



# City of Franklin

Mailing Address:  
109 3<sup>rd</sup> Ave S  
Franklin, TN 37064  
(615) 791-3217

## Meeting Agenda

### Board of Zoning Appeals

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Thursday, May 1, 2025

6:00 PM

Eastern Flank Event Facility

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#### MEETING LOCATION

Eastern Flank Event Facility  
1368 Eastern Flank Circle

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](http://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. Accommodations have been made to ensure that the public is able to participate in the meeting. The public may participate in the following ways: • Watch the meeting on FranklinTV or the City of Franklin website. • Watch the live stream through the City of Franklin Facebook and YouTube accounts. • Email comments to [planningintake@franklintn.gov](mailto:planningintake@franklintn.gov) to be provided in full to the Commission and included in the minutes, but not read aloud in their entirety during the meeting. Emailed comments are accepted until 12:00 PM (noon) on the day before the meeting. • Comment in-person in the Board Room. Speakers will be asked to fill out a speaker card prior to the meeting starting. Speakers may sit in the Boardroom or wait in the lobby.

#### 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.)

Comments on agenda items may be made in person at the meeting or by emailing [planningintake@franklintn.gov](mailto:planningintake@franklintn.gov) before noon on the day of 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.

#### APPROVAL OF MINUTES

1. Consideration Of Approval Of The February 6, 2025, BZA Minutes

## ANNOUNCEMENTS

### APPLICATIONS

2. A **Variance Request** To Allow A Loading Area To Be Located To The Side Of The Building For The Property Located At 490 Downs Boulevard (F.Z.O. 10.6.3.B.).

Sponsors:

Amy Diaz-Barriga, Ariella Stanford

3. A **Variance Request** To Allow A Fence In The Front Yard Area With A Maximum Height Of 7 Feet For The Property Located At 1005 Merylinger Court (F.Z.O. 13.1.2.D.).

Sponsors:

Amy Diaz-Barriga, Ariella Stanford

4. A **Variance Request** To Allow One Accessory Structure And One Minor Accessory Structure To Be Located To The Side Of The Principal Building For The Property Located At 900 Brink Place (F.Z.O. 3.6.5.).

Sponsors:

Amy Diaz-Barriga, Ariella Stanford

5. A **Variance Request** To Allow Outdoor Sales Areas Associated With A Commercial Use To Be Located Behind The Building And On The Roof, And A **Variance Request** To Allow Outdoor Sales Areas To Not Be Limited To One-Half Of The Length Of The Front Building Facade, For The Property Located At 230 Franklin Road (F.Z.O. 5.2.7.K.1. and 5.2.7.K.2.).

Sponsors:

Amy Diaz-Barriga, Ariella Stanford

6. A **Variance Request** To Allow A Swimming Pool To Be Located A Minimum Of 1 Foot From The Rear Property Line, And A **Variance Request** To Allow A Retaining Wall To Be Located A Minimum Of 0 Inches From Any Lot Line For The Property Located At 1009 Fair Street (F.Z.O. 5.2.7.O. and 13.2.2.A.).

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, February 6, 2025

6:00 PM

Eastern Flank Event Facility

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](http://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. Accommodations have been made to ensure that the public is able to participate in the meeting. The public may participate in the following ways: • Watch the meeting on FranklinTV or the City of Franklin website. • Watch the live stream through the City of Franklin Facebook and YouTube accounts. • Email comments to [planningintake@franklintn.gov](mailto:planningintake@franklintn.gov) to be provided in full to the Commission and included in the minutes, but not read aloud in their entirety during the meeting. Emailed comments are accepted until 12:00 PM (noon) on the day before the meeting. • Comment in-person in the Board Room. Speakers will be asked to fill out a speaker card prior to the meeting starting. Speakers may sit in the Boardroom or wait in the lobby.

#### CALL TO ORDER

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

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

Board Members Absent: Jeff Fleishour

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

**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.

**Comments on agenda items may be made in person at city hall or by emailing [planningintake@franklintn.gov](mailto:planningintake@franklintn.gov) before noon on the day of 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.**

#### APPROVAL OF MINUTES

##### 1. Consideration Of Approval Of The January 2, 2025 BZA Minutes

Sponsors:

Board Member Scales motioned to approve the minutes from the January 2, 2025, BZA meeting, seconded by Board member Smith. The motion carried 4-0.

## ANNOUNCEMENTS

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

## APPLICATIONS

### 2. **A Variance Request To Reduce The Minimum Parking Requirement From 16 Spaces To 0 Spaces For The Property Located At 117 3rd Avenue North (F.Z.O. 10.1.6.).**

**Sponsors:** Amy Diaz-Barriga, Ariella Stanford

Staff Presentation: Ariella Stanford. Ms. Stanford stated that the subject property is located at 117 3rd Avenue North and is zoned DD Downtown District. The property is also within the Historic Preservation Overlay and the Central Franklin Overlay. The property has an existing principal building and an existing accessory structure behind the principal building. The applicant is proposing renovations to the existing accessory structure for a beer garden with outside seating. Upon submitting an application in December 2023 for a Certificate of Appropriateness from the Historic Zoning Commission, the applicant received the following comment from Staff that parking would need to be provided for commercial use: "Be advised that parking must be provided for the new use. The Downtown District provides exemptions for additional parking when the use was legally established prior to the effective date of the ordinance. Staff have no record that any commercial use was previously legally established in this structure." The COA was approved with the condition that "the application must meet all the requirements of the City of Franklin prior to issuance of a building permit". The applicant then submitted a building permit application in August 2024 and received the following comment from Staff regarding parking: "Provide parking calculations for restaurant use. Per the Zoning Ordinance, parking for restaurants (indoor & outdoor seating) is 7.5 spaces per 1,000 square feet of gross floor area of the building and any outdoor seating area, +.75 spaces per employee on the largest shift. The applicant has stated that the accessory structure has housed commercial tenants for over 20 years, but because building permits have not been pulled for these commercial uses in the accessory structure, nor have certificates of occupancy ever been requested, commercial use for this property was never legally established with the city. This is possible because a business license can be acquired without legally establishing a use with the city, but is not an exception from parking standards. In accordance with the parking regulations outlined above, this restaurant use within the CFO is required to provide a minimum of 16 parking spaces. The applicant is requesting to reduce minimum parking requirement from 16 spaces to 0 spaces. Ms. Stanford explained that the variance request was deferred from the January 2, 2025, BZA Meeting and has been updated. The applicant has submitted additional information to support their request. The applicant has provided a diagram showing parking options within 1,000 feet of the site, parking study information that shows nearby parking occupancy rates at peak demand times, and documentation that they have exhausted their options for shared and deferred parking alternatives.

#### **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 have completed an analysis of the request in light of these criteria:

1. Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the Zoning Ordinance or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition, such a piece of property is not able to accommodate development as required under this Ordinance. To provide the required parking on the site, the parking would need to be located behind the principal building, which would require a driveway extending along the side of the existing principal building. There is not enough space between either side of the existing principal building and the side lot lines to have a driveway extending to the back of the property for parking. For properties like this that cannot provide the necessary parking on the site, the ordinance allows shared parking and deferred parking alternatives. The applicant has provided information that these alternatives have been explored in an attempt to comply with the Zoning Ordinance, but they were unable to find a parking alternative that was feasible. Since the location of the existing historic building is preventing any on-site parking, and the applicant was unable to secure a shared parking and deferred parking alternative in attempt to meet the Zoning Ordinance 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 inability to provide parking on the site for an allowed use in the Downtown District due to the location of the existing building, is preventing the applicant from using the existing structure behind the existing principal building. In addition, the

applicant has exhausted their options for shared parking and deferred parking alternatives, but was not able to secure an agreement with any surrounding property owners. Seeing that the property is left with no options for providing parking within the Zoning Ordinance 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 this would not be a detriment to the public good but would impair the intent of the Zoning Ordinance. The intent of this Zoning Ordinance regulation is to ensure that there is sufficient parking per use within their site limits or within proximity to the site utilizing alternative parking plan options.

The applicant has shown the available parking options within proximity to the site and within sidewalk access to the site. The applicant has also exhausted their options for alternative parking. However, the intent of the zoning ordinance is that any new use provides sufficient parking to accommodate their use, inclusive of the on-street spaces in front of their use, or by utilizing an alternative parking plan strategy.

The Board of Mayor and Aldermen discussed the downtown parking requirements at a recent work session, and they would like to engage a consultant in a downtown parking study for specific recommendations about minimum parking requirements that support downtown businesses with little impact to nearby residential neighborhoods. The study is expected to be conducted in Fiscal Year 2026, which begins in July 2025. It is likely to investigate how the larger parking demands of the downtown can be balanced and managed over the sixteen-block area, analyzing the existing pool of spaces and considering the impacts to current businesses and residents. However, this study will take time, and staff nor this board can anticipate the intended outcomes nor intent the study will produce. The intent of today's ordinance is that new uses provide parking to accommodate the demand. With that in mind, staff finds that this criteria is not met.

Recommendation: Staff recommends the Board of Zoning Appeals move to deny the Variance Request To Reduce The Minimum Parking Requirement From 16 Spaces To 0 Spaces For The Property Located At 117 3rd Avenue North, because the criteria for granting a variance have not been met.

Applicant Presentation: Brandon Priddy, 906 Studio Architects. Mr. Priddy said he would be happy to answer any questions.

Citizen Comments: None

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

#### **Motion**

Board Member Smith motioned to approve A Variance Request To Reduce The Minimum Parking Requirement From 16 Spaces To 0 Spaces For The Property Located At 117 3rd Avenue North because the criteria for granting a variance have been met, seconded by Board Member Boehms.

Board Member Smith explained that she believes the criteria for granting a variance have been met because the ordinance does not take into consideration that there is a parking lot adjacent to the subject building with plenty of parking available.

Chair Langley stated that the goal is not to discourage activity in downtown and, given the situation, the criteria for granting a variance have been met.

The motion carried 4-0.

3. **A Variance Request To Waive The Substantial Improvement Requirement To Raise The First Floor Elevation Of A Historic Structure Above The Base Flood Elevation (To Remain In Place) Located Within The Historic Preservation Overlay, Central Franklin Overlay, And The Floodway Fringe Overlay, And A Variance Request To Reduce The Minimum Parking Requirement To 0 Spaces For The Property Located At 106 Bridge Street (F.Z.O. 17.6.4.B, and 10.2.3.).**

Sponsors: Amy Diaz-Barriga, Ariella Stanford

Staff Presentation: Ariella Stanford. This 0.67-acre property is located at 106 Bridge Street. It is zoned 1st Avenue District and is within the Historic Preservation Overlay, the Central Franklin Overlay, the Flood Fringe Overlay, and the Floodway Overlay. The owner has proposed substantial renovations to the existing buildings, which requires compliance with the Zoning Ordinance section 17.6.4. (Provision for Flood Hazard Reduction) and chapter 10.2.3. (Minimum Parking). The existing buildings were utilized as mechanic space, storage, and office space for an auto-mechanic shop, and the owners are proposing to convert the existing buildings to restaurant use with outdoor seating. Variances may be issued for the repair and rehabilitation of historic structures upon a determination that the proposed work will not preclude its continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of the Zoning Ordinance to preserve the historic character and design of the structure. It is recommended that variance requests for historic structures in the floodplain receive a recommendation by the HZC prior to consideration by the Board of Zoning Appeals (BZA). The HZC provided a favorable preliminary recommendation to the BZA at its January 2025 meeting for the building to remain at its existing First Floor Elevation, as the proposal is the most sensitive to the architectural qualities of the contributing structure and presents the least amount of adverse impact to the contributing status of the historic structure and the context of the overall historic district.

This property was on the agenda for the January 2025 Historic Zoning Commission meeting, and Planning Staff presented the following information on this property:

There are three structures on the property. The first is a circa 1930 concrete block building previously utilized by the City of Franklin for the Sanitation Department, and then it was utilized as an auto repair shop. Beside the concrete building is a Quonset hut with a brick facade that was constructed circa 1970. Behind the two buildings, there is a wood accessory structure. The National Register does not list the age of the wood structure or its existence but does have the two buildings included within the Downtown Franklin National Register District. The application includes several renderings of how the buildings would appear with it being raised to be in compliance with the Zoning Ordinance. The concrete block building would need to be raised 4 feet in height, the Quonset hut would need to be raised 5 feet in height, and the wood accessory structure would need to be raised 9 feet in height. The Guidelines do not comment on the raising/elevation of historic structures and only comment on foundation height compatibility as related to infill construction. The foundation height required without the issuance of a variance would also require a significant change to the ca. mid-1900s buildings. This change would significantly alter the character-defining features of these historic nonresidential buildings and, therefore, compromise its historic status. The proposal to maintain the finished floor elevation as it exists currently is more sensitive to the architectural qualities of the historic structure, presents the least amount of adverse impact to the historic structure, and presents the least amount of adverse impact to the context of its overall historic district.

Given the HZC's preliminary recommendation for the buildings to remain at their First Floor Elevation, the applicant is requesting a variance to waive the substantial improvement requirement to raise the first floor elevation of a historic structure above the base flood elevation (to remain in place) located within the Historic Preservation Overlay, Central Franklin Overlay, and the Floodway Fringe Overlay.

To renovate the existing buildings into restaurant use, the property is also required to provide the necessary parking in accordance with the Zoning Ordinance. The Floodway Overlay District does not permit parking lots other than those associated with public parks that are City-owned and operated. Restaurant uses within the CFO are required to provide 7.5 vehicle parking spaces per 1,000 square feet of gross floor area of the building and any outdoor seating area, and 0.75 spaces per employee on largest shift. The applicant has provided an estimation of their parking demand (25- 30 spaces), but only accounted for the main building and not the associated outdoor seating demand. For this reason, Staff is estimating that the required parking for the use would be higher than the estimation provided. This project has not submitted an application for a building permit, so Staff has not had the opportunity to accurately calculate the parking demand. Regardless of the exact parking number that would be required, almost the entire property is within the Floodway Overlay, so the applicant has stated that they cannot provide any parking on the site. For this reason, the applicant is also requesting a Variance to reduce the minimum parking requirement to 0.

#### **Staff Analysis - Request 1**

Variances shall be issued only upon the determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Paragraph 17.6.5.A, Variances, shall only be issued upon:

1. A showing of good and sufficient cause. Because the two primary buildings are within the Downtown Franklin National Register District, and the HZC is supportive of preserving these buildings as historic resources, the need to

take measures to maintain this status amount to good and sufficient cause for granting a variance. As presented by Staff to the HZC, altering the foundation of these buildings would significantly alter the character-defining features of these historic nonresidential buildings and therefore compromise its historic status. The proposal is the most sensitive to the architectural qualities of the contributing structure and presents the least amount of adverse impact to the historic structure and the context of the overall historic district. The HZC provided a favorable preliminary recommendation to the BZA for these reasons. Staff finds that this criteria is met.

2. A determination that failure to grant the variance would result in exceptional hardship. The proposal is to keep the historic buildings at their existing level. The HZC determined that raising the buildings to meet Base Flood Elevation would affect the historic character of the buildings. Altering the historic character of the buildings would amount to exceptional hardship for the owner of the property, as it would likely compromise its historic status. For these reasons, staff finds that this criteria is met.
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances. The HZC has recommended approval of the variance request to maintain the current elevation of the buildings to protect the historic character of the buildings, which contributes to the historic significance of Franklin. Based on the recommendation of the HZC along with analysis of exhibits provided by the applicant, staff finds that granting the variance would not result in any of the outcomes listed above. Staff finds that the third criteria is met.

### Staff Analysis - Request 2

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:

Ms. Stanford stated that she would not reread the criteria required for granting a variance but would be happy to read upon request.

1. As shown on the map exhibit, the entire property is within the Floodway Overlay. Seeing as parking for the restaurant use cannot be placed within the Floodway Overlay in accordance with the Franklin Zoning Ordinance chapter 4.2.4., there is nowhere on the site that parking could be provided. Staff finds this criteria is met.
2. The inability to provide parking within the Floodway Overlay is preventing the property owner from converting the existing historic buildings to a use that is allowed in the 1st Avenue District. As this hardship would arise for any proposed use permitted within the 1st Avenue District, because of the restrictions of the Floodway Overlay, Staff finds this criteria is met.
3. Staff finds this would not be a detriment to the public good but would impair the intent of the Zoning Ordinance. The intent of this Zoning Ordinance regulation is to ensure that there is sufficient parking per use within their site's limits or within proximity to the site utilizing alternative parking plan options. The applicant has shown the available parking options within proximity to the site and within sidewalk access to the site. The applicant has also exhausted their options for alternative parking. However, the intent of the zoning ordinance is that any new use provides sufficient parking to accommodate their use, inclusive of the on-street spaces in front of their use, or by utilizing an alternative parking plan strategy. The zoning ordinance does not allow for any exceptions to this requirement due to any Overlays placed on the property, regardless of those Overlay's parking restrictions.

The Board of Mayor and Aldermen have discussed the downtown parking requirements at a recent work session, and they would like to engage a consultant in a downtown parking study for specific recommendations about minimum parking requirements that support downtown businesses with little impact to nearby residential neighborhoods. The study is expected to be conducted in Fiscal Year 2026, which begins in July 2025. It is likely to investigate how the larger parking demands of the downtown can be balanced and managed over the sixteen-block area, analyzing the existing pool of spaces and considering the impacts to current businesses and residents. However, this study will take time, and staff nor this board can anticipate the intended outcomes nor intent the study will produce. The intent of today's ordinance is that new uses provide parking to accommodate their demand. With that in mind, staff finds that this criteria is not met.

Recommendation: Staff recommends the Board of Zoning Appeals move to: Approve the Variance Request to Waive The Substantial Improvement Requirement To Raise The First Floor Elevation Of A Historic Structure Above The Base Flood

Elevation (To Remain In Place) Located Within The Historic Preservation Overlay, Central Franklin Overlay, And The Floodway Fringe Overlay, Because The Criteria For Granting A Variance Have Been Met And Deny A Variance Request To Reduce The Minimum Parking Requirement To 0 Spaces For The Property Located At 106 Bridge Street, because the criteria for granting a variance have not been met.

Applicant Presentation: Greg Gamble, Gamble Design Collaborative. Mr. Gamble stated that the Chioli family recently purchased the property at 106 Bridge Street that includes what was Anderson’s Garage, a Quonset Hut and an historic shed. The owners would like to convert the buildings to a casual dining restaurant featuring outdoor seating. Mr. Gamble presented photographs showing the height of the historic buildings if required to be raised one foot above the floodplain. According to the HZC, alterations to the historic buildings are not recommended as the changes would alter the character of the buildings. Also, this property is the only property in Franklin that has never had onsite parking availability. Regarding the variance request for parking, Mr. Gamble provided a map showing 396 paid parking spaces available within 500 feet of the subject property. Another option to accommodate parking is an agreement in perpetuity between property owners to share specific parking spaces. Mr. Gamble provided emails from three adjacent property owners who did not wish to enter a shared parking agreement but did not have a problem sharing their paid parking spaces. Mr. Gamble stated that he believes a business can be operated successfully considering the availability of 396 paid parking spaces.

Citizen Comments: None

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

**Motion**

Board Member Scales motioned to approve a Variance Request To Waive The Substantial Improvement Requirement To Raise The First Floor Elevation Of A Historic Structure Above The Base Flood Elevation (To Remain In Place) Located Within The Historic Preservation Overlay, Central Franklin Overlay, And The Floodway Fringe Overlay, And A Variance Request To Reduce The Minimum Parking Requirement To 0 Spaces For The Property Located At 106 Bridge Street because the criteria for granting the variance requests have been met, seconded by Board Member Smith.

Chair Langley stated that the exhibits provided additional context of the area regarding the availability of paid parking spaces nearby, and it would be nice to see the property being used in a new way.

Board Member Scales agreed with Chair Langley and stated that there should be sufficient parking in the area.

Board Member Smith also agreed and added that it would be nice to see improvements to the property. Also, the needed improvements are another consideration when deciding.

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 February 6, 2025, BZA Meeting, seconded by Board Member Boehms. The motion carried 4-0.

There being no further business, the meeting adjourned at 6:33 PM.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Date





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**File #: 21-0305**

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**DATE:** April 4, 2025  
**TO:** Board of Zoning Appeals  
**FROM:** Amy Diaz-Barriga, Asst Director of Planning Development  
Ariella Stanford, Planner

**SUBJECT:**

A **Variance Request** To Allow A Loading Area To Be Located To The Side Of The Building For The Property Located At 490 Downs Boulevard (F.Z.O. 10.6.3.B.).

**PURPOSE:**

**PROJECT INFORMATION**

COF Project Number: 8726  
Applicant: CJ Murrell  
Owner: Robert Belville

**BACKGROUND/STAFF COMMENTS:**

**Vicinity Zoning/Land Use**

Site: LI Light Industrial District / Vacant  
North: R4 Residential 4 District / Residential Single Family  
South: LI Light Industrial District / Industrial  
East: LI Light Industrial District / Vacant  
West: LI Light Industrial District / Industrial

**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.

**10.6.3.B. Parking and Transit; Loading Area Arrangement**

- B. An on-site loading area shall be:
1. Located to the rear of the building adjacent to the loading doors.

## **Background**

The subject property is located at 490 Downs Boulevard and is zoned Light Industrial District. The property is currently vacant, and the applicant is proposing a warehouse for excess inventory on the site. The proposed use requires a loading dock area for delivery purposes, and the Zoning Ordinance requires one-site loading dock areas to be located to the rear of the building adjacent to the loading doors. Given the width and depth of the site, the applicant has had difficulty designing the site in a way that a semi-trailer could access a loading area to the rear of the building. The design of the building with the loading area in the rear is not conducive to the site. The applicant has also stated that there will be minimal traffic to the site, and no daily workers on the site, so the configuration should not have a negative impact on daily traffic to the site. In order to design the site in a way that is functional for semi-trailer access, the applicant is requesting a Variance to allow a loading area to be located to the side of the principal building.

Staff also wanted to note that the current setbacks for the property do not match the proposed setbacks shown on the plans. The applicant intends to re-plot the property to establish easements and revise the setbacks to match the proposed design. The proposed setbacks meet the Zoning Ordinance requirements for the Light Industrial District, so Staff does not currently foresee issues with the proposed setbacks, but they will need to be revised in order to proceed with the proposed design.

## **Staff Analysis**

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

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

Due to the width and depth of the site, the applicant has not been able to design a building with a loading area to the rear that is practical for a semi-trailer to be able to access. As shown in the "Infeasible Turning Exhibit", the building would need to be an odd shape with a loading area in the rear that is difficult to access. Seeing as the size and shape of the property is preventing accommodation with the Zoning Ordinance in a way that is practical for the use, 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 an oddly shaped building with a loading area in the rear that is difficult to access. In order to fit a driveway where a semi-trailer could access the loading area in the rear area of the property, the driveway to the rear would need to be located very close to the east side of the property and require the semi-trailer to back out from behind the building. This Zoning Ordinance regulation is preventing a semi-truck from practically accessing a loading area on a lot that is zoned Light Industrial. 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 does not find that this would be a detriment to the public good or impair the intent of the Zoning Ordinance. The properties to the east, west, and south are also zoned Light Industrial District, so this intended use with the semi-trailer loading area fits contextually with the zoning along the street. Additionally, the neighborhood to the north of this property (behind) is residential, so the loading dock being located to the side of the building is farther from the residential neighborhood than if it were behind the building, so the loading area should not have a negative impact on the residential neighborhood behind this property. The primary intent of the Zoning Ordinance in this case is to prevent loading areas from being highly visible from the street. The applicant has worked to have the loading area to the side of the building, rather than the front, and intends to screen the loading area from the property to the east. This ensures that the loading area isn't highly visible from Downs Boulevard. Staff finds that this design would not be a detriment to the public good and is intentional to meet the intent of the Zoning Ordinance in this case.

**FINANCIAL IMPACT:**

























Unknown.

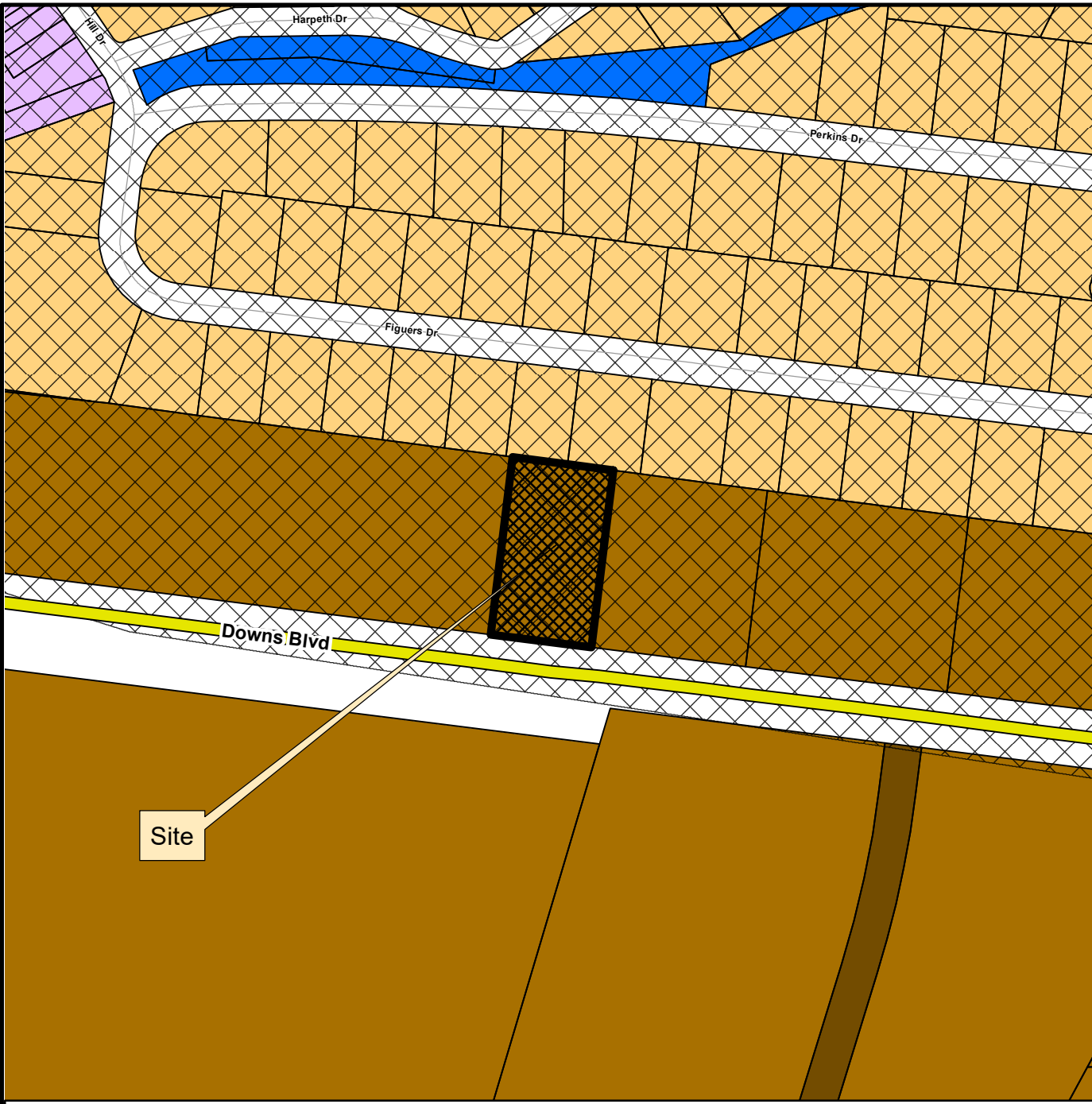
**RECOMMENDATION:**

**RECOMMENDED MOTION:** Staff recommends the Board of Zoning Appeals move to approve the Variance Request To Allow A Loading Area To Be Located To The Side Of The Building For The Property Located At 490 Downs Boulevard, because the criteria for granting a variance have been met.

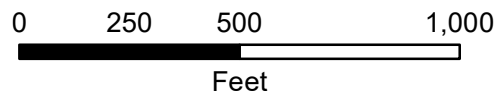
490 DOWNS BOULEVARD  
 TAX MAP 0780, GROUP B, PARCEL 00700  
 BOARD OF ZONING APPEALS  
 MAY 1, 2025

**Legend**

-  490 Downs Blvd
-  Central Franklin 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 District
-  CC Central Commercial District
-  DD Downtown District
-  1ST Avenue District
-  5TH Avenue District
-  RC4 Regional Commerce 4 District
-  RC6 Regional Commerce 6 District
-  RC12 Regional Commerce 12 District
-  GO General Office District
-  LI Light Industrial District
-  HI Heavy Industrial District



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HISTORIC  
 FRANKLIN  
 TENNESSEE

February 19<sup>th</sup>, 2025

Mrs. Ariella Stanford  
Planning Department  
109 3<sup>rd</sup> Avenue S.  
Franklin, TN 37064

**RE: 490 DOWNS BLVD. – VARIANCE REQUEST**

Dear Ariella,

We would like to make a formal variance request for the property located at 490 Downs Blvd. to allow for an angular, dock height door to be located on the side of the proposed building. This would allow access to the site utilizing a semi-trailer for delivery purposes.

We feel that this request is justified due to the narrowness and shallowness of the site. The attached turning exhibit shows that a semi-truck can access the angular, dock height door as proposed without impacting adjacent properties or public ROW. It is infeasible to access a dock height door located at the rear of the building due to the narrowness and shallowness of the site. A semi-trailer simply cannot make the turning maneuver necessary to meet the requirement of having the garage located at the rear of the building. The strict application of the zoning ordinance would result in a site that is inaccessible.

We feel that the strict application of the Zoning Ordinance would result in a building shape and size that is not conducive to the industrial use allowed on the property.

We feel that our request will not cause detriment to the surrounding area and does not substantially impair the intent of the Zoning Ordinance.

The current zoning of the site (Light Industrial), as well as the zoning of the surrounding area should welcome the use of semi-trailers.

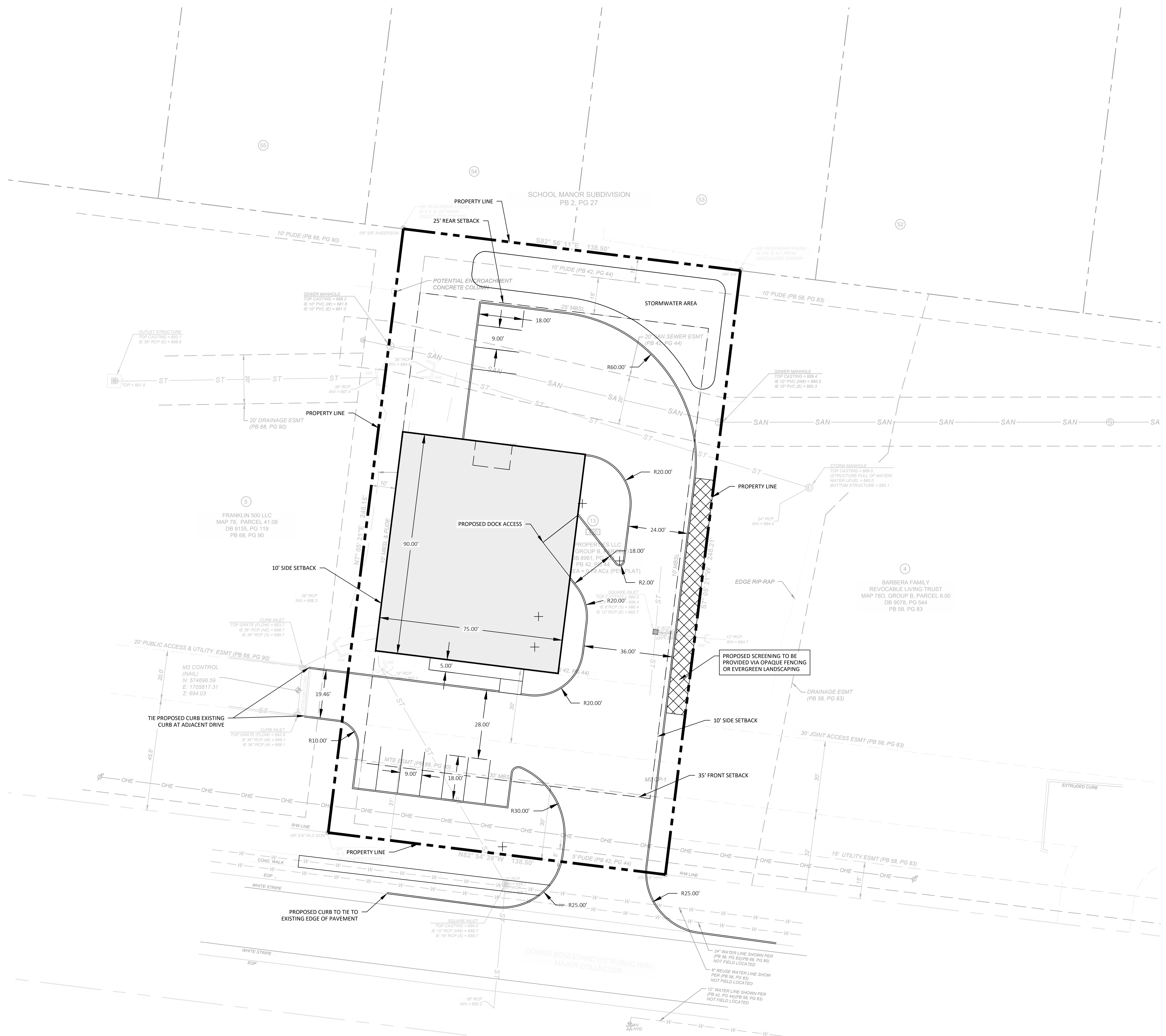
The proposed angular, dock height door has been pushed to the back of the building, and it is proposed to be screened with a fence or landscape screening.

Thank you for your time and review of the above-mentioned project. If you have any questions at all regarding the plans, you may contact me at [615-829-6899](tel:615-829-6899) or at [cj@615designgroup.com](mailto:cj@615designgroup.com).

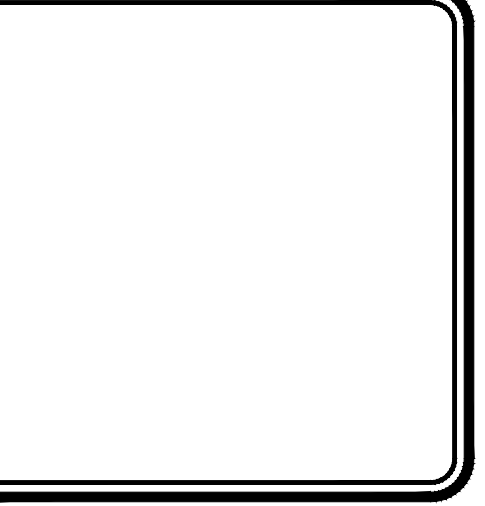
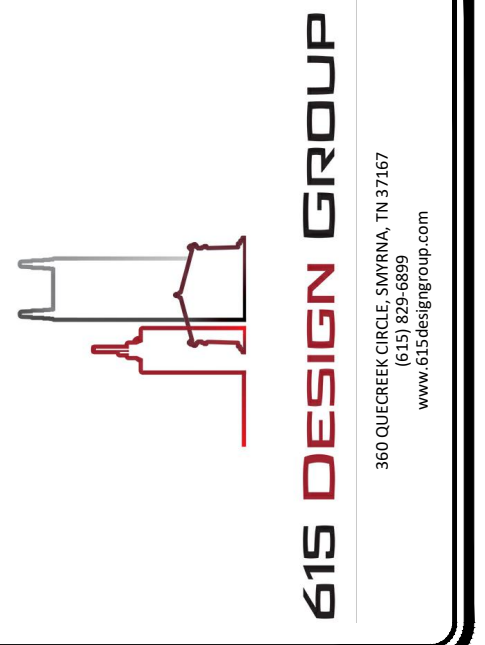
Thank you,



CJ Murrell, P.E.  
615 Design Group  
1517 Hunt Club Blvd., Suite 300  
Gallatin, TN 37066



SITE DATA TABLE	
SITE ADDRESS:	490 DOWNS BLVD FRANKLIN, TN 37064
OWNER:	ROBERT BELVILLE
COF PROJECT #:	
PARCEL ID:	TAX MAP:780 / GROUP:B / PARCEL:007.00
DEED BOOK:	42
PAGE #:	328
SITE AREA:	+/- 0.79 ACRES (34,372 SF)
EXISTING ZONING:	LI (LIGHT INDUSTRIAL)
EXISTING USE:	VACANT LOT
BLDG TYPES APPLIED:	
FRONTAGE TYPES APPLIED:	LANDSCAPE FRONTAGE
<b>MINIMUM SETBACKS</b>	
FRONT:	30'
REAR:	25'
SIDE:	10'
COMMERCIAL SF, BY USE:	+/- 6,600 SF (WAREHOUSE)
MAX BUILDING HEIGHT:	3 STORIES
PROPOSED BLDG HEIGHT:	XX'
IMPERVIOUS AREA:	XX,XXX SF
PERVIOUS AREA:	XX,XXX SF
DISTURBED AREA:	XX,XXX SF
MINIMUM OPEN SPACE REQUIRED:	5%
PROVIDED OPEN SPACE:	XX%
MINIMUM LANDSCAPE SURFACE AREA:	20%
PROPOSED LANDSCAPE SURFACE AREA:	XX%
<b>MINIMUM PARKING</b>	
OFFICE:	4 SPACES/1000 SF (1 SPACE/250 SF)
WAREHOUSE:	1 SPACE/750 SF (5,001-10,000 SF)
REQUIRED PARKING:	6,600 SF/750 SF = 9 SPACES
TOTAL PARKING REQUIRED:	9 SPACES
PARKING PROVIDED:	9 SPACES (1 ADA)
<b>NOTES:</b>	
1. EXISTING SURVEY INFORMATION IS DERIVED FROM A BOUNDARY AND TOPOGRAPHIC SURVEY PROVIDED BY M2 GROUP, DATED 04/11/2024.	
2. NO PORTIONS OF THIS PROPERTY ARE LOCATED IN A SPECIAL FLOOD AS PER F.E.M.A. MAP NO. 47187C0192G, DATED 12/22/2016.	



# BRENTWOOD CABINETS

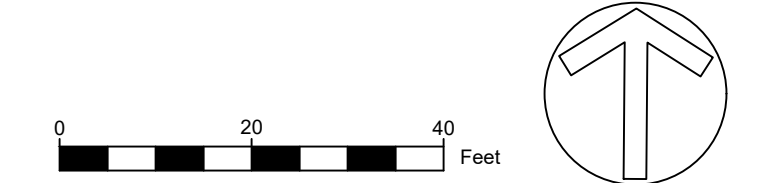
## 490 DOWNS BLVD FRANKLIN, TN 37064

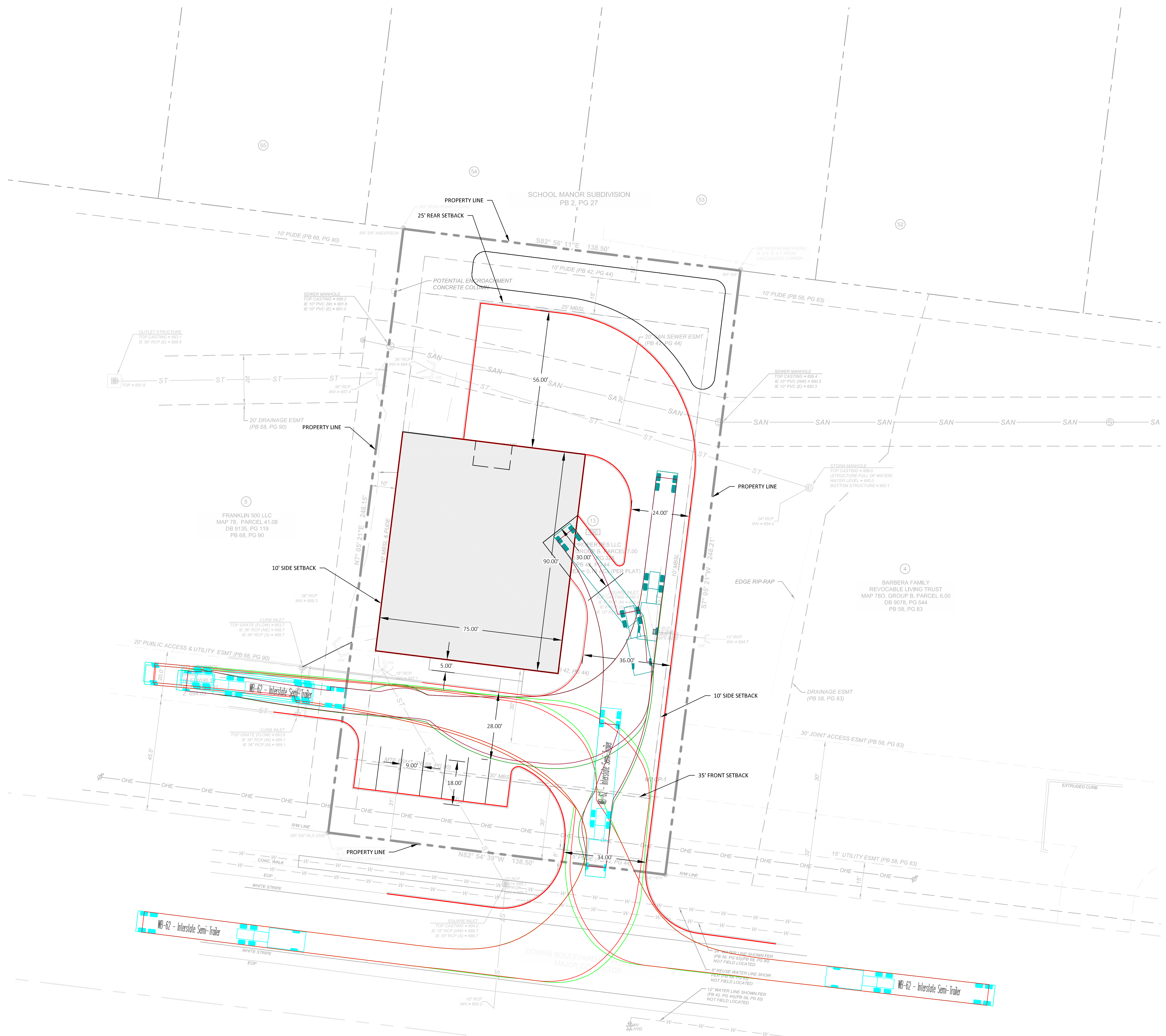
REVISIONS	DESCRIPTION	DATE
NUMBER		

PROJECT #:	1077001
DESIGNED BY:	CJM
DRAWN BY:	CJM
DATE:	01/27/2025

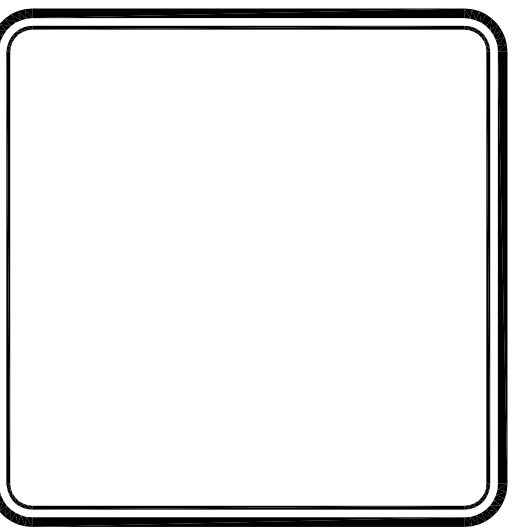
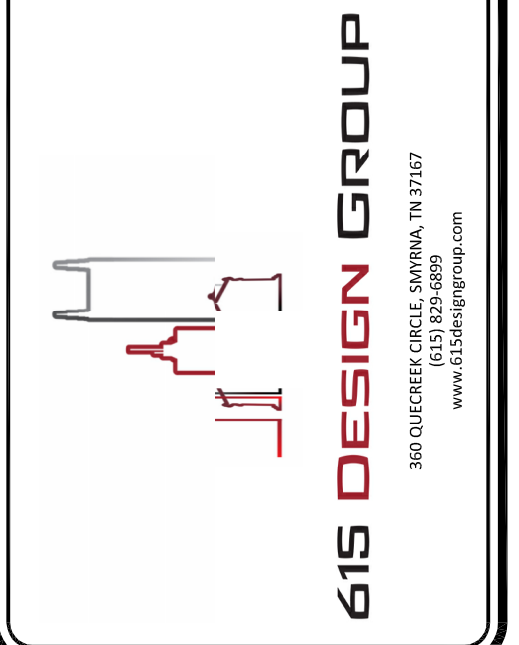
SITE PLAN

C2.0





SITE DATA TABLE	
SITE ADDRESS:	490 DOWNS BLVD FRANKLIN, TN 37064
OWNER:	ROBERT BELVILLE
COF PROJECT #:	
PARCEL ID:	TAX MAP:780 / GROUP:B / PARCEL:007.00
DEED BOOK:	42
PAGE #:	328
SITE AREA:	+/- 0.79 ACRES (34,372 SF)
EXISTING ZONING:	LI (LIGHT INDUSTRIAL)
EXISTING USE:	VACANT LOT
BLDG TYPES APPLIED:	
FRONTAGE TYPES APPLIED:	LANDSCAPE FRONTAGE
<b>MINIMUM SETBACKS</b>	
FRONT:	30'
REAR:	25'
SIDE:	10'
COMMERCIAL SF, BY USE:	+/- 6,600 SF (WAREHOUSE)
MAX BUILDING HEIGHT:	3 STORIES
PROPOSED BLDG HEIGHT:	XX'
IMPERVIOUS AREA:	XX,XXX SF
PERVIOUS AREA:	X,XXX SF
DISTURBED AREA:	XX,XXX SF
MINIMUM OPEN SPACE REQUIRED:	5%
PROVIDED OPEN SPACE:	XX%
MINIMUM LANDSCAPE SURFACE AREA:	20%
PROPOSED LANDSCAPE SURFACE AREA:	XX%
<b>MINIMUM PARKING</b>	
OFFICE:	4 SPACES/1000 SF (1 SPACE/250 SF)
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# BRENTWOOD CABINETS

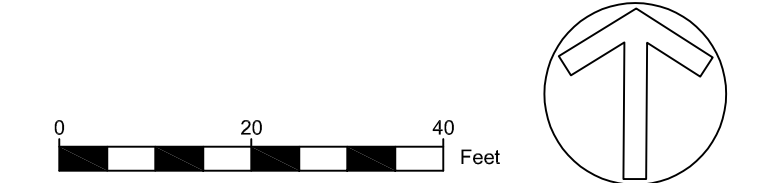
## 490 DOWNS BLVD FRANKLIN, TN 37064

REVISIONS	DATE
NUMBER	DESCRIPTION

PROJECT #:	1077001
DESIGNED BY:	CJM
DRAWN BY:	CJM
DATE:	####

SITE PLAN

# C2.0







**File #: 21-0306**

**DATE:** April 4, 2025  
**TO:** Board of Zoning Appeals  
**FROM:** Amy Diaz-Barriga, Asst Director of Planning Development  
Ariella Stanford, Planner

**SUBJECT:**

A **Variance Request** To Allow A Fence In The Front Yard Area With A Maximum Height Of 7 Feet For The Property Located At 1005 Merylinger Court (F.Z.O. 13.1.2.D.).

**PURPOSE:**

**PROJECT INFORMATION**

COF Project Number: 8727  
Applicant: Andrew Dennis  
Owner: Big Picture, LLC; Gunnar Peterson (Representative)

**BACKGROUND/STAFF COMMENTS:**

**Vicinity Zoning/Land Use**

Site: RC4 Regional Commerce 4 District / Commercial  
Southeast: PD Planned District / Residential Multifamily  
Southwest: RC4 Regional Commerce 4 District / Commercial  
Northeast: RC6 Regional Commerce 6 District / Assisted Living  
Northwest: RC4 Regional Commerce 4 District / Commercial; Retail

**Applicable Zoning Ordinance Provisions**

**20.10 Variance**

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

**13.1.12.D. Fences and Walls; Height**

Location	Maximum Height
----------	----------------

Front Yard	3 feet, but may be 4.5 feet for board horse fencing
------------	---

## Background

The subject property is located at 1005 Merylinger Court and is zoned Regional Commerce 4. The property currently has one existing principal building that is located 165 feet from the front lot line and the owner is proposing a gym facility behind the existing building. This property received approval from the Board of Zoning Appeals in September 2023 for the proposed principal building to be located 225 feet from the front lot line. Because the existing and proposed buildings are located far from the front lot line, a large portion of the lot is considered the front yard area, and the majority of the front yard area runs along the rear and side of the properties southwest of this site. For privacy purposes, the owner would like to have a 7 foot fence extending along both sides of the property in the front yard area.

## Staff Analysis

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

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

The shape of this lot and the fact that the majority of the front yard area runs along the rear and side of the properties southwest of this site, make this property unique. With the existing building being located far from the front lot line due to the uniquely narrow front end of the lot, the existing building is facing the rear and side of most of its neighboring properties. In order to have privacy from the rear and sides of neighboring properties that most other properties are allowed to have, this property cannot accommodate the Zoning Ordinance requirements for fence height in the front yard area. Staff finds that 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 majority of the front yard area runs along the rear and side of the properties southwest of this site, which means those neighboring properties would be allowed to have fences up to 8 feet along that same property line. This creates a unique hardship, that this property owner cannot have a 7-foot fence along a property line abutting the rear of another property, where the other properties could have an 8-foot fence at that same location. Therefore, this Zoning Ordinance regulation is preventing this property from having reasonable privacy from the side and rear yard of its neighboring properties. 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 fence height is not a detriment to the public good and meets the intent of the Zoning Ordinance. Part of the intent of this Zoning Ordinance in this case is to ensure that fences in front yard areas and facing streets are consistent in height and are not obtrusively tall along the

street. Given the unique shape and the recessed location of the existing and proposed buildings, the fence height would be minimally visible. The majority of the fence would be screened by trees, and the unique shape and orientation of the property contributes to the fence being contextually appropriate along the property lines. Staff finds this criteria is met.

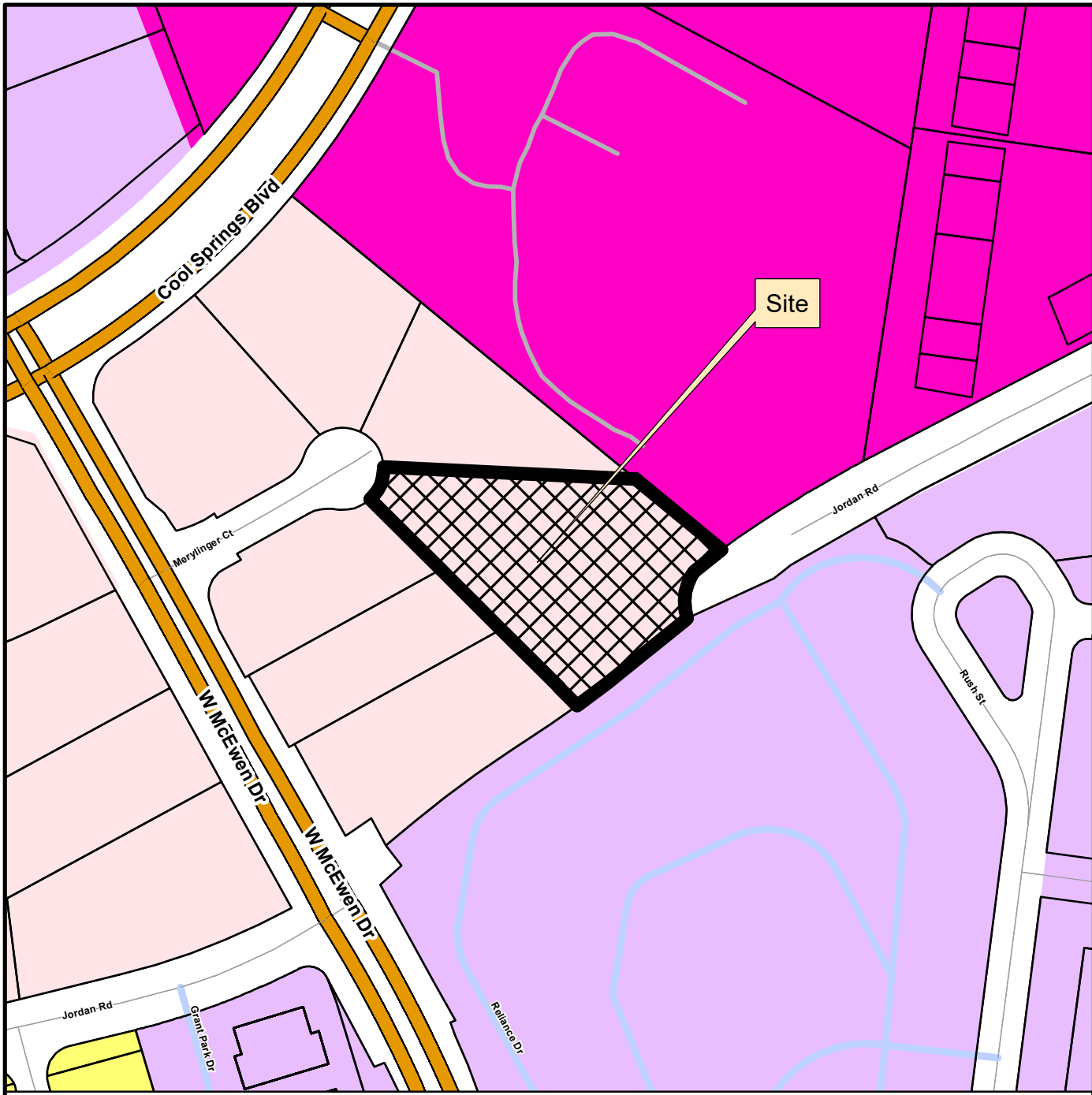
**FINANCIAL IMPACT:**

Unknown.
























**RECOMMENDATION:**

**RECOMMENDED MOTION:** Staff recommends the Board of Zoning Appeals move to approve the Variance Request To Allow A Fence In The Front Yard Area With A Maximum Height Of 4 Feet For The Property Located At 1005 Merylinger Court, because the criteria for granting a variance have been met.

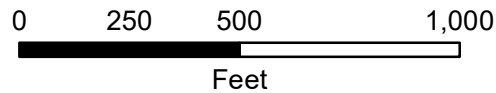
1005 MERYLINGER COURT  
 TAX MAP 062G, GROUP A, PARCEL 01203  
 BOARD OF ZONING APPEALS  
 MAY 1, 2025



**Legend**

-  1005 Merylinger Court
-  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 District
-  CC Central Commercial District
-  DD Downtown District
-  1ST Avenue District
-  5TH Avenue District
-  RC4 Regional Commerce 4 District
-  RC6 Regional Commerce 6 District
-  RC12 Regional Commerce 12 District
-  GO General Office District
-  LI Light Industrial District
-  HI Heavy Industrial District

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City of Franklin

Variance Request - Fencing

1005 Merylinger Court

March 7, 2025

To Whom It May Concern,

The purpose of this variance request is to increase the height of the allowed perimeter fence at 1005 Merylinger from 3 feet to 7 feet. The current ordinance concerning non-residential fencing allow for a 3 foot wooden fence in the front yard of the property. There are three reasons concerning the variance request and they are below:

1. The shape of the property
2. The need for privacy and discreetness of the clients of the business located on property
3. The need to screen the property from unsightly neighboring structures and animals

The property is located at the end of a cul-de-sac and is very narrow at the front and becomes wider towards the rear. As can be seen in the image taken from the middle of the cul-de-sac, the fencing on the left and right side of the property that will run towards the rear is minimally visible. The fencing that will be installed along the front of the property line will meet city ordinance and will be allow first responders to see the entire property with no obstructions.



The property owner operates a private personal training facility, and their client base is comprised of high-profile executives, celebrities and athletes who demand a level of privacy and confidentiality. The owner is in the process of constructing a 2<sup>nd</sup> building onsite to expand the capabilities of the business and increase the number of clients. The 7 foot fencing along the sides of the property will provide an increased level of privacy and allow for increased growth of the personal training business. Currently, there are 4 businesses and 1 residential building located long the sides of the property that have a clear line of sight onto the property at 1005 Merylinger. The owner's clients come to train in a private setting and wish not to be visible to others during intense training sessions. Having the ability to install a 7 foot fence to the front corners of the property would provide a greater opportunity for success of the business. The current lack of privacy has had a negative on the business.

Two of the neighboring businesses have a number of unsightly objects, structures and activities that are visible from the property at 1005 Merylinger. The veterinarian clinic to south has a green space at the property line that they use for the animals under their care to defecate and urinate. In addition, there is a chicken coop that is visible. The clients of the personal training business expect a level of professionalism. The requested 7 foot fence will hide the unsightly operations of the veterinarian clinic from the property owner's clients. The radio station to the southwest of the property has 2 large satellite dishes that are very close to the property line. They are unsightly and very visible. In addition, the radio station has multiple sections of dilapidated fencing along with an unattractive shed structure. The 7 foot fence will provide a screen that will shield all of the grotesque neighboring structures and activities. Images of these items are included below.





Thank you in advance for your time and consideration,

Andrew Dennis

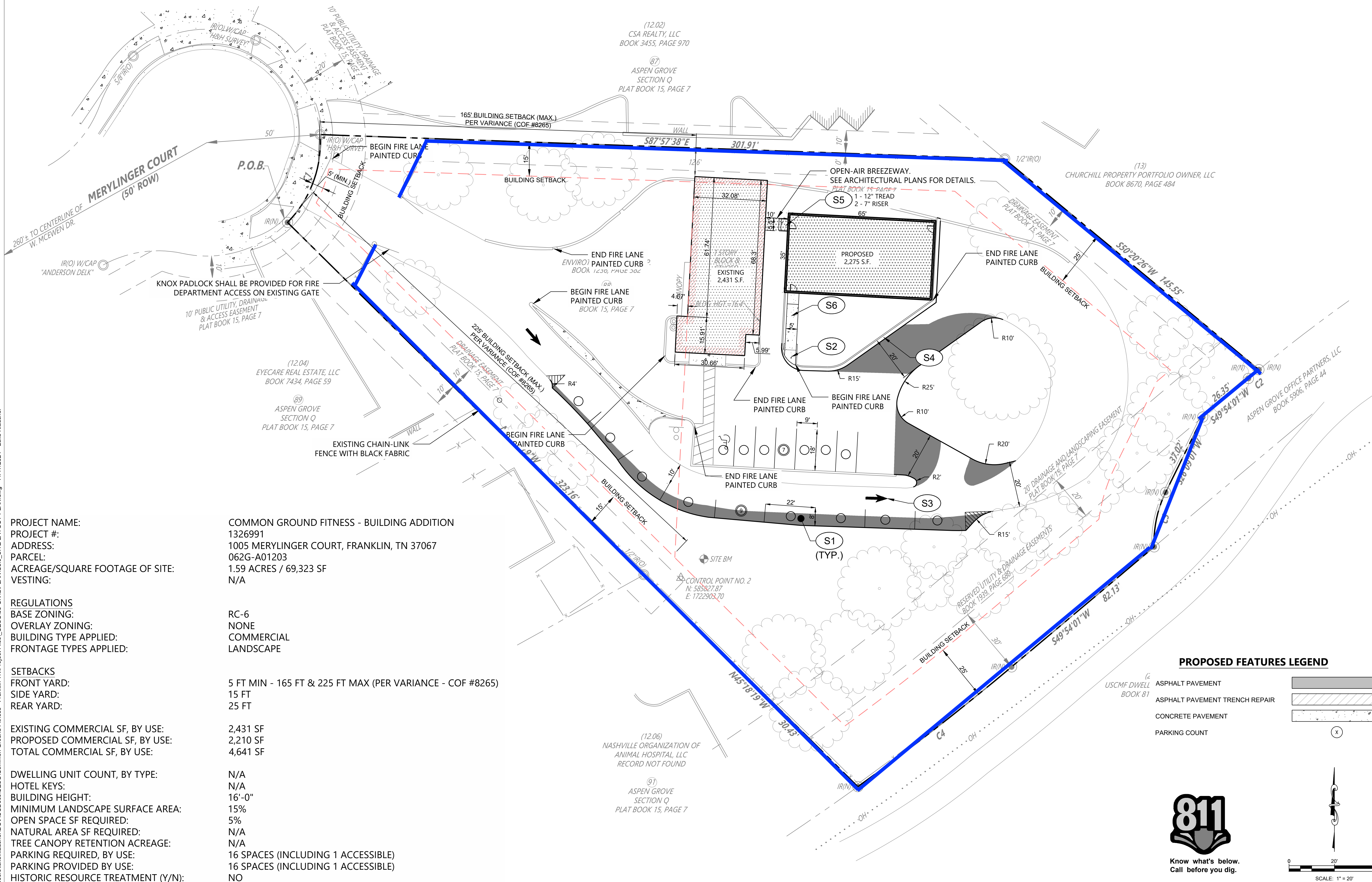
863-602-6494

[a.dennis@ownersreptn.com](mailto:a.dennis@ownersreptn.com)

**Existing 6' Chainlink  
Fence Shown in  
BLUE**

**\*\*\*To Be Removed\*\*\***

SITE LAYOUT KEYNOTES		
CODE	DESCRIPTION	DET #/SHT #
S1	ASPHALT PAVEMENT	1/C8.0
S2	PERPENDICULAR CURB RAMP	6/C8.0
S3	ROADWAY DIRECTIONAL ARROW	2/C8.0
S4	CONCRETE CURB & GUTTER	3/C8.0
S5	CONCRETE STAIRS	4/C8.0
S6	CONCRETE SIDEWALK	5/C8.0



PROJECT NAME: COMMON GROUND FITNESS - BUILDING ADDITION  
 PROJECT #: 1326991  
 ADDRESS: 1005 MERYLINGER COURT, FRANKLIN, TN 37067  
 PARCEL: 062G-A01203  
 ACREAGE/SQUARE FOOTAGE OF SITE: 1.59 ACRES / 69,323 SF  
 VESTING: N/A

REGULATIONS  
 BASE ZONING: RC-6  
 OVERLAY ZONING: NONE  
 BUILDING TYPE APPLIED: COMMERCIAL  
 FRONTAGE TYPES APPLIED: LANDSCAPE

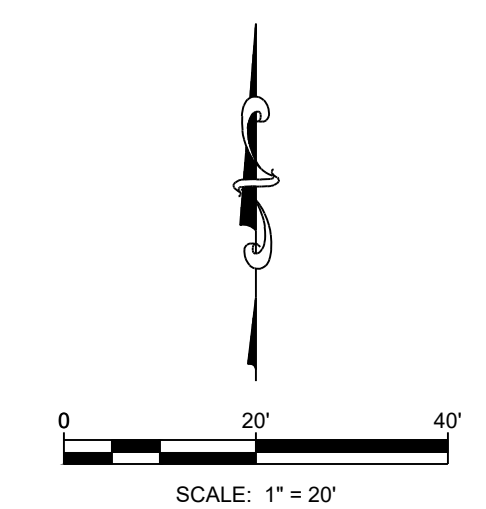
SETBACKS  
 FRONT YARD: 5 FT MIN - 165 FT & 225 FT MAX (PER VARIANCE - COF #8265)  
 SIDE YARD: 15 FT  
 REAR YARD: 25 FT

EXISTING COMMERCIAL SF, BY USE: 2,431 SF  
 PROPOSED COMMERCIAL SF, BY USE: 2,210 SF  
 TOTAL COMMERCIAL SF, BY USE: 4,641 SF

DWELLING UNIT COUNT, BY TYPE: N/A  
 HOTEL KEYS: N/A  
 BUILDING HEIGHT: 16'-0"  
 MINIMUM LANDSCAPE SURFACE AREA: 15%  
 OPEN SPACE SF REQUIRED: 5%  
 NATURAL AREA SF REQUIRED: N/A  
 TREE CANOPY RETENTION ACREAGE: N/A  
 PARKING REQUIRED, BY USE: 16 SPACES (INCLUDING 1 ACCESSIBLE)  
 PARKING PROVIDED BY USE: 16 SPACES (INCLUDING 1 ACCESSIBLE)  
 HISTORIC RESOURCE TREATMENT (Y/N): NO

**PROPOSED FEATURES LEGEND**

ASPHALT PAVEMENT	[Pattern]
ASPHALT PAVEMENT TRENCH REPAIR	[Pattern]
CONCRETE PAVEMENT	[Pattern]
PARKING COUNT	(X)



**COMMON GROUND FITNESS  
 ASPEN GROVE PUD SUBDIVISION,  
 SITE PLAN, SECTION Q, LOT 88,  
 REV. 2 (BUILDING ADDITION)**  
 1005 MERYLINGER COURT,  
 FRANKLIN, TN 37067

Revisions / Submissions

ID	Description	Date
1	PRE-APPLICATION SUBMITTAL	2024/04/29
2	SITE PLAN INITIAL SUBMITTAL	2024/05/13
3	SITE PLAN RESUBMITTAL	2024/07/05
4	ONE-STOP SUBMITTAL	2024/11/18

© 2024 CESO, INC.  
 Project Number: 765704  
 Scale: 1" = 20'  
 Drawn By: L.K.  
 Checked By: K.M.  
 Date: 11/18/2024  
 Issue: One-Stop Submittal

Drawing Title:  
**SITE LAYOUT PLAN**

**C5.0**

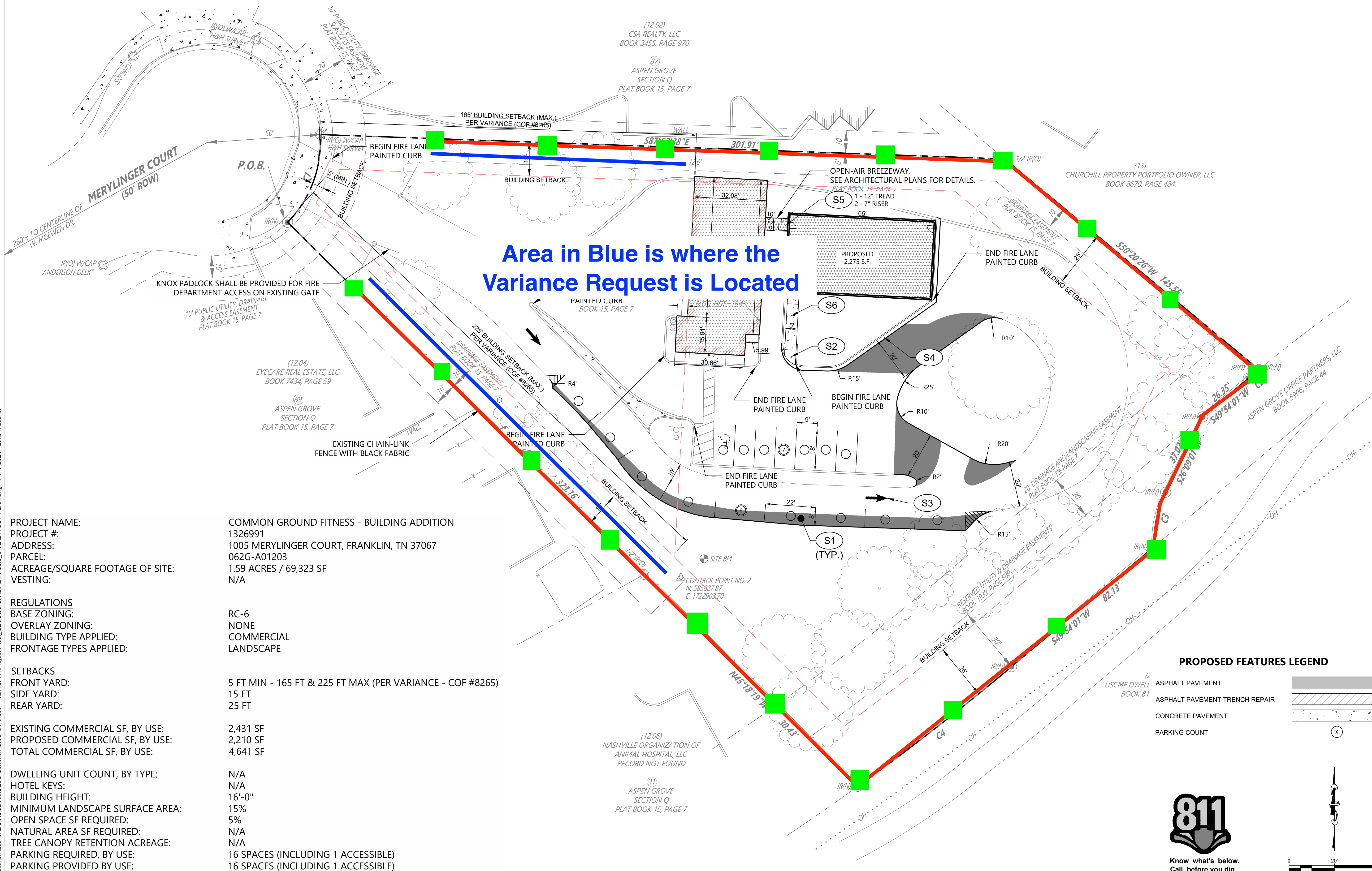
C:\Users\luke.klausner\OneDrive\Work\Projects\Civil\Projects\C5.0\_Site Layout Plan.dwg - 11/17/2024 - Luke Klausner

**Proposed 7' Wooden Fence Shown in Red**  
**Proposed 7' Masonry Columns Shown in Green**

SITE LAYOUT KEYNOTES		
CODE	DESCRIPTION	DET #/SHT #
S1	ASPHALT PAVEMENT	1/C8.0
S2	PERPENDICULAR CURB RAMP	6/C8.0
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S4	CONCRETE CURB & GUTTER	3/C8.0
S5	CONCRETE STAIRS	4/C8.0
S6	CONCRETE SIDEWALK	5/C8.0



**Area in Blue is where the Variance Request is Located**



PROJECT NAME:	COMMON GROUND FITNESS - BUILDING ADDITION
PROJECT #:	1326991
ADDRESS:	1005 MERYLINGER COURT, FRANKLIN, TN 37067
PARCEL:	062G-A01203
ACREAGE/SQUARE FOOTAGE OF SITE:	1.59 ACRES / 69,323 SF
VESTING:	N/A
<b>REGULATIONS</b>	
BASE ZONING:	RC-6
OVERLAY ZONING:	NONE
BUILDING TYPE APPLIED:	COMMERCIAL
FRONTAGE TYPES APPLIED:	LANDSCAPE
<b>SETBACKS</b>	
FRONT YARD:	5 FT MIN - 165 FT & 225 FT MAX (PER VARIANCE - COF #8265)
SIDE YARD:	15 FT
REAR YARD:	25 FT
<b>EXISTING COMMERCIAL SF, BY USE:</b>	
PROPOSED COMMERCIAL SF, BY USE:	2,431 SF
TOTAL COMMERCIAL SF, BY USE:	2,210 SF
	4,641 SF
<b>DWELLING UNIT COUNT, BY TYPE:</b>	
HOTEL KEYS:	N/A
BUILDING HEIGHT:	16'-0"
MINIMUM LANDSCAPE SURFACE AREA:	15%
OPEN SPACE SF REQUIRED:	5%
NATURAL AREA SF REQUIRED:	N/A
TREE CANOPY RETENTION ACREAGE:	N/A
PARKING REQUIRED, BY USE:	16 SPACES (INCLUDING 1 ACCESSIBLE)
PARKING PROVIDED BY USE:	16 SPACES (INCLUDING 1 ACCESSIBLE)
HISTORIC RESOURCE TREATMENT (Y/N):	NO

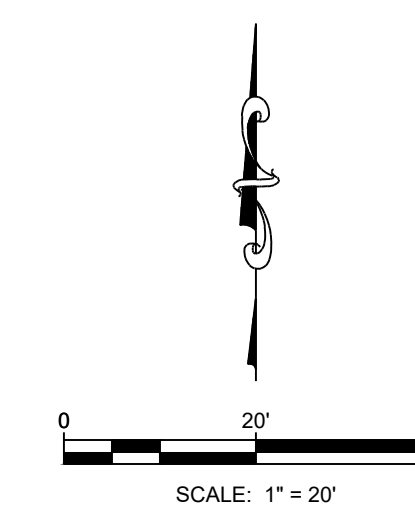
PROPOSED FEATURES LEGEND	
ASPHALT PAVEMENT	
ASPHALT PAVEMENT TRENCH REPAIR	
CONCRETE PAVEMENT	
PARKING COUNT	

**COMMON GROUND FITNESS**  
**ASPEN GROVE PUD SUBDIVISION,**  
**SITE PLAN, SECTION Q, LOT 88,**  
**REV. 2 (BUILDING ADDITION)**  
 1005 MERYLINGER COURT,  
 FRANKLIN, TN 37067

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4	ONE-STOP SUBMITTAL	2024/11/18

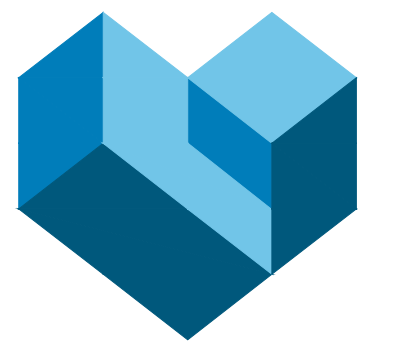
© 2024 CESO, INC.  
 Project Number: 765704  
 Scale: 1" = 20'  
 Drawn By: L.K.  
 Checked By: K.M.  
 Date: 11/18/2024  
 Issue: One-Stop Submittal

Drawing Title:  
**SITE LAYOUT PLAN**



**C5.0**

C:\Users\luke.klausner\OneDrive\Work\Projects\Franklin\TN\Project Files\CESO\C5.0\C5.0\_SITE LAYOUT PLAN.dwg - 11/17/2024 - Luke Klausner



CESO  
WWW.CESOINC.COM

216 Centerville Dr., Suite 150  
Brentwood, TN 37027  
Phone: 615.928.5120 Fax: 615.928.4826



COMMON GROUND FITNESS  
**ASPEN GROVE PUD SUBDIVISION,  
SITE PLAN, SECTION Q, LOT 88,  
REV. 2 (BUILDING ADDITION)**  
1005 MERYLINGER COURT,  
FRANKLIN, TN 37067

ID	Description	Date
1	PRE-APPLICATION SUBMITTAL	2024/04/29
2	SITE PLAN INITIAL SUBMITTAL	2024/05/13
3	SITE PLAN RESUBMITTAL	2024/07/05
4	ONE-STOP SUBMITTAL	2024/11/18

© 2024 CESO, INC.  
 Project Number: 765704  
 Scale: 1" = 20'  
 Drawn By: L.K.  
 Checked By: K.M.  
 Date: 11/18/2024  
 Issue: One-Stop Submittal

Drawing Title:  
**SITE LAYOUT PLAN**

**C5.0**

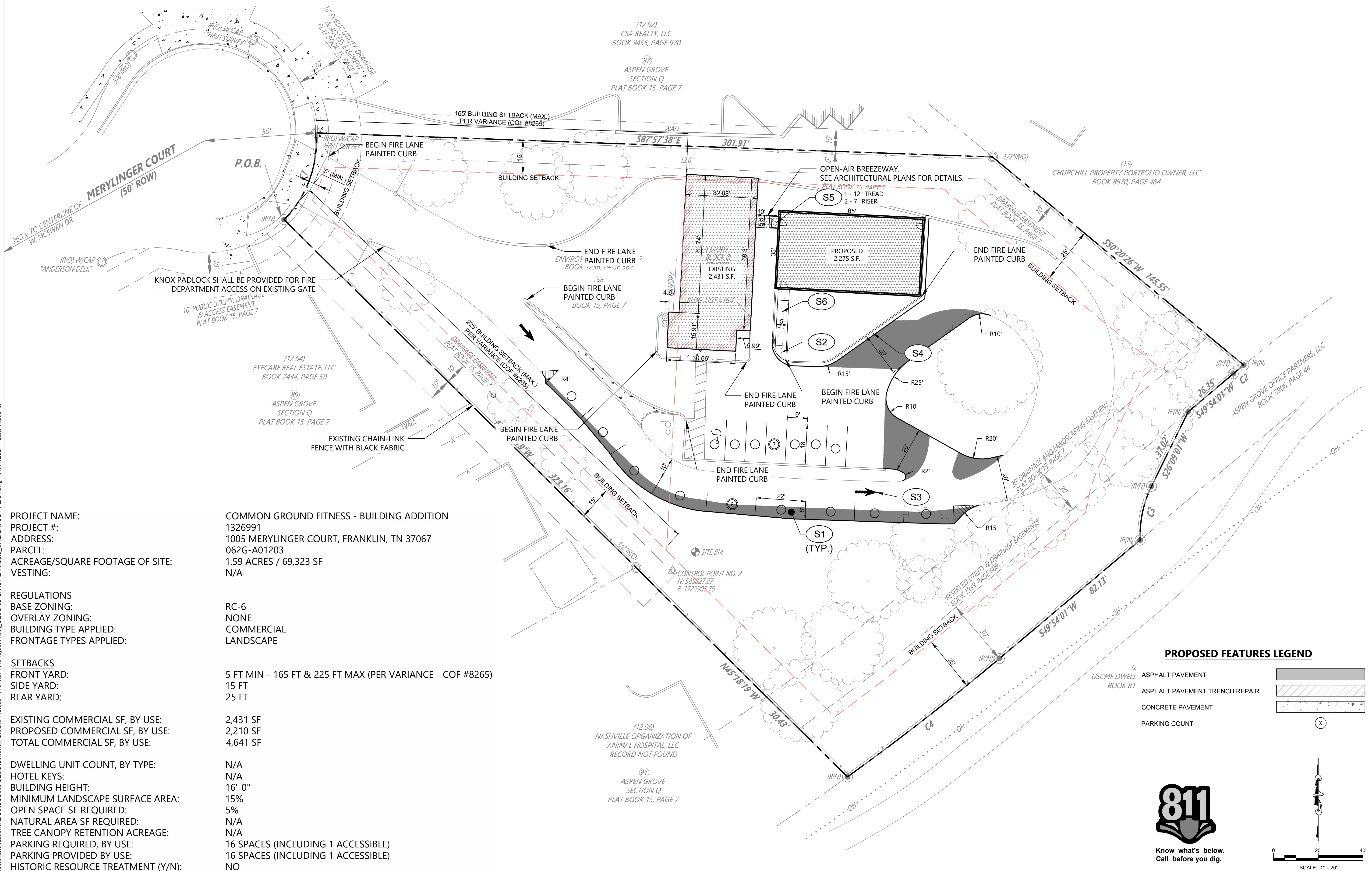
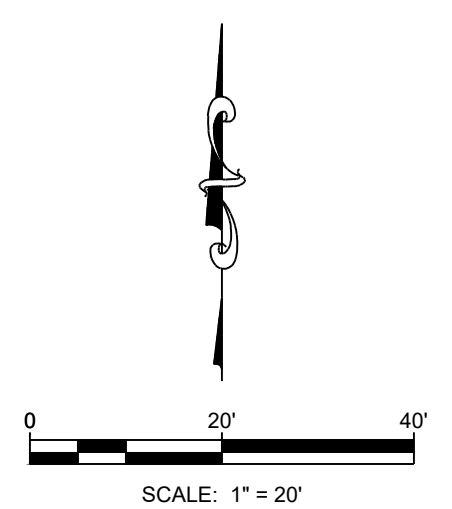
SITE LAYOUT KEYNOTES		
CODE	DESCRIPTION	DET #/SHT #
S1	ASPHALT PAVEMENT	1/C8.0
S2	PERPENDICULAR CURB RAMP	6/C8.0
S3	ROADWAY DIRECTIONAL ARROW	2/C8.0
S4	CONCRETE CURB & GUTTER	3/C8.0
S5	CONCRETE STAIRS	4/C8.0
S6	CONCRETE SIDEWALK	5/C8.0

**PROPOSED FEATURES LEGEND**

ASPHALT PAVEMENT	
ASPHALT PAVEMENT TRENCH REPAIR	
CONCRETE PAVEMENT	
PARKING COUNT	



Know what's below.  
Call before you dig.



PROJECT NAME:	COMMON GROUND FITNESS - BUILDING ADDITION
PROJECT #:	1326991
ADDRESS:	1005 MERYLINGER COURT, FRANKLIN, TN 37067
PARCEL:	062G-A01203
ACREAGE/SQUARE FOOTAGE OF SITE:	1.59 ACRES / 69,323 SF
VESTING:	N/A
REGULATIONS	
BASE ZONING:	RC-6
OVERLAY ZONING:	NONE
BUILDING TYPE APPLIED:	COMMERCIAL
FRONTAGE TYPES APPLIED:	LANDSCAPE
SETBACKS	
FRONT YARD:	5 FT MIN - 165 FT & 225 FT MAX (PER VARIANCE - COF #8265)
SIDE YARD:	15 FT
REAR YARD:	25 FT
EXISTING COMMERCIAL SF, BY USE:	2,431 SF
PROPOSED COMMERCIAL SF, BY USE:	2,210 SF
TOTAL COMMERCIAL SF, BY USE:	4,641 SF
DWELLING UNIT COUNT, BY TYPE:	N/A
HOTEL KEYS:	N/A
BUILDING HEIGHT:	16'-0"
MINIMUM LANDSCAPE SURFACE AREA:	15%
OPEN SPACE SF REQUIRED:	5%
NATURAL AREA SF REQUIRED:	N/A
TREE CANOPY RETENTION ACREAGE:	N/A
PARKING REQUIRED, BY USE:	16 SPACES (INCLUDING 1 ACCESSIBLE)
PARKING PROVIDED BY USE:	16 SPACES (INCLUDING 1 ACCESSIBLE)
HISTORIC RESOURCE TREATMENT (Y/N):	NO

C:\Users\luke.klausner\OneDrive\Work\Projects\Civil\Projects\C5.0\_Site Layout Plan.dwg - 11/17/2024 - Luke Klausner



---

**File #: 21-0307**

---

**DATE:** April 4, 2025  
**TO:** Board of Zoning Appeals  
**FROM:** Amy Diaz-Barriga, Asst Director of Planning Development  
Ariella Stanford, Planner

**SUBJECT:**

A **Variance Request** To Allow One Accessory Structure And One Minor Accessory Structure To Be Located To The Side Of The Principal Building For The Property Located At 900 Brink Place (F.Z.O. 3.6.5.).

**PURPOSE:**

**PROJECT INFORMATION**

COF Project Number: 87280  
Applicant: Casey Chrisman  
Owner: Casey and Jolinda Chrisman

**BACKGROUND/STAFF COMMENTS:**

**Vicinity Zoning/Land Use**

Site: R-3 Residential / Residential Single Family  
North: R-2 Residential / Residential Single Family  
South: R-3 Residential / Residential Single Family  
East: R-3 Residential / Residential Single Family  
West: Civic and Institutional District / Recreation

**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.

**3.6.5. Zoning Districts; R3 Residential 3 District; Dimensional Standards**

Accessory Structure Setbacks

Location	At least 5 feet behind the principal building At least 5 feet from any lot line
----------	--

**Background**

The subject property is located at 900 Brink Place and is zoned R3 Residential 3 District. There is an existing single-family house on the property and the owner is proposing one accessory structure (detached garage) and one minor accessory structure for storage use. Because this property is a corner lot, it fronts both Brink Place and Del Rio Court, with the front door facing Brink Place. The existing house is set back 50 feet from Brink Place which significantly reduces the backyard space, so the owner is proposing an accessory structure and a minor accessory structure to the side of the house, between the existing house and Del Rio Court. The Zoning Ordinance requires accessory structures to be located at least 5 feet behind the principal building. For this reason, the applicant is requesting a Variance to allow an accessory structure to be located to the side of the principal building.

**Staff Analysis**

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

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

This property is a corner lot, the existing house is set back significantly from Brink Place, and there is a small existing shed in the backyard. Given these conditions, the desired accessory structure and minor accessory structure cannot fit in the backyard area and therefore is not able to accommodate development as required under this Ordinance. 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 in this case would prevent the owner from having an accessory structure for storage use. The existing home does not have a garage that is suitable to store equipment to maintain the property, and the existing accessory structure in the backyard is much smaller than the required size of a garage so it is not suitable for storage space. Given the conditions of the lot, the only space that can fit the proposed accessory structure and minor accessory structure is the side yard facing Del Rio Court, which does not comply with the Zoning Ordinance requirements. Therefore, the strict application of the Zoning Ordinance is preventing the owner from having these accessory structures to store equipment to maintain the property. Considering this hardship, 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 this request would not be a detriment to the public good or impair the intent of the Zoning Ordinance. Part of the intent of this regulation is to minimize visibility of accessory structures from the street, and prevent accessory structures from being in front of the principal building. There is tall and

lush greenery that extends from the corner at Brink Place and Del Rio Court to the northwest corner of the property. Given the unique shape of the property, this greenery would minimize visibility of the accessory structures from both Brink Place and Del Rio Court. With the greenery to screen the accessory structures, and the accessory structures being to the side of the existing building, the proposed request meets the intent of the Zoning Ordinance. Since they will be well screened from the street, the accessory structures should not have a negative impact on the neighborhood aesthetically or be a detriment to the public good. Staff finds this criteria is met.

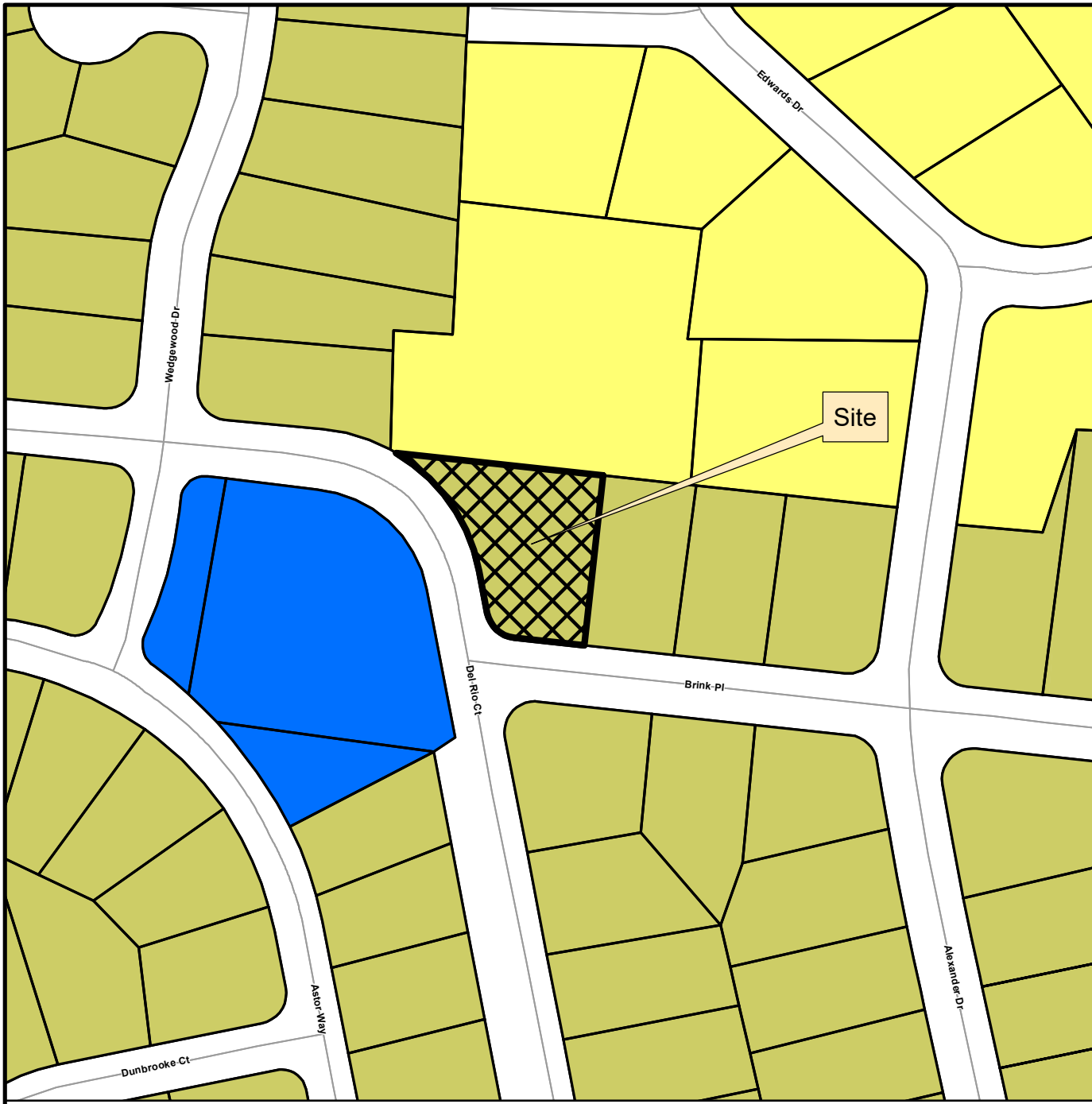
**FINANCIAL IMPACT:**

Unknown.
























**RECOMMENDATION:**

**RECOMMENDED MOTION:** Staff recommends the Board of Zoning Appeals move to approve the Variance Request To Allow One Accessory Structure And One Minor Accessory Structure To Be Located In Front Of The Principal Building For The Property Located At 900 Brink Place, because the criteria for granting a variance have been met.

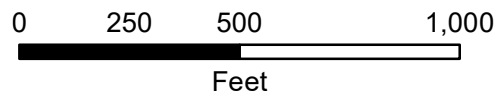
900 BRINK PLACE  
 TAX MAP 063J, GROUP B, PARCEL 03400  
 BOARD OF ZONING APPEALS  
 MAY 1, 2025



**Legend**

-  900 Brink Place
-  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 District
-  CC Central Commercial District
-  DD Downtown District
-  1ST Avenue District
-  5TH Avenue District
-  RC4 Regional Commerce 4 District
-  RC6 Regional Commerce 6 District
-  RC12 Regional Commerce 12 District
-  GO General Office District
-  LI Light Industrial District
-  HI Heavy Industrial District

This map was created by the Franklin Planning Department.  
 It was compiled from the most authentic information available.  
 The City is not responsible for any errors or omissions contained herein.  
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Casey Chrisman  
900 Brink Place  
Franklin TN. 37064  
615-521-2916  
Casey Chrisman

3/10/2025

Board of Zoning Appeals

Subject: Justification for Detached Garage Placement in Secondary Front Yard

Dear Members of the Board of Zoning Appeals,

I am writing to formally request approval for the construction of a detached garage on my property located at 900 Brink Place. As my property is a corner lot, it is subject to the zoning ordinance's front yard setback of 50 feet and a 25-foot side yard setback. Due to the unique configuration of my property, the only location on my lot that allows for a detached garage is the side yard, which is classified as the secondary front yard and falls within the 25-foot setback.

I respectfully request the Board's approval for this variance, as I believe my situation satisfies the criteria outlined in the city ordinance.

- 1. Exceptional Conditions of the Property:** My property is exceptional in its shape, being a corner lot with narrow at the front and wide at the rear dimensions. The lot's configuration limits the available area for development. The required 25-foot side yard setback, in addition to the limited space created by the lot's odd shape, make it impractical to locate the garage in any other area. The odd shape of the lot, combined with the corner lot condition, significantly limits the use of my property for necessary functions, such as the addition of a detached garage.
- 2. Practical Difficulty and Undue Hardship:** The strict application of the zoning ordinance would result in significant practical difficulty in utilizing the property to its full potential. The only feasible location for a detached garage is the side yard, which is also considered the secondary front yard. Without a variance, I would be unable to construct the garage at all and would face a continued difficulty in providing proper storage, which is necessary for the functionality and maintenance of the property. This situation is not of a personal or financial nature but rather stems from the unique topographical and spatial limitations imposed by the property's location on a corner lot.
- 3. Impact on Public Good and Zoning Intent:** Granting this variance will not result in substantial detriment to the public good or impair the intent and purpose of the zoning ordinance. The detached garage will be designed to blend with the primary structure, maintaining the aesthetic integrity of the area. Additionally, the garage will not obstruct visibility, traffic flow, or create any negative impact on the safety of pedestrians or motorists. The variance would allow me to utilize the property in a way that is consistent with the needs of the neighborhood without compromising the intent of the zoning regulations.

In conclusion, I respectfully ask the Board to approve my request for a variance to allow the construction of a detached garage in the secondary front yard setback. This will enable me to make reasonable use of my property while adhering to the spirit of the zoning ordinance.

Thank you for your time and consideration. I look forward to your favorable decision.

Sincerely,

Casey Chrisman

PORTIONS OF THIS SURVEY WERE PERFORMED USING GNSS EQUIPMENT, AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

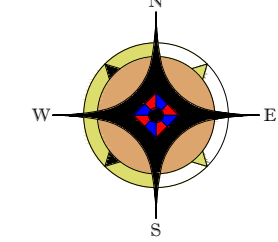
- REAL TIME KINEMATIC & BASE SOKKIA GRX 3
- POSITIONAL ACCURACY: 0.05 FEET
- DATE OF SURVEY: 2/4/2025
- DATUM / EPOCH: NAD83 (2011) EPOCH (2010.00)
- PUBLISHED / FIXED CONTROL: TDOT CORS NETWORK
- GEOID MODEL: GEOID 18
- COMBINED GRID FACTOR: 0.99992990

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	25.00'	80°10'22"	34.53'	N 43°53'27" W	31.78'

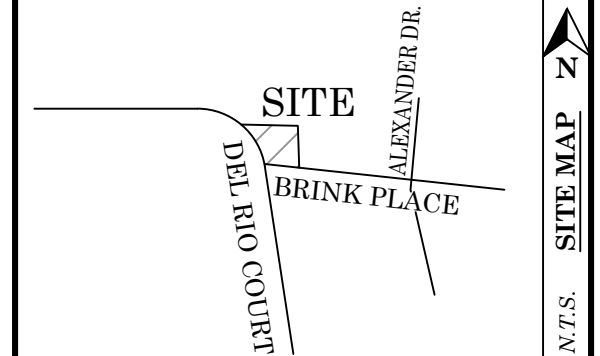
LINE	BEARING	DISTANCE
L1	N 83°58'38" W	57.08'
L2	N 11°44'36" W	125.65'



# CHAPDELAIN & ASSOCIATES LAND SURVEYING



7376 WALKER ROAD,  
FAIRVIEW, TENNESSEE 37062  
(615) 799-8104  
surveying@chapsurveyor.com



**NOT FOR PERMITTING USE**

**CERTIFICATE OF ACCURACY**

I HEREBY CERTIFY THAT THIS IS A CATEGORY IV SURVEY. THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME, OR UNDER MY DIRECTION, IN COMPLIANCE WITH CURRENT TENNESSEE MINIMUM STANDARDS OF PRACTICE.



SHON S. KEETON R.L.S. # 2893 DATE

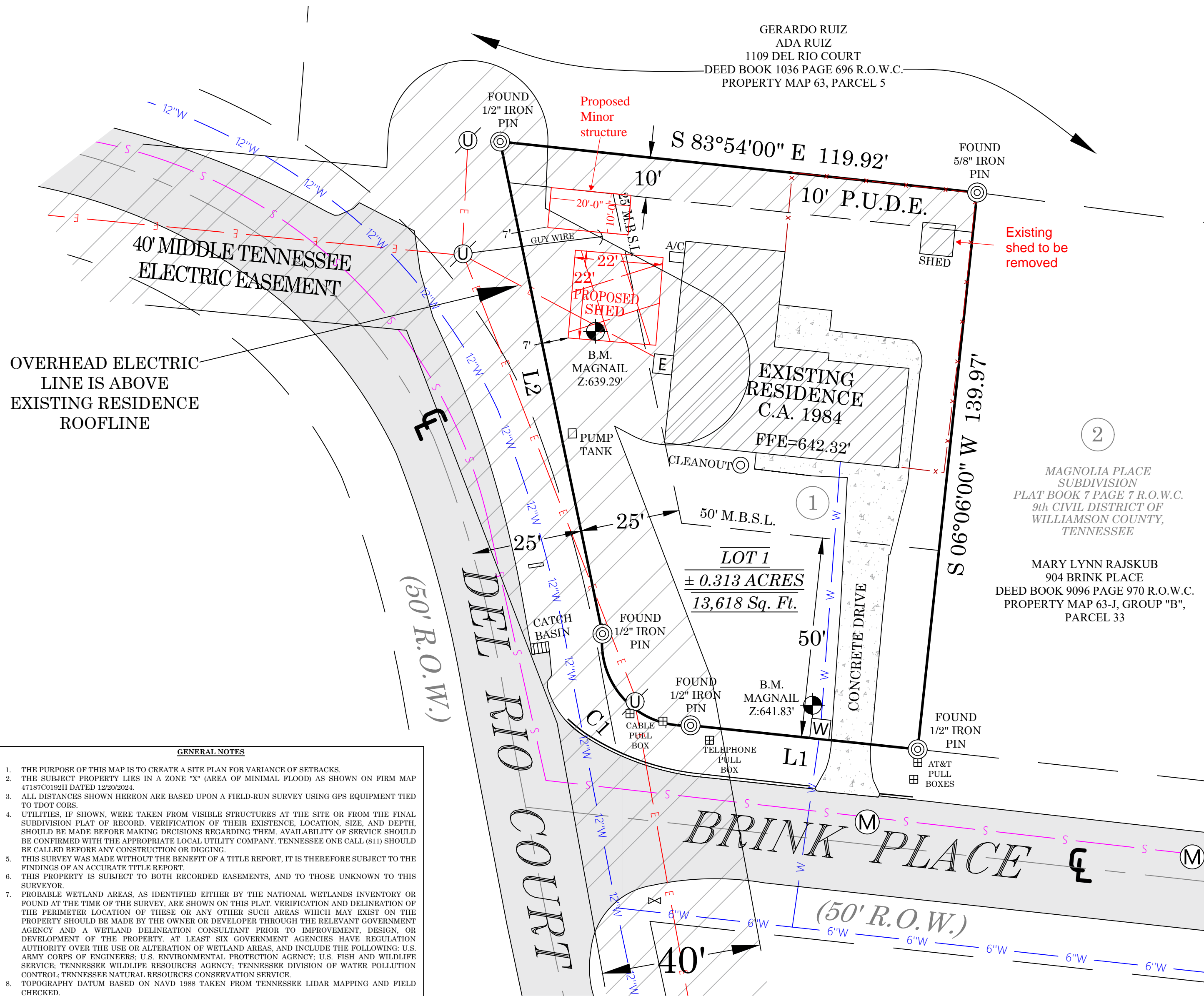
JOLINDA CHRISMAN  
CASEY CHRISMAN  
900 BRINK PLACE FRANKLIN, TN. 37064  
DEED BOOK 9350, PAGE 341 R.O.W.C.  
LOT 1 MAGNOLIA PLACE  
PLAT BOOK 7, PAGE 7  
9th CIVIL DISTRICT OF WILLIAMSON COUNTY, TENNESSEE  
PROPERTY MAP 63-J, GROUP "B", PARCEL 34

REVISION #	DATE

DATE: MARCH 7, 2025  
DRAWN BY: DHH  
JOB #: 8603  
SCALE: 1" = 20'



**V-1.0**



OVERHEAD ELECTRIC LINE IS ABOVE EXISTING RESIDENCE ROOFLINE

**GENERAL NOTES**

- THE PURPOSE OF THIS MAP IS TO CREATE A SITE PLAN FOR VARIANCE OF SETBACKS.
- THE SUBJECT PROPERTY LIES IN A ZONE "X" (AREA OF MINIMAL FLOOD) AS SHOWN ON FIRM MAP 47187C0192H DATED 12/20/2024.
- ALL DISTANCES SHOWN HEREON ARE BASED UPON A FIELD-RUN SURVEY USING GPS EQUIPMENT TIED TO TDOT CORS.
- UTILITIES, IF SHOWN, WERE TAKEN FROM VISIBLE STRUCTURES AT THE SITE OR FROM THE FINAL SUBDIVISION PLAT OF RECORD. VERIFICATION OF THEIR EXISTENCE, LOCATION, SIZE, AND DEPTH, SHOULD BE MADE BEFORE MAKING DECISIONS REGARDING THEM. AVAILABILITY OF SERVICE SHOULD BE CONFIRMED WITH THE APPROPRIATE LOCAL UTILITY COMPANY. TENNESSEE ONE CALL (811) SHOULD BE CALLED BEFORE ANY CONSTRUCTION OR DIGGING.
- THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A TITLE REPORT, IT IS THEREFORE SUBJECT TO THE FINDINGS OF AN ACCURATE TITLE REPORT.
- THIS PROPERTY IS SUBJECT TO BOTH RECORDED EASEMENTS, AND TO THOSE UNKNOWN TO THIS SURVEYOR.
- PROBABLE WETLAND AREAS, AS IDENTIFIED EITHER BY THE NATIONAL WETLANDS INVENTORY OR FOUND AT THE TIME OF THE SURVEY, ARE SHOWN ON THIS PLAT. VERIFICATION AND DELINEATION OF THE PERIMETER LOCATION OF THESE OR ANY OTHER SUCH AREAS WHICH MAY EXIST ON THE PROPERTY SHOULD BE MADE BY THE OWNER OR DEVELOPER THROUGH THE RELEVANT GOVERNMENT AGENCY AND A WETLAND DELINEATION CONSULTANT PRIOR TO IMPROVEMENT, DESIGN, OR DEVELOPMENT OF THE PROPERTY. AT LEAST SIX GOVERNMENT AGENCIES HAVE REGULATION AUTHORITY OVER THE USE OR ALTERATION OF WETLAND AREAS, AND INCLUDE THE FOLLOWING: U.S. ARMY CORPS OF ENGINEERS; U.S. ENVIRONMENTAL PROTECTION AGENCY; U.S. FISH AND WILDLIFE SERVICE; TENNESSEE WILDLIFE RESOURCES AGENCY; TENNESSEE DIVISION OF WATER POLLUTION CONTROL; TENNESSEE NATURAL RESOURCES CONSERVATION SERVICE.
- TOPOGRAPHY DATUM BASED ON NAVD 1988 TAKEN FROM TENNESSEE LIDAR MAPPING AND FIELD CHECKED.
- THE SUBJECT PROPERTY IS ZONED R-3; SETBACKS ARE BASED UPON THE FINAL PLAT OF RECORD, MAGNOLIA PLACE, AS EVIDENCED IN PLAT BOOK 7, PAGE 7 R.O.W.C., TN.

**LEGEND**

- UE- UNDERGROUND ELECTRIC LINE
- E- OVERHEAD ELECTRIC LINE
- T- TELECOMMUNICATION LINE
- X- WIRE FENCE
- W- WOOD FENCE
- C- CHAIN LINK FENCE
- W- WATER LINE
- S- SEWER LINE
- FM- FORCE MAIN SEWER
- G- GAS LINE
- SF- SILT FENCE
- - - DRAWN BY DEED (NOT SURVEYED)
- ⊕ WELL
- ⊕ UTILITY POLE
- ⊕ GRID STAKE (XX) TYPICAL
- ⊕ FOUND IRON PIN (UNLESS NOTED)
- ⊕ FOUND CONCRETE MONUMENT
- ⊕ SET 1/2" IRON PIN (UNLESS NOTED)
- ⊕ POINT
- ⊕ BENCHMARK
- ⊕ FIRE HYDRANT
- ⊕ ELECTRIC METER
- ⊕ WATER METER
- ⊕ GAS METER
- ⊕ SEWER MANHOLE
- ⊕ STORM MANHOLE
- ⊕ WATER SPIGOT
- ⊕ WATER VALVE
- ⊕ ELECTRIC TRANSFORMER BOX
- ⊕ ELECTRIC PULL BOX
- ⊕ SOIL PIPE
- ⊕ CLEAN OUT

SITE PLAN FOR VARIANCE OF LOT 1 FOR JOLINDA CHRISMAN & CASEY CHRISMAN PROPERTY









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**File #: 21-0484**

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**DATE:** April 14, 2025  
**TO:** Board of Zoning Appeals  
**FROM:** Amy Diaz-Barriga, Asst Director of Planning Development  
Ariella Stanford, Planner

**SUBJECT:**

A **Variance Request** To Allow Outdoor Sales Areas Associated With A Commercial Use To Be Located Behind The Building And On The Roof, And A **Variance Request** To Allow Outdoor Sales Areas To Not Be Limited To One-Half Of The Length Of The Front Building Facade, For The Property Located At 230 Franklin Road (F.Z.O. 5.2.7.K.1. and 5.2.7.K.2.).

**PURPOSE:**

**PROJECT INFORMATION**

COF Project Number: 8749  
Applicant: Greg Gamble  
Owner: Factory Partners, LLC

**BACKGROUND/STAFF COMMENTS:**

**Vicinity Zoning/Land Use**

Site: PD Planned District / Mixed Use  
North: CC Central Commercial District, LI Light Industrial District / Mixed Uses - Industrial, Mixed Non-Residential, Retail  
South: PD Planned District, R-4 Residential / Mixed Use, Vacant, Residential Single Family  
East: PD Planned District / Residential  
West: R-4 Residential, CC Central Commercial, CI Civic and Institutional / Mixed Uses - Residential Single Family, Mixed Non-Residential, Retail, Recreation

**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.

### **5.2.7.K.1. Use Regulations; Accessory Uses and Structures; Outdoor Sales Areas**

Be located immediately adjacent to the front building facade.

### **5.2.7.K.2.**

Be limited to no more than one-half of the length of the front building facade. In the case of a shopping center, the outdoor sales area shall be limited to a maximum of one-half of the retail storefront associated with the display area.

### **Background**

The subject property is located at 230 Franklin Road and is zoned PD Planned District. The property is also located within the Historic Preservation Overlay (HPO) and the Central Franklin Overlay (CFO). The existing buildings on the property make up The Factory at Franklin, which is a historically significant site containing various commercial uses. Building 1 at The Factory is a 2-story building that was built with the original factory in 1929, and has since hosted multiple restaurant uses. Building 1 is currently vacant, and the plan is to convert the building use from restaurant to retail use. The proposed retail tenant plans to have outdoor sales, which the Zoning Ordinance requires to be located immediately adjacent to the front facade of the building, and limited to no more than one-half of the length of the front building facade. There is currently a front patio that was previously used for restaurant seating, as well as parking spaces and sidewalks for pedestrian circulation in front of Building 1. In the rear area there is an existing concrete patio behind the building that was previously used for outdoor seating for restaurant uses, and an outdoor patio on the second floor that was also used for outdoor seating. The outdoor patio on the second floor has an area that is not covered at all, and an area that is covered but not enclosed. The applicant is proposing to use these areas on the roof, as well as the concrete patio on the ground floor for outdoor sales. In order to have outdoor sales in these areas, the applicant is requesting a variance to allow outdoor sales areas associated with a commercial use to be located behind the building and on the roof, and a variance to allow outdoor sales areas to not be limited to one-half of the length of the front building facade.

### **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 Outdoor Sales Areas Associated With A Commercial Use To Be Located Behind The Building And On The Roof**

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 building has a covered front patio that runs along the entirety of the front facade of the building, and a sidewalk between the patio and the parking spaces in front of the building. While the existing patio space may be limited, the patio space was previously used for restaurant seating and would not impede pedestrian circulation if it were used for outdoor sales. Without justification for the inability to use the front patio for outdoor sales, Staff finds that it is feasible for outdoor sales to be located immediately adjacent to the front facade of the building. Staff finds this criteria is not 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 in this case would not result in exceptional hardship. Considering the existing front patio that could be used for outdoor sales without impeding pedestrian circulation or losing parking spaces, there would not be a hardship caused by locating the outdoor sales in the existing outdoor patio area in the front. Staff finds this criteria is not 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 having outdoor sales areas located behind the building and on the roof would not be a detriment to the public good or impair the intent of the ordinance in this case. The primary intent of the ordinance in this case is to ensure that outdoor sales areas remain immediately adjacent to the main sales area and to maintain consistency with outdoor sales areas for aesthetic purposes. Given the unique layout of the existing building and outdoor patios, this request would not impair that intent. Building 1 faces Franklin Road with the rear facade (and existing patios) facing one of the main factory building entrances with a pedestrian walkway area between, so it would not look out of place for the outdoor sales areas to be facing this area. Additionally, the outdoor sales are proposed to be immediately adjacent to the building facade, so this request meets that intent. Staff finds this criteria is met.

### **Request 2: To Allow Outdoor Sales Areas To Not Be Limited To One-Half Of The Length Of The Front Building Facade**

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 building has a covered front patio that runs along the entirety of the front facade of the building, and a sidewalk between the patio and the parking spaces in front of the building. While the existing patio space may be limited, the patio space was previously used for restaurant seating and would not impede pedestrian circulation if it were used for outdoor sales. Without justification for the inability to use the front patio for outdoor sales, Staff finds that it is feasible for outdoor sales to be located on the existing front patio and limited to one-half the length of the front facade of the building. Staff finds this criteria is not 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 in this case would not result in exceptional hardship. Considering the existing front patio that could be used for outdoor sales without impeding pedestrian circulation or losing parking spaces, there would not be a hardship caused by having the outdoor sales located along one-half of the length of the front facade on that existing patio. Staff finds this criteria is not 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 outdoor sales areas not limited to one-half of the length of the front building facade would not be a detriment to the public good or impair the intent of the ordinance in this case. The primary intent of the ordinance in this case is to ensure that outdoor sales areas do not dominate the front facade of commercial buildings, and given the layout of the existing building and outdoor patios, this request would not impair that intent. With the proposed outdoor sales areas being

in the rear area and partially on the second floor, these areas will not be seen from the front of the building or from Franklin Road. Staff finds this criteria is met.

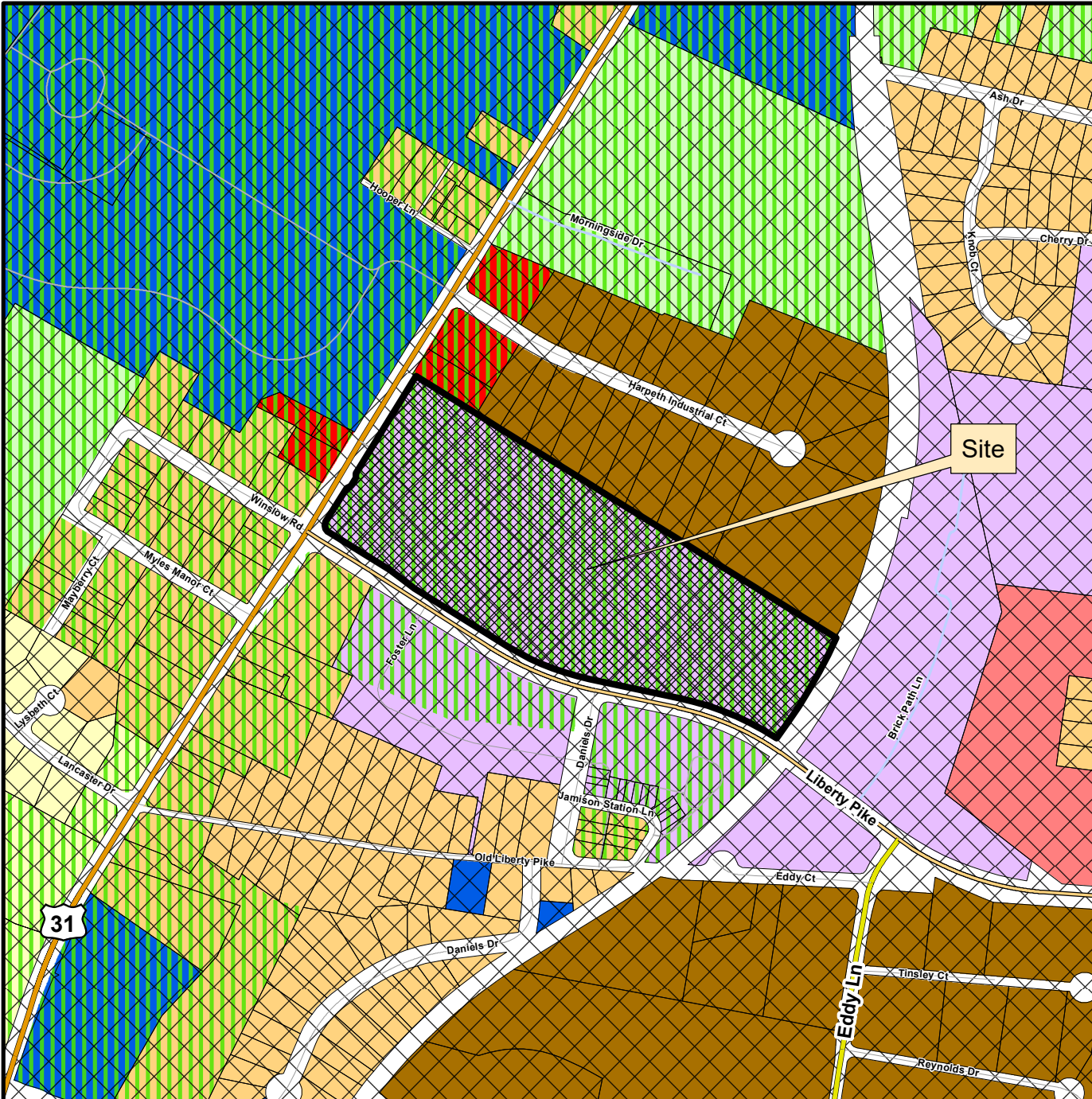
**FINANCIAL IMPACT:**

Unknown.

























**RECOMMENDATION:**

**RECOMMENDED MOTION:** Staff recommends the Board of Zoning Appeals move to **disapprove A Variance Request** To Allow Outdoor Sales Areas Associated With A Commercial Use To Be Located Behind The Building And On The Roof, And **disapprove A Variance Request** To Allow Outdoor Sales Areas To Not Be Limited To One-Half Of The Length Of The Front Building Facade, For The Property Located At 230 Franklin Road, because the criteria for granting a variance have not all been met.

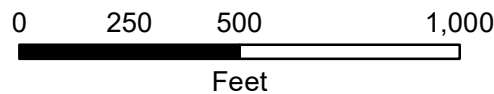
230 FRANKLIN ROAD  
 TAX MAP 063, GROUP A, PARCEL 02100  
 BOARD OF ZONING APPEALS  
 JANUARY 2, 2025



**Legend**

-  230 Franklin Road
-  Central Franklin Overlay
-  Historic Preservation 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

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## BZA Submittal | 230 Franklin Road, The Factory at Franklin

April 15, 2025

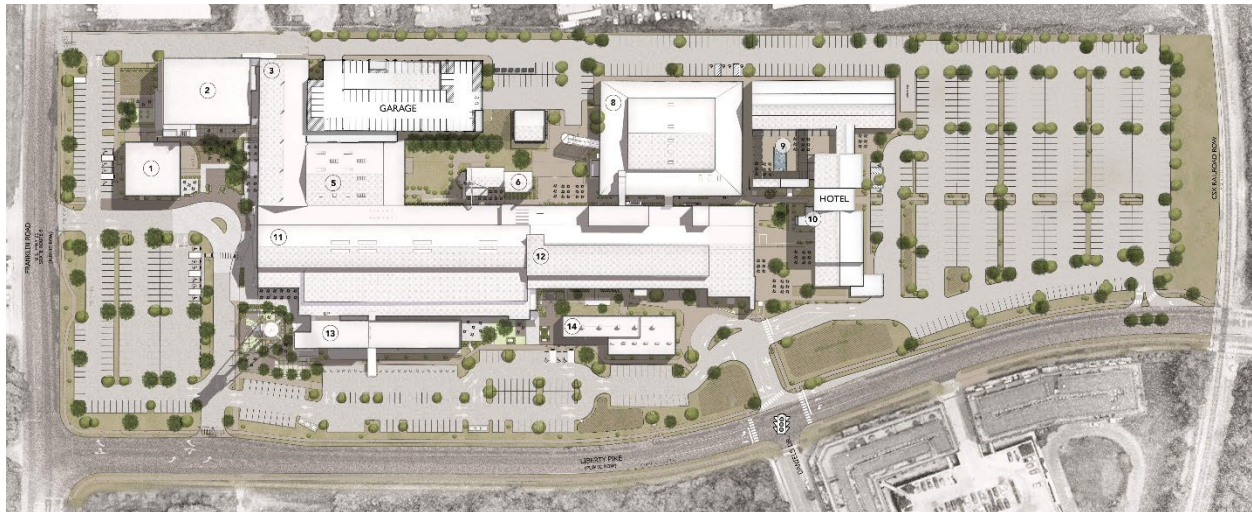
City of Franklin Board of Zoning Appeals

Dear Board of Zoning Appeals,

Gamble Design Collaborative, on behalf of Holladay Properties, is requesting a variance for The Factory at Franklin property located at 230 Franklin Road. They are requesting two variances to permit outdoor sales on the second-floor patio and the rear outdoor patio of Building One.

### **Background and History of Building One**

The Factory at Franklin is on the National Registry of Historic Places. It was added to the National Registry on November 13, 1997, and is listed under the name Dortch Stove Works. A PUD for the property was approved in July of 1997, and the property is currently zoned Planned Development.



Building 1 is as old as The Factory itself, dating back to the construction of the plant in the fall of 1929. Originally a small 2-story brick structure, this building served as the main office for all four of the manufacturers (Allen Manufacturing Company, Dortch Stove Works, Magic Chef Inc., and Jamison Bedding Company). Symbolically, Building 1 acted as the face of the industrial operators, welcoming workers and visitors alike. It also represented a break between work and life for those who passed through the squeeze chute to clock in every day. In 1959, a series of renovations focused on the eastern façade, adding a basement and expanding the footprint of the main floor to create a showroom. After Calvin LeHew added a second-floor patio in 1998, Building 1 would go on to host five different restaurants: Magnolia House Restaurant (1998-2002), Princeton's Grille (2002-2004), Flying Horse (2004-2009), Boxwood Bistro (2009-2013), and finally Mafiaozza's (2015-2023).

**Proposed Change of Use for Building One**

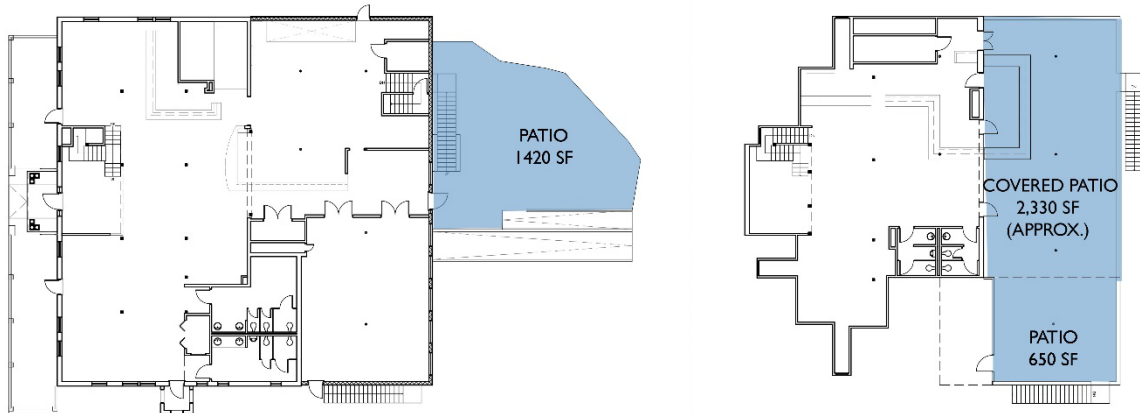
The uses for the Factory Campus include Retail, Restaurants, Office, Educational Facilities, Event Venues, and Commercial Recreation.

Holladay plans to convert Building One from restaurant use to retail use. The change of use to retail requires creative adaptation.



The front porch is used for pedestrian circulation. This area in the front of the building will not be available for Outdoor Sales.

Located at the rear of the building are three areas contemplated for Outdoor Sales. The first is on the second floor in an open-air patio that is approximately 650 square feet, the second is also on the second floor and is a covered patio that is approximately 2,330 sf, and the third is at ground level on an existing patio that is approximately 1,420 square feet. (See attached As-Built Drawings.)





**View of Second Floor Patios**



**View of Outdoor Patio**

**Variance Request:**

**Holladay Properties is requesting to variances to permit Outdoor Sales Areas to be located on the second floor patio behind the building, and on the ground level patio behind the building.**

The City of Franklin’s zoning ordinance requires Outdoor Sales Areas be located in the front of the building, and when located in a shopping center, the outdoor sales area should be limited to a maximum of one-half of the retail storefront associated with the display area.

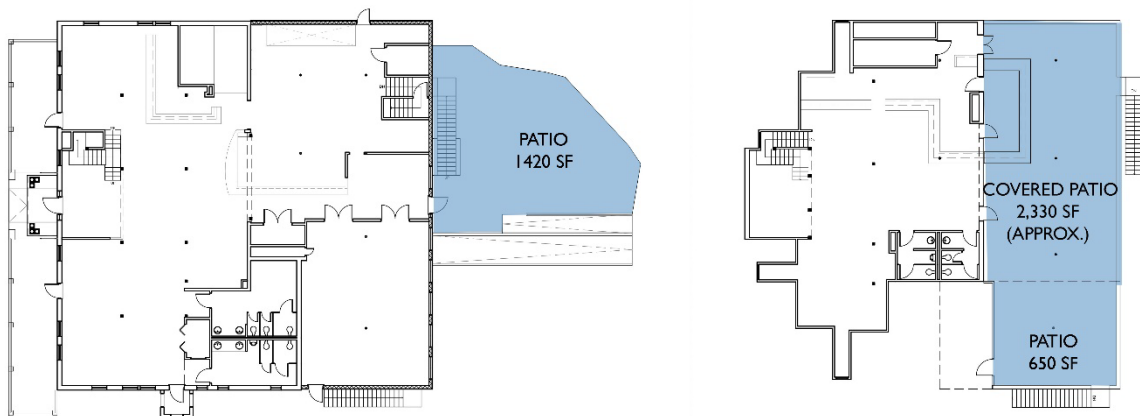
**Section 5.2.7 Accessory use and Structure Regulations**

*K. Outdoor Sales Areas*

*Outdoor sales areas associated with commercial uses shall:*

- 1. Be located immediately adjacent to the front building facade;**
  - 2. Be limited to no more than one-half of the length of the front building facade.**
- In the case of a shopping center, the outdoor sales area shall be limited to a maximum of one-half of the retail storefront associated with the display area;***
- 3. Be prohibited in fire lanes, drive aisles, parking spaces, or areas intended for pedestrian circulation;*
  - 4. Maintain a minimum pedestrian walkway of at least five feet in width along the front of the display; and*
  - 5. Take place only on an improved surface such as the sidewalk or pavement.*

**Existing Site Constraints**



The applicant is prevented from compliance to Section 7.2.7 K Outdoor Sales Areas without:

1. The Demolition of a historic structure.
2. The removal of parking spaces and ADA parking spaces.
3. The creation of conflict with pedestrian circulation.



**Variance 1: A Variance to have the Outdoor Sales in the rear area (FZO 5.2.7.K.1.)**

**Variance Criteria #1**

Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of this 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.

Due to the location of the historic Building One and the pedestrian circulation in the front of the building, this property is not able to accommodate an outdoor sales area in front of the building without the loss of required pedestrian circulation, and / or required parking. The only location for an outdoor sales area is in the rear of the building.

**Variance Criteria #2**

The strict application of any provision enacted under this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of such property.

The only possible ways to accommodate an outdoor sales area in front of the building would be to move the building, remove pedestrian circulation, or remove parking spaces. For these reasons, this would be exceptionally difficult to accommodate outdoor sales in front of the building.

**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 the Ordinance.

Locating the Outdoor Sales Area on the second-floor porch of Building One and on the ground level rear patio, would in no way be detrimental to the public good, and would in no way impair the purpose and intent of the zoning ordinance.

The parking requirement for retail uses is much lower than the parking requirements for a restaurant with outdoor seating. The use of retail and outdoor sales area would reduce the parking demand from approximately 97 to approximately 41 parking spaces.



**Variance 2: A variance for the Outdoor Sales to not be limited to half the length of the building façade (FZO 5.2.7.K.2.).**

**Variance Criteria #1**

Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of this 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 length of the front façade of Building 1 is approximately 80 feet. The covered area in the front of Building 1 is used for pedestrian circulation, and this area would be blocked if used for Outdoor Sales. Any regulation limiting the length of an Outdoor Sales area would be irrelevant because Outdoor Sales would block the pedestrian circulation. Outdoor Sales for Building 1 need to be relocated to accommodate pedestrian circulation along the front façade.

In the event that Variance 1 is granted, the use of the 2<sup>nd</sup> floor patio areas and the existing outdoor patio would not impede pedestrian circulation. These areas would be out of view of the front façade, and limitations on the amount of area used for Outdoor Sales would not need to be restrictive.

**Variance Criteria #2**

The strict application of any provision enacted under this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of such property.

Any size restriction on the use of existing patio on the second floor or on the ground floor would be an undue hardship where the view to the front of the building is not blocked by Outdoor Sales, and where these same areas were previously used as outdoor dining for restaurant patrons.

**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 the Ordinance.

Locating the Outdoor Sales Area on the second-floor porch of Building One and on the ground level rear patio, would in no way be detrimental to the public good, and would in no way impair the purpose and intent of the zoning ordinance.

The purpose of this regulation to limit the sales area to ½ the length of the front building façade appears to protect the visual appearance of the front of the building in a shopping center so that the front façade is not cluttered with merchandise. In this situation with Building 1, the front façade is not used for outdoor sales and will not be cluttered with merchandise. Allowing Outdoor Sales at the rear of the building would achieve the same function as the restriction in FZO 5.2.7.k.2 by limiting sales in the public viewshed.



BZA Submittal | 230 Franklin Road, The Factory at Franklin

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In summary, these requested variances are unique to Building One, and will allow the retail tenant of Building One to utilize existing spaces as Outdoor Sales without compromise to the historic structure nor the site constraints.

Gamble Design Collaborative and Holladay Properties appreciate your consideration of this variance requests.

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg Gamble', written in a cursive style.

Greg Gamble  
Landscape Architect



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**File #: 21-0486**

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**DATE:** April 14, 2025  
**TO:** Board of Zoning Appeals  
**FROM:** Amy Diaz-Barriga, Asst Director of Planning Development  
Ariella Stanford, Planner

**SUBJECT:**

A **Variance Request** To Allow A Swimming Pool To Be Located A Minimum Of 1 Foot From The Rear Property Line, And A **Variance Request** To Allow A Retaining Wall To Be Located A Minimum Of 0 Inches From Any Lot Line For The Property Located At 1009 Fair Street (F.Z.O. 5.2.7.O. and 13.2.2.A.).

**PURPOSE:**

**PROJECT INFORMATION**

COF Project Number: 8750  
Applicant: Patrick Ogle  
Owner: Patrick Ogle

**BACKGROUND/STAFF COMMENTS:**

**Vicinity Zoning/Land Use**

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

**Applicable Zoning Ordinance Provisions**

**20.10 Variance**

A. The purpose of a variance is to:

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

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

**5.2.7.O. Use Regulations; Accessory Uses and Structures; Swimming Pools**

Outdoor swimming pools on residential lots shall be located at least ten feet behind the front facade and at least five feet from any lot line.

### **13.2.2.A. Retaining Walls; Location**

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.

#### **Background**

The subject property is located at 1009 Fair Street and is zoned R-4 Residential District. The property is also located within the Historic Preservation Overlay (HPO) and the Central Franklin Overlay (CFO). There is an existing home on the lot, and there is an accessory structure that has received approval from the Historic Zoning Commission to have major rework done. The accessory structure was originally located right at the rear and side property lines, and will be at that same location when it is finished. The existing home is located approximately 55 feet from the front lot line, and about 15 feet from the rear property line, so it is situated towards the back of the property. Due to the location of the existing house, the space in the backyard is limited. The homeowner is proposing a 9 by 21-foot swimming pool in the backyard and, due to the slope in the backyard, a 2-foot retaining wall would be necessary to level the backyard for the pool. The proposed retaining wall would abut the rear and side property lines with a 0-foot setback, and the pool would be located adjacent to the retaining wall with a 1-foot setback from the rear lot line. A 2-foot retaining wall is required to be located at least 5 feet from any property line, and swimming pools are required to be located at least 5 feet from any property line. Seeing as the proposed retaining wall and swimming pool do not meet the Zoning Ordinance setback requirements, the applicant is requesting a variance to allow a swimming pool to be located a minimum of 1 foot from the rear property line, and a variance to allow a retaining wall to be located a minimum of 0 inches from any lot line.

Staff would also like to note that the property received approval from Historic Preservation Staff for a 7-foot tall fence in the backyard, but they did not receive approval for a retaining wall in the backyard, so if the retaining wall request is approved, they will need to get approval for the wall from Historic Preservation Staff.

#### **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 A Swimming Pool To Be Located A Minimum Of 1 Foot From The Rear Property 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 existing house is located uniquely towards the rear of the property, which leaves very limited space in the backyard. Given the limited space in the backyard, this property would not be able to accommodate a reasonably sized swimming pool within the Zoning Ordinance requirements. With the rear lot line being about 15 feet from the rear facade of the house, and the setback for the swimming pool being 5 feet, there is only 10 feet of backyard space for a swimming pool. That does not leave enough room for the necessary retaining wall, the pool, and the necessary space between the house and the pool. 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 results in a backyard space too small to fit a reasonably sized swimming pool. With the rear lot line being about 15 feet from the rear facade of the house, and the setback for the swimming pool being 5 feet, there is only 10 feet of backyard space for a swimming pool. The setback regulation creates a backyard space too small to install a reasonably sized swimming pool. Staff finds this criteria is met.

3. Such relief may be granted without substantial detriment to the public good and without substantially impairing the purpose and intent of the Zoning Ordinance.

Staff finds that this request would not be a substantial detriment to the public good and would not substantially impair the purpose and intent of the Zoning Ordinance. The intent of this ordinance is to provide space between pools and neighboring properties as a small buffer for noise and pool activities. The owner is proposing a 5-foot fence on top of the 2-foot retaining wall to provide privacy and a barrier between the properties. This meets the intent of the ordinance and ensures that the swimming pool won't be a detriment to the neighboring properties. Staff finds this criteria is met.

### **Request 2: To Allow A Retaining Wall To Be Located A Minimum Of 0 Inches From Any 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 existing house is located uniquely towards the rear of the property, which leaves very limited space in the backyard. Given the limited space in the backyard, this property would not be able to accommodate a reasonably sized swimming pool. If the retaining wall were to be located within the required setbacks, there would not be enough space for the swimming pool. For this reason, in order to be able to put a pool in the backyard, the retaining wall is not able to comply with the Zoning Ordinance regulations. Staff finds this criteria is met, with the condition that Request 1 meets the criteria for granting a Variance.

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 prevent a retaining wall to level the backyard space from being located far enough from the existing house to allow for a reasonably sized swimming pool in this case. If the retaining wall were to be located within the required setbacks, there would not be enough space for the swimming pool. For this reason, in order to be able to put a pool in the backyard, the retaining wall is not able to comply with the Zoning Ordinance regulations. Staff finds this criteria is met, with the condition that Request 1 meets the criteria for granting a Variance.

3. Such relief may be granted without substantial detriment to the public good and without substantially impairing the purpose and intent of the Zoning Ordinance.

Staff finds that this request would not be a substantial detriment to the public good and would not substantially impair the purpose and intent of the Zoning Ordinance. The intent of this ordinance is to ensure that if a retaining wall were to collapse, it would not collapse onto the neighbor's property, and to ensure that it wouldn't negatively impact stormwater flow between properties. The retaining wall

would be holding back ground that slopes up from this property to the neighbor's property behind, so if the wall were to collapse it would collapse in on the owner's property, and it wouldn't be visible from the neighbor's property behind. The retaining wall will also encourage stormwater to travel to the existing catch basin that will collect the stormwater, and it will exit at the front of the property. Additionally, the retaining wall is proposed to have a fence on top of the wall, which will provide privacy between the properties. Staff finds this criteria is met.

**FINANCIAL IMPACT:**

Unknown.
























**RECOMMENDATION:**

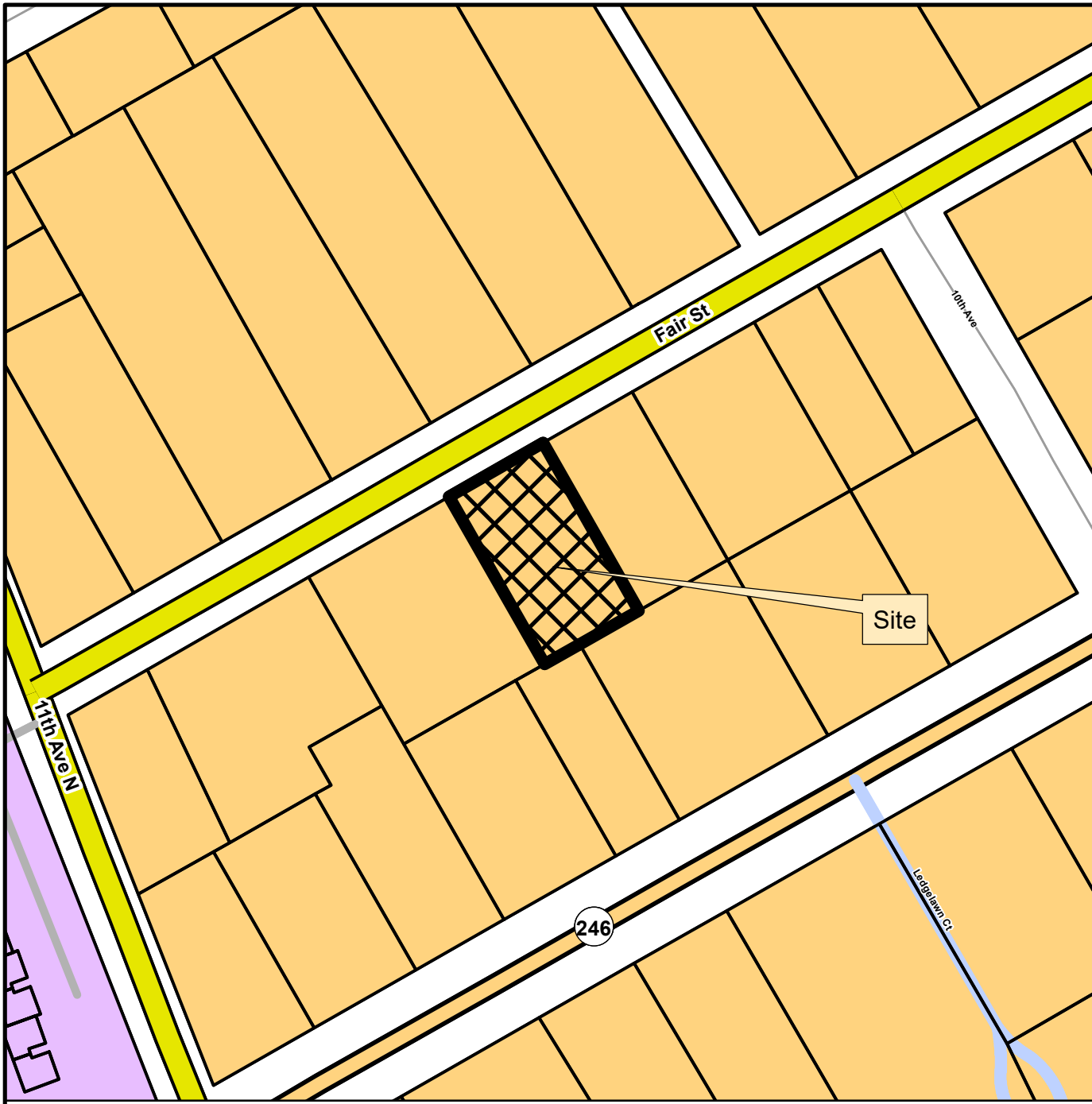
**RECOMMENDED MOTION:** Staff recommends the Board of Zoning Appeals move to **approve** the **Variance Request To Allow A Swimming Pool To Be Located A Minimum Of 1 Foot From The Rear Property Line**, and **approve** the **Variance Request To Allow A Retaining Wall To Be Located A Minimum Of 0 Inches From Any Lot Line (with the condition that request 1 is approved) For The Property Located At 1009 Fair Street**, because the criteria for granting a variance have been met.

1009 FAIR STREET  
 TAX MAP 078B, GROUP J, PARCEL 00400  
 BOARD OF ZONING APPEALS  
 MAY 1, 2025

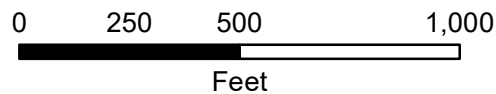
\*\*This property is within the HPO and CFO overlays.  
 These overlays are not shown for clarity purposes.

**Legend**

-  1009 Fair Street
-  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 District
-  CC Central Commercial District
-  DD Downtown District
-  1ST Avenue District
-  5TH Avenue District
-  RC4 Regional Commerce 4 District
-  RC6 Regional Commerce 6 District
-  RC12 Regional Commerce 12 District
-  GO General Office District
-  LI Light Industrial District
-  HI Heavy Industrial District



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Patrick E. Ogle, Esq.  
1009 Fair Street LLC  
P.O. Box 1447  
Franklin, TN 37065  
[1009FairStreet@gmail.com](mailto:1009FairStreet@gmail.com)

April 7, 2025

Board of Zoning Appeals  
City of Franklin  
120 9th Ave South  
Franklin, TN 37064

c/o Ariella Stanford, Planner  
Planning Department  
[ariella.stanford@franklintn.gov](mailto:ariella.stanford@franklintn.gov)

Re: Requests for Variances at 1009 Fair Street (Retaining Wall and Pool)

Dear Board:

This application is to request the following variances from the Franklin Zoning Ordinance (January 1, 2025) (the “Code”) for the property located at 1009 Fair Street, Franklin, Tennessee 37064 (the “Property”):

1. A variance request to allow a retaining wall in the back yard of the Property that would encroach into the 5’ setback.
2. A variance request to allow a swimming pool in the back yard of the Property that would encroach into the 5’ setback.

**Description of the Property**

Owner:	1009 Fair Street LLC
Applicant:	Patrick E. Ogle, Manager
Parcel ID:	078G J 00400 00009078B
Zoning Classification:	R-4 Residential
Historical District:	Hincheyville
Flood Zone:	None
Relevant Easements:	None
Property Dimensions:	73.89’x133.31’x73.90’x132.70’
Property Size:	9,826 sq. ft. (0.23 acres)
Regulatory Implications:	Section 13.2.2.A of the Code (Retaining Walls) Section 5.2.6 of the Code (Pool) Section 5.2.7(O)(1) of the Code (Pool)

## **Historical Context of the Property**

The subdivision of the Property from its original parcel and the construction of the primary dwelling and accessory dwelling all pre-date the regulatory setback requirements in the Code and its predecessor ordinances.

As a result, with respect to the Property: (i) the distance between the primary dwelling and the rear property line is 15'2"; (ii) the accessory dwelling does not have any setback behind the primary dwelling; (iii) the accessory dwelling is located on both the rear and left zero lot lines; and (iv) the existing driveway and parking pad are substantially located on the left zero lot line.

The Property also is non-conforming with the average façade setbacks in the neighborhood. All of the houses on the odd address side of Fair Street from 9th Avenue to 11th Avenue existed as of 1928 (except 1001 Fair Street), with their current frontage setbacks, and the majority of those frontage setbacks are approximately one-half the distance (20'-25') as those of 1011, 1009, and 1007 Fair Street (50'-55').

The reason the Property and the adjacent parcels to each side of the Property do not conform to the common neighborhood setback is they were subdivided from the dominant Campbell estate in 1919 that previously extended from Main Street to Fair Street (formerly Wall Street) and were contemporaneously constructed circa 1920.

Therefore, the location of the primary dwelling on the lot is uniquely non-conforming to both the minimum 10' frontage setback in the Code but also to similarly situated properties in the neighborhood of the same era.

These historic circumstances make the Property unique as a matter of law and as a practical matter regarding the intended useful spaces of the Property.

## **Retaining Wall Request**

The applicant requests a variance to construct a retaining wall on the zero lot lines at the rear and left sides of the Property because the wall will not meet the requirement for a minimum set back from a lot line of 5' or the distance equal to the height of the wall, whichever is greater. See Section 13.2.2.A of the Code.

The proposed wall will be 24" from the lowest finished grade or permanent pool elevation to the top of the wall and will comply with all other standards set forth in Section 13.2.4 of the Code.

Notably, the Property is located downhill from the two adjacent properties at the rear of the lot (1010 and 1012 W Main Street) with a slope that descends 18"-24" within 5' of each side of the rear Property line (from 656' to 654' of elevation).

The applicant's intent is to level the back yard of the Property through minimally invasive excavation, which will create a terraced ledge of approximately 24" below the neighboring property elevation. Given the proximity of the primary dwelling and the accessory dwelling, and of the proposed pool, a retaining wall will be necessary to preserve

the limited lot space behind the façade and to control any potential stormwater erosion on the Property.

The proposed retaining wall will be made of brick and concrete masonry unit (CMU) construction with materials that conform with both building code and historic zoning requirements. The applicant believes that Historic Planning staff have the authority to approve these materials without further application to the Historic Zoning Commission.

The retaining wall also will have such angles and slope as may be necessary to encourage or direct stormwater to be collected on the Property in an existing catch basin that exits stormwater on the Property first between the proposed retaining wall and accessory dwelling and ultimately in the front yard near Fair Street.

From left to right in the rear of the Property, the retaining wall will marry to the previously approved 7' fence on the left property line, proceed 15' along the left property line to the rear property line, make the corner to the right, continue 45' along the rear property line, and terminate on the right side of the accessory dwelling, which is located on the zero lot lines at the rear and right sides of the Property.

***Justifications for the Retaining Wall:***

- The Property shape is unremarkable. However, the geography and historic location of the structures on the Property are both unique and exceptional. Specifically, the topography in the rear of the Property is unique in that Main Street and the three properties located behind the Property are both at a superior elevation to the Property, and stormwater (especially flash flood water) cascades into the rear of the Property and bombards the primary dwelling, accessory dwelling, and landscaping.
- Strict application of the Code will result in practical difficulties and undue hardship on the owner. Specifically:
  - The Property is one of (if not the) last property to be substantially improved in the Hincheyville Historic District in the past 50 years (i.e., prior to implementation of the historic and modern zoning codes). As a result, the setback rules were not a relevant consideration when the Property was subdivided from its originating parcel in 1919 and the home was constructed circa 1920. Therefore, it is highly impractical to apply modern setback rules to this Property.
  - The adjacent homes on Fair Street have structures and retaining walls that encroach upon and occupy the space between the rear of the primary dwellings and the rear lot lines, each within 5' of or on the zero lot line.
  - The actions of the owner did not create the hardship because the circumstances existed as the result of the Property having been subdivided and planned prior to the existence of the Code.
  - These circumstances are substantially unique to the originating parcel and the Property, and the request is not based on any financial hardship or a desire to increase the value or income potential of the Property.

- If granted, the variance will not alter the essential character of the locality.
- The requested relief may be granted without substantial detriment to the public good or impairing the intent and purpose of the Code. Specifically:
  - The requested variance will not negatively affect the public welfare or be injurious to other land or improvements in the neighborhood where the Property is located.
  - The requested variance will not impair an adequate supply of light and air to the adjacent properties, substantially increase the congestion of the public streets, increase the danger of fire, or endanger the public safety.
  - The requested variance is the minimum action required to eliminate the hardship.
  - The requested variance does not involve a use that is disallowed or uncommon within the R-4 residential zoning district.

**Swimming Pool Request**

The applicant requests a variance to install a swimming pool within the 5’ rear setback required by the Code. See Section 5.2.7(O)(1) of the Code. The proposed pool will be at the lowest elevation in the rear of the Property, flush with the surrounding landscaping, and have dimensions of 9’ by 21’ by 4’, and be rectangular in shape. It will be constructed of pre-engineered, steel-reinforced concrete and located a sufficient safe and structural distance from all adjacencies.

The applicant believes that swimming pools are both compatible with the R-4 residential zone classification and otherwise within the Hincheyville Historic District, as there are at least 3 pools on Fair Street, 2 on Main Street, and 1 on LedgeLawn Court.

The applicant also believes that the proposed swimming pool will be consistent with other permanent recreational features that encroach upon the legal setback in the Hincheyville Historic District, such as an existing full-size tennis court located on the zero lot lines on both the left and right sides of its parcel.

In addition, the applicant believes this request is consistent with prior precedent, as the Board has allowed multiple variances for a single property that had the purpose of facilitating the installation of an elevated swimming pool, as well as a variance to allow a swimming pool to be located in the front yard of a newly subdivided parcel.

***Justifications for the Swimming Pool:***

- As noted above, the Property shape is unremarkable. However, the geography and historic location of the structures on the Property are both unique and exceptional. Specifically, while the lot itself is not shallow, the historic location of the primary dwelling is set back 55’ from the front of the lot and only 15’2” from the rear of the lot, making the useful space of the lot significantly shallow. Therefore, 4,065 sq. ft. (or 41.36%) of the Property is unusable due to the historic location of the primary dwelling, without further subtracting the side and rear setbacks.

- Strict application of the Code will result in practical difficulties and undue hardship on the owner. Specifically:
  - The subdivision of the Property in 1919 and the location of the structures in 1920 did not contemplate any use restrictions in the future. As a result, to impose the Code setbacks on the Property now would unfairly disadvantage the owner from being able to use the Property in the manner otherwise allowed for properties of this size in the R-4 residential zoning that meet the minimum permeable space and maximum surface coverage requirements of that zoning classification.
  - The adjacent homes on Fair Street have structures that encroach upon and occupy the space between the rear of the primary dwellings and the rear lot lines, each within 5' of or on the zero lot line.
  - The actions of the owner did not create the hardship because they existed as the result of the Property having been subdivided and planned prior to the existence of the Code.
  - These circumstances are substantially unique to the originating parcel and the Property, and the request is not based on any financial hardship or a desire to increase the value or income potential of the Property.
  - If granted, the variance will not alter the essential character of the locality.
- The requested relief may be granted without substantial detriment to the public good or impairing the intent and purpose of the Code. Specifically:
  - The entirety of the pool area will be excluded from public view due to the 7' fence to be constructed around its perimeter, as previously approved by the Historic Zoning Commission, with the sole exception being from the third story of the rear neighbor.
  - The fence will be more than sufficient to satisfy safety code requirements, which will be supplemented by an automatic pool cover that also meets code requirements. With the pool location allowed near the retaining wall, there will be more than 3' of ingress and egress space between the primary dwelling and the pool.
  - The requested variance will not negatively affect the public welfare or be injurious to other land or improvements in the neighborhood where the Property is located.
  - The requested variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion of the public streets, increase the danger of fire, or endanger the public safety.
  - The requested variance is the minimum action required to eliminate the hardship.

- The requested variance does not involve a use that is disallowed or uncommon within the R-4 residential zoning district.

Based upon the historical context and justifications set forth above, we respectfully request that the foregoing variance requests be granted in their entirety. Please do not hesitate to contact the undersigned applicant with any questions. Thank you in advance for your consideration.

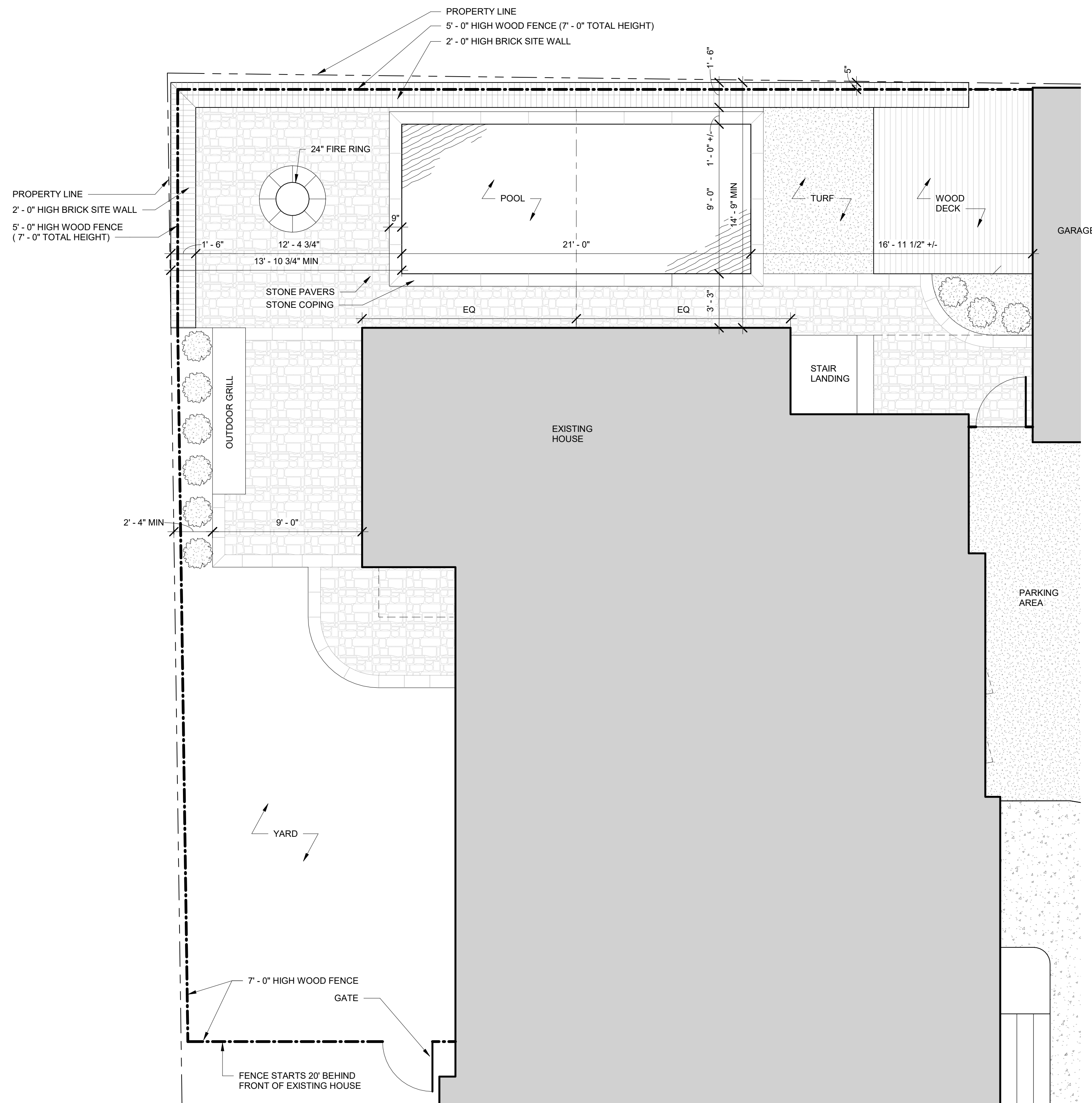
Sincerely,

/s/ Patrick E. Ogle \_\_\_\_\_

Patrick E. Ogle, Manager

1009 Fair Street LLC

Enclosures\



① SITE PLAN // REAR YARD  
1/4" = 1'-0"

### GENERAL NOTES

- SEE G002 FOR ADDITIONAL ZONING AND CODE ANALYSIS
- GRADING PLAN SHOWN FOR DESIGN INTENT ONLY. COORDINATE GRADING PLAN, SITE WALLS, DRAINAGE DESIGN, ETC WITH CIVIL ENGINEER OR LANDSCAPE ARCHITECT.

### SITE PLAN CALCULATIONS

LANDSCAPE SURFACE RATIO: MIN 40%

MAIN HOUSE:  
EXISTING FOOTPRINT 1905 SF  
ADDITION 88 SF  
MAIN HOUSE TOTAL 1993 SF

EXISTING CARRIAGE HOUSE 388 SF  
ADDITION 84 SF  
CARRIAGE HOUSE TOTAL 472 SF

EXISTING DRIVEWAY, FRONT, AND REAR SIDEWALKS TO REMAIN 2097 SF  
EXTENDED PARKING 139 SF  
POTENTIAL FRONT WALK 210 SF  
TOTAL EXISTING HARDSCAPE 2446 SF

NEW POOL AREA HARDSCAPE 930 SF

**TOTAL IMPERVIOUS 5757 SF**

TOTAL LOT AREA (PER SURVEY) 9826 SF

LSR 42%

EXISTING HOUSE MINUS REAR ADDITION: 1386 SF

NEW REAR ADDITION: 88 SF

ADDITION IS 6.3% AREA OF EXISTING HISTORIC HOME

TOTAL BUILDING COVERAGE SF: 2,445 SF

BUILDING COVERAGE (EXISTING + NEW): 24.8% > 35%



BZA  
SUBMISSION

**1009 FAIR STREET RESIDENCE**  
1009 FAIR STREET, FRANKLIN TN 37064

RENOVATIONS AND ADDITIONS

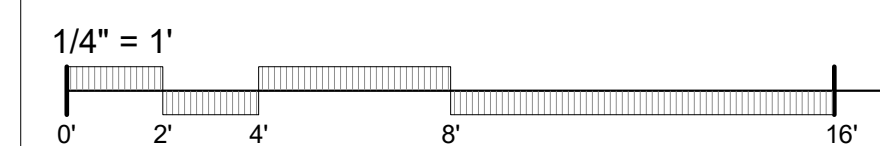
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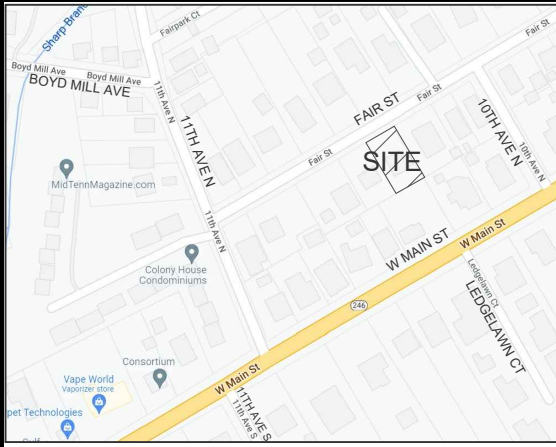
230102

SITE PLAN //  
REAR YARD

**SP101**

### GRAPHIC SCALES



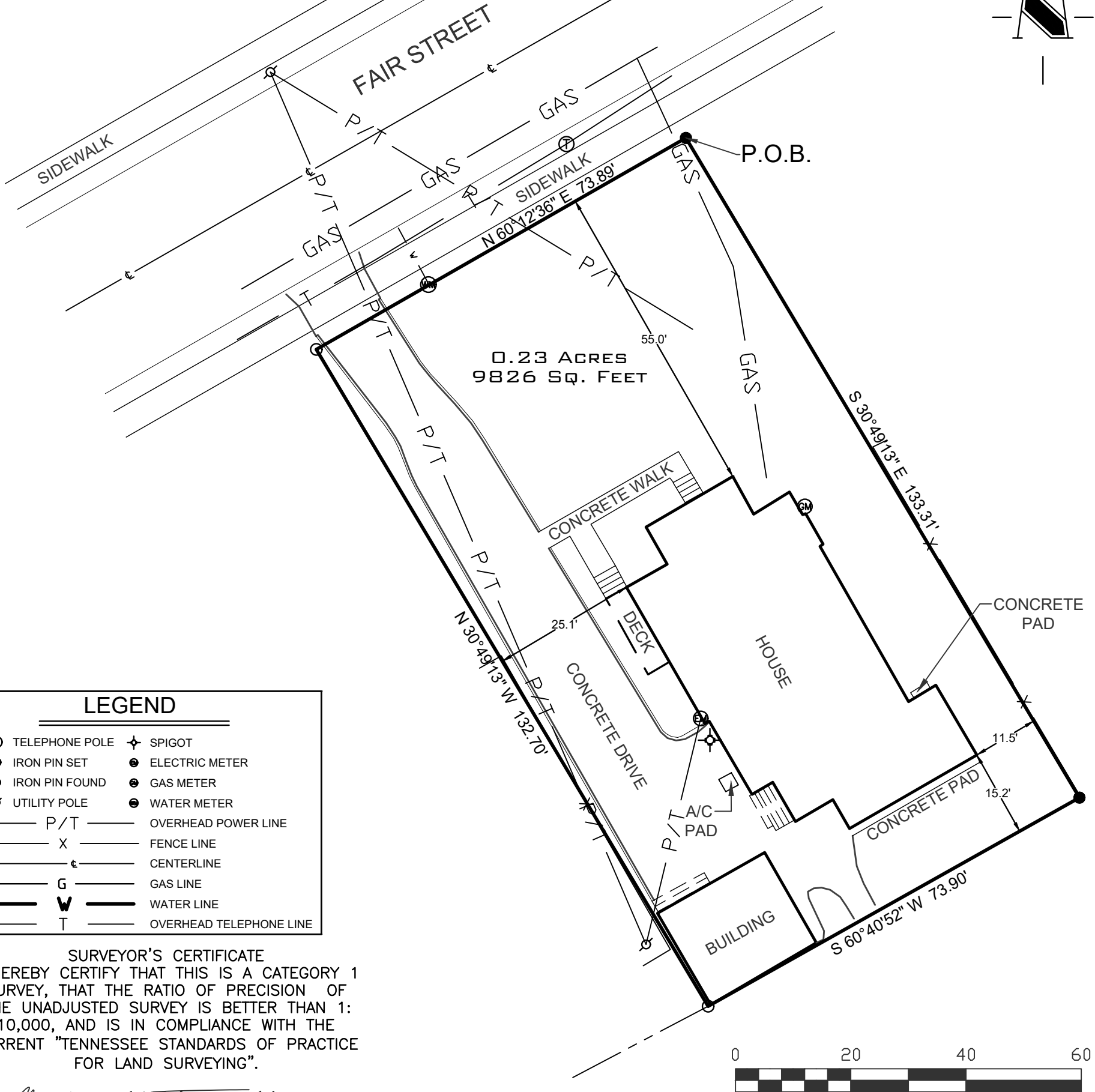
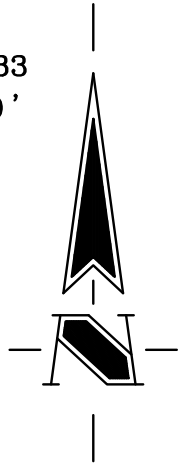


VICINITY MAP N.T.S.



IF YOU DIG TENNESSEE...  
CALL US FIRST!  
1-800-351-1111  
TENNESSEE ONE CALL  
IT'S THE LAW

TN SPCS NAD 83  
SCALE 1" = 20'



LEGEND	
⊕ TELEPHONE POLE	⊕ SPIGOT
○ IRON PIN SET	● ELECTRIC METER
● IRON PIN FOUND	● GAS METER
⊕ UTILITY POLE	● WATER METER
— P/T — OVERHEAD POWER LINE	
— X — FENCE LINE	
— c — CENTERLINE	
— G — GAS LINE	
— W — WATER LINE	
— T — OVERHEAD TELEPHONE LINE	

**SURVEYOR'S CERTIFICATE**  
I HEREBY CERTIFY THAT THIS IS A CATEGORY 1 SURVEY, THAT THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS BETTER THAN 1: 10,000, AND IS IN COMPLIANCE WITH THE CURRENT "TENNESSEE STANDARDS OF PRACTICE FOR LAND SURVEYING".

*J. Mark Cantrell*  
J. MARK CANTRELL, TN PLS# 1859



- No portion of the described tract lies within Floodway, and is shown in the area Zone X as said tract shows on FEMA FIRM Map Number 47187C0192G on the Flood Insurance Rate Maps for City of Franklin, Tennessee (effective date December 22, 2016).
- This survey was prepared from current deeds of record without benefit of facts and does not represent a title search or a guarantee of title, and is subject to any state of facts a current, full, or accurate search may reveal. No investigation of independent search for easements, encumbrances, restrictive covenants, or ownership title evidence has occurred. The surveyor reserves the right to revise any easement(s) not provided for or known of per the date of this survey.
- The utility information shown hereon was taken from actual field evidence, utility agency records, or any other available evidence. Other utilities may exist and may not be shown, or may vary from where shown. No guarantee is expressed or implied in regard to the utility location shown hereon. The Owner(s) and Contractor(s) should assume responsibility to verify utility existence, size, location, depth and availability of service, and be solely responsible for contacting the utility location service prior to commencing construction.
- Basis of bearings is based on the Tennessee State Plane Coordinate System 4100 Zone on the 1983 North American Datum (NAD83).
- In Tennessee it is a requirement of the "Underground Utility Damage Prevent Act" that anyone who engages in excavation must notify all known underground utility owner(s) no less than three nor more than ten working days prior to the date of their intent to excavate and also to avoid any hazard or conflict. The Tennessee One Call telephone number is 1-800-351-1111. No utilities were called, nor marked for this project.

SHEET 1 OF 1	PROJECT 22-1025
DRAWN BY: IIC	DATE: 20 DEC 2022
REVIEWER: JMC	REVISIONS
	NO. DATE
SCALE: 1" = 20'	

BOUNDARY SURVEY  
1009 FAIR STREET LLC-OWNER  
1009 FAIR ST  
DEED BOOK 9114, PAGE 287  
TAX MAP 78G, GROUP J, PARCEL 4.00  
WILLIAMSON COUNTY, TENNESSEE

