



Meeting Agenda

Board of Zoning Appeals

Thursday, October 3, 2024

6:00 PM

Board Room

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

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

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

CALL TO ORDER

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

APPROVAL OF MINUTES

1. Consideration Of Approval Of The September 5, 2024 BZA Minutes.

ANNOUNCEMENTS

APPLICATIONS

2. A **Variance Request** To Allow The Driveway To Be Located A Minimum Of 0 Feet From Any Abutting Lot Line, For Parcels 078G-G-03301 And 078G-G-03302, And A **Variance Request** To Allow A Retaining Wall To Be Located A Minimum Of 0 Feet From A Lot Line, For Parcels 078G-G-03301 And 078G-G-03302, And A **Variance Request** To Allow A Side Yard Retaining Wall To Have A Maximum Height Of 7 Feet, For Parcels 078G-G-03301 And 078G-G-03302, For The Property Located At 416 Roberts Street (F.Z.O.

10.1.17.A, 13.2.2., and 13.2.4.)

Sponsors:

Amy Diaz-Barriga, Ariella Stanford

OTHER BUSINESS

ADJOURN

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



Meeting Minutes

Board of Zoning Appeals

Thursday, September 5, 2024

6:00 PM

Board Room

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CALL TO ORDER

Chair Langley called the meeting to order at 6:00 PM.

Board Members Present: Jonathan Langley, Dorinda Smith, William Scales, and Lee Reeves

Board Members Absent: Jeff Fleishour

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 August 1, 2024 BZA Minutes

Sponsors:

Board Member Smith motioned to approve the minutes from the August 1, 2024, BZA meeting, seconded by Board Member Scales. The motion carried 4-0.

ANNOUNCEMENTS

Ms. Stanford stated that the pace of the meeting may be slower as she will be running Civic Clerk, and presenting each item, as Ms. Diaz-Barriga was not present.

BZA ANNUAL CALENDAR

2. Consideration Of Approval Of The 2025 BZA Deadlines And Schedules Calendar

Sponsors:

Board Member Scales motioned to approve the 2025 BZA Deadlines and Schedules Calendar, seconded by Board Member Smith. The motion carried 4-0.

APPLICATIONS

3. A Variance Request To Allow An Accessory Structure To Be Located 2 Feet From The Side Lot Line For The Property Located At 206 Lewisburg Avenue (F.Z.O. 3.7.5.).

Sponsors: Amy Diaz-Barriga, Ariella Stanford

Staff Presentation: Ariella Stanford. The subject property is located at 206 Lewisburg Avenue. It is zoned R-4 Residential District and is within the Historic Preservation Overlay and Central Franklin Overlay. The applicant is proposing a 2-car carport aligned with the existing driveway, located in the backyard area. The existing driveway is approximately 20 feet wide, and the proposed 2-car carport is approximately 22 feet wide, which is consistent with a typical 2-car carport. The existing driveway runs along the northern property line, abutting the property line. To align with the existing driveway, the proposed carport is located 2 feet from the northern property line. Carports are classified as accessory structures, and the Zoning Ordinance requires accessory structures to be located at least 5 feet from any property line. For this reason, the applicant is requesting a Variance for an accessory structure to be located 2 feet from the side lot line. Because this property is in the Historic Preservation Overlay, an accessory structure is required to be approved by the Historic Zoning Commission (HZC). This proposed accessory structure was approved by the Historic Zoning Commission on July 8, 2024, with the following conditions:

1. If a variance for the location is not granted, the structure must be setback 5' 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. 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 existing driveway is located between the existing home and the northern property line, abutting both. Since the existing driveway is located right up against both the home and the property line, it could not be moved farther from the property line than its existing location. So in order to construct a 2-car carport to align with the driveway, it would need to be closer to the property line than 5 feet. In addition, the backyard space is limited and there is a shed located roughly in the middle of the backyard area, which is preventing the applicant from moving the carport and re-orienting it. Staff finds this criteria is met.
2. Criteria #2: The strict application of any provision enacted under the Zoning Ordinance would result in peculiar and exceptional practical difficulties for or exceptional or undue hardship for the owner of the property. To comply with the setback requirements, the carport would have to be misaligned with the existing driveway. This would make it inaccessible for 2 cars as a front-loading carport. If the carport were to be moved to the backyard area and be side facing, it would take up the majority of the backyard space and the existing shed would need to be relocated or removed. Staff finds this criteria is met.
3. Criteria #3: Such relief may be granted without substantial detriment to the public good and without substantially impairing the purpose and intent of the Zoning Ordinance. Staff finds that this proposed carport would not be a detriment to the public good and would not impair the intent of the Zoning Ordinance. The existing driveway is already located against the property line, so the structure would not be any closer to the neighbor's property than the location where cars are currently able to be parked in the existing driveway. In addition to proximity to neighbors, aesthetic consistency contributes to the intent of the Ordinance. Since the proposed carport aligns with

the existing driveway, it is more aesthetically consistent with the common design of carports than for it to be misaligned with the driveway to comply with the setbacks. Staff finds this criteria is met.

Recommended Motion: Staff recommends the Board of Zoning Appeals move to approve the Variance Request To Allow An Accessory Structure To Be Located 2 Feet From The Side Lot Line For The Property Located At 206 Lewisburg Avenue, because the criteria for granting a variance have been met.

Applicant: Mike Hendren. Mr. Hendren explained that in addition to the alignment issue to comply with the five-foot setback requirement, additional driveway configuration and demolition of a raised patio would be required to park in the southern bay of the proposed accessory structure. Mr. Hendren also added that parking, once construction is completed, would be further from the property line than the current parking arrangement. Lastly, Mr. Hendren stated that the rear property, although grandfathered in under different zoning requirements, has a setback of two feet. Granting the proposed variance request would be consistent with the existing setback of the rear property.

Citizen Comments: None

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

Motion

Board Member Smith motioned to approve a variance request to allow an accessory structure to be located 2 feet from the side lot line for the property located at 206 Lewisburg Avenue because the criteria for granting a variance have been met, seconded by Board Member Reeves.

The motion carried 4-0.

Mr. Hendren noted that as a real estate financier in the area for many years, the process for granting a variance request has been very straightforward and staff had been cooperative and accommodating throughout the process. Mr. Hendren thanked staff and the Board for their efforts.

4. A Variance Request To Allow A Retaining Wall To Be Located A Minimum Of 0 Inches From The Lot Lines And A Variance Request To Allow A Front Yard Retaining Wall To Be A Maximum Of 4 Feet Tall For The Property Located At 128 Barlow Drive (F.Z.O. 13.2.2. and 13.2.4).

Sponsors: Amy Diaz-Barriga, Ariella Stanford

Staff Presentation: Ariella Stanford. The subject property is located at 128 Barlow Drive. It is zoned PD Planned District and is within the Highlands at Ladd Park PUD Subdivision. A single-family residential home has been built on the property, and the applicant is proposing a retaining wall in the front yard to support the sloped yard. There is a 15' Middle Tennessee Electric (MTE) Easement occupying most of the front yard, which requires approval from the easement holder to build a retaining wall within the easement area. The owner has already obtained approval from MTE for the proposed retaining wall and the approval documentation is attached to the applicant's submittal. In addition to the slopes and a 15' MTE Easement across most of the front yard space, there is an electrical pull box which is restricting the location of the proposed retaining wall. The location of the proposed retaining wall is abutting the sidewalk at the front of the property and extends all the way to the side property line to the west. For this reason, the applicant is requesting a Variance to allow the retaining wall to be a minimum of 0 inches from the lot lines. In addition, the proposed retaining wall is a maximum of 4 feet tall to support the front yard, which has slopes up to 60 percent. The Zoning Ordinance allows front yard retaining walls to have a maximum height of 2 feet. For this reason, the applicant is also requesting a Variance for a front yard retaining wall up to 4 feet in height. There is additional background information that Staff feels is relevant to acknowledge in this situation. Under today's development review process, lots within subdivisions are required to provide grading information at the Site Plan stage to demonstrate how storm water runoff will be handled as well as how the lots may be developed without the need for additional variances from the Zoning Ordinance. When the Site Plan was approved for this subdivision section, the city's review process did not require grading for the lot to be shown on the site plan, just for the streets in the subdivision. The existing steep slopes on this lot are a result of this. Under today's review process, grading for the lot would likely have been

required prior to being sold, rather than the homeowner having to solve the challenge of the existing slope with the lot construction later.

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

Ms. Stanford stated that she would not reread each criterion unless requested but would explain the staff analysis for each criterion.

Request 1: To Allow A Retaining Wall To Be Located A Minimum Of 0 Inches From The Lot Lines.

1. The drastic slope of the front yard requires a retaining wall to prevent spill-over onto the sidewalk along the front lot line. There is a 15' MTE Easement occupying much of the front yard area and an electrical pull box at the west corner of the front of the property, abutting the west property line. To properly retain grade to stabilize the electrical pull box, the retaining wall would need to be in front of the pull box, between the pull box and the sidewalk, and all the way to the west property line. These conditions necessitate the need for a retaining wall in the front yard and are preventing the location of the retaining wall from being in compliance with the setback requirements. Staff finds this criteria is met.
2. The strict application of any provision enacted under the Zoning Ordinance would result in peculiar and exceptional practical difficulties for or exceptional or undue hardship for the owner of the property. If the retaining wall were in compliance with the setback requirements, it would not be able to retain grade to stabilize the electrical pull box properly. The slope in the front yard requires a retaining wall to support it, and the electrical pull box restricts the location to be within the setback requirements. 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 would not be a detriment to the public good and it would not impair the intent of the Zoning Ordinance. The intent of the Ordinance in this case is safety and aesthetic concern. The retaining wall is required to support the slopes and the location is restricted by the location of the pull box. The retaining wall is necessary to support the sloped yard to protect the integrity of the sidewalk and the neighboring property. So, the location of the retaining wall addresses the safety concern by properly supporting the sloped yard and pull box. In addition, the applicant has tried to minimize the height of the retaining wall to only the height necessary to support the slope and allow a maintainable front yard. This is an effort to address the aesthetic concern for having the retaining wall closer to the lot lines than 5 feet. Staff finds this criteria is met.

Request 2. To Allow A Front Yard Retaining Wall To Be A Maximum Of 4 Feet Tall.

1. To support the sloped front yard and create a yard that is able to be maintained, the retaining wall in the front yard must be taller than 2 feet. The grade in the front yard is up to 60% which is considerably steep to maintain. The applicant would like to achieve 3:1 slope ratio in the front yard so that it can be maintained by the homeowner, and that would require a 4' retaining wall given the existing conditions of the front yard. Given these conditions, Staff finds this criteria is met.
2. If the retaining wall were to comply with the 2' maximum height requirement for retaining walls in a front yard, the wall would potentially fail to support the sloped yard and the steep slope of the yard would be difficult for the homeowner to maintain. Staff finds this criteria is met.
3. Staff finds that this would not be a detriment to the public good and it would not impair the intent of the Zoning Ordinance. The retaining wall is necessary to support the sloped yard to protect the integrity of the sidewalk and the neighboring property, so it would not be a detriment to the public good. The intent of the Ordinance in this case is aesthetic concern. The applicant has tried to minimize the height of the retaining wall to only the height necessary to support the slope and create a maintainable front yard. The applicant has also tried to design the wall in a way that is aesthetically consistent with the existing house and the neighborhood. This is an effort to address the aesthetic concern for having a taller than allowable retaining wall in the front yard. Staff finds this criteria is met.

Recommended Motion: Staff recommends the Board of Zoning Appeals move to approve the Variance Request To Allow A Retaining Wall To Be Located A Minimum Of 0 Inches From The Lot Lines And approve the Variance Request To Allow A Front Yard Retaining Wall To Be A Maximum Of 4 Feet Tall For The Property Located At 128 Barlow Drive, because the criteria for granting a variance have been met.

Citizen Comments: None

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

Applicant: Matthew Grayson. Mr. Grayson did not have any additional comments to add but would be happy to answer any questions.

Board Member Smith asked Mr. Grayson if approval of height and position of the retaining wall was required by the HOA. Also, when driving around in Ladd Park, Ms. Smith stated that she didn't see many other four foot retaining walls and asked the applicant if there were other retaining walls in the neighborhood.

Mr. Grayson stated that the HOA required approval of the materials to be used with further approval coming from the city. Regarding other retaining walls, Mr. Grayson stated that further back in the neighborhood there are retaining walls.

Ms. Stanford clarified that the retaining wall design is consistent with other retaining walls in the neighborhood and staff does not know if the height would be considered consistent with existing retaining walls in the area.

Board Member Reeves asked Mr. Grayson for wall height clarification regarding the construction plans and a reference of six feet.

Mr. Grayson stated that height measurements include the footer of the wall that cannot be seen, which adds additional height as seen on the construction plans.

Ms. Stanford also clarified that zoning height is measured from the base elevation to the top of the wall, whereas a building permit requires height to be measured from the footer to the top of the wall.

Motion

Board Member Scales motioned to approve a variance request to allow a retaining wall to be located a minimum of 0 inches from the lot lines and a variance request to allow a front yard retaining wall to be a maximum of 4 feet tall for the property located at 128 Barlow Drive because the criteria for meeting both variance requests have been met, seconded by Board Member Reeves.

The motion carried 4-0.

OTHER BUSINESS

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

ADJOURN

Board Member Smith motioned to adjourn the September 5, 2024, BZA meeting, seconded by Board Member Reeves. The motion carried 4-0.

There being no further business, the meeting adjourned at 6:23 PM.

Chair

Date



File #: 21-0763

DATE: September 12, 2024
TO: Board of Zoning Appeals
FROM: Amy Diaz-Barriga, Asst Director of Planning Development
Ariella Stanford, Planner

SUBJECT:

A **Variance Request** To Allow The Driveway To Be Located A Minimum Of 0 Feet From Any Abutting Lot Line, For Parcels 078G-G-03301 And 078G-G-03302, And A **Variance Request** To Allow A Retaining Wall To Be Located A Minimum Of 0 Feet From A Lot Line, For Parcels 078G-G-03301 And 078G-G-03302, And A **Variance Request** To Allow A Side Yard Retaining Wall To Have A Maximum Height Of 7 Feet, For Parcels 078G-G-03301 And 078G-G-03302, For The Property Located At 416 Roberts Street (F.Z.O. 10.1.17.A, 13.2.2., and 13.2.4.)

PURPOSE:

PROJECT INFORMATION

COF Project Number: 8598
Applicant: Austin Grogan
Owner: Austin Grogan

BACKGROUND/STAFF COMMENTS:

Vicinity Zoning/Land Use

Site: R-4 Residential / Vacant
Northwest: R-4 Residential / Open Space
Northeast: R-4 Residential / Residential Single Family
Southwest: R-4 Residential / Residential Single Family
Southeast: R-4 Residential / Residential Single Family

Applicable Zoning Ordinance Provisions

20.10 Variance

A. The purpose of a variance is to:

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

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

10.1.17.A

Driveways on residential lots shall comply with the requirements below:

Driveway Setback	Shall be located a minimum of 5 feet from any abutting lot line, unless it is a shared driveway
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13.2.2.A

Retaining walls shall be set back from a lot line a minimum of five feet or the distance equal to the height of the wall, whichever is greater.

13.2.4.

Retaining walls for residential uses, other than multifamily, shall comply with the following:

Side and Rear Yard Retaining Wall Height	Maximum 6 feet
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Background

The subject property is located at 416 Roberts Street. The property is zoned R-4 Residential and is within the Central Franklin Overlay, and Flood Fringe Overlay. The applicant is proposing a single-family residential home with a side-loading garage on these parcels.

The applicant owns both parcels 03301 and 03302 of tax map 078G. These parcels are within the Petway Place Subdivision, which was originally platted in 1958. Over the years, ownership of property has changed by deed without updating the platted lots to reflect the change in ownership. For this reason, the two parcels owned by the applicant do not match the original plat of the subdivision. Regardless of the current ownership of land by deed, the Zoning Ordinance is written to regulate development based on lot lines, and therefore, staff must reference the recorded plat when reviewing development for compliance. In order to build a driveway and retaining wall where they would cross the originally platted lot lines, the lots would need to be re-platted to consolidate the parcels into one lot to comply with setback requirements. Since the neighboring parcels have also changed by deed only, re-platting 416 Roberts Street would trigger several neighboring properties to be re-platted as well. The applicant attempted to accomplish this but one of the neighboring properties that would need to be involved did not wish to re-plat, so they are unable to file a plat revision application.

Given the situation, the applicant attempted to design a house that would comply with the Zoning Ordinance requirements for the lot as originally platted; however, the applicant stated that the topography of the lot is preventing development in compliance with the Zoning Ordinance requirements. So, the applicant is proposing a driveway that crosses the existing lot line between parcels 03301 and 03302 to conform with the existing slope on the site. In order to support the existing slope on the site for the proposed driveway, the applicant is also proposing a retaining wall with a maximum height of 7 feet that crosses the existing lot line. For these reasons, the applicant is requesting the following 3 Variance Requests:

1. To Allow The Driveway To Be Located A Minimum Of 0 Feet From Any Abutting Lot Line, For Parcels 078G-G-03301 And 078G-G-03302
2. To Allow A Retaining Wall To Be Located A Minimum Of 0 Feet From A Lot Line, For Parcels 078G-G-03301 And 078G-G-03302
3. To Allow A Side Yard Retaining Wall To Have A Maximum Height Of 7 Feet, For Parcels 078G-G-03301 And 078G-G-03302

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 Driveway To Be Located A Minimum Of 0 Feet From Any Abutting Lot Line

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 original lot line existing between the two parcels owned by the applicant and the inability to re-plat the lots, along with the existing topography of the site, are creating an exceptional situation for the owner of the property. The 14-20% slopes exist in the buildable area just north of the minimum building setback line (MBSL), and extend over the existing lot line through the two parcels. This condition makes it most practical to have a side-loading garage at the basement level of the house. The proposed driveway configuration conforms with the existing slope but would have to cross over the existing lot line through the two parcels. The unique existing history of the lot, the inability to re-plat in this situation, and the location of existing slopes is preventing the applicant from developing the property to conform with the setback requirements. Staff finds this criteria is met.

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

The strict application of the Zoning Ordinance would result in practical difficulties and undue hardship for the owner of this property. The Zoning Ordinance regulation is preventing the driveway configuration from conforming with the existing slope conditions of the two parcels. In addition, the inability to replant the lot is preventing the owner of both parcels from being able to utilize parcel 03302 as a buildable area. 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 the proposed driveway would not be a detriment to the public good and would not impair the intent of the Zoning Ordinance. Both parcels appear to be one residential lot from the street (especially considering the existing slope across both parcels and the existing dirt driveway), so utilizing both parcels would allow the lot to be developed in a way that contextually fits the existing slopes on the property and it would not appear obvious that the driveway crosses a property line from street view. In addition, the proposed driveway complies with the side setbacks between parcel 03302 and the neighboring property at 418 Roberts Street, so the location of the proposed driveway would not be closer to the neighboring property than the Zoning Ordinance currently allows. This meets the intent of the Zoning Ordinance to ensure that there is distance between driveways and neighboring properties. Staff finds this criteria is met.

Request 2: To Allow A Retaining Wall To Be Located A Minimum Of 0 Feet From A Lot Line

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 original lot line existing between the two parcels owned by the applicant and the inability to re-

plat the lots, along with the existing topography of the site, are creating an exceptional situation for the owner of the property. The 14-20% slopes exist in the buildable area just north of the minimum building setback line (MBSL), and extend over the existing lot line through the two parcels. As explained in the previous criteria, this condition makes it most practical to have a side-loading garage at the basement level of the house, with a driveway extending over the property line between the two parcels. In order to support the slope abutting the proposed driveway, a retaining wall is needed along the driveway which would also cross the lot line. The unique existing history of the lot and the inability to re-plat in this situation is preventing the applicant from developing the property to conform with the setback requirement. Staff finds this criteria is met.

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

The strict application of the Zoning Ordinance would result in practical difficulties and undue hardship for the owner of this property. The Zoning Ordinance regulation is preventing not only the driveway configuration, but also the necessary retaining wall from conforming with the existing slope conditions of the two parcels. The Zoning Ordinance regulation would prevent the existing slopes from being safely supported with a retaining wall along the proposed driveway. 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 the proposed retaining wall would not be a detriment to the public good and would not impair the intent of the Zoning Ordinance. Both parcels appear to be one residential lot from the street (especially considering the existing slope across both parcels and the existing dirt driveway), so utilizing both parcels would allow the lot to be developed in a way that contextually fits the existing slopes on the property and it would not appear obvious that the retaining wall crosses a property line from street view. In addition, the slope falls down towards the back of the property, so the retaining wall would only be minimally visible from the street. The proposed retaining wall also complies with the side setbacks between parcel 03302 and the neighboring property at 418 Roberts Street, so the location of the proposed retaining wall would not be closer to the neighboring property than the Zoning Ordinance currently allows. Should the wall fail, it would fall on property owned by the same property owner in which the wall is installed. This meets the intent of the Zoning Ordinance to ensure that there is distance between retaining walls and neighboring properties. Staff finds this criteria is met.

Request 3: To Allow A Side Yard Retaining Wall To Have A Maximum Height Of 7 Feet

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

The existing topography of the site is creating an exceptional situation for the owner of the property. The 14-20% slopes exist in the buildable area just north of the minimum building setback line (MBSL) and extend over the existing lot line through the two parcels. As explained in the previous criteria, this condition makes it most practical to have a side-loading garage at the basement level of the house, with a driveway and retaining wall extending over the property line between the two parcels. In order to properly support the existing slope abutting the proposed driveway, the proposed side-yard retaining wall must have a maximum height of 7 feet. Staff finds this criteria is met.

2. The strict application of any provision enacted under the Zoning Ordinance would result in peculiar

and exceptional practical difficulties for or exceptional or undue hardship for the owner of the property.

The strict application of the Zoning Ordinance would result in practical difficulties and undue hardship for the owner of this property. The Zoning Ordinance allows a maximum height of 6 feet for side-yard retaining walls, but a 6-foot retaining wall would not sufficiently support the slopes abutting the proposed driveway. 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 the proposed retaining wall would not be a detriment to the public good and would not impair the intent of the Zoning Ordinance. Because the slope falls down towards the back of the property, the retaining wall would only be minimally visible from the street so it will not have a negative impact on the neighborhood from street view. This also meets the intent of the Zoning Ordinance to ensure that obtrusively tall retaining walls are not visible from the street. Staff finds this criteria is met.

FINANCIAL IMPACT:

Unknown.

RECOMMENDATION:

RECOMMENDED MOTION: Staff recommends the Board of Zoning Appeals move to **approve** the **Variance Request** To Allow The Driveway To Be Located A Minimum Of 0 Feet From Any Abutting Lot Line, For Parcels 078G-G-03301 And 078G-G-03302, And The **Variance Request** To Allow A Retaining Wall To Be Located A Minimum Of 0 Feet From A Lot Line, For Parcels 078G-G-03301 And 078G-G-03302, And The **Variance Request** To Allow A Side Yard Retaining Wall To Have A Maximum Height Of 7 Feet, For Parcels 078G-G-03301 And 078G-G-03302, For The Property Located At 416 Roberts Street, because the criteria for granting a variance have been met.

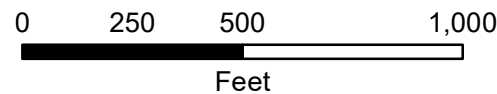
416 ROBERTS STREET
TAX MAP 078G, GROUP G, PARCEL 03301
TAX MAP 078G, GROUP G, PARCEL 03302
BOARD OF ZONING APPEALS
OCTOBER 03, 2024

Legend

-  416 Roberts Street
-  Central Franklin Overlay
-  Historic Preservation Overlay
-  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

Site

This map was created by the Franklin Planning Department.
It was compiled from the most authentic information available.
The City is not responsible for any errors or omissions contained hereon.
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HISTORIC
FRANKLIN
TENNESSEE

Austin Grogan

2565 Westerham Way
Thompsons Station, TN. 37179
702.686.5240

August 22, 2024

Board of Zoning Appeals
Franklin, TN

Dear Board of Zoning Appeals,

My wife and I own the land at 416 Roberts St., Franklin TN, 37064. We are requesting three variances to construct our home as the issues detailed below prevent us from strictly adhering to Franklin City Ordinances.

Background & Platting Issues

We acquired this land in April of 2024 from the previous owners who subdivided the lot from 414 Roberts St. We initially went under contract to purchase the .42 acre lot in September of 2023 but later that year in November, while still under contract to purchase the land, we learned the sellers were having a challenge completing the subdivision. They gave us a survey that showed two lots instead of one, with a rectangular lot totaling approximately .31 of an acre, immediately next to an extremely narrow and long triangular lot totaling approximately .11 of an acre. The seller's surveyor told us he was unable to gain approval from the Franklin City Planning and Sustainability Department to create a new lot where both lots were one (see exhibit A, Final Plat for 416 Roberts St.).

As this would reduce our building envelope and force it to fit within the setbacks of the rectangular lot and rendering the triangular lot useless, we made contact with Joseph Bryan from Franklin City Planning and Sustainability who explained the following:

"This is an older subdivision that was platted in the late 50's and the ownership parcels were changed over time through deed, but the original plat itself was never updated for Lots 31 and 32. So the lots that were platted in 1958 still exist underneath the parcels. Our subdivision regulations are based on lot lines, not parcel lines. Updating the lots lines to reflect the current ownership/property lines starts a domino effect where 418 and 420 Roberts St would also have to be updated. Once one lot line changes, the rest

must be updated as well. It is my understanding that one of the neighboring property owners was not agreeable to update his property through the plat revision for 414 Roberts. An alternative option is to move only the lot line between Lots 31 and 32 and leaving the remainder of the original lot lines in place, which would not require approval from the neighbors. This moves the lot line off of the existing house and should keep Lot 31 within the minimum standards of the R-4 Zoning District. However, the triangular portion outlined in red would not be part of the plat revision."

In a subsequent conversation with Amy Diaz-Barriga, from Franklin City Planning and Sustainability Department, she explained the issue further and provided the original hand-drawn plat that shows the original lot lines from 1958 that would require affidavits from 418 and 420 Roberts to move (EXHIBIT B). She also marked up a version of the 1958 drawing showing parcels and current ownership (EXHIBIT C), and marked up a version of the final plat with the original lot lines from 1958 (EXHIBIT D). EXHIBIT D shows that at some point in the past, 418 Roberts (LOT 30) was allowed to be constructed directly on top of LOT 29's lot line and the original lot lines were never moved.

The sellers were unable to get Mr. Logsdon, current owner and landlord of the rental house at 420 Roberts St (LOT 29) to sign the affidavit. The homes on both sides of our property, 418 and 414 Roberts, had signed affidavits in support of updating the plat but Mr. Logsdon refused, despite having been given all the relevant information directly from Joseph Bryan in City Planning. He threatened the sellers with legal action if they did not cease and desist all communication with him. We made contact with Mr. Logsdon, only to have our phone numbers blocked after he told us he would not sign. To date, he has not provided any reason as to why he refuses to help.

Lot Topography Challenges

We ultimately made the decision to move forward with the purchase of both lots and redesign our home so it would fit within the setbacks of the rectangular lot. The house would have two floors with a walkout basement as roughly half of the lot is at a lower elevation.

However, when determining garage and driveway placement, we faced numerous challenges with the lot topography and R4 zoning ordinances for both front-facing and side-loading garages that would impact our ability to stay completely within the rectangular lot:

- For reference, Franklin Zoning Ordinance section 6.3 says:

- *Front-Facing Garage Setback: Minimum 20 feet behind front facade and front door and 22 feet from sidewalk.*
- *Setback for Side- or Rear-Loading Garages Facing Interior Lot Lines: Minimum 3 feet behind front facade and front door.*
- Rectangular lot topography, M.B.S.L., and garage placement:
 - The lot is approximately 211' deep and 64' wide. The very back of the lot is approximately 11' lower than the very front of the lot. There is a steep slope beginning approximately 64' from the front, which is 9-10' behind the 54.6' M.B.S.L. The slope in that area is steep, with a 14-20% slope (front to back) and extends from the left lot line to the right lot line. The front and back portions of the lot are mostly level after the slope (see EXHIBIT E).
 - Due to the location of the slope behind the M.B.S.L. and garage setback requirements, a garage can only be constructed at the lower elevation of the lot, as a garage foundation, whether side-loading or front-facing, cannot be poured or constructed on top of a slope or what would effectively be the second story.
 - Due to the 14-20% slope leading down to the lower elevation, a driveway built within the setbacks of the rectangle would exceed Franklin City Ordinance of a 14% maximum slope. We also considered the practicality of driving a vehicle up a 14-20% slope, as we've done it and it required us to put the truck in 4x4. The driver cannot see anything or anyone immediately in front of the vehicle at the opposite elevation (see EXHIBIT F & EXHIBIT G), which makes it incredibly dangerous, especially with a toddler at home. A driveway on the rectangle would create other issues, including a significant reduction in the width of a home once setbacks and driveway minimums were met, and further reduce open space and permeable surface areas.
- Triangular lot topography and driveway placement:
 - The triangular lot is approximately 211' deep and 44' wide at the front and 0' at the very back. It is flat and the front of it sits at a lower elevation than the rectangular lot. Due to the shape and size, no independent structures can be built without encroaching into a setback. The lot would not be reasonably sold for any use other than as a part of 416 Roberts St. There is currently mixed material in that area consisting of gravel, patches of concrete, dirt, and grass in what is clearly an established vehicular path created by a former owner (see

EXHIBIT H, EXHIBIT I, EXHIBIT J, and EXHIBIT K). There is no other practical or functional use for that lot other than a driveway.

- Retaining wall:
 - A retaining wall is required to provide stability for the soil near the garage, and that is the only location that may potentially exceed 48". The retaining wall detail can be found on the first page of EXHIBIT L, in the upper right hand corner and was provided by our builder's surveyor. We are asking for a variance below as we may want to go a little higher near the home to level the ground in that area out for groundskeeping. Any part of the retaining wall that is constructed at or between the front facade of the house and the street will meet Franklin City Ordinances.

Summary

Because of one person, whose rental property does not even touch ours, and his unwillingness to help update the neighboring lot lines to reflect current parcel ownership, we have been unable to combine both lots into one so we took every measure to redesign a home that fits within the rectangular lot without encroaching into the setbacks. However, because of the rectangular lot's challenging topography, we are left with no other choice but to design a basement-level side entry garage that faces our triangular lot and to use that lot as a driveway for garage access (see EXHIBIT L for critical lot plan, and EXHIBIT M for detail of basement level garage). The home itself fits within the setbacks of the rectangular lot and we are only requesting a variance to allow construction of a driveway and a retaining wall that encroaches into the setback of two lots that we own.

PLEASE NOTE: The information above is repeated below to adhere to the format requirements for the variance request.

Variance request #1: 0" setback between the two lots for the purpose of constructing a DRIVEWAY that encroaches into a setback.

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

- The first exceptional situation to note is the one created by a discrepancy between lot lines and parcel lines, subdivision regulations, and owner of 420 Roberts who is unwilling to support an effort to update lot lines to reflect parcel ownership. If these issues did not exist, the two lots would be a single lot and the building envelope would span the area we intend to install a driveway and retaining wall on. We would not need this variance if this condition did not exist.
- Secondly, because of the rectangular lot's exceptional topography, we had no other choice but to design a basement-level side entry garage that faces our triangle lot and to use that lot as a driveway for garage access. The topography details from above are repeated below:
- The lot is approximately 211' deep and 64' wide. The very back of the lot is approximately 11' lower than the very front of the lot. There is a steep slope beginning approximately 64' from the front, which is 9-10' behind the 54.6' M.B.S.L. The slope in that area is steep, with a 14-20% slope (front to back) and extends from the left lot line to the right lot line. The front and back portions of the lot are mostly level after the slope (see EXHIBIT E).
- Due to the location of the slope behind the M.B.S.L. and garage setback requirements, a garage can only be constructed at the lower elevation of the lot, as a garage foundation, whether side-loading or front-facing, cannot be poured or constructed on top of a slope or what would effectively be the second story.
- Due to the 14-20% slope leading down to the lower elevation, a driveway built within the setbacks of the rectangle would exceed Franklin City Ordinance of a 14% maximum slope. We also considered the practicality of driving a vehicle up a 14-20% slope, as we've done it and it required us to put the truck in 4x4. The driver cannot see anything or anyone immediately in front of the vehicle at the opposite elevation (see EXHIBIT F & EXHIBIT G), which makes it incredibly dangerous, especially with a toddler at home. A driveway on the rectangle would create other issues, including a significant reduction in the width of a home once setbacks and driveway minimums were met, and further reduce open space and permeable surface areas.

- Triangular lot topography and driveway placement:
 - The triangular lot is approximately 211' deep and 44' wide at the front and 0' at the very back. It is flat and the front of it sits at a lower elevation than the rectangular lot. Due to the shape and size, no independent structures can be built without encroaching into a setback. The lot would not be reasonably sold for any use other than as a part of 416 Roberts St. There is currently mixed material in that area consisting of gravel, patches of concrete, dirt, and grass in what is clearly an established vehicular path created by a former owner (see EXHIBIT H, EXHIBIT I, EXHIBIT J, and EXHIBIT K). There is no other practical or functional use for that lot other than a driveway.

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

- We are requesting approval for a 0" setback on the right hand side of the triangular-shaped lot and approval for a 0" setback on the left hand side of the rectangular-shaped lot at 416 Roberts St for the construction of a DRIVEWAY that will cross both lots (see EXHIBIT L for critical lot plan).

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

- Both lots are adjacent to each other and are owned by the same couple. From the street they appear as a single lot. The triangle lot could not be reasonably sold for any use other than as a part of 416 Roberts St, so the two will never be separated. The only setbacks affected by a variance are between the two lots and the driveway will not encroach into a neighbor's property. The house itself will be constructed on the rectangular lot and will meet all other R4 zoning ordinances. The DRIVEWAY will not impact the flood plane or drainage ditch between 416 and 418 Roberts.

Variance request #2: 0" setback between the two lots for the purpose of constructing a RETAINING WALL that encroaches into a setback.

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

- The first exceptional situation to note is the one created by a discrepancy between lot lines and parcel lines, subdivision regulations, and owner of 420 Roberts who is unwilling to support an effort to update lot lines to reflect parcel ownership.. If these issues did not exist, the two lots would be a single lot and the building envelope would span the area we intend to install a driveway and retaining wall in. We would not need this variance if this condition did not exist.
- Secondly, because of the rectangular lot's exceptional topography, we had no other choice but to design a basement-level side entry garage that faces our triangle lot and to use that lot as a driveway for garage access. A RETAINING WALL is necessary in this area. The topography details from above are repeated below:
- The lot is approximately 211' deep and 64' wide. The very back of the lot is approximately 11' lower than the very front of the lot. There is a steep slope beginning approximately 64' from the front, which is 9-10' behind the 54.6' M.B.S.L. The slope in that area is steep, with a 14-20% slope (front to back) and extends from the left lot line to the right lot line. The front and back portions of the lot are mostly level after the slope (see EXHIBIT E).
- Due to the location of the slope behind the M.B.S.L. and garage setback requirements, a garage can only be constructed at the lower elevation of the lot, as a garage foundation, whether side-loading or front-facing, cannot be poured or constructed on top of a slope or what would effectively be the second story.
- Due to the 14-20% slope leading down to the lower elevation, a driveway built within the setbacks of the rectangle would exceed Franklin City Ordinance of a 14% maximum slope. We also considered the practicality of driving a vehicle up a 14-20% slope, as we've done it and it required us to put the truck in 4x4. The driver cannot see anything or anyone immediately in front of the vehicle at the opposite elevation (see EXHIBIT F & EXHIBIT G), which makes it incredibly dangerous, especially with a toddler at home. A driveway on the rectangle would create other issues, including a significant reduction in the width of a home once setbacks and driveway minimums were met, and further reduce open space and permeable surface areas.

- Triangular lot topography and driveway placement:
 - The triangular lot is approximately 211' deep and 44' wide at the front and 0' at the very back. It is flat and the front of it sits at a lower elevation than the rectangular lot. Due to the shape and size, no independent structures can be built without encroaching into a setback. The lot would not be reasonably sold for any use other than as a part of 416 Roberts St. There is currently mixed material in that area consisting of gravel, patches of concrete, dirt, and grass in what is clearly an established vehicular path created by a former owner (see EXHIBIT H, EXHIBIT I, EXHIBIT J, and EXHIBIT K). There is no other practical or functional use for that lot other than a driveway.

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

- We are requesting approval for a 0" setback on the right hand side of the triangular-shaped lot and approval for a 0" setback on the left hand side of the rectangular-shaped lot at 416 Roberts St for the construction of a RETAINING WALL that will cross both lots (see EXHIBIT L for critical lot plan, and EXHIBIT M for side detail of house showing retaining wall). The retaining wall is required due to provide stability for the soil on the slope (see EXHIBIT K for example).

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

- Both lots are adjacent to each other and are owned by the same couple. From the street they appear as a single lot. The triangle lot could not be reasonably sold for any use other than as a part of 416 Roberts St, so the two will never be separated. The only setbacks affected are between the two lots and the RETAINING WALL will not encroach into any neighbor's property. The house itself will be constructed on the rectangular lot and will meet all other R4 zoning ordinances.

Variance request #3: 84"-high retaining wall.

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

- Our lot's topography requires a basement-level side entry garage constructed near the bottom of a slope that will be partially excavated as part of construction of a driveway leading to the garage.
- The rectangular lot at 416 Roberts St is approximately 211' deep and 64' wide. The very back of the lot is approximately 11' lower than the very front of the lot. There is a steep slope beginning approximately 64' from the front, which is 9-10' behind the 54.6' M.B.S.L. The grade in that area is fast and steep, with a 14-20% slope (front to back) and extends from the left lot line to the right lot line. The back half of the lot is mostly level after the slope (see EXHIBIT E).
- The triangular lot at 416 Roberts St is approximately 211' deep and 44' wide at the front and 0' at the back. It is flat and the majority of it sits at a lower elevation than the rectangular lot.
- The area of the slope where the retaining wall will be constructed is the steepest on the property and crosses both rectangular and triangular lots. The elevation changes 7-8' (see EXHIBIT K, EXHIBIT N, EXHIBIT O, and EXHIBIT), and extends around the corner on the triangular lot.

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

- We are requesting approval for a 84"-high RETAINING WALL to reinforce and provide stability for the soil at the higher elevation near the garage. The actual height of the wall will likely be less than 84", but the exact height will be unknown until we begin excavation and construction (see EXHIBIT L for CRITICAL LOT PLAN that includes retaining wall detail from the surveyor, and EXHIBIT M for location of retaining wall by garage). We are requesting the worst-case height so we do not require another variance.

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

- The highest section of the retaining wall will be set back 60'+ into the property and will not be visible from the street. As the wall turns the corner, it will be below 48" and within compliance with the ordinance. The wall will be engineered and properly designed to meet all other criteria for a retaining wall that exceeds 48". It will be esthetically pleasing and there will be landscaping elements or ornamental fencing installed at the top to ensure someone does not accidentally walk off. It does not encroach into any neighbors property.

EXHIBITS

EXHIBIT A: Shows final plat and both lots owned by Austin and Nicole Grogan.

EXHIBIT B: Hand drawn plat from 1958.

EXHIBIT C: Hand drawn plat from 1958 with markup from Franklin City Planning Dept staff showing current ownership of lots.

EXHIBIT D: Final plat showing lot lines from 1958 that are causing the issue combining the two lots. Also shows that 418 Roberts was allowed to be constructed on top of LOT 29's lot line, the root cause of combining the lots.

EXHIBIT E: Zoning map with 14-20% grade selected showing area behind MBSL with grade that would keep us from building a garage or driveway on.

EXHIBIT F: View from drivers seat of vehicle parked on grade. Provided as an example of being unable to see immediately in front of the vehicle (please note the white child's toy vehicle cannot be seen).

EXHIBIT G: View from side showing steep slope with vehicle parked on slope and child's toy immediately in front. Provided to show how dangerous a driveway on a residential lot like this can be.

EXHIBIT H: View from street showing the two side by side lots.

EXHIBIT I: View from street showing the two side by side lots with focus on the triangle lot. Provided to show how the triangle has been used as a driveway and could not serve another purpose.

EXHIBIT J: View on triangle lot where driveway and retaining wall will be.

EXHIBIT K: View from rear of lot with markup showing where driveway and retaining wall will be.

EXHIBIT L: Critical lot plan showing the area where the variance is needed. Shows the only setbacks affected are on lots we own. Also shows retaining wall detail in upper right corner of page 1.

EXHIBIT M: Side view of home and basement-level garage. Shows location of retaining wall and provides example of why the retaining wall needs to exceed 48".

EXHIBIT N: View from rear of yard showing retaining wall.

EXHIBIT O: View from front of yard showing retaining wall.

GENERAL NOTES

1. THE PURPOSE OF THIS PLAT IS TO shift a lot lines between two single family residential lots
2. BEARINGS BASED ON TN GRID NAD 83

EXHIBIT A

SURVEYOR: CAMPBELL, MCRAE, AND ASSOCIATES SURVEYING, INC.
CONTACT: JOHN HOOD EMAIL cmas@att.net
ADDRESS: P.O. BOX 41153
NASHVILLE, TN 37204
TELEPHONE: (615) 298-2424

7. BY GRAPHIC SCALING FROM F.E.M.A.
FLOOD INSURANCE RATE MAPS FROM THE F.E.M.A.
MAP SERVICE CENTER A PORTION OF THIS PROPERTY IS
LOCATED IN A SPECIAL FLOOD HAZARD AREA.
MAP 47187C 0192G EFFECTIVE DATE 12-22-2016

8. THE RECORDING OF THIS PLAT Voids, VACATES AND SUPERSEDES THE
RECORDING OF LOTS 31, 32 AND PART OF LOT 30, CORRECTED PLAT
PETWAY PLACE OF RECORD IN PLAT BOOK 2, PAGE 54
R.O.W.C., TN

9. THE DEVELOPER ACKNOWLEDGES THAT ALL LOTS HAVE ADEQUATE
BUILDING ENVELOPE AND NO VARIANCES WILL BE REQUIRED.

10. THE CITY OF FRANKLIN IS NOT RESPONSIBLE FOR THE REPLACEMENT OR
REPAIR OF ANY PRIVATE STRUCTURES WITHIN PUBLIC EASEMENTS SHOULD
THE STRUCTURES BE DISTURBED IN THE PROCESS OF THE CITY EXERCISING
ITS EASEMENT RIGHTS.

11. MINERAL RIGHTS TO BE HELD BY PROPERTY OWNER.

12. Maintenance of all stormwater management features, including lot
line swales, shall be the responsibility of the property owner(s) or
HOA.

13. THE CITY OF FRANKLIN WATER MANAGEMENT DEPARTMENT HAS
UNRESTRICTED ACCESS TO ITS DOMESTIC WATER, SANITARY SEWER, RECLAIM
WATER LINES OR SYSTEM IMPROVEMENTS LOCATED WITHIN ITS EXCLUSIVE
EASEMENTS WITHIN THE DEVELOPMENT. IN THE EVENT LANDSCAPING,
FENCING, CONCRETE OR OTHER STRUCTURES ARE INSTALLED OR PLACED
WITHIN A CITY OF FRANKLIN EASEMENT, THE CITY OF FRANKLIN SHALL
HAVE THE RIGHT TO REMOVE SUCH ENCROACHMENTS WITHIN THE EASEMENT
AS MAY BE NECESSARY FOR THE CITY OF FRANKLIN TO REPAIR, MAINTAIN
OR REPLACE ITS INFRASTRUCTURE WHICH IS NOW OR IN THE FUTURE MAY
BE LOCATED WITHIN THE EASEMENT WITHOUT OBTAINING ANY FURTHER
PERMISSION FROM THE PROPERTY OWNER OR HOA. THE PROPERTY OWNER OR
HOA SHALL BE RESPONSIBLE FOR REPAIRING AND/OR REPLACING ANY SUCH
LANDSCAPING, FENCING, CONCRETE OR OTHER STRUCTURES REMOVED OR
DISTURBED BY THE CITY OF FRANKLIN IN COMMON OPEN SPACE LOTS AND IN
AREAS OWNED BY THE PROPERTY OWNER OR HOA AT NO EXPENSE TO THE
CITY OF FRANKLIN. INDIVIDUAL HOMEOWNERS SHALL BE RESPONSIBLE FOR
STRUCTURES REMOVED OR DISTURBED BY THE CITY OF FRANKLIN WITHIN AN
EASEMENT ON THE HOMEOWNERS' LOT AT THE HOMEOWNERS' EXPENSE.

14. **Denotes critical lot for drainage due to the lack of existing
drainage infrastructure in the vicinity. These lots shall require
submittal of a Critical Lot Site Plan with any future building permit
submittal detailing impervious lot coverage and means of uniting storm
water runoff onto adjacent properties.

15. Within new developments and for off-site lines constructed as a
result of, or to provide service to, the new development, all utilities
(including cable, electrical, natural gas, sewer, telephone, and water
lines) shall be placed underground.

16. Maintenance of all stormwater management features, including lot
line swales, shall be the responsibility of the property owner(s) or
the HOA.

17. No obstructions or encroachments which impede the flow of
stormwater shall be permitted within Public Drainage Easements. The
City of Franklin is not responsible for repair or replacement of any
encroachments that are damaged or removed in the course of
maintenance activity within easements.

18. Future Dwellings shall comply with the Parkland Impact ordinance
as described in the TITLE 25, CHAPTER 4 of the City of Franklin
Municipal Code if being sold or not.

19. There shall be no mowing, clearing, grading, construction, storage,
or disturbance of vegetation in riparian buffers except as permitted
by the City Engineer, or his designee.

CERTIFICATE OF OWNERSHIP

* SEE PROPERTY TITLE REFERENCE

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN HEREON AS OF
RECORD IN BOOK 924, PAGE 547, R.O.W.C., TENNESSEE, AND I (WE) HEREBY CERTIFY THAT I (WE) HAVE
ADOPTED THE PLAN OF SUBDIVISION OF THE PROPERTY AS SHOWN HEREON AND DEDICATE ALL PUBLIC
WAYS AND EASEMENTS AS NOTED. NO LOTS AS SHOWN HEREON SHALL AGAIN BE SUBDIVIDED,
RESUBDIVIDED, ALTERED, OR CHANGED SO AS TO PRODUCE LESS AREA THAN IS HEREBY ESTABLISHED UNTIL
OTHERWISE APPROVED BY THE FRANKLIN MUNICIPAL PLANNING COMMISSION, AND UNDER NO CONDITION SHALL
SUCH LOTS BE MADE TO PRODUCE LESS AREA THAN IS PRESCRIBED BY THE RESTRICTIVE COVENANTS AS
OF RECORD IN BOOK 924, PAGE 547, R.O.W.C., TENNESSEE, RUNNING WITH THE TITLE TO THE PROPERTY. I (WE)
FURTHER CERTIFY THAT THERE ARE NO LIENS ON THIS PROPERTY, EXCEPT AS FOLLOWS: BOOK 924, PAGE
547, R.O.W.C., TENNESSEE.

SPENCER S. TENNEY 1-23-24
DATE

LAUREN R. TENNEY 1-23-24
DATE

CERTIFICATE OF APPROVAL OF
SUBDIVISION NAME, STREET NAMES, AND ADDRESSING

SUBDIVISION NAME AND STREET NAMES APPROVED BY THE WILLIAMSON COUNTY EMERGENCY
MANAGEMENT AGENCY.

Sean Colmon 1-23-24
WILLIAMSON COUNTY EMERGENCY MANAGEMENT AGENCY
DATE

Joel Jarosz 1-25-24
CITY OF FRANKLIN
DATE

LEGEND
I.R.(D)=IRON ROD (OLD)
I.R.(N)=IRON ROD (NEW)
W=WATER LINE (RECORD)
S=SEWER LINE (RECORD)
OHL=OVERHEAD LINES
E/P=EDGE PAVEMENT

** INDICATES CRITICAL
LOT FOR DRAINAGE

[42] STREET ADDRESS (TYP.)

SPECIAL UTILITY NOTES

THIS SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. ABOVE GRADE AND UNDERGROUND
UTILITIES SHOWN WERE TAKEN FROM VISIBLE APPURTANCES AT THE SITE, PUBLIC RECORDS, AND / OR MAPS
PREPARED BY OTHERS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE
ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT
WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THEREFORE,
RELIANCE UPON THE TYPE, SIZE AND LOCATION OF UTILITIES SHOWN SHOULD BE DONE SO WITH THIS
CIRCUMSTANCE CONSIDERED. DETAILED VERIFICATION OF EXISTENCE, LOCATION AND DEPTH SHOULD ALSO BE MADE
PRIOR TO ANY DECISION RELATIVE THERETO. AVAILABILITY AND COST OF SERVICE SHOULD BE CONFIRMED
WITH THE APPROPRIATE UTILITY COMPANY. IN TENNESSEE IT IS A REQUIREMENT, PER THE UNDERGROUND UTILITY
DAMAGE PREVENTION ACT, THAT ANYONE WHO ENGAGES IN EXCAVATION MUST NOTIFY ALL KNOWN UNDERGROUND
UTILITY OWNERS, NO LESS THAN (3) THREE NOR MORE THAN (10) TEN WORKING DAYS PRIOR TO THE DATE OF
THEIR INTENT TO EXCAVATE AND ALSO TO AVOID ANY POSSIBLE HAZARD OR CONFLICT, TENNESSEE ONE CALL
DIAL 811

CERTIFICATE OF APPROVAL OF
OF WATER AND SEWER SYSTEMS

I HEREBY CERTIFY THAT:
(1) THE WATER AND SEWER SYSTEMS
HAVE BEEN INSTALLED IN ACCORDANCE WITH CITY
SPECIFICATIONS, OR
(2) A PERFORMANCE AGREEMENT AND SURETY IN THE
AMOUNT OF \$100,000 FOR THE SEWER SYSTEM HAS BEEN
POSTED WITH THE CITY OF FRANKLIN, TENNESSEE, TO
ASSURE COMPLETION OF SUCH SYSTEMS.

1/30/2024
DIRECTOR WATER MANAGEMENT DEPT.
CITY OF FRANKLIN, TENN.

CERTIFICATE OF APPROVAL OF
STREETS, DRAINAGE & SIDEWALKS

I HEREBY CERTIFY THAT:
(1) THE STREETS, DRAINAGE & SIDEWALKS DESIGNATED
HAVE BEEN INSTALLED IN ACCORDANCE WITH CITY
SPECIFICATIONS, OR
(2) A PERFORMANCE AGREEMENT AND SURETY IN THE
AMOUNT OF \$100,000 FOR THE STREETS, \$100,000
FOR DRAINAGE, AND \$100,000 FOR SIDEWALKS HAS
BEEN POSTED WITH THE CITY OF FRANKLIN, TENNESSEE,
TO ASSURE COMPLETION OF SUCH IMPROVEMENTS

1/26/24
DIRECTOR STREETS DEPARTMENT
CITY OF FRANKLIN, TENN.

M.T.E.M.C. SIGNATURE

Middle Tennessee Electric Membership Corporation (MEMC)
will provide electric service to the subject property according
to the normal operating practices of MEMC as defined in
the rules and regulations, bylaws, policy bulletins and
operational bulletins of MEMC, and in accordance with the
planning guidelines and other regulations contained on the MEMC website at
www.memc.com (collectively the "Requirements"). No electric
service will be provided until MEMC's Requirements have
been met and approved in writing by an authorized
representative of MEMC. Any approval is, at all times,
contingent upon continuing compliance with MEMC's
Requirements.

1/23/24
MIDDLE TENNESSEE ELECTRIC
MEMBERSHIP CORPORATION

M51 02/08/2024 - 02:44:00 PM
24003480

1 PGS:AL-PLAT
BATCH: 971399

PLAT BOOK: P82
PAGE: 48

REC FEE 15.00
DP FEE 2.00
TOTAL 17.00

STATE OF TENNESSEE, WILLIAMSON CO
SHERRY ANDERSON

CERTIFICATE OF SURVEY

I (WE) HEREBY CERTIFY THAT THE SUBDIVISION PLAT AS
SHOWN HEREON IS CORRECT AND ALL OF THE MONUMENTS
SHOWN HEREON HAVE BEEN PLACED AS INDICATED. THIS
SUBDIVISION PLAT CORRECTLY REPRESENTS A SURVEY
MADE UNDER MY SUPERVISION ON THE 14TH DAY OF JULY,
2023

1-23-23
SURVEYOR: JOHN HOOD
DATE: 7-14-2023

TN #1839
TENN. LICENSE NO.

CERTIFICATE OF APPROVAL
FOR RECORDING

APPROVED BY THE FRANKLIN MUNICIPAL PLANNING
COMMISSION, FRANKLIN, WILLIAMSON COUNTY, TENNESSEE,
WITH THE EXCEPTION OF SUCH CONDITIONS, IF ANY, AS
ARE NOTED IN THE PLANNING COMMISSION MINUTES FOR
THE 8th DAY OF JANUARY, 2024, AND THIS PLAT HAS
BEEN APPROVED FOR RECORDING IN THE REGISTER'S
OFFICE OF WILLIAMSON COUNTY.

1/30/24
SECRETARY FRANKLIN MUNICIPAL
PLANNING COMMISSION

LOT AREA TABLE
TOTAL AREA IN BOUNDARY
31712.29 S.F. OR 0.73 ACRES±
TOTAL AREA LOT 31
13546.88 S.F. OR 0.31 ACRES±
TOTAL AREA LOT 32
18165.42 S.F. OR 0.42 ACRES±

PETWAY PLACE SUBDIVISION,
FINAL PLAT, REVISION 2
RESUBDIVISION OF
LOTS 31 AND 32

MAP 78B, GROUP "G", PARCEL 33 P.A.W.C., TN

CITY OF FRANKLIN PROJECT NO. 8296

GRAPHIC SCALE
(IN FEET)
1" = 50'

SHEET 1 OF 1

FINAL SUBDIVISION PLAT

FRANKLIN, WILLIAMSON COUNTY, TENNESSEE

TOTAL ACRES: 0.73± TOTAL LOTS: 2

ACRES NEW STREETS: N/A FEET NEW STREETS: N/A

CIVIL DISTRICT: 5TH CLOSURE ERROR: 1:10,000+

DATE: 7-14-2023
REVISED 11-2-23
STAFF COMMENTS
REVISED 1-10-24
STAFF COMMENTS



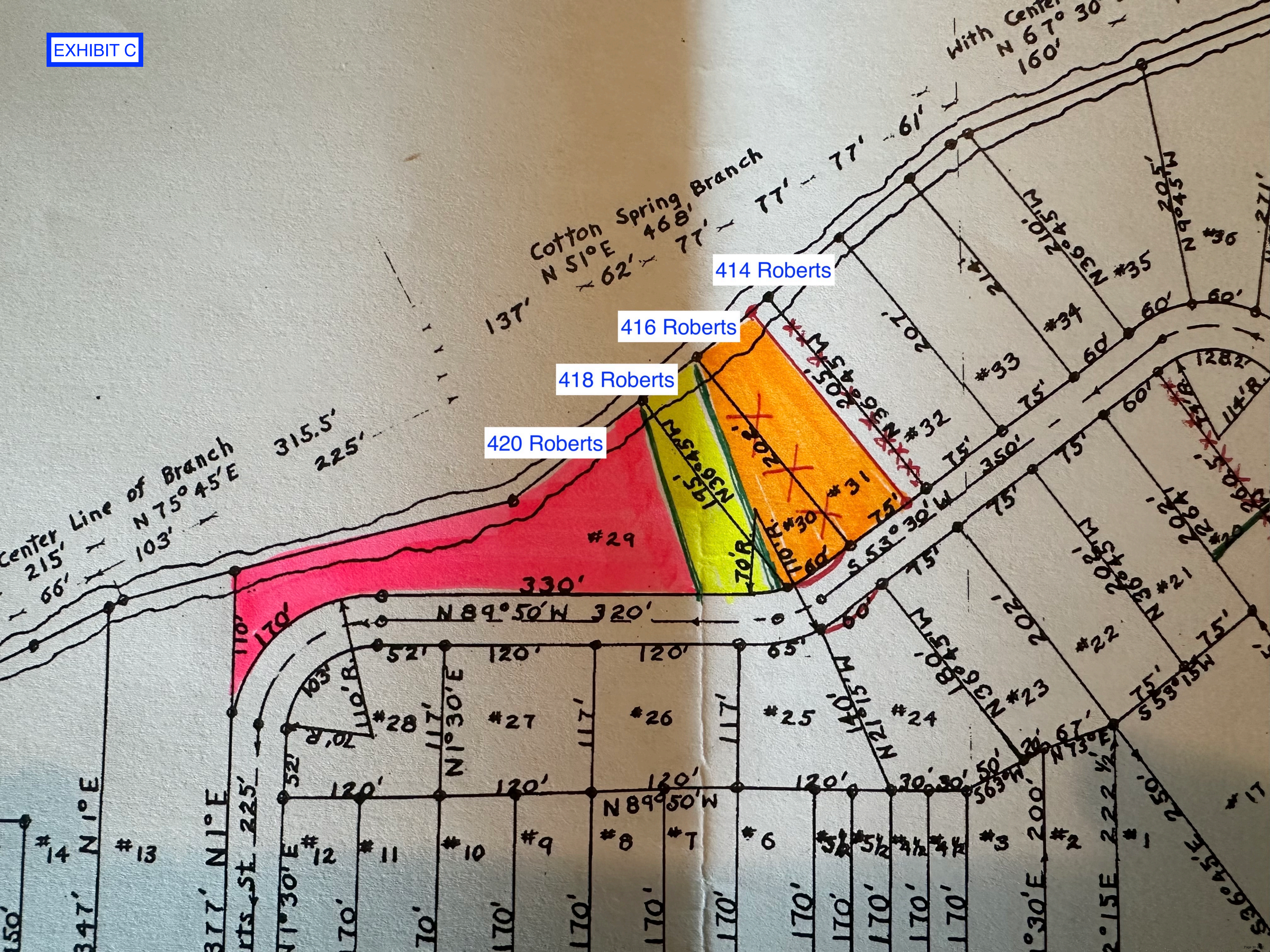
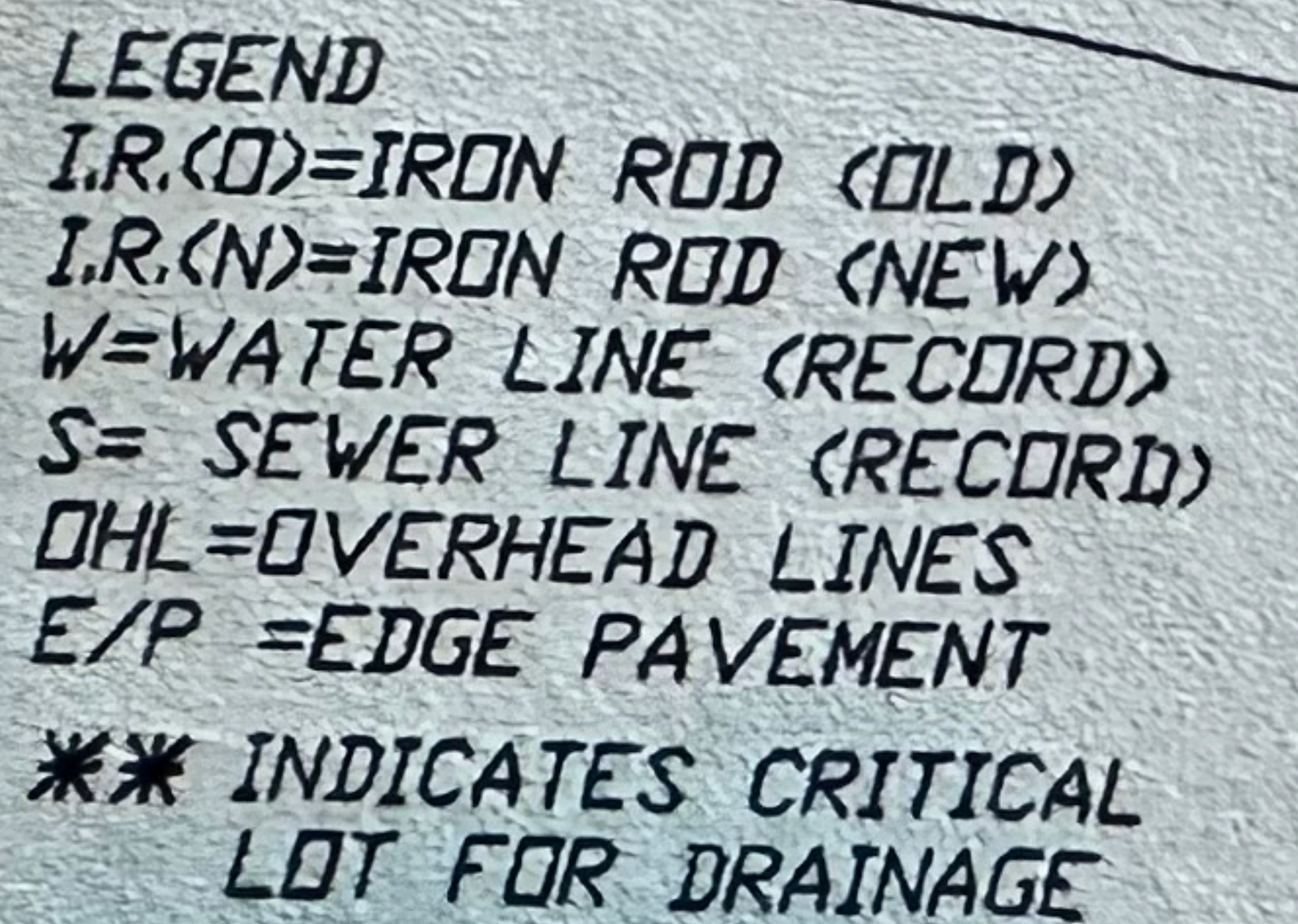
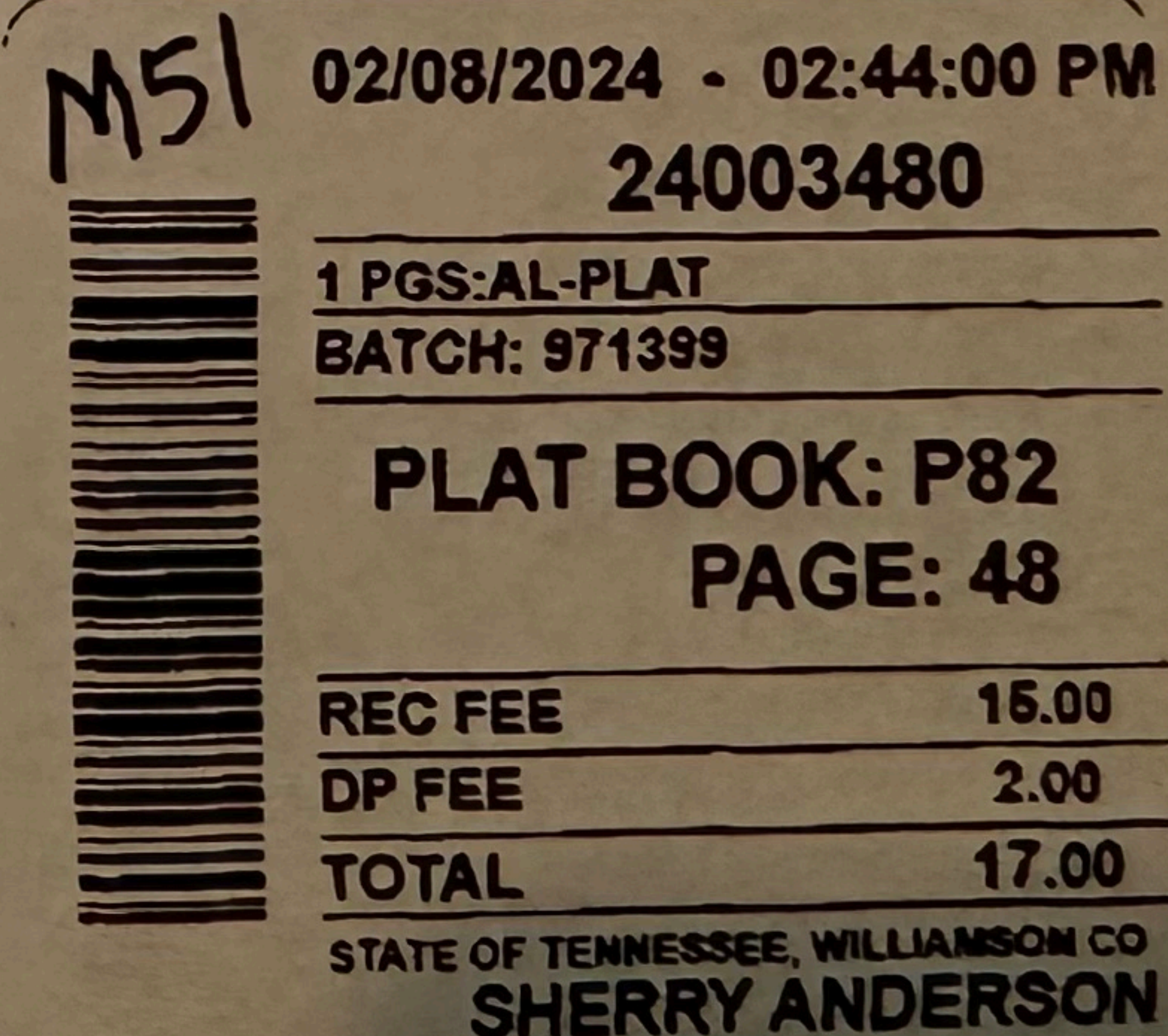


EXHIBIT D



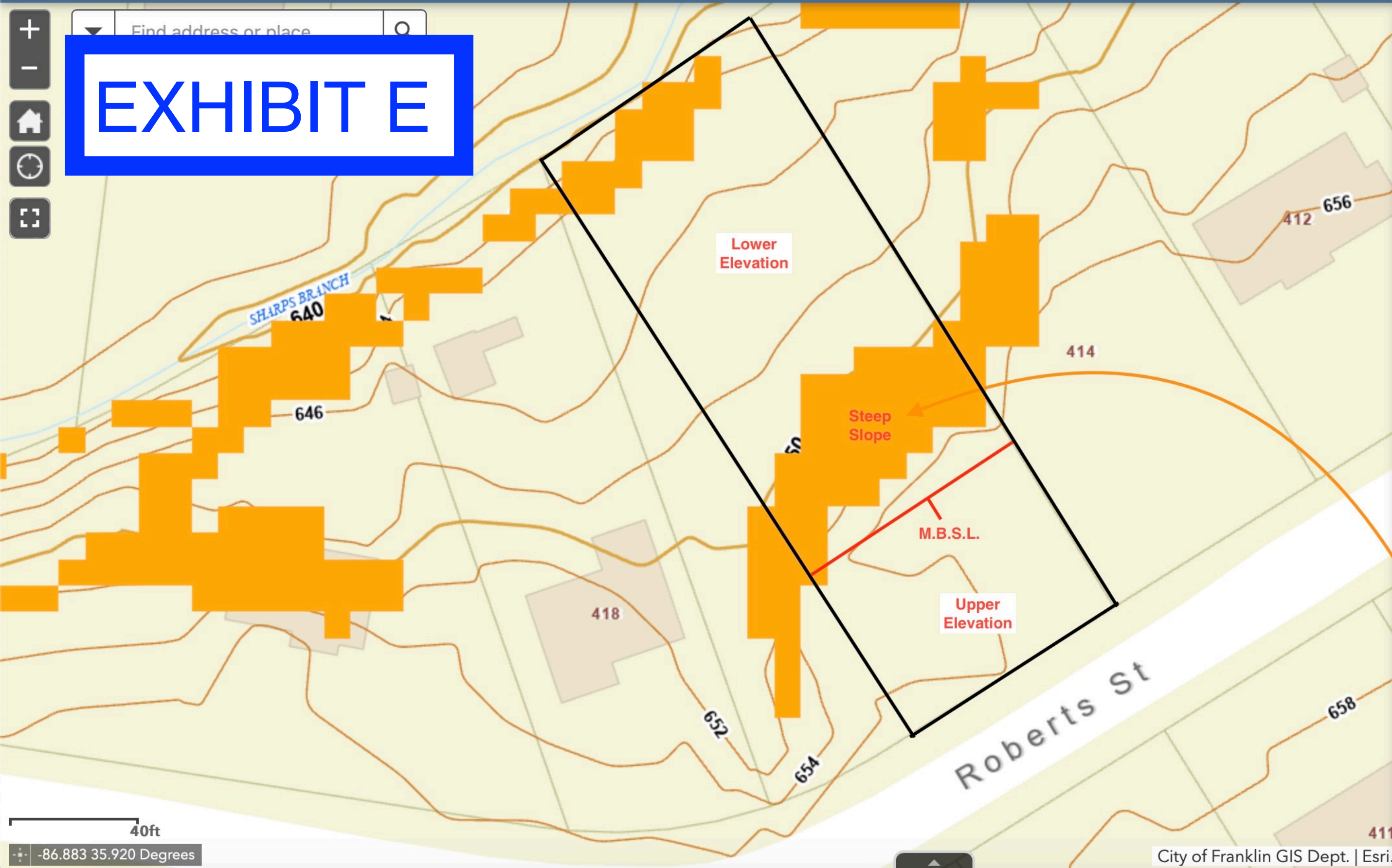
412 STREET ADDRESS (TYP.)

SPECIAL UTILITY NOTES



CERTIFICATE OF SURVEY

EXHIBIT E



Layer List

☐

Planner Zone - Chelsea Randolph...

☐

BFE...

☐

Cross Sections...

☐

2016 Floodplain...

☐

Major Thoroughfare Plan...

☐

County Tax Grid...

☐

2023 Aerial...

☒

Slope Layers...

☐

Slope...

☐

Slope greater than 20%...

☒

Slope 14% to 20%...

☐

Slope 10% to 14%...

☐

Slope 5% to 10%...

☐

Slope less than 5%...

☒

Contours...

EXHIBIT F



EXHIBIT G

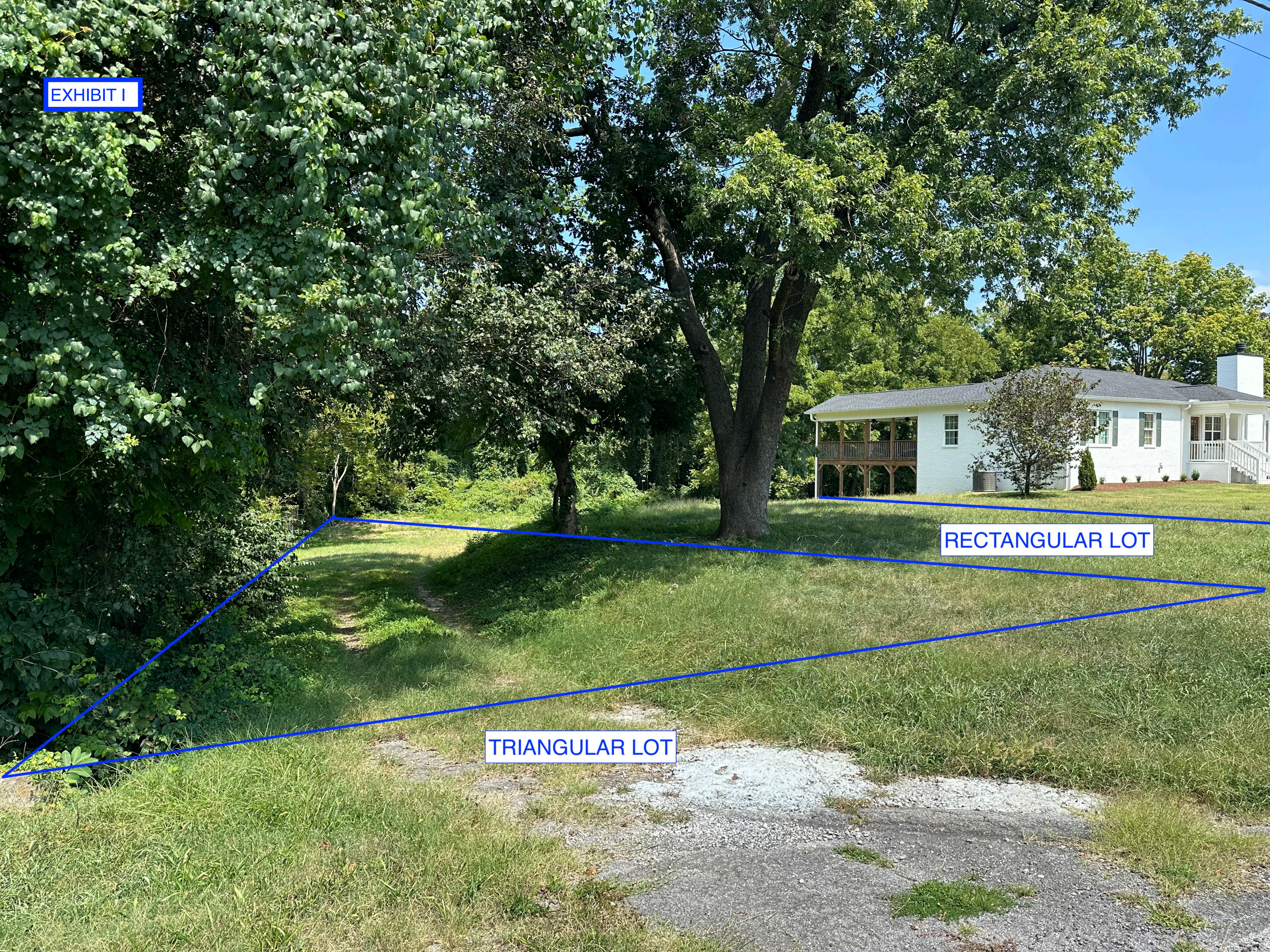


EXHIBIT H

TRIANGULAR LOT

RECTANGULAR LOT

EXHIBIT I



RECTANGULAR LOT

TRIANGULAR LOT

EXHIBIT J



EXHIBIT K



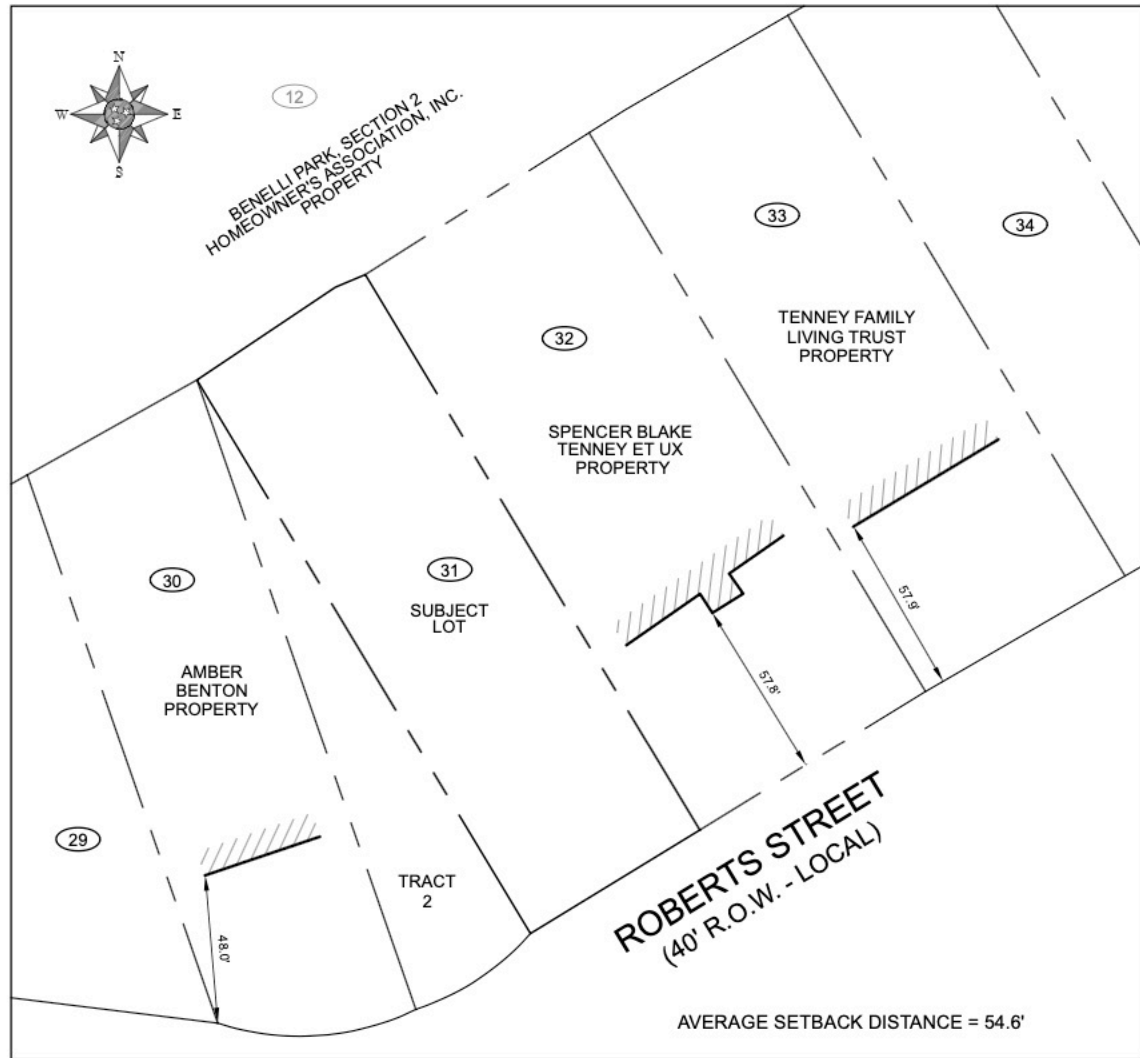
Retaining Wall

Proposed Driveway



EXHIBIT L

Approved by M

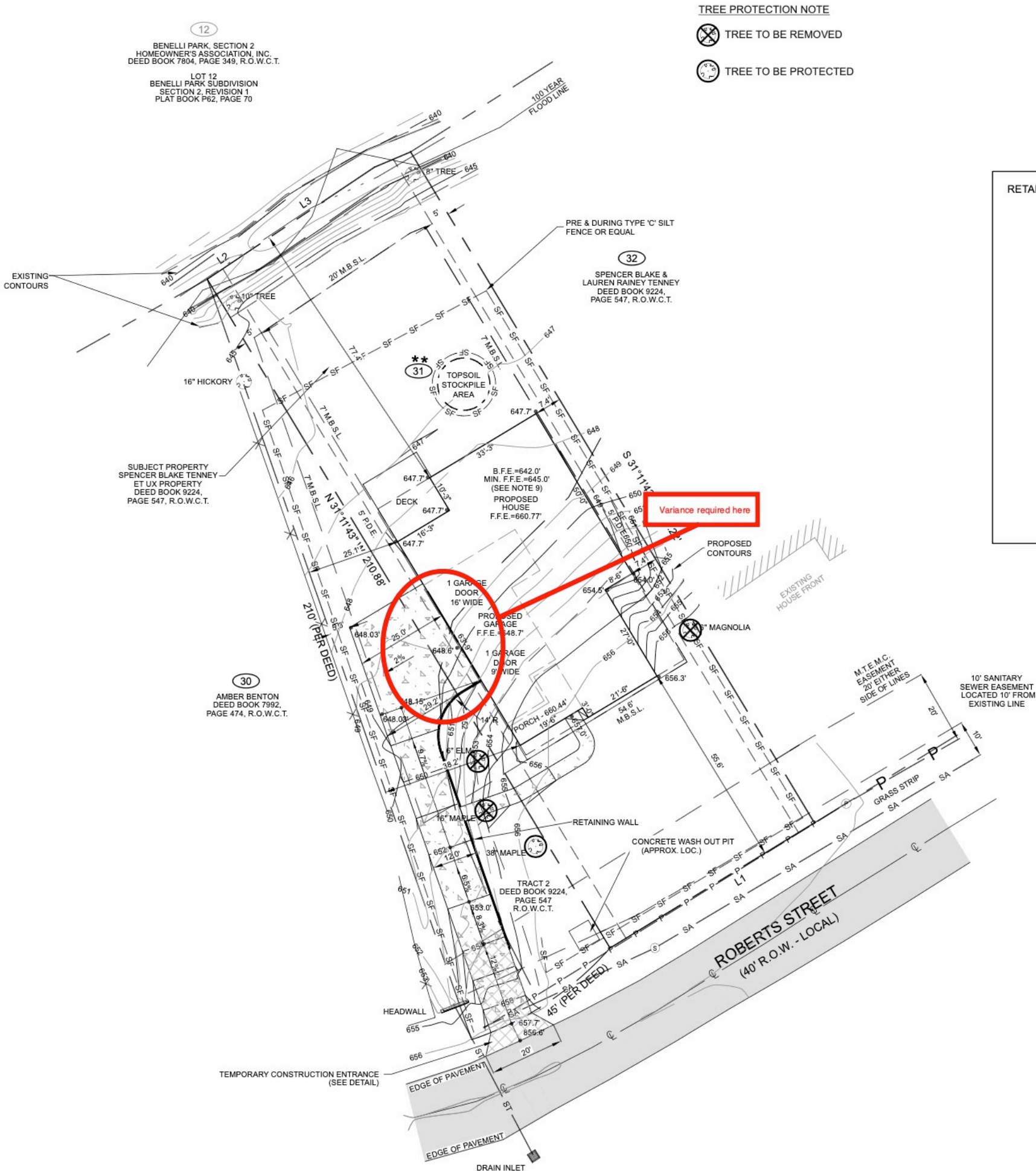
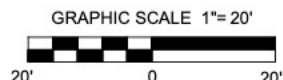


EXISTING RESIDENCE SETBACKS
N.T.S.

LEGEND

- POWER POLE
- SANITARY SEWER MANHOLE
- WATER METER
- CENTERLINE
- FENCE
- BOTTOM OF BANK
- TOP OF BANK
- CENTERLINE OF CREEK
- OVERHEAD POWER LINE
- 18" STORMWATER LINE

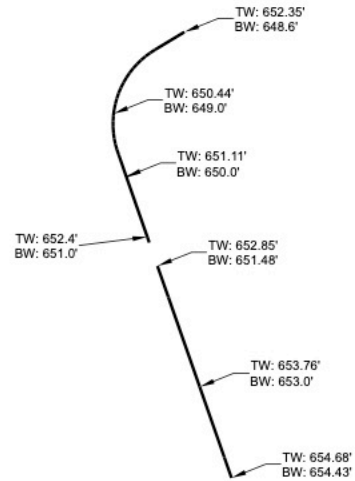
BUILDER: DREES PREMIER HOMES, INC.
1651 WESTGATE CIRCLE
BRENTWOOD, TN 37027
PHONE: (615) 346-2161



TREE PROTECTION NOTE

- TREE TO BE REMOVED
- TREE TO BE PROTECTED

RETAINING WALL DETAIL



Know what's below
Call before you dig.
811
www.call811.com

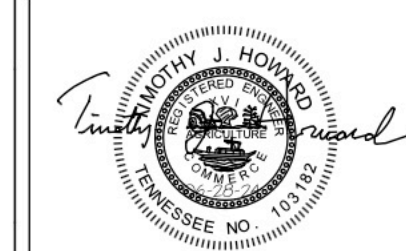


SURVEYING, INC.
WWW.BYRDSURVEYING.COM
SERVING: TN, KY, AL, FL, NC, SC & VA



THE ENGINEER'S LIABILITY FOR THIS DOCUMENT SHALL BE LIMITED TO THE ORIGINAL PURCHASER AND DOES NOT EXTEND TO ANY UNNAMED PERSON OR ENTITIES WITHOUT AN EXPRESSED RE-CERTIFICATION BY THE ENGINEER WHOSE NAME APPEARS UPON THIS PLAN.

TIMOTHY J. HOWARD
TN PE No. 103182, thoward@byrdsurveying.com



- NOTES:
- THIS PROPERTY IS SUBJECT TO ALL MATTERS SET FORTH ON THE PETWAY PLACE SUBDIVISION, FINAL PLAT, REVISION 2, RESUBDIVISION OF LOTS 31 AND 32, AS RECORDED IN PLAT BOOK P82, PAGE 48, R.O.W.C.T., AND TO ALL RESTRICTIONS OF RECORD. BUILDER TO VERIFY BEFORE CONSTRUCTION ON THIS LOT.
 - THIS PLAN WAS COMPLETED UNDER THE AUTHORITY OF T.C.A. 62-18-126, AND DOES NOT CONSTITUTE A GENERAL PROPERTY SURVEY AS DEFINED UNDER CHAPTER 98B-03-07 (1). THE BEARINGS AND DISTANCES SHOWN HEREON HAVE BEEN TAKEN FROM THE RECORDED PLAT.
 - THE LOCATION OF THE HOUSE AND OTHER IMPROVEMENTS SHOWN HEREON ARE PROPOSED AND DO NOT REPRESENT THE FINAL AS CONSTRUCTED POSITIONS. THE DIMENSIONS SHOWN HEREON SHOULD NOT BE RELIED UPON TO BUILD FENCES, ADDITIONS OR OTHER IMPROVEMENTS.
 - NO SIDEWALK IS SHOWN ON THE RECORDED PLAT; HOWEVER, ONE MAY BE REQUIRED. BUILDER TO VERIFY PRIOR TO CONSTRUCTION.
 - THE LOCATION OF THE UTILITIES, CENTERLINE OF THE ROAD, BOTTOM OF BANK, TOP OF BANK, FENCE, CENTERLINE OF CREEK, EXISTING HOMES, GRASS STRIP AND EDGE OF PAVEMENT ARE SHOWN HEREON AS A COMBINATION OF FIELD WORK PERFORMED BY BYRD SURVEYING, INC. ON JUNE 11, 2024 AND AS DEPICTED ON THE RECORDED PLAT. BUILDER TO VERIFY PRIOR TO CONSTRUCTION.
 - THE PLACEMENT OF THE PROPOSED RESIDENCE COMPLIES WITH ORDINANCE CHAPTER 3, EFFECTIVE JANUARY 1, 2023, FOR ZONING R4-RESIDENTIAL DISTRICT. THE THREE EXISTING HOMES ON EITHER SIDE OF THE SUBJECT LOT ARE POSITIONED BETWEEN 48.0' AND 57.0' FROM THE APPROXIMATE RIGHT-OF-WAY LINE OF THE STREET. NO BOUNDARY SURVEY WAS PERFORMED ON THE AFOREMENTIONED LOTS; HOWEVER, THE BUILDING CORNERS CLOSEST TO THE RIGHT-OF-WAY WERE FIELD LOCATED BY BYRD SURVEYING, INC. ON JUNE 11, 2024 IN RELATION TO THE PLATTED BOUNDARY OF THE SUBJECT LOT.
 - PER PLAT NOTE 14, **DENOTES CRITICAL LOT FOR DRAINAGE DUE TO THE LACK OF EXISTING DRAINAGE INFRASTRUCTURE IN THE VICINITY. FOR ADDITIONAL INFORMATION, REFER TO THE RECORDED PLAT.
 - PER PLAT, THE BASE FLOOD ELEVATION (B.F.E.) IS 642.0' AND THE MINIMUM FINISHED FLOOR ELEVATION (F.F.E.) OF 645.0' IS FOR THIS LOT. THE VERTICAL DATUM ON WHICH THIS IS BASED IS NAVD 88 PER THE RECORDED PLAT. BUILDER TO VERIFY PRIOR TO CONSTRUCTION.



HEREON DEPICTION IS SUBJECT TO FEDERAL COPYRIGHT LAWS. ANY USE OF SAME WITHOUT THE EXPRESS WRITTEN PERMISSION OF BYRD SURVEYING, INC. IS PROHIBITED.

REVISION TABLE	
1.	
2.	
3.	
4.	
5.	
6.	

ORDERED BY: BETH GONZALEZ (DREES HOMES, INC.)
(615) 346-2161

PROPERTY ADDRESS: 416 ROBERTS STREET
FRANKLIN COUNTY
WILLIAMSON COUNTY

EXHIBIT M



EXHIBIT N

APPROXIMATE RETAINING WALL LOCATION



EXHIBIT O

APPROXIMATE RETAINING WALL LOCATION

