



City of Franklin

109 3rd Ave S
Franklin, TN 37064
(615) 791-3217

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. 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 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 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