



Meeting Minutes

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.franklinton.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@franklinton.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 6:00 PM.

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

Board Members Absent: Lee Reeves and Jeff Fleishour

Staff Present: Bill Squires, Ariella Stanford, William Holcomb, and Amy Diaz-Barriga

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 September 5, 2024 BZA Minutes.

Sponsors:

Board Member Smith motioned to approve the minutes from the September 5, 2024, BZA meeting, seconded by Board member Scales. The motion carried 3-0.

ANNOUNCEMENTS

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

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

Staff Presentation: Ariella Stanford. 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. 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
2. To Allow A Retaining Wall To Be Located A Minimum Of 0 Feet From A Lot Line
3. To Allow A Side Yard Retaining Wall To Have A Maximum Height Of 7 Feet

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.

Ms. Stanford stated that she would not reread the three criteria required for granting a variance request but would read staff analysis for each of the criteria.

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

1. Staff Analysis – Criteria #1: 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. 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. Staff Analysis – Criteria #2: 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. Staff Analysis – Criteria #3: 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 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. Staff Analysis – Criteria #1: 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. 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. Staff Analysis – Criteria #2: 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. Staff Analysis – Criteria #3: 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 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.

Recommendation: 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.

Applicant: Austin Grogan, 2565 Westerham Way, Thompson Station. Mr. Grogan thanked Ms. Stanford and staff for their assistance and stated that a variance request would not have been necessary if the situation was not so unique. Also, Mr. Grogan noted that there would not be any encroachment into the setback of his neighbors, only into his own lot.

Citizen Comments: None

Board Member Scales motioned to close the public comment, seconded by Board Member Smith.

The motion carried 3-0.

Board Member Smith asked staff to confirm that the variances are requested for the retaining wall height and the location between the shared lots which are both owned by the applicant.

Ms. Stanford and Ms. Diaz-Barriga both confirm that this is correct.

Chair Langley thanked the applicant for the photos provided in the application as they help the board understand the situation more clearly.

Motion

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

The motion carried 3-0.

OTHER BUSINESS

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

ADJOURN

Board Member Smith motioned to adjourn the October 3, 2024, BZA meeting, seconded by Board Member Scales. The motion carried 3-0.

There being no further business, the meeting adjourned at 6:18 PM.


Chair

11/7/27
Date

