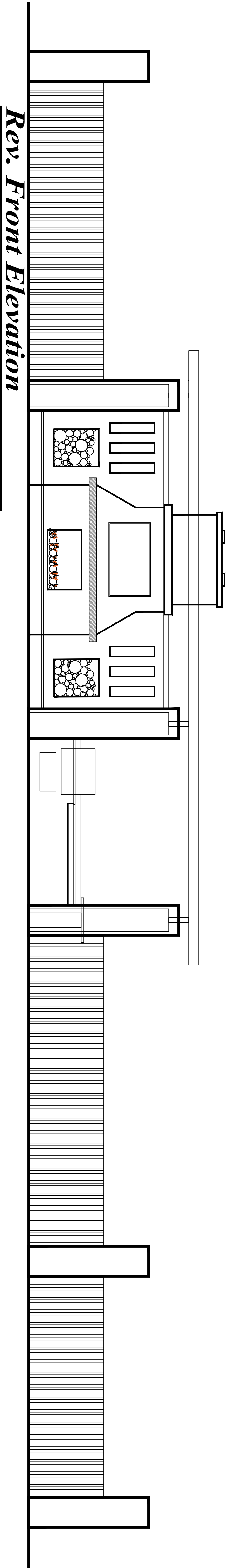
Jason Brownlee, ASLA, IWI, SWD Master, CBDP Master





Rev. Cross-Section Layout "A"

SCALE: 1/2" = 1'-0"



Rev. Front Elevation

SCALE: 1/4" = 1'-0"



342 MAIN STREET, SUITE 202
FRANKLIN, TENNESSEE 37064
Ph: (615) 739-7100
Jbrown@BrownleeDesign.com



CONCEPT DESIGN PLAN FOR:
The Parrish Residence

3025 NATURES LANDING
FRANKLIN, TENNESSEE

NOTES:
This is a conceptual design plan only, prepared from rough site measure and aerial photograph information.
Plan is not for construction. Any development from this concept design should be accompanied by separate design development drawings.
Plan is the property of J. Brownlee Design.
Copyright 2024.

SHEET:
C-102
Revised Outdoor Living
Concept Design Plan Details

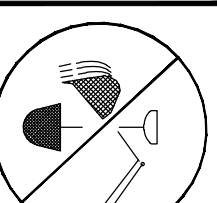
LOT SIZE - 16,988 SF

MINIMUM BUILDING SET-BACKS

FRONT YARD- 40'
SIDE YARD- 10'
REAR YARD- 40'

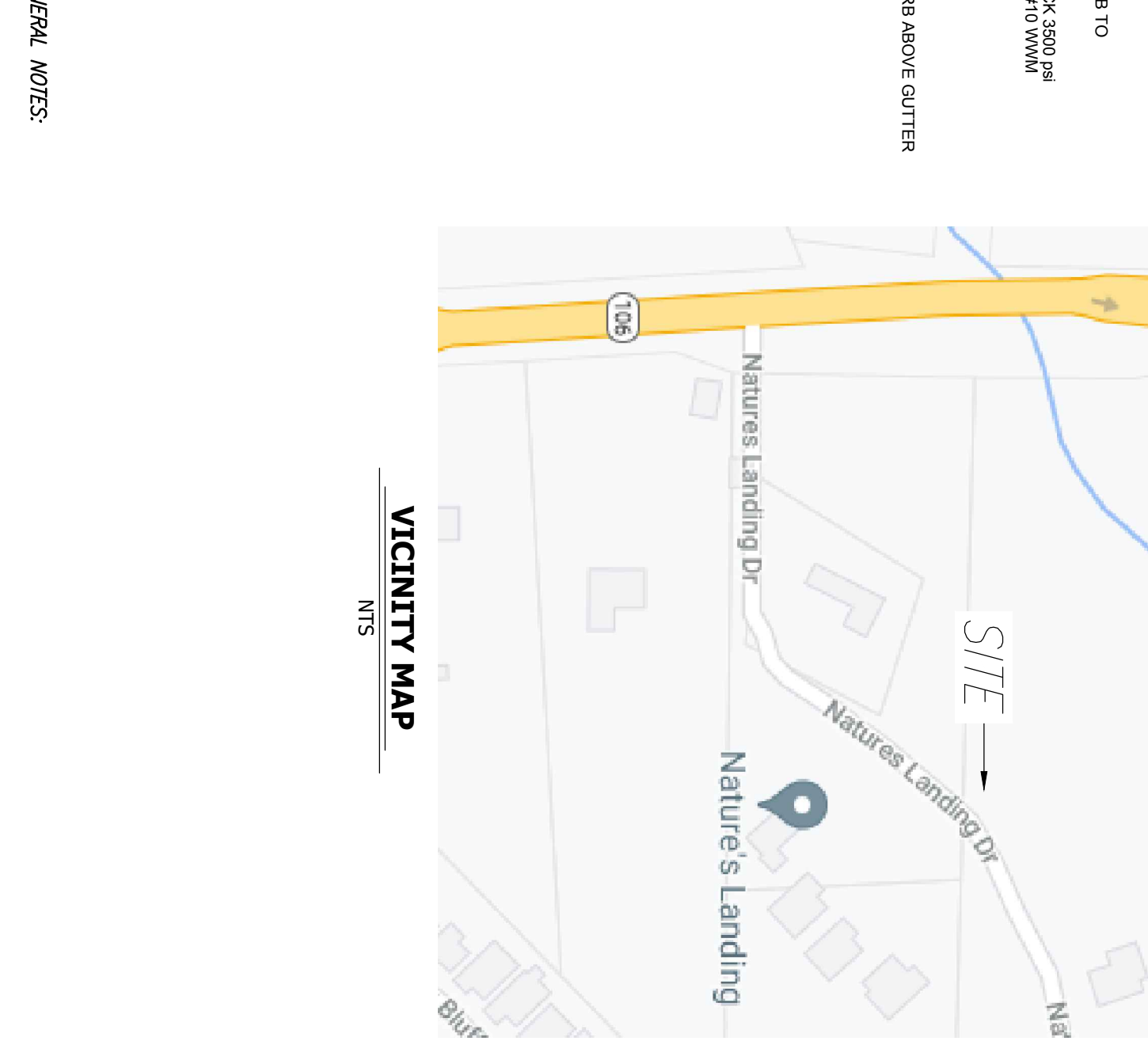
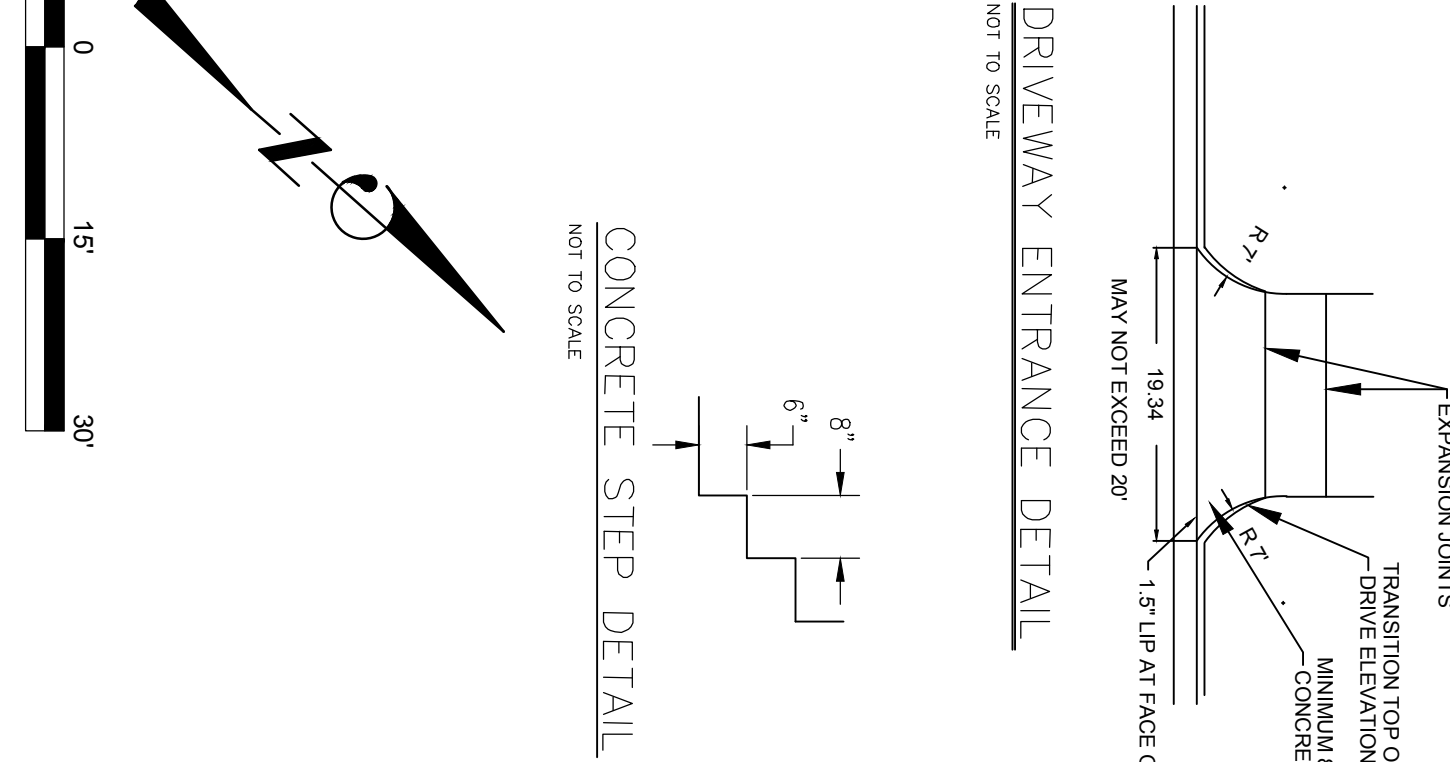
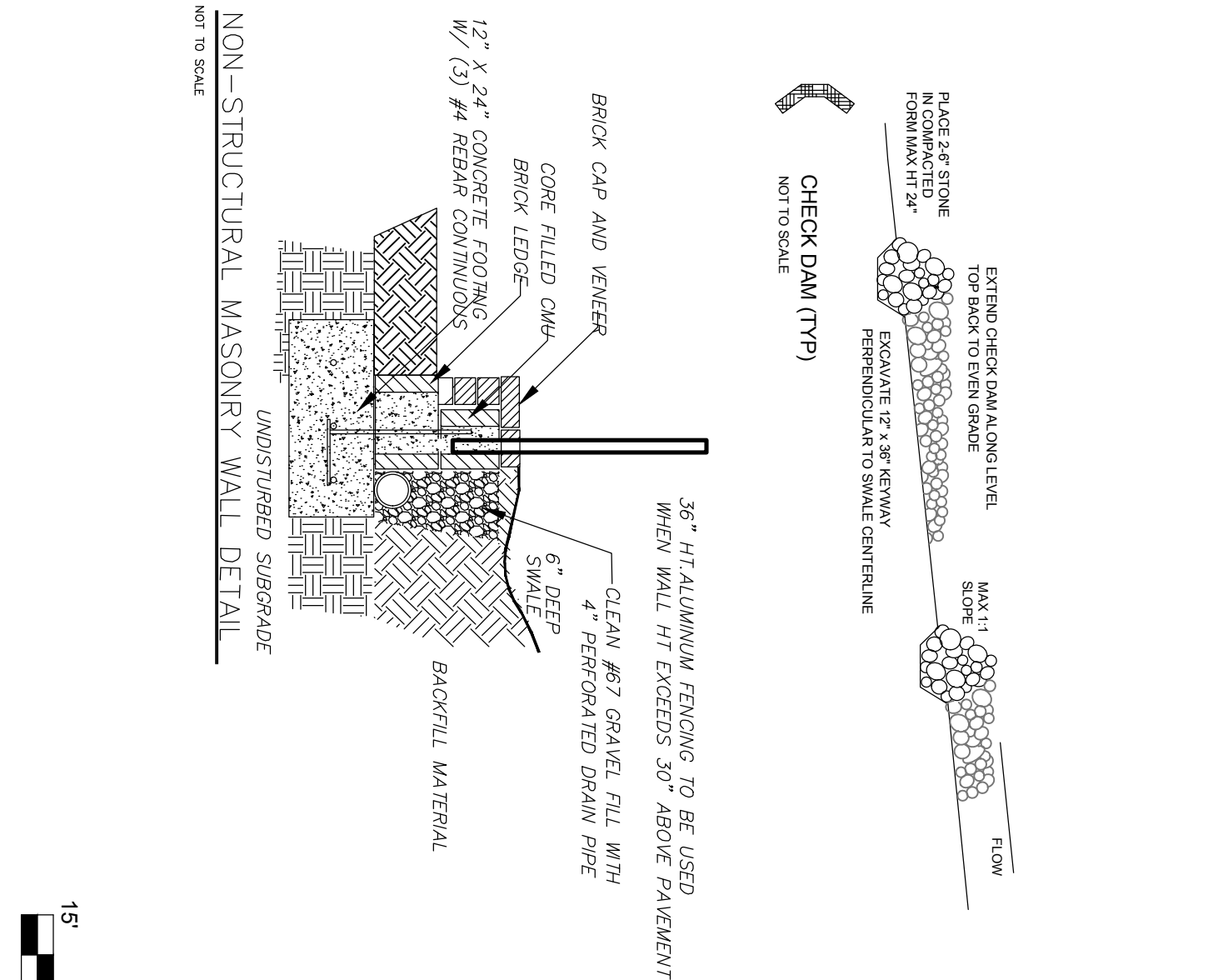
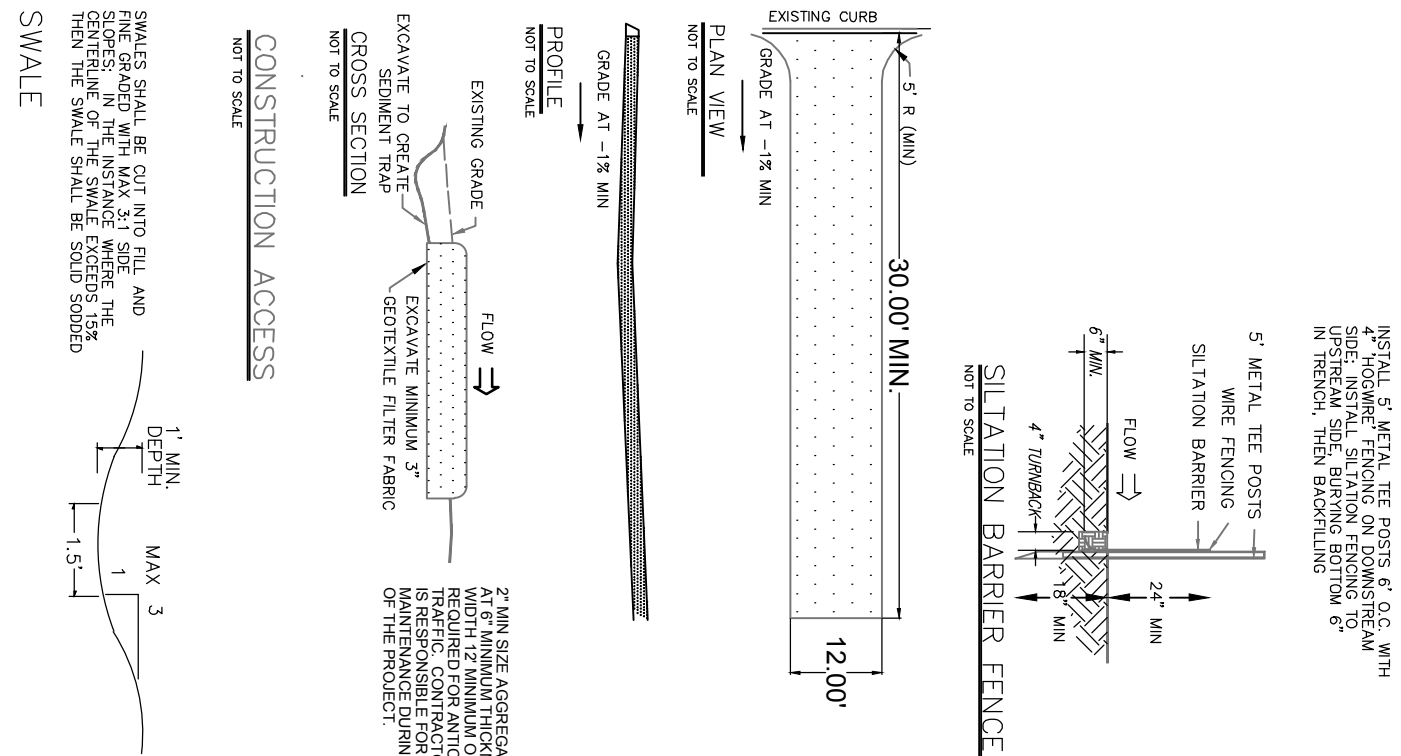
STANDARD EROSION AND SEDIMENT CONTROL NOTES

1. THE CONTRACTOR SHALL BE SUBJECT TO AND FOLLOW ANY STATE, COUNTY OR CITY STORM WATER ORDINANCE FORBIDDING, EROSION AND SEDIMENT CONTROL FOR THE MEASURES SHOWN OR STATED ON THIS PLAN.
2. CONTRACTOR MUST ENSURE THAT THE CONSTRUCTION SITE IS PREPARED PRIOR TO THE ONSET OF ANY STORM. CONSTRUCTION SHALL HAVE ALL EROSION AND SEDIMENT CONTROL MEASURES IN PLACE FOR THE WINTER MONTHS PRIOR TO OCTOBER 1.
3. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED UNTIL DISTURBED AREAS ARE STABILIZED. CHANGES TO THIS EROSION AND SEDIMENT CONTROL PLAN SHALL BE MADE TO MEET FIELD CONDITIONS ONLY WITH THE APPROVAL OF OR AT THE DIRECTION OF A REPRESENTATIVE OF THE APPROPRIATE GOVERNING DEPARTMENT.
4. DUE TO UNANTICIPATED FIELD CONDITIONS, THIS PLAN MAY NOT COVER ALL SITUATIONS THAT ARISE DURING CONSTRUCTION. MEASURES MAY BE MADE TO THE PLAN ON THE FIELD SUBJECT TO THE APPROVAL OF AT THE DIRECTION OF A REPRESENTATIVE OF THE APPROPRIATE GOVERNING DEPARTMENT.
5. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE CHECKED BEFORE AND AFTER ALL STORMS TO ENSURE MEASURES ARE FUNCTIONING PROPERLY.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING A LOG AT THE SITE OF ALL INSPECTIONS OR MAINTENANCE OF EROSION AND SEDIMENT CONTROL MEASURES, AS WELL AS, ANY CORRECTIVE CHANGES TO EROSION AND SEDIMENT CONTROL MEASURES OR EROSION AND SEDIMENT CONTROL PLAN.
7. IN AREAS WHERE SOIL IS EXPOSED, PROTECT REPAIRING WITH NATIVE COMPARABLE DROUGHT-RESISTANT VEGETATION SHALL BE PERFORMED. NO AREAS WILL BE LEFT ERODED OVER THE WINTER SEASON.
8. THE CONTRACTOR SHALL INSTALL THE STABILIZED CONSTRUCTION ENTRANCE PRIOR TO COMMENCEMENT OF GRADING. LOCATION OF THE ENTRANCE MAY BE ADJUSTED BY THE CONTRACTOR TO FACILITATE GRADING OPERATIONS. ALL CONSTRUCTION TRAFFIC ENTERING THE PAVED ROAD MUST CROSS THE STABILIZED CONSTRUCTION ENTRANCE. THE STABILIZED CONSTRUCTION ENTRANCE SHALL REMAIN IN PLACE UNTIL THE ROAD BASE ROCK COURSE IS COMPLETED.
9. ALL SEDIMENT DEPOSITED ON PAVED ROADWAYS SHALL BE SWEEP AT THE END OF EACH WORKING DAY OR AS NECESSARY.
10. CONTRACTOR SHALL PLACE EROSION CONTROL MEASURES AROUND ALL NEW DRAINAGE STRUCTURE OPENINGS IMMEDIATELY AFTER THE STRUCTURE OPENING IS CONSTRUCTED. THESE EROSION CONTROL MEASURES SHALL BE MAINTAINED AND REMAIN IN PLACE UNTIL CONSTRUCTION IS COMPLETED.
11. CONTRACTOR SHALL IMPLEMENT HOUSEKEEPING PRACTICES AS FOLLOWS:
 - A. CONCRETE WASTE:
 - DISPOSED ASSET FOR A TEMPORARY RT. TO BE USED FOR CONCRETE TRUCK WASH-OUT.
 - DISPOSE OF EXCESS CONCRETE OFFSITE AT NO TIME SHALL A CONCRETE TRUCK PUMP ITS WASTE AND CLEAN ITS TRUCK AND THE CITY STORM DRAINS VIA CURB AND GUTTER INLETS. INSPECT DAILY TO CONTROL RUNOFF AND WEEKLY FOR REMOVAL OF HARDENED CONCRETE.
 - B. PAINT AND PAINTING SUPPLIES:
 - PROVIDE INSTRUCTION TO EMPLOYEES AND SUBCONTRACTORS REGARDING REDUCTION OF POLLUTANTS INCLUDING MATERIAL STORAGE, USE AND CLEAN UP, INSPECT SITE WEEKLY FOR EVIDENCE OF IMPROPER DISPOSAL.
 - C. HAZARDOUS WASTE MANAGEMENT:
 - PREVENT THE DISCHARGE OF POLLUTANTS FROM HAZARDOUS WASTES TO THE DRAINAGE SYSTEM THROUGH PROPER MATERIAL USE, WASTE DISPOSAL, AND TRAINING OF EMPLOYEES. HAZARDOUS WASTE PRODUCTS, COMMUNITY FOUND ON-SITE ARE, BUT NOT LIMITED TO PAINTS & SOLVENTS, PETROLEUM PRODUCTS, FERTILIZERS, HERBICIDES & PESTICIDES, SOIL STABILIZATION PRODUCTS, ASPHALT PRODUCTS AND CONCRETE CURING PRODUCTS. SPECIAL CARE MUST:
 12. STABILIZATION PRACTICES MUST BE INITIATED WITHIN SEVEN (7) DAYS ON PORTIONS OF THE SITE WHERE CONSTRUCTION ACTIVITIES HAVE TEMPORARILY OR PERMANENTLY CEASED, AND WITHIN FIFTEEN (15) DAYS AFTER FINAL GRADING OR OTHER EARTHWORK. PERMANENT STABILIZATION WITH PERENNIAL VEGETATION (USING NATIVE HERBACEOUS AND WOOLY PLANTS WHERE PRACTICABLE) OR OTHER PERMANENTLY STABLE, NON-ERODING SURFACE SHALL REPLACE ANY TEMPORARY MEASURES AS SOON AS PRACTICABLE. STABILIZATION PRACTICES MAY INCLUDE: TEMPORARY SEEDING, PERENNIAL SEEDING, MULCHING, GEOTEXTILES, SOIL STABILIZATION AND OTHER APPROPRIATE MEASURES.
 13. STRUCTURAL PRACTICES TO DIRECT OR STORE FLOWS FROM AREAS OF LAND DISTURBANCE OR OTHERWISE LIMIT RUNOFF AND THE DISCHARGE OF POLLUTANTS FROM EXPOSED AREAS OF THE SITE MUST BE IMPLEMENTED. SUCH PRACTICES MAY INCLUDE: SILT FIELDS, EARTH DAMS, DRAINAGE SWALES, SEDIMENT TRAPS, CHECK DAMS, SUBSIDIARY DRAINS, PIPE SLOPE DRAINS, STORM DRAIN INLET PROTECTION, ROCK OUTLET PROTECTION, REINFORCED SOIL REMAINING SYSTEMS, AND GABIONS.
 14. INSPECTIONS OF ALL CONTROL MEASURES AND DISTURBED AREAS MUST BE PERFORMED BEFORE ANTICIPATED STORM EVENTS (OR SERIES OF STORM EVENTS SUCH AS INTERMITTENT SHOWERS OVER ONE OR MORE DAYS) AND WITHIN 24 HOURS AFTER THE END OF A STORM EVENT OF 0.5 INCHES OR GREATER, AND AT LEAST ONCE EVERY FORTY-EIGHT (48) HOURS. INSPECTIONS MUST BE DOCUMENTED AND INCLUDE THE SCOPE OF THE INSPECTIONS, DATES, AND TITLE OR QUALIFICATIONS OF PERSONNEL MAKING THE INSPECTION. THE DATES OF THE INSPECTIONS, MAJOR OBSERVATIONS RELATING TO THE MAINTENANCE OF THE CONTROL MEASURES INCLUDING THE LOCATION(S) OF OBSERVATIONS OF STORM OTHER THAN THE INSPECTION, AND ANY CORRECTIVE ACTIONS TAKEN SHALL BE DOCUMENTED. THE RESULTS OF THE INSPECTIONS SHALL BE REPORTED TO THE APPROPRIATE LOCAL AGENCY BASED ON THE RESULTS OF THE INSPECTION. ANY INADEQUATE CONTROL MEASURES OR CONTROL MEASURES IN DISREPAIR MUST BE REPLACED OR MODIFIED OR REPAIRED AS NECESSARY BEFORE THE NEXT RAIN EVENT IF POSSIBLE, BUT IN NO CASE MORE THAN SEVEN (7) DAYS AFTER THE NEED IS IDENTIFIED.
- DURING EXISTING TREES OUTSIDE LIMITS OF GRADING TO REMAIN.
 - EXIST.
 - ALL DISTURBED AREA TO BE SEEDED AND STRAWED OR SOD APPLIED.
- POST CONSTRUCTION SLOPE STABILIZATION:
 - 3:1 SLOPES SHOWN HEREON TO BE SEEDDED FOR STABILIZATION.
 - 2:1 SLOPES SHOWN HEREON TO BE STABILIZED WITH NORTH AMERICAN GREEN SC150 EROSION CONTROL BLANKET OR APPROVED SUBSTITUTE SIMILAR PATTERN "D".
- NOTICE: EXTRA MEASURES MAY BE NEEDED IF YOUR SITE:
 - IS WITHIN 300 FEET OF A STREAM OR WETLAND
 - IS WITHIN 1,000 FEET OF A LAKE
 - IS STEEP SLOPE OF 12% OR MORE
 - RECEIVES RUNOFF FROM 10,000 SQ. FT. OR MORE OF ADJACENT LAND.
 - HAS MORE THAN AN ACRE OF DISTURBED GROUND
- PRESERVING EXISTING VEGETATION:
 - WHENEVER POSSIBLE, PRESERVE EXISTING TREES, SHRUBS, AND OTHER VEGETATION
 - TO PREVENT ROOT DAMAGE, DO NOT GRADE, PLACE SOIL PILES, OR PARK VEHICLES NEAR TREES MARKED FOR PRESERVATION
- REVEGETATION:
 - DISTURBED SOILS SHALL BE STABILIZED AS QUICK AS PRACTICABLE WITH TEMPORARY VEGETATION AND/OR MULCHING TO PROTECT EXPOSED SOILS DURING DEVELOPMENT. TEMPORARY MULCH IS TO BE APPLIED AT THE RATE OF 2-3 BUCKS OF STRAW PER 1,000 SQ. FT.
- REGULATION:
 - NOT REQUIRED, BUT HIGHLY RECOMMENDED
 - INSTALL AS SOON AS GUTTERS AND DOWNSPOUTS ARE COMPLETED
 - ROUTE WATER TO A GRASSY AREA
 - MAINTAIN UNTIL A LAWN IS ESTABLISHED



CALL BEFORE YOU
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(800) 351-1111
TENNESSEE - ONE CALL CENTER

The location of existing underground utilities are shown at approximate locations only and are based upon the field location of visible utility apparatus and information provided by utility companies.



CONSULTING ENGINEERING
GEOSPATIAL SERVICES

804 ALTIMA SPRINGS COURT
NASHVILLE, TN 37203

TEL: (615) 814-1114
FAX: (615) 778-8865
EMAIL: twm@twm.com

CRITICAL LOT
BOUNDARY & TOPOGRAPHIC SURVEY

LOT 29, NATURES LANDING SUBD.

3025 Natures Landing Drive
Williamson County, Franklin, Tennessee

FOR: CARBINE & ASSOCIATES, LLC.

REV	DATE	DESCRIPTION
1	10/28/2021	ADD HANG LOCATIONS
2		
3		
4		

SEAL

ROGER HARSHOLT LS 2039
This survey has been signed and sealed digitally.

PROJECT NO: 200315
DRAWN BY: ITH
CHECKED BY: RH
APPROVED BY: RH

SCALE: 1"=15'

1 OF 1



File #: 21-0479

DATE: July 19, 2024
TO: Board of Zoning Appeals
FROM: Amy Diaz-Barriga, Asst Director of Planning Development
Ariella Stanford, Planner

SUBJECT:

A **Variance Request** To Allow For The Unfinished Side Of A Fence To Be Facing The Adjacent Property To The East For The Property Located At 500 Murfreesboro Road (F.Z.O. 13.1.3.E.).

PURPOSE:

PROJECT INFORMATION

COF Project Number: 8542
Applicant: David Douglas
Owner: David Douglas

BACKGROUND/STAFF COMMENTS:

Vicinity Zoning/Land Use

Site: R-2 Residential District / Residential Single Family
North: R-4 Residential District / Residential Estate
South: R-2 Residential District / Residential Single Family
East: R-2 Residential District / Residential Single Family
West: R-4 Residential District / Residential Single Family

Applicable Zoning Ordinance Provisions

20.10 Variance

A. The purpose of a variance is to:

1. Provide limited relief from the requirements of this Ordinance in cases where strict application of a particular requirement would create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this Ordinance; and
2. Address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.

B. Variances are not intended merely to remove inconveniences or financial burdens that the requirements of this Ordinance may impose on property owners in general.

13.1.3.E - Fences and Walls; Fence Materials

Fences shall be oriented such that the "finished" side of the fence faces outward toward adjoining lots, building sites, streets, or internal drives and the support framing faces the inside of the lot or

building site.

Background

The subject property is located at 500 Murfreesboro Road and is zoned R-2 Residential. It is also located within the Scenic Corridor Overlay, Central Franklin Overlay, and Flood Fringe Overlay. A Variance Request to allow a driveway to encroach into the front yard area located in front of the principal building was approved on January 11, 2024. Since approval of the Variance, the driveway has been constructed. As shown in the plans submitted for the approved Variance Request, the property currently has a 10-foot wide driveway extending from Murfreesboro Road to the detached garage, and extending in front of the existing house, connecting to Ewingville Drive. Since the construction of the existing driveway configuration, fencing has also been installed on the property. The installed fences wrap around the existing home, along the North, South, East, and West sides of the property. The portions of the fence along the North, South, and West sides of the property are compliant with the regulations of the Zoning Ordinance. The portion of the fence that extends along the Eastern property line is not in compliance with the Zoning Ordinance. The Building and Neighborhood Services Department received a comment from a neighbor of this property, that the fence may not be in compliance with our regulations. Upon inspection from a Municipal Inspections Officer in the Building and Neighborhood Services Department, it was determined that the portion of the fence along the Eastern property line is in violation of Zoning Ordinance regulation 13.1.3.E.. This portion of the fence has the "finished" side of the fence facing inward to the property, so the unfinished side faces outward toward the adjoining lot to the East. The applicant has expressed that the fence was installed this way to avoid encroaching onto his neighbor's property. The applicant has provided documentation (included in the attachments) to show that the applicant has had to file an Order Of Protection against his neighbor. The applicant decided with the limited space between the existing driveway and the side property line, that the fence had to be installed with the "finished" side facing inward. For this reason, this Variance Request is to allow the unfinished side of a fence to remain as constructed, facing the adjacent property to the East.

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 locations of the existing driveway and the detached garage in relation to the property line limit the location of the fence along the Eastern property line. The existing driveway is located 24"-26" inches from the Eastern property line, so in order to install a fence in that location, it would have to be located at or near the property line. The applicant was instructed by his contractor that in order to install the fence with the "finished" side facing outward towards the adjacent property, he would need at least 3 feet of space to work from the "finished" side. Since there is only about 2 feet between the driveway and the Eastern property line, the contractor would not be able to install the fence with the "finished" side outward at that location without encroaching onto the neighbor's property. In addition, the driveway is the minimum width of 10' as outlined in the Zoning Ordinance chapter 10.1.17, and it cannot be moved over farther because it is already located very close to the existing house. Seeing as the owner would not be able to construct the fence along this side of the property line with the "finished" side facing outward and without encroaching on the neighbor's property, staff finds this criteria is met.

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

In order to construct the fence along this property line with the “finished” side facing outward, the contractor would have to encroach onto the neighbor’s property due to insufficient area between the existing drive and the property line. Given the location of the existing driveway in relation to the house and detached garage, the driveway, and therefore the fence, cannot be moved farther from the property line to give more room to install it facing the correct way. Since the fence cannot be installed according to the Zoning Ordinance at this location without encroaching onto the neighbor’s 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 may be a detriment to the public good, and it would impair the intent of the Zoning Ordinance. Staff finds that the intent of this specific regulation is for both safety and aesthetic reasons. The posts and support wood on the unfinished side of a fence can be used to climb over the fence, so constructing the “finished” side facing outward prevents people outside the property from climbing over the fence. In addition, part of the intent is to have aesthetic consistency with the “finished” side of the fence facing outward toward the street and other residential properties. With this portion of the fence having the unfinished side facing outward towards the neighboring property, it does not meet the aesthetic aspect of the intent of this ordinance regulation. Staff finds this criteria is not met.

FINANCIAL IMPACT:

Unknown.

RECOMMENDATION:

RECOMMENDED MOTION: Staff recommends the Board of Zoning Appeals move to deny the **Variance Request To Allow For The Unfinished Side Of A Fence To Be Facing The Adjacent Property To The East For The Property Located At 500 Murfreesboro Road**, because the criteria for granting a variance have not been met.

500 MURFREESBORO ROAD
TAX MAP 078E, GROUP B, PARCEL 03800
BOARD OF ZONING APPEALS
AUGUST 1, 2024

Legend

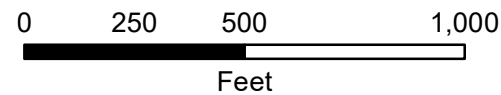
-  500 Murfreesboro Road
-  Central Franklin Overlay
-  Floodway Fringe Overlay
-  Floodway Overlay
-  Scenic Corridor Overlay
-  AG Agricultural District
-  ER Estate Residential District
-  R1 Residential 1 District
-  R2 Residential 2 District
-  R3 Residential 3 District
-  R4 Residential 4 District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

Site

Ewingville Dr.

Bluggess Dr.

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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07/01/24

Mr. David Douglas
500 Murfreesboro Road
Franklin, TN. 37064

Franklin Board of Zoning Appeals
Justification Letter

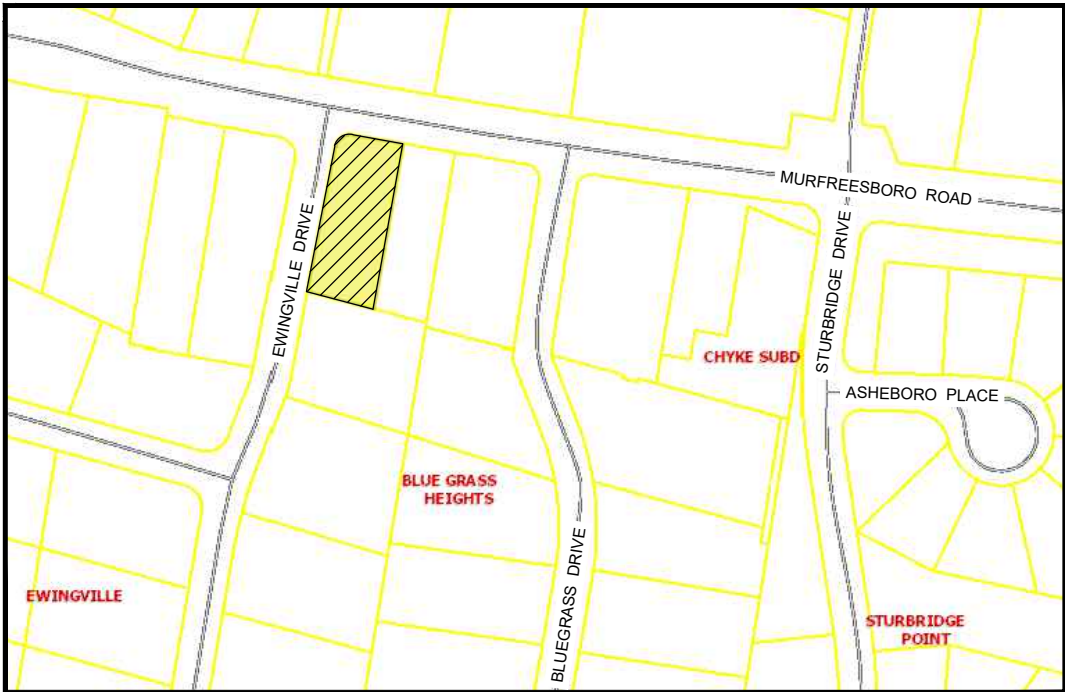
To Whom It May Concern:

This is a submission for consideration to the Board of Zoning Appeals requesting a variance from the zoning code 13.1.2E regarding fencing pickets needing to face outwardly on a residential fence. I am asking that you grant relief from the current zoning requirement which would allow my current finished fencing pickets to face inwardly towards my yard, only on that section of fencing that shares space between my immediate neighbor on the common abutting lot line of the side yard.

- Because of the exceptional conditions of a lack of space, the present finished fence is situated exactly on the lot boundary of both my own property and my neighbors. On 02/05/24 this zoning board allowed for keeping the present driveway on the Eastern border of my property, and the corresponding curb cut adjacent to HWY 96. The driveway is legal but non-conforming. The space allowance between the abutting lot line and my driveway doesn't meet the present zoning requirement of a minimum 5' ft. side setback 10.1.17 A. (See photos). The 10' ft. width of the driveway, however, is compliant with ordinance 10.1.17A. Based on its width and location to the abutting lot line there is only between 24" inches and 26" inches of remaining yard between the outside edge of the driveway and the abutting lot line. While building the posts necessary to support this fence on the shared common lot line, the adjoining neighbor was completely uncooperative in allowing any access on to his property to either install posts, horizontal braces or pickets. He made this clear by setting a tree stump on fire with kerosene that was rooted and equidistant on our common lot boundary, and then proceeded to blow flames of smoke and fire into the faces of the contractors hired to install the fence at 11:15am 05/22/24 (witness present). Please note that my wife and I had Orders of Protection filed against this neighbor due to a previous assault and harassment episode (See Photo). Additionally, to take appropriate civil action to keep the peace, I did call and speak with City of Franklin police officer Brendan McClellan in hopes that mediation would allow for reasonable work to continue even if activity was solely on my own property. Advice was given to complete the fence when no present threat of danger or aggression was apparent. Two factors prevented the fence being built more inwardly and, on my property, which would have resulted in having finished pickets on the finished side. First, my contractor demanded that he needed a minimum of three feet distance to stand on the opposite side of the posts and support braces to nail pickets on the outward facing structure of the fence. Less than three feet exists from the edge of my present driveway to the common lot line. As such, my contractor would be compelled to trespass upon the neighbor's property, by at least a foot in order to accomplish this requirement. Secondly, residential driveways need to be a minimum of 10' wide. The only option to create enough space for a fence to both be in my yard, and that would allow for pickets to be installed on the finished outside, would have been to shift the driveway closer to my home structure. This too is not feasible due to the exceptional narrowness of space on the side of the driveway facing my home particularly where my present chimney exists, and in other places. Having done so would have made it less than 10' wide. Please note all other fencing on the property complies with zoning code 13.1.2E, and I had every intent of respecting that code. It has been explained to me that the zoning appeals board is the appropriate place to remedy citizen concerns where competing rules and ordinances are incapable of being

met, for in trying to abide by one rule you would implicitly have to break another equally important rule. In this case due to exceptional conditions of space I would have either had to trespass upon my neighbor's property or not devise a driveway wide enough to fulfill zoning ordinance 10.11.7A. I must mention that this violation was issued because of a complaint by the neighbor mentioned above, who harassed my contractors from working on my property as well as his own. He neither willed for us to put pickets up on his side of the fence, and then complained about it for not being done so, only after we had continued to create much needed privacy and protection (See F.O.I.A. document).

- As mentioned above, the strict application of enforcing this ordinance would either require trespassing upon the neighbor's property, or breach other ordinances related to the widths and reasonable functionality of driveway usage. Additionally, any narrower space than which presently exists (11' 6" at narrowest) would result in an exceptionally difficult and unsafe driving condition when driving forwards and certainly in reverse.
- I would present to the Zoning board that no actual detriment to the public good would result from allowing the pickets to remain inwardly facing my yard versus facing outwardly. Particularly as this request pertains to the internal sides of two residential lots. Throughout properties all over the City of Franklin, wherever residential lots share a common interior/side abutting lot line, one or the other properties will have fence pickets that are not finished depending on which yard one is identifying as being in compliance. Had the harassing neighbor bringing this complaint to the city put up the same exact fence in question, the pickets would be outwardly facing his yard and both properly finished and compliant. It should be mentioned that the fence in question rests exactly on the lot boundary of both his and my yard equally. (see photo)



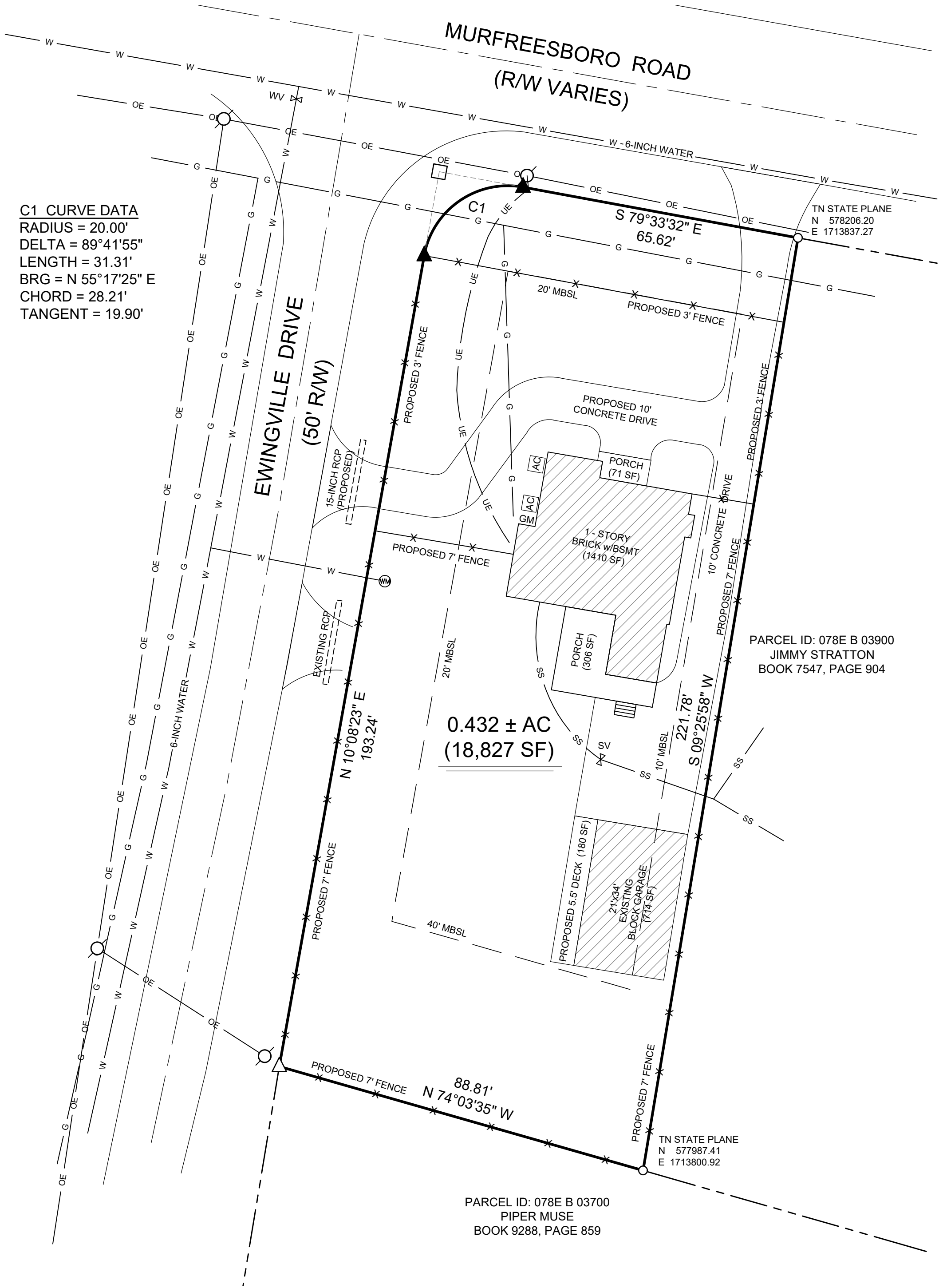
VICINITY MAP (NTS)

IMPERVIOUS AREAS	
HOUSE	1,410 SF
FRONT PORCH	71 SF
BACK PORCH	306 SF
GARAGE	714 SF
PROPOSED DECK	180 SF
DRIVEWAY	3,308 SF
TOTAL	5,989 SF

IMPERVIOUS AREA	5,986 SF
LAND AREA	18,827 SF
IMPERVIOUS RATING	31.81 %

LEGEND

	PROPERTY LINE
	ADJOINING PROPERTY LINE
	CENTERLINE OF ASPHALT
	MINIMUM BUILDING SETBACK LINE (MBSL)
	CONCRETE MONUMENT (FOUND)
	1-INCH PIPE (FOUND)
	1/2-INCH REBAR (FOUND)
	5/8-INCH REBAR (SET)
	UTILITY POLE



PLOT PLAN

DAVID DOUGLAS
500 MURFREESBORO ROAD
FRANKLIN, TENNESSEE 37064

NINTH (9th) CIVIL DISTRICT
WILLIAMSON COUNTY, TENNESSEE
R2 - RESIDENTIAL DISTRICT

PARCEL ID: 078E B 03800
DEED REFERENCE: BOOK 9158, PAGE 108
AREA = 0.432 ± ACRES

NOTE: THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS,
COVENANTS, OR RESTRICTIONS, EITHER WRITTEN OR UNWRITTEN.

PRIOR TO ANY CONSTRUCTION, IT IS THE RESPONSIBILITY OF THE
OWNER OR CONTRACTOR TO VERIFY ZONING, BUILDING SETBACKS,
UTILITIES, AND UTILITY EASEMENTS WITH THE PROPER GOVERNING
AUTHORITY OR AGENCY. SETBACKS AND EASEMENTS SHOWN AS
DIRECTED BY CITY OF FRANKLIN PLANNING DEPARTMENT

SURVEY FIELD WORK WAS COMPLETED ON 03/06/2024



I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND THAT
THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS IN
EXCESS OF 1:10,000 USING TOTAL STATION AND GPS SURVEY
EQUIPMENT. THIS SURVEY WAS PERFORMED IN COMPLIANCE WITH
THE CURRENT TENNESSEE MINIMUM STANDARDS OF PRACTICE.

LOCATION OF PERIMETER MONUMENTS FOR THIS BOUNDARY
SURVEY WERE PERFORMED USING TRIMBLE S5 ROBOTIC TOTAL
STATION INSTRUMENT AND TRIMBLE R12 GNSS RECEIVER USING
REAL-TIME-KINEMATIC (RTK) METHODS RELATIVE TO TDOT BASE
REFERENCE RECEIVER. LOCATIONS GENERATED USING RTK
VECTORS HAD A HORIZONTAL PRECISION OF 0.06' AND A VERTICAL
PRECISION OF 0.10'. DISTANCES SHOWN HEREON ARE GROUND.

DATE: 03/22/24



RONALD G. TAYLOR, R.L.S.
TENNESSEE REGISTRATION NO. 2123

03/22/2024



JP YARD, LLC © 2024		SHEET: 1 of 1
DRAWN BY: RGT	CHECKED BY: RGT	SCALE: 1"=20'
JOB # 24017		DATE: 03/22/2024











REQUEST INFORMATION

Priority:

Assigned To: 4856

Source: EMPLOY

Additional Comments or Information: Fence Violation (FZO13.1.3.E)

Cell Phone #:

Contact Requested: N

Subdivision:

City Limits: INSIDECOF

RESOURCE USAGE

Page 37 of 57



Service Request

Work Comments

[illegible]

LOGS

Log Type	Log Description	Log Start Date	Log End Date	Log By	Log Comments
FOLLOW	FOLLOW-UP	6/7/2024 3:58 PM		4856	Shanna received a complaint that the portion of the fence between 500 and 502 Murfreesboro does not meet requirements of FZO 13.1.3.E. I drove by and confirmed that that is the case and a violation. Per Shanna, NOV will be issued. Per Shanna this was the complaint she received via email: "From: Zen Billy Sent: Tuesday, June 4, 2024 3:31 PM To: Shanna McCoy Subject: Fence codes. Hey Shanna, Good afternoon! I've been thinking about putting a fence on the back line of my property and I'm trying to figure out what I can do. Has codes changed now that you can face it either direction? The reason I ask is because my neighbor just put one up facing the wrong direction so I'm wondering if there's something that got changed that I didn't know? I did look on the Franklin code site and it says that the construction side needs to face inward? Is that still correct?



Service Request

Hope you're doing well, thank you so much for your help.

Jimmy"

Per Shanna, this is what she responded:

"From: Shanna McCoy
Sent: Friday, June 7, 2024 1:22 PM
To: Zen Billy <zenbilly@gmail.com>
Subject: RE: Fence codes.

Good afternoon,

I apologize for the delayed response. The City's fence requirements have not changed. Staff will address the issue you have mentioned with the property owner.

If you decide to put up a fence yourself, and it is in the floodplain, you will need to submit a plan and get a floodplain development permit. I have attached a blank application for your convenience, as well as information on fences.

Thank you,

Shanna McCoy, CFM
Zoning & Floodplain Administrator
City of Franklin
615-550-6631"

**and with Shanna's response she attached a blank floodplain development permit as well as a copy of the residential fence and wall requirements in pdf format



Service Request

P CNTC	PERSONAL CONTACT	6/7/2024 4:00 PM	4856	I hand delivered a copy of the Notice of Violation to David Douglas, the homeowner (for 13.1.3 Fence Materials E. :: Fences shall be oriented such that the "finished" side of the fence faces outward toward adjoining lots, building sites, streets, or internal drives and the support framing faces the inside of the lot or building site. Mr. Douglas advised that he has an order of protection against his neighbor, and that is why the fence had to be built that way as they could not go on their neighbor's property. Mr. Douglas voiced his frustrations to me about the City Of Franklin, and I advised that he could speak with Shanna if he had any further questions but that I still had to issue the Notice of Violation (which I did). Additionally, I sent out a copy by mail to the registered agent's address on file: David Douglas 2608 Mesa Drive Nashville, TN 37217 Mr. Douglas stated he will be reaching out to Shanna.
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Service Request

P CNTC	PERSONAL CONTACT	6/10/2024 8:15 AM	4856	Mr. Douglas came into City Hall this morning to discuss the Notice of Violation I gave him on Friday (6/7). He spoke with me first and explained again the issues he was having with his next-door neighbor. I advised him again that while I understood, that was a civil issue which we could not legally assist with, and that I'd be willing to work with him on the notice of violation due date while he found a way to get the violation regarding the finished side of the fence facing the wrong way resolved. I printed out page 214 of the FZO where he could view and keep the copy of <u>FZO 13.1.3 Fence Materials E. Fences shall be oriented such that the "finished" side of the fence faces outward toward adjoining lots, building sites, streets, or internal drives and the support framing faces the inside of the lot or building site.</u> Shanna came back up front with me to discuss the violation with Mr. Douglas. We reiterated that we understood his frustrations, and we are here to assist the best we can regarding the violation being resolved if he can show us what he is doing to work towards a resolution we can extend the 10-day Notice of Violation due date (and stressed that he needs to stay in touch with us as communication is key regarding being able to extend the due date). Mr. Douglas advised that he would be in touch with us shortly. Alex Brown heard the conversation as well when Shanna came back up front with me to speak to Mr. Douglas, as he briefly spoke to him as well reiterating what Shanna and I had stated.
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Service Request

E-MAIL	E-MAIL CORRESPONDENCE	6/13/2024 3:53 PM	4856	Email from Mr. Douglas: "Good Afternoon, Kristen and Shanna, I am following up with both of you as promised earlier this week regarding my attempt to remedy my newly built fence and the seeming in compliant pickets for the front section of fencing adjoining my common shared property boundary with Mr. Jimmy Stratton. Please note that Amy Diaz-Barriga is copied on this because we had a length discussion as to whether a Zoning Variance might remedy the solution. In our discussion it was determined that it may be possible based upon the criteria to have a variance approved. That being said however, I will not be able to make the appropriate deadline for the next monthly scheduled town variance meeting. She explained that it would probably be helpful to come in and meet with Ariella Stanford and yourselves for a pre-submittal discussion which I am willing to do. Another option I would like to ask of the Building Department is the following question? If the side of the fence facing Mr. Stratton's yard were to include matching pickets on his side, would that bring the fence into compliance? If so, my next question which likely would need answering by a lawyer, is if there are neutral 'air rights' above his actually land that would keep me from trespassing. Basically, if I could reach over the fence (only 3' high) and tack pickets on his side without stepping on his yard would that be considered trespassing? I'm inclined not to take this route actually for many reasons but I am trying to considered options. However, if doing so would suffice to bring this matter into compliance I would be grateful for your determination. Additionally, I have requested a copy of his complaint from the F.O.I.A. department of Franklin as it will likely be helpful to include in a variance submission if it comes down to it. The reference request # is PRR-494-2024. It was requested this Monday morning June the 10th. As asked, I hope this update suffices to abate any penalties fees from occurring in 3 days time. Sincerely, David J. Douglas"
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E-MAIL	E-MAIL CORRESPONDENCE	6/14/2024 3:13 PM	4856	Below is my email response to Mr. Douglas: "Hello Mr. Douglas, Thank you for reaching out. Shanna is out of the office at the moment, so what I can do for the time being is grant an extension until 06/25/24. Please let me know when you have the meeting scheduled with Ariella, and what date the application deadline is for the meeting you plan on attending regarding the discussion of a variance. Thank you."
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For additional comments, please use back.

Order of Protection

☐ Amended Order

☐ Petitioner is under 18

Case # (the clerk fills this in):

2023 OP 46

COPY

In the General Sessions Civil Court of Williamson County, TN

✓ **Petitioner** (person needing protection)

DAVID

first

J

middle

DOUGLAS

last

Petitioner's Children under 18 Protected by this Order:

Name, Age, Relationship to Respondent

Name, Age, Relationship to Respondent

1. _____

3. _____

2. _____

4. _____

Respondent's Information (person you want to be protected from):

first

middle

last

date of birth (MM/DD/YYYY)

street address

city

state

zip

Respondent's Employer:

Employer's name

Employer's phone #

Describe Respondent:

Sex	Race	Hair	Eyes	Height – Weight – SSN – Other		
☒ Male ☐ Female	☒ White ☐ Asian ☐ Black ☐ Hispanic ☐ Other: _____	☐ Black ☒ Grey ☐ Blond ☐ Bald ☐ Brown ☐ Other: _____	☐ Brown ☐ Hazel ☒ Blue ☐ Green ☐ Grey ☐ Other: _____	Height	Weight	SSN – Other
				5'7"	170	
				Social Sec. # (If known)	(Provided to Clerk's office if known) Do not list it here. XXXXX	
				Scars/Special Features		
				Phone Number	615-587-0930	

Petitioner's relationship to the Respondent (Check all that apply):

- ☐ We are married or used to be married. ☒ We live together or used to live together.
☐ We have a child together. ☐ We are dating, used to date, or have had sex.
☐ We are relatives, related by adoption, or are/were in-laws. (Specify): _____
☐ We are the children of a person whose relationship is described above (Specify): _____
☐ The Respondent has stalked me. ☐ The Respondent has sexually assaulted me.
☒ Other: Roommate / Temp. Landlord

Stop

Findings About Abuse:

1. The Court has jurisdiction over the parties and this case. The Respondent was given reasonable notice of the hearing and an opportunity to be heard.

Warning!

- ☐ Weapon involved
☒ Has or owns a weapon



2. Based on the information in the *Petition*, and the hearing held, the court finds that the Respondent:

☒ Did the things listed in the *Petition* and the court adopts these as facts and incorporates them by reference, AND/OR *as testified to in open court*

☐ Did the following things:

AND there is credible evidence that Respondent is a threat to the safety of the Petitioner and ☐ Petitioner's Minor Children.

3. Respondent has specifically: (check all that apply):

- ☒ Abused/Threatened to Abuse
☐ Sexually Assaulted
☐ Stalked
☐ Sexually Exploited a Minor
☐ Human Trafficking of
the ☒ Petitioner AND ☐ Petitioner's Minor Children

Findings about the minor children of the parties: (check one):

- ☐ The Court has jurisdiction over custody for the child(ren) of the parties because his/her/their home state is Tennessee.
☐ The Court has temporary emergency jurisdiction over custody for the children of the parties listed above because they are in Tennessee now, and they (or the Petitioner) were at risk. (If another state has jurisdiction over child custody under UCCJEA, this Court's temporary jurisdiction will end on _____ or when the other state's Court makes an order.)

Findings About Firearms:

The Respondent (check all that apply):

- ☐ Has no firearms
☒ Has firearms that he/she must give to someone else who is allowed to have them (TCA § 36-3-625).
☐ Has firearms that are registered under the National Firearms Act and must be either transferred to a responsible third party, or locked in a safe or other secure container to which the Respondent does not have access. A state or federal agency must give its approval before the firearms are turned in.
☐ Has a federal firearms license (FFL) or is a responsible party under an FFL, and has firearms under that FFL that qualify as business inventory, and (check one):

☐ There is **no** responsible party listed on the FFL other than the Respondent in this case. The Respondent must turn in or transfer all firearms inventory under his/her control to a separate FFL holder who is legally allowed to have firearms.

☐ There **is** another responsible party listed on the FFL other than the Respondent in this case. This Order does not require the Respondent to turn in or transfer the firearms inventory.

This is a Court Order.

Other Findings:

☐ Petitioner is a party to a lease or rental agreement and that continuing to reside in the rented or leased premises may jeopardize the life, health and safety of the petitioner or the petitioner's children.

☐ Petitioner has proven by a preponderance of the evidence that petitioner and any minor children in the petitioner's care are the primary users of the wireless telephone number(s): _____ and the Court should enter a separate order, pursuant to TCA §36-3-627, directing _____, a wireless telephone service provider, to transfer the billing responsibility for and rights to the wireless telephone number or numbers of petitioner since petitioner is not the account holder.

The Court orders Respondent to:

- ☒ Obey all orders on this form.
- ☒ Not abuse or threaten to abuse Petitioner or Petitioner's minor children.
- ☒ Not stalk or threaten to stalk Petitioner or Petitioner's minor children.

Other Orders to the Respondent (Check all that apply):

☒ No Contact

You must not come about the Petitioner (including coming by or to a shared residence) for any purpose and must not contact ☒ Petitioner AND ☐ Petitioner's children, either directly or indirectly, by phone, email, messages, text messages, mail or any other type of communication or contact.

☒ Stay Away

You must stay away from the ☒ Petitioner's home ☒ Petitioner's workplace ☐ Children's home and workplace.

☒ Personal Conduct –

☒ You must not cause intentional damage to the Petitioner's (or Petitioner's children's) property or interfere with the utilities at their home(s).

☒ You must not hurt or threaten to hurt any animals owned or kept by the Petitioner/Petitioner's children.

☒ Counseling/Substance Abuse Programs

You must go to the following program(s) and give the court proof that you have gone, participated and have made progress in this program (contact information): Respondent shall obtain

☐ Parenting Time

an assessment with "Choices" and follow all recommendations

☐ The Petitioner will have custody of the minor child(ren) in this case. of said assessment.

☐ You will have parenting time with your minor child(ren) at the following times: The assessment shall take place within 2 weeks of the entry of this order.

☐ Your parenting time will be supervised by: _____ at: _____

☐ Exchange of the children will take place at and will happen as follows:

☐ The person in charge of getting the minor children to and from visitation will be: The assessment is for anger management
*"Choices" - Kelly Connison
to the visits
615-517-0220 from the visits.
Kelly C @ bridges dvc.

☐ Mom ☐ Dad ☐ Other (name): _____

☐ Mom ☐ Dad ☐ Other (name): _____

This is a Court Order.

☐ **Child Support** \$ ____/ each _____ (month/week, etc) beginning _____ (date).

- ☐ This is the guideline amount. See the attached DHS *Child Support Worksheet*.
- ☐ This is **not** the guideline amount and is a deviation from the guideline amount. The Court has considered the best interest of each child in this case, and finds that guideline support would be unjust or inappropriate in this case.
- ☐ Other: _____

Payment method:

- ☐ Pay the Petitioner directly by the _____ day of each month. (the court finds that this does not endanger the Petitioner or the Petitioner's minor children and it is not a violation to send payment only with no notes or comments to the Petitioner)
- ☐ Take payment to this Court Clerk's Office. You will also have to pay a clerk fee of ____% on each payment. The additional clerk fee amount is \$_____ each month.
- ☐ Support payments will be ☐ withheld from your paycheck (Contact the Central Collection and Disbursement Unit at 800-838-6911 by _____ or ☐ shall be sent directly to Central Collection Disbursement Unit at Central Child Support Receipting Unit, P. O. Box 305200, Nashville, TN 37229.

☐ **Petitioner Support** \$ ____/ each month.

Payment method:

- ☐ Pay the Petitioner directly by the _____ day of each month. (The court finds that this does not endanger the Petitioner or the Petitioner's minor children and it is not a violation to send payment only with no notes or comments to the Petitioner)
- ☐ Take payment to this Court Clerk's Office. You will also have to pay a clerk fee of ____% on each payment. The additional clerk fee amount is \$_____ each month.
- ☐ Payment will be
 - ☐ withheld from your paycheck (Contact the Central Collection and Disbursement Unit at 800-838-6911 by _____ (date)
 - ☐ shall be sent directly to Central Collection Disbursement Unit at Central Child Support Receipting Unit, P. O. Box 305200, Nashville, TN 37229.

☐ **Control of all Types of Property**

☐ Petitioner only ☐ and/or Petitioner's children are the only ones who can live in the property at:

(address)

- ☐ You must move out immediately from (address): _____
- ☐ You must provide suitable alternate housing for the Petitioner by (date): _____, 20____.
- ☐ You must pay to the petitioner all costs, expenses and fees pertaining to the petitioner's breach of a lease or rental agreement for residential property in the amount of _____.
- ☐ Only the Petitioner can use, control, and possess the following property, things, and animals:

☐ If the parties shared a residence, Respondent can obtain his/her clothing and personal effects such as medicine as follows: (List items to be obtained and process as approved by local law enforcement personnel):

XX Orders to the Respondent about Firearms:

- You must not have, or attempt to have, receive or attempt to receive or in any other way get any firearm while this or any later protective order is in effect.

- You must transfer all firearms in your possession within 48 hours to any person who is legally allowed to have them.
- You must fill out and file a *Firearms Declaration* within 1 business day of transferring your firearms. You may take more than 1 business day to file this form **only** if the Court gave you a later deadline. (You can get the *Firearms Declaration* form from the Court Clerk's Office or at www.tncourts.gov.)
- If a state or federal agency approves it, your weapons that are registered under the National Firearms Act must be either transferred to a responsible third party, or placed in a locked safe or other secure container to which you do not have access.
- If your *Firearms Declaration* shows that you have a federal firearms license (FFL), and that you are the **only** responsible party listed on that FFL, you must transfer all firearms inventory under your control to a separate FFL holder or another responsible party.

☐ **Costs, fees and litigation taxes**

You must pay all court costs (Petitioner's costs and your costs), lawyer fees, and other fees or taxes related to this case.

☒ **Other Orders:**

☐ Petitioner and any minor children in the petitioner's care are the primary users of the wireless telephone number(s): _____ and a separate order shall be entered per to TCA §36-3-627, directing _____, a wireless telephone service provider, to transfer the billing responsibility for and rights to the wireless telephone number or numbers of petitioner since petitioner is not the account holder.

☒ Respondent shall attend a Compliance Review in Court on April 6, 2023 @ 1:00 pm to show he has obtained the assessment and is following any recommendations. Further Compliance Reviews may be set.

THIS ORDER TAKES EFFECT IMMEDIATELY UPON SIGNING.

This Order starts today, (date): 3/2/23 This Order ends (date): 3/2/24 be set

☒ In 1 year. (The Petitioner may ask to extend the Order) ☐ In 5 years (1st violation of current PO)
☐ In 10 years (2nd or more violation of current PO)

Date: 3/2/2023 Time: 11:24 ☒ a.m. ☐ p.m.

Signature of Judge or Chancellor

Certificate of Service – Respondent (check one):

- ☐ Signed by Respondent: _____
- ☐ Signed by Respondent's counsel: _____
- ☐ Hand delivered to Respondent.
- ☐ Hand delivered to Respondent's counsel.
- ☐ U.S. mail, prepaid postage to Respondent's last known address
- ☐ U.S. mail, prepaid postage to Respondent's counsel's last known address
- ☐ Reasonable attempts to find the Respondent's address were made, but there is no known address at this time.

Signature of Server: _____

Server's title (check one): ☐ Clerk ☐ Deputy Clerk
☐ Authorized Officer ☐ Attorney

Service was made on:

Date: _____
Time: _____ ☐ a.m. ☐ p.m.

Certificate of Service – Petitioner (check one):

- ☐ Signed by Petitioner: _____
- ☐ Signed by Petitioner's counsel: _____
- ☐ Hand delivered to Petitioner.
- ☐ Hand delivered to Petitioner's counsel.
- ☐ U.S. mail, prepaid postage to Petitioner's last known address.
- ☐ U.S. mail, prepaid postage to Petitioner's counsel's last known address.
- ☐ Reasonable attempts to find the Petitioner's address were made, but there is no known address at this time.

Signature of Server: _____

Server's title (check one): ☐ Clerk ☐ Deputy Clerk
☐ Authorized Officer ☐ Attorney

Service was made on:

Date: _____
Time: _____ ☐ a.m. ☐ p.m.

☐ The Clerk certifies a copy of this Order was forwarded to 911, local law enforcement, and any court in which the respondent and petitioner are parties to an action.

This is a Court Order.

Warnings to Respondent:

This Order is valid everywhere in the U.S.

If you travel to another state, territory or tribal land, with the intention of disobeying this Order, you can be charged with a federal crime. The courts of any U.S. state, the District of Columbia, all tribal lands, and U.S. territories, must enforce this Order, even if the Order is not registered. (18 U.S.C. §§ 2262, 2265)

No Guns, Firearms

You must not have any firearm while this Order is in effect. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any firearm or ammunition.

You must legally transfer, sell, or turn in any firearm that you have within 48 hours. Transfers are only legal if the person you transfer to is allowed to have firearms. You may get your firearms back when the Order of protection ends.

You will face separate charges if you disobey this Order

You may face separate, criminal contempt charges and/or civil penalties if:

- You disobey this Order on purpose (TCA § 36-3-610).
The penalty for each violation is **up to 10 days in jail and a \$10 or \$50 fine** (TCA § 29-9-103).
- You may also have to pay a civil penalty of up to \$50 for each violation (TCA § 36-3-610).

You may face separate, Class A misdemeanor charges if:

- You violate this Order (Public Chapter No. 422, effective July 1, 2019).
A violation is punishable by **up to 11 months and 29 days in jail and a fine of not less than \$100 nor more than \$2500 for each violation**.
- You do not transfer your firearm(s) legally by the deadline (TCA § 36-3-625).
- You have a firearm while the Order is in effect (TCA § 39-13-113(h)(1)).
The penalty for each violation is **up to 11 months and 29 days in jail and a fine of up to \$2,500** (TCA § 40-35-111(e)(1)). There may be other charges if domestic violence is involved.
- You do not transfer, sell, or turn in any firearm. You may face Class A misdemeanor charges and you may also be charged with a federal crime. (TCA §§ 39-13-113(h)(1), 39-17-1307; 18 U.S.C. § 922(g)(8)).

You may face separate, Class C felony charges if:

- You hurt or try to hurt anyone while this Order, probation, or diversion is in effect; you may face charges for aggravated assault (TCA §§ 36-3-610, 39-13-102(c)).
The penalty for each violation is **not less than 3 years nor more than 15 years and a fine of up to \$10,000** (TCA § 40-35-111(b)(3)).

Only the Court can change this Order:

Neither you nor the Petitioner can agree to change this Order. Even if the Petitioner attempts to contact you or agrees to have contact with you, you must obey this Order. If you do not, you can be jailed for **up to 11 months and 29 days and \$2,500** and **29 days and \$2,500** fined up to

To the Petitioner:

You may ask any government agency or utility provider to keep private any information that could be used to locate you, such as addresses, phone numbers, and/or social security number. To do so, give a copy of this Protective Order to the Records Department of the agency or utility (TCA § 10-7-504(a)(15-16))

This is a Court Order.

Debbie McMillan Barrett
Circuit Court Clerk
135 4th Ave. South
Franklin, TN. 37064

Williamson County TN.

This is a Court Order.

Order of Protection

☐ Amended Order

☐ Petitioner is under 18

Case # (the clerk fills this in):

2023 OP 45

COPY

In the General Sessions Civil Court of Williamson County, TN

✓ **Petitioner** (person needing protection)

Jessie
first

Elizabeth
middle

Brewer
last

Petitioner's Children under 18 Protected by this Order:

Name, Age, Relationship to Respondent

Name, Age, Relationship to Respondent

1. _____

3. _____

2. _____

4. _____

Respondent's Information (person you want to be protected from):

Jimmy Stratton 1/25/1960
first middle last date of birth (MM/DD/YYYY)

504 Murfreesboro Rd Franklin TN 37004
street address city state zip

Respondent's Employer: self/none
Employer's name

Employer's phone #

Describe Respondent:

Sex	Race	Hair	Eyes	Height - Weight - SSN - Other			
☒ Male ☐ Female	☒ White ☐ Asian ☐ Black ☐ Hispanic ☐ Other: _____	☐ Black ☒ Grey ☐ Blond ☐ Bald ☐ Brown ☐ Other: _____	☐ Brown ☐ Hazel ☒ Blue ☐ Green ☐ Grey ☐ Other: _____	Height	5'7	Weight	170
				Social Sec. # (If known)	(Provided to Clerk's office if known) Do not list it here. XXXXX		
				Scars/Special Features			
				Phone Number	(615) 587-0930		

Petitioner's relationship to the Respondent (Check all that apply):

- ☐ We are married or used to be married. ☒ We live together or used to live together.
☐ We have a child together. ☐ We are dating, used to date, or have had sex.
☐ We are relatives, related by adoption, or are/were in-laws. (Specify): _____
☐ We are the children of a person whose relationship is described above (Specify): _____
☐ The Respondent has stalked me. ☐ The Respondent has sexually assaulted me.
☒ Other: Room mate / temp landlord

Stop

This is a Court Order.

Findings About Abuse:

1. The Court has jurisdiction over the parties and this case. The Respondent was given reasonable notice of the hearing and an opportunity to be heard.

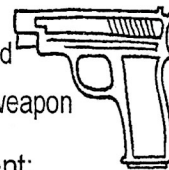
2. Based on the information in the *Petition*, and the hearing held, the court finds that the Respondent:

☒ Did the things listed in the *Petition* and the court adopts these as facts and incorporates them by reference, AND/OR *as testified to in open court*

☐ Did the following things:

Warning!

- ☐ Weapon involved
☒ Has or owns a weapon



AND there is credible evidence that Respondent is a threat to the safety of the Petitioner and ☐ Petitioner's Minor Children.

3. Respondent has specifically: (check all that apply):

☒ Abused/Threatened to Abuse — *placed Petitioner in fear*

☐ Sexually Assaulted

☒ Stalked (*harassed*)

☐ Sexually Exploited a Minor

☐ Human Trafficking of

the ☒ Petitioner AND ☐ Petitioner's Minor Children

Findings about the minor children of the parties: (check one):

☐ The Court has jurisdiction over custody for the child(ren) of the parties because his/her/their home state is Tennessee.

☐ The Court has temporary emergency jurisdiction over custody for the children of the parties listed above because they are in Tennessee now, and they (or the Petitioner) were at risk. (If another state has jurisdiction over child custody under UCCJEA, this Court's temporary jurisdiction will end on _____ or when the other state's Court makes an order.)

Findings About Firearms:

The Respondent (check all that apply):

☐ Has no firearms

☒ Has firearms that he/she must give to someone else who is allowed to have them (TCA § 36-3-625).

☐ Has firearms that are registered under the National Firearms Act and must be either transferred to a responsible third party, or locked in a safe or other secure container to which the Respondent does not have access. A state or federal agency must give its approval before the firearms are turned in.

☐ Has a federal firearms license (FFL) or is a responsible party under an FFL, and has firearms under that FFL that qualify as business inventory, and (check one):

☐ There is **no** responsible party listed on the FFL other than the Respondent in this case. The Respondent must turn in or transfer all firearms inventory under his/her control to a separate FFL holder who is legally allowed to have firearms.

☐ There **is** another responsible party listed on the FFL other than the Respondent in this case.

This Order does not require the Respondent to turn in or transfer the firearms inventory.

This is a Court Order.

Other Findings:

☐ Petitioner is a party to a lease or rental agreement and that continuing to reside in the rented or leased premises may jeopardize the life, health and safety of the petitioner or the petitioner's children.

☐ Petitioner has proven by a preponderance of the evidence that petitioner and any minor children in the petitioner's care are the primary users of the wireless telephone number(s): _____ and the Court should enter a separate order, pursuant to TCA §36-3-627, directing _____, a wireless telephone service provider, to transfer the billing responsibility for and rights to the wireless telephone number or numbers of petitioner since petitioner is not the account holder.

The Court orders Respondent to:

- ☒ Obey all orders on this form.
- ☒ Not abuse or threaten to abuse Petitioner or Petitioner's minor children.
- ☒ Not stalk or threaten to stalk Petitioner or Petitioner's minor children.

Other Orders to the Respondent (Check all that apply):

☒ No Contact

You must not come about the Petitioner (including coming by or to a shared residence) for any purpose and must not contact ☒ Petitioner AND ☐ Petitioner's children, either directly or indirectly, by phone, email, messages, text messages, mail or any other type of communication or contact.

☒ Stay Away

You must stay away from the ☒ Petitioner's home ☐ Petitioner's workplace ☐ Children's home and workplace.

☒ Personal Conduct –

☒ You must not cause intentional damage to the Petitioner's (or Petitioner's children's) property or interfere with the utilities at their home(s).

☒ You must not hurt or threaten to hurt any animals owned or kept by the Petitioner/Petitioner's children.

☒ Counseling/Substance Abuse Programs

You must go to the following program(s) and give the court proof that you have gone, participated and have made progress in this program (contact information): Respondent shall obtain

☐ Parenting Time

an assessment w/ "Choices" and follow all recommendations

☐ The Petitioner will have custody of the minor child(ren) in this case. Said assessment

☐ You will have parenting time with your minor child(ren) at the following times: shall take place

within 2 weeks
of the entry of
this order

☐ Your parenting time will be supervised by: _____ at: _____

☐ Exchange of the children will take place at and will happen as follows: The assessment is
for anger
management.

☐ The person in charge of getting the minor children to and from visitation will be: * Choices -
Kelly Connison
to the visits from the visits.

☐ Mom ☐ Dad ☐ Other (name): _____

☐ Mom ☐ Dad ☐ Other (name): _____

615-517-0220
Kelly C @ bridgesdc.
org

This is a Court Order.

☐ **Child Support** \$ ____/ each ____ (month/week, etc) beginning ____ (date).

- ☐ This is the guideline amount. See the attached DHS *Child Support Worksheet*.
- ☐ This is **not** the guideline amount and is a deviation from the guideline amount. The Court has considered the best interest of each child in this case, and finds that guideline support would be unjust or inappropriate in this case.
- ☐ Other: _____

Payment method:

- ☐ Pay the Petitioner directly by the ____ day of each month. (the court finds that this does not endanger the Petitioner or the Petitioner's minor children and it is not a violation to send payment only with no notes or comments to the Petitioner)
- ☐ Take payment to this Court Clerk's Office. You will also have to pay a clerk fee of ____% on each payment. The additional clerk fee amount is \$ ____ each month.
- ☐ Support payments will be ☐ withheld from your paycheck (Contact the Central Collection and Disbursement Unit at 800-838-6911 by ____ or ☐ shall be sent directly to Central Collection Disbursement Unit at Central Child Support Receipting Unit, P. O. Box 305200, Nashville, TN 37229.

☐ **Petitioner Support** \$ ____/ each month.

Payment method:

- ☐ Pay the Petitioner directly by the ____ day of each month. (The court finds that this does not endanger the Petitioner or the Petitioner's minor children and it is not a violation to send payment only with no notes or comments to the Petitioner)
- ☐ Take payment to this Court Clerk's Office. You will also have to pay a clerk fee of ____% on each payment. The additional clerk fee amount is \$ ____ each month.
- ☐ Payment will be
 - ☐ withheld from your paycheck (Contact the Central Collection and Disbursement Unit at 800-838-6911 by ____ (date)
 - ☐ shall be sent directly to Central Collection Disbursement Unit at Central Child Support Receipting Unit, P. O. Box 305200, Nashville, TN 37229.

☐ **Control of all Types of Property**

☐ Petitioner only ☐ and/or Petitioner's children are the only ones who can live in the property at:

(address)

- ☐ You must move out immediately from (address): _____
- ☐ You must provide suitable alternate housing for the Petitioner by (date): ____, 20__.
- ☐ You must pay to the petitioner all costs, expenses and fees pertaining to the petitioner's breach of a lease or rental agreement for residential property in the amount of _____.
- ☐ Only the Petitioner can use, control, and possess the following property, things, and animals:

☐ If the parties shared a residence, Respondent can obtain his/her clothing and personal effects such as medicine as follows: (List items to be obtained and process as approved by local law enforcement personnel):

XX Orders to the Respondent about Firearms:

- You must not have, or attempt to have, receive or attempt to receive or in any other way get any firearm while this or any later protective order is in effect.

This is a Court Order.

- You must transfer all firearms in your possession within 48 hours to any person who is legally allowed to have them.
- You must fill out and file a *Firearms Declaration* within 1 business day of transferring your firearms. You may take more than 1 business day to file this form **only** if the Court gave you a later deadline. (You can get the *Firearms Declaration* form from the Court Clerk's Office or at www.tncourts.gov.)
- If a state or federal agency approves it, your weapons that are registered under the National Firearms Act must be either transferred to a responsible third party, or placed in a locked safe or other secure container to which you do not have access.
- If your *Firearms Declaration* shows that you have a federal firearms license (FFL), and that you are the **only** responsible party listed on that FFL, you must transfer all firearms inventory under your control to a separate FFL holder or another responsible party.

☒ **Costs, fees and litigation taxes**

You must pay all court costs (Petitioner's costs and your costs), lawyer fees, and other fees or taxes related to this case.

☐ **Other Orders:**

☐ Petitioner and any minor children in the petitioner's care are the primary users of the wireless telephone number(s): _____ and a separate order shall be entered per to TCA §36-3-627, directing _____, a wireless telephone service provider, to transfer the billing responsibility for and rights to the wireless telephone number or numbers of petitioner since petitioner is not the account holder.

☒ *Respondent shall attend a Compliance Review in Court on April 6, 2023 @ 1:00 pm to show he has paid the court costs and has obtained the assessment and is following*
THIS ORDER TAKES EFFECT IMMEDIATELY UPON SIGNING. *any recommendations*

This Order starts today, (date): 3/2/23 This Order ends (date): 3/2/24

- ☒ In 1 year. (The Petitioner may ask to extend the Order) ☐ In 5 years (1st violation of current PO)
☐ In 10 years (2nd or more violation of current PO)

Date: 3/2/23 Time: 11:19 ☒ a.m. ☐ p.m.

Signature of Judge or Chancellor

Further Compliance Review may be set

Certificate of Service – Respondent (check one):

- ☒ Signed by Respondent: _____
☐ Signed by Respondent's counsel: _____
☐ Hand delivered to Respondent.
☐ Hand delivered to Respondent's counsel.
☐ U.S. mail, prepaid postage to Respondent's last known address
☐ U.S. mail, prepaid postage to Respondent's counsel's last known address
☐ Reasonable attempts to find the Respondent's address were made, but there is no known address at this time.

Signature of Server: Vicki Hays

Server's title (check one): ☐ Clerk ☒ Deputy Clerk
☐ Authorized Officer ☐ Attorney

Service was made on:

Date: 3-2-23
Time: 11:47 ☐ a.m. ☐ p.m.

Certificate of Service – Petitioner (check one):

- ☐ Signed by Petitioner: _____
☐ Signed by Petitioner's counsel: _____
☐ Hand delivered to Petitioner.
☐ Hand delivered to Petitioner's counsel.
☐ U.S. mail, prepaid postage to Petitioner's last known address.
☐ U.S. mail, prepaid postage to Petitioner's counsel's last known address.
☐ Reasonable attempts to find the Petitioner's address were made, but there is no known address at this time.

Signature of Server: _____

Server's title (check one): ☐ Clerk ☐ Deputy Clerk
☐ Authorized Officer ☐ Attorney

Service was made on:

Date: _____
Time: _____ ☐ a.m. ☐ p.m.

☐ The Clerk certifies a copy of this Order was forwarded to 911, local law enforcement, and any court in which the respondent and petitioner are parties to an action.

This is a Court Order.

Warnings to Respondent:

This Order is valid everywhere in the U.S.

If you travel to another state, territory or tribal land, with the intention of disobeying this Order, you can be charged with a federal crime. The courts of any U.S. state, the District of Columbia, all tribal lands, and U.S. territories, must enforce this Order, even if the Order is not registered. (18 U.S.C. §§ 2262, 2265)

No Guns, Firearms

You must not have any firearm while this Order is in effect. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any firearm or ammunition.

You must legally transfer, sell, or turn in any firearm that you have within 48 hours. Transfers are only legal if the person you transfer to is allowed to have firearms. You may get your firearms back when the Order of protection ends.

You will face separate charges if you disobey this Order

You may face separate, criminal contempt charges and/or civil penalties if:

- You disobey this Order on purpose (TCA § 36-3-610).
The penalty for each violation is **up to 10 days in jail and a \$10 or \$50 fine** (TCA § 29-9-103).
- You may also have to pay a civil penalty of up to \$50 for each violation (TCA § 36-3-610).

You may face separate, Class A misdemeanor charges if:

- You violate this Order (Public Chapter No. 422, effective July 1, 2019).
A violation is punishable by **up to 11 months and 29 days in jail and a fine of not less than \$100 nor more than \$2500 for each violation.**
- You do not transfer your firearm(s) legally by the deadline (TCA § 36-3-625).
- You have a firearm while the Order is in effect (TCA § 39-13-113(h)(1)).
The penalty for each violation is **up to 11 months and 29 days in jail and a fine of up to \$2,500** (TCA § 40-35-111(e)(1)). There may be other charges if domestic violence is involved.
- You do not transfer, sell, or turn in any firearm. You may face Class A misdemeanor charges and you may also be charged with a federal crime. (TCA §§ 39-13-113(h)(1), 39-17-1307; 18 U.S.C. § 922(g)(8)).

You may face separate, Class C felony charges if:

- You hurt or try to hurt anyone while this Order, probation, or diversion is in effect; you may face charges for aggravated assault (TCA §§ 36-3-610, 39-13-102(c)).
The penalty for each violation is **not less than 3 years nor more than 15 years and a fine of up to \$10,000** (TCA § 40-35-111(b)(3)).

Only the Court can change this Order:

Neither you nor the Petitioner can agree to change this Order. Even if the Petitioner attempts to contact you or agrees to have contact with you, you must obey this Order. If you do not, you can be jailed for **up to 11 months and 29 days and fined up to \$2,500.**

To the Petitioner:

You may ask any government agency or utility provider to keep private any information that could be used to locate you, such as addresses, phone numbers, and/or social security number. To do so, give a copy of this Protective Order to the Records Department of the agency or utility. (TCA § 10-7-504(a)(15-16))

This is a Court Order.

Debbie McMillan Barrett
Circuit Court Clerk
135 4th Ave. South
Franklin, TN. 37064

Williamson County TN.

This is a Court Order.