



Meeting Minutes

Board of Zoning Appeals

Thursday, July 11, 2024

6:00 PM

Board Room

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

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

Comments on agenda items may be made in person at city hall or by emailing planningintake@franklintn.gov until the day prior to the meeting. Emailed comments will be provided to the Commission and included in the minutes, but not read aloud in their entirety during the meeting.

CALL TO ORDER

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

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

Request 1: To Allow The Front Facade Of A Proposed Principal Building To Be Oriented In A Non-Parallel Manner To The Frontage.

1. Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the Zoning Ordinance or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition, such a piece of property is not able to accommodate development as required under this Ordinance. The historical significance of this site makes it an exceptional situation.
 - o The historically significant area of the site that should be preserved (according to the HZC), is the corner of the lot, at the intersection of West Fowlkes Street and Columbia Avenue. This is the location of the original historic areas of the site, which includes the historic Carter House, its original outbuildings, and the historic open spaces. 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 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.

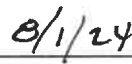
OTHER BUSINESS

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



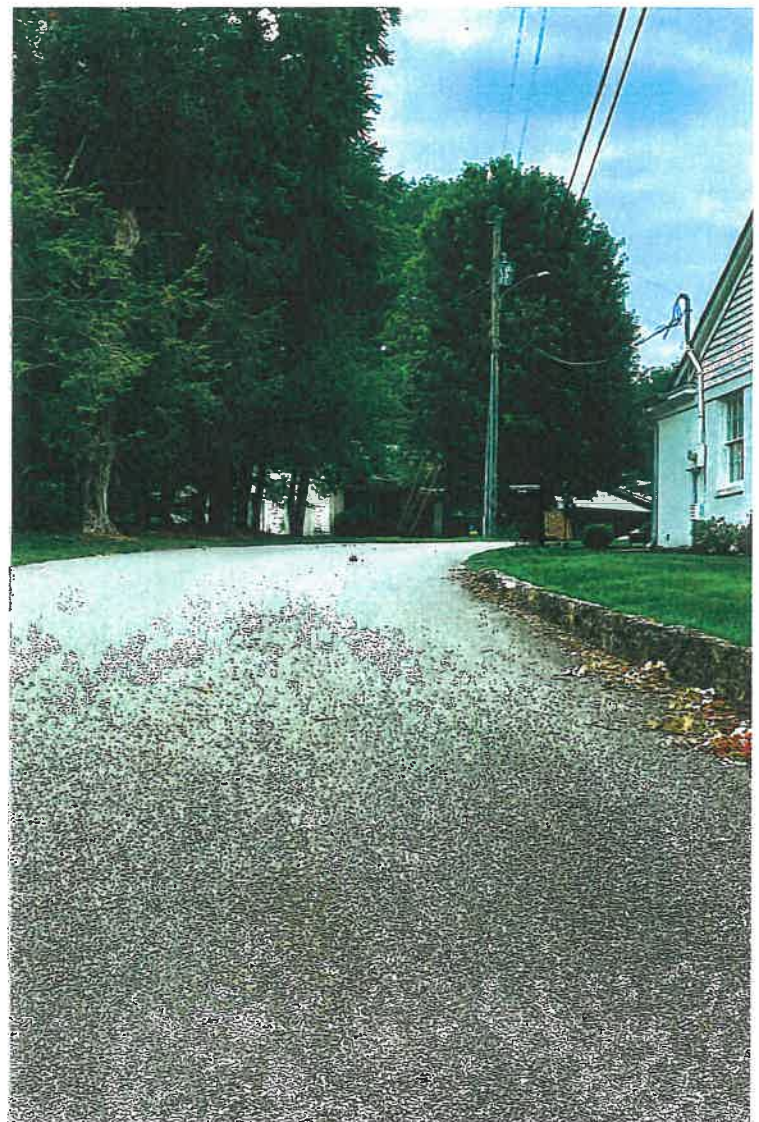
309 Berry Circle - my home





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



