



City of Franklin

Mailing Address:
109 3rd Ave S
Franklin, TN 37064
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Meeting Agenda

Board of Zoning Appeals

Thursday, August 7, 2025

6:00 PM

Eastern Flank Event Facility

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. 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 at the meeting. Speakers will be asked to fill out a speaker card prior to the meeting starting. Speakers may sit in the meeting 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 before noon on the day before the meeting. Emailed comments will be provided to the Board and included in the minutes, but not read aloud in their entirety during the meeting.

APPROVAL OF MINUTES

1. Consideration Of Approval Of The July 3, 2025, BZA Minutes.

ANNOUNCEMENTS

APPLICATIONS

- 2. A **Variance Request** To Allow A Portion Of A Fence Serving A Nonresidential Use To Be Constructed Without Masonry Columns For The Property Located At 1005 Merylinger Court (F.Z.O. 13.1.3.G.)

Sponsors: Amy Diaz-Barriga, Ariella Stanford

- 3. A **Variance Request** To Allow 108 Parking Spaces Within The Acton Street Frontage Area For A Principal Building For The Property Located At 926 Columbia Avenue (F.Z.O.7.6.)

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, July 3, 2025

6:00 PM

Eastern Flank Event Facility

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CALL TO ORDER

Chair Langley called the meeting to order at 06:02 PM

Board Members Present: Jonathan Langley (chair), Jeff Fleishour, William Scales, Dorinda Smith

Board Members Absent: John Boehms

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 if there were any citizen comments not related to items on the agenda. There were none.

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

APPROVAL OF MINUTES

1. Consideration Of Approval Of The June 5, 2025 BZA Minutes

Sponsors:

A motion was made by Boardmember Smith, seconded by Boardmember Scales, to approve the Minutes from the June 5, 2025, meeting. The motion carried 4-0.

ANNOUNCEMENTS

Chair Langley stated that the applicant for item #2 A Variance Request To Allow A 15-Foot Encroachment Into The Required 20-Foot Rear Yard Setback For An Addition To An Existing Principal Building For The Property Located At 406 Forrest Street (F.Z.O. 3.14.5.) has requested the item to be removed from the agenda.

MOTION

Board Member Smith motioned to remove item #2, A Variance Request To Allow A 15-Foot Encroachment Into The Required 20-Foot Rear Yard Setback For An Addition To An Existing Principal Building For The Property Located At 406 Forrest Street (F.Z.O. 3.14.5.) from the agenda, seconded by Board Member Scales. The motion carried by a vote of 4-0.

APPLICATIONS

2. **A Variance Request To Allow A 15-Foot Encroachment Into The Required 20-Foot Rear Yard Setback For An Addition To An Existing Principal Building For The Property Located At 406 Forrest Street (F.Z.O. 3.14.5.).**

Sponsors: Amy Diaz-Barriga, Ariella Stanford

This item was removed from the agenda during the Announcements by a vote of 4-0.

3. **A Variance Request To Allow The Principal Building To Encroach 10 Feet Into The 25-Foot Front Setback Along Winslow Road With An Additional 6-Foot Appurtenance Encroachment For The Property Located At 246 Myles Manor Court (F.Z.O. 3.7.5.).**

Sponsors: Amy Diaz-Barriga, Ariella Stanford

Staff Presentation: Ariella Stanford

This 0.21 acre property is located at 246 Myles Manor Court and is zoned R-4 Residential 4 District. It is also within the Historic Preservation Overlay and the Central Franklin Overlay. The applicant is proposing a single-family house on the property. Because this is a corner lot, the property has 2 front setbacks: 31-foot setback along Myles Manor Court, and 25-foot setback along Winslow Road. With the width of the lot being approximately 60 feet, the front setback of 25 feet along Winslow Road, and the 7-foot side setback, the width of the buildable area is approximately 28 feet. The applicant has faced challenges designing a home that complies with the 25-foot front setback along Winslow Road that the Historic Preservation Design Review Committee (DRC) would also support. The applicant attended DRC on June 2024, August 2024, and September 2024. The applicant then submitted for a Certificate of Appropriateness (COA) and attended the November 2024 Historic Zoning Commission (HZC) meeting. That COA was denied, and it was discovered that the property needed to be replatted to consolidate the original lots which had been sold by deed but had not established revised lot lines. Once the property was in the process of replatting, the required 25' front setback along Winslow Road was established based on the survey and calculations of the existing block face (per R4 zoning district requirements). When it proved difficult to design a contextually relevant home within the setback requirement along Winslow Road, the applicant submitted design plans to the DRC showing 3 different setback options along Winslow Road: 15', 20', and 25'. Assistant Historic Preservation Planner Elizabeth Bulay sent the following language to the applicant as a recap of the feedback provided by the DRC at the March 2025 meeting:

- There was not support for a house that would be as narrow as it would be required to be with a 25' setback by the commissioners present at the meeting. The narrow building is not compatible with the neighborhood.
- The commissioners supported exploring an option for which the front portion of the building has a 15' setback from the frontage on Winslow Road and the rear of the building has an inset and maintains a greater setback, such as 20' or 25' more along Winslow Road. This may assist in keeping the building compatible with both block faces and be sensitive to the setbacks along Winslow Road.

Staff would like to note that DRC feedback is non-binding, so the feedback they receive regarding their preference for the design is not a binding requirement, purely discussion and feedback.

Based on this feedback, the applicant submitted a new request for a COA and attended HZC in April 2025 and that request

was denied due to architectural details that the HZC determined weren't appropriate for the house. The applicant submitted again for the June 2025 HZC meeting, at which time the application was approved with one condition being that a variance would be necessary for the setback along Winslow Road.

To move forward with the design plans approved by the HZC (with conditions), the applicant is requesting a variance to allow the principal building to encroach 10 feet into the 25-foot front setback along Winslow Road with an additional 6-foot appurtenance encroachment for the front porch.

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 lot is not narrower than the rest of the lots along Myles Manor court on average, but being a corner lot and having 2 front setbacks does limit the buildable area of the lot to a smaller width than the existing houses on the street. In addition to the narrow condition of the lot, the property being in the Historic Preservation Overlay requires them to get approval from the Historic Zoning Commission (HZC). Since the DRC gave the applicant feedback to move forward with the 15' setback along Winslow Road, the HZC likely would not have approved a house with a 25' setback because the DRC determined it would not fit the context of the historic neighborhood. Seeing as the narrow condition of the lot likely would have prevented the HZC from approving a house that fits within the required setbacks, 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 does present exceptional practical difficulties for the owner of this property. Given the required setbacks, the house would need to be narrower than the rest of the houses on Myles Manor Court, and the design of the house would not fit the context of the street. Seeing as this is a historic neighborhood, the house fitting the context of the street is a reasonable concern, as it is a concern to both the owner of the house and to the DRC and HZC. Complying with the required setbacks would likely prevent approval from the HZC; therefore, 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 detriment to the public good and would not impair the intent of the Zoning Ordinance. The intent of designing this house with a 15-foot setback from the lot line to the house is to construct a house that fits the context of the historic neighborhood. The Zoning Ordinance regulation for the front yard setback is that principal buildings much match the average setback of existing buildings on the same block face, but no closer to the front lot line than the closest adjacent building. The intent of this regulation is that houses would be designed to fit the context of the neighborhood. The goal of this design is to meet the intent of this Zoning Ordinance regulation. The width of the house helps the design fit the context of the houses along Myles Manor Court, and the varied setback of the house along Winslow Road helps that front setback fit contextually along Winslow Road. Staff finds this criteria is met.

Recommendation:

Staff recommends that the Board of Zoning Appeals move to approve the Variance Request To Allow The Principal Building To Encroach 10 Feet Into The 25-Foot Front Setback Along Winslow Road With An Additional 6-Foot Appurtenance Encroachment For The Property Located At 246 Myles Manor Court, because the criteria for granting a variance have been met.

Applicant Presentation:

Andrew King. Mr. King stated that the process of finding the acceptable massing for the building has taken a year appearing before the HZC and the Design Review Committee. Mr. King provided a brief history by explaining that 5-6 lots were subdivided in the 1990's but never officially platted. Also, Mr. King noted that the requested setback is the same as the

corner lot on Miles Manor Court.

Public Comments: None

MOTION (Public Comment)

Board Member Smith motioned to close the public comment section for Item #3, seconded by Board Member Fleishour. The motion carried by a vote of 4-0.

MOTION

Board Member Smith motioned to approve A Variance Request To Allow The Principal Building To Encroach 10 Feet Into The 25-Foot Front Setback Along Winslow Road With An Additional 6-Foot Appurtenance Encroachment For The Property Located At 246 Myles Manor Court (F.Z.O. 3.7.5.), seconded by Board Member Fleishour. There was no discussion on this item, and the motion carried by a vote of 4-0.

4. A Variance Request To Allow A Roof Pitch Of 1.5:12 For An Addition To An Existing Building For The Property Located At 109 Carolyn Avenue (F.Z.O. 6.3).

Sponsors: Amy Diaz-Barriga, Ariella Stanford

Staff Presentation: Ariella Stanford

This 0.44 acre property is located at 109 Carolyn Avenue and is zoned R-4 Residential 4 District. The applicant is proposing an addition onto the back of the existing house. The existing house has multiple roof elements, with their roof pitches ranging from 3:12 to 5:12. To extend the roof of the addition from the existing roofline, the applicant would like for the addition to have a roof pitch of 1.5:12. The roof pitch of a house is permitted to be between 3:12 and 12:12 per the Zoning Ordinance. For this reason, the applicant is requesting a variance to allow a roof pitch of 1.5:12 for an addition to an existing 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. Staff finds there is no condition of the property preventing the addition to this home from having a 3:12 roof pitch. While it may not achieve the desired view of the house from the front, it is possible to accommodate development as required under this ordinance. Staff finds this criteria is not met.
2. The strict application of the Zoning Ordinance in this case causes practical difficulties in designing the addition. To achieve a roof pitch of 3:12 for the addition to the house, the roofline of the existing house would need to be extended upward and complicates the design of the addition. While this can be achieved, it does impose practical difficulties for cohesive construction. Staff finds this criteria is met.
3. Staff finds this request would not be a detriment to the public good or impair the intent of the Zoning Ordinance. The intent of the addition having a 1.5:12 roof pitch is to maintain the existing roofline view from the street. This would ensure that the low profile character of the house is maintained, and the house would fit the context of the street. The intent of this Zoning Ordinance regulation is to maintain consistency in the design and character of houses. Designing this addition in a way that minimizes the alteration of the character and view of the house from the street meets the intent of this ordinance regulation. Staff finds this criteria is met.

Recommendation:

Staff recommends the Board of Zoning Appeals move to deny the Variance Request To Allow A Roof Pitch Of 1.5:12 For An Addition To An Existing Building For The Property Located At 109 Carolyn Avenue, because the criteria for granting a variance have not all been met.

Applicant Presentation:

Gideon Fox, property owner. Mr. Fox explained that he and his wife purchased the one level mid-century home with the intent of maintaining the historic character of the home after remodeling. Mr. Fox stated that regarding criteria one, the uniqueness of the lot is that the building sits at the highest elevation on the street, looking down onto the other homes as

they step down in elevation. The roof pitch required by the ordinance is like placing a church steeple on top of a mid-century home making it stand out and different than the other homes on the street. Mr. Fox finished by providing photos of homes along Caroline Avenue for comparison and stated that the ordinance is keeping the home from how it was originally and historically intended.

David Ayres, Architect. Mr. Ayres explained that the goal is to maintain the look and design of the mid-century home in this section of old Franklin. In this case, the enforcement of the ordinance defeats the intent and purpose of the ordinance. The flat roof on the back of the home is very normal and typical for a home along Caroline Avenue and like the existing homes.

Nona Fox, property owner. Mrs. Fox stated that she has been a realtor in Franklin for 30 years and several years ago listed a modern mid-century home on Adams Street. Because the home is in the historic overlay, the owner was not allowed to update the roof line due to the variance requirements. The homeowner sold the home for this reason. Caroline Avenue is about 100 yards from this home and is required to meet the zoning requirements for roof pitch. Both homes are mid-century modern era homes, yet one requires a change to the roof pitch, and one requires maintenance of the existing roof pitch with no alterations. The HZC focuses on preserving the integrity of roof lines of mid-century modern homes in downtown Franklin creating a conflict within the ordinances. Mrs. Fox stated that architecturally from the front elevation, roof modification cannot be seen and noted that there is a 12-foot elevation drop between property lines.

Public Comment:

Gail Parker, 200 Carolyn Avenue. Ms. Parker stated that Caroline Avenue is one of the only streets that the original homes have not been demolished and replaced with large new homes. Ms. Parker asked the Board to allow Caroline Avenue to remain as it is now.

MOTION (Public Comment)

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

MOTION

Board Member Smith motioned to approve A Variance Request To Allow A Roof Pitch Of 1.5:12 For An Addition To An Existing Building For The Property Located At 109 Carolyn Avenue (F.Z.O. 6.3) because the criteria for granting a variance request have been met, seconded by Board Member Scales.

Board Member Smith stated that the extraordinary and exceptional situation or conditions of the property are that the home is situated on a street of mid-century modern homes and by elevating the roofline to a higher pitch would not be in keeping with the overall neighborhood. Therefore, criteria number one has been met.

Board Member Scales stated that he agrees with Ms. Smith and to add a higher-pitched roof takes away from the character of the neighborhood, which is especially important to maintain.

Chair Langley also agreed with the motion to approve and added that there are not many mid-century homes left, particularly an entire street of ranch-style homes. Chair Langley stated the importance of preserving the mid-century modern homes.

With no further discussion, the motion carried by a vote of 4-0.

5. **A Variance Request To Allow A 2-Foot And 6-Inch Encroachment Into The Required 7-Foot Side Yard Setback For An Existing Principal Building, And A Variance Request To Allow A 2-Foot And 6-Inch Encroachment Into The Required 5-Foot Side Yard Setback For An Existing Appurtenance On An Accessory Structure, And A Variance Request To Allow A Lot To Have A Minimum Landscape Surface Area Of 26 Percent For The Property Located At 417 Forrest Street (F.Z.O. 3.7.5., 12.2.2.).**

Sponsors: Emily Wright, Amy Diaz-Barriga, Ariella Stanford

Staff Presentation: Ariella Stanford

This 0.22-acre lot is located at 417 Forrest Street and is zoned R4 Residential 4 District. There is an existing house and

accessory structure on the lot. The existing house, accessory structure, and paved areas were built in 2022, but were not built according to the building permit that was submitted and approved in November 2022. As a result of this, there are multiple Zoning Ordinance violations:

1. The existing house encroaches into the east side setback. Principal buildings in the R4 zoning district are required to have a minimum side setback of 7 feet. The house is located approximately 4 feet and 8 inches from the side lot line, and may need to encroach up to 4 feet and 6 inches from the lot line to fire-rate that side wall of the house, hence the variance request to encroach up to 2 feet and 6 inches into the 7-foot setback. Structures that are located less than 5 feet from a property line are required to fire rate the structure along that property line for safety purposes. There is a possibility that they could install a sprinkler system to resolve the issue, but they may need to add additional material to the side of the house to fire rate that wall if a sprinkler system is not feasible for this property. Staff has confirmed that this solution should not add more than 2 inches onto the side of the house, if that is the solution they need to pursue.
2. The appurtenance (concrete patio) attached to the accessory structure in the backyard encroaches into the west side setback. This concrete patio was not shown on the approved Building Permit and qualifies as an appurtenance. Appurtenances are allowed to encroach up to 5 feet into a side yard setback, but no closer than 5 feet from the lot line. This patio is 2.5 feet from the side lot line.
3. The lot does not meet the Zoning Ordinance minimum Landscape Surface Area (LSA) requirement. The approved Building Permit showed significantly less paved area than what was built, and the paved driveway was shown as permeable pavers. There is a portion of permeable pavers in front yard area, but the rest of the paved areas on the lot are impervious concrete. As calculated on the submitted survey, the LSA is currently 26%. R4 Residential zoning district requires a minimum of 40% LSA.

Due to the complicated history of this lot, Staff finds it relevant to provide a timeline of events:

- 11/14/2022 - Building Permit approved by the City of Franklin
- 2022 to 2024 - Building inspections were performed as established in the 2018 International Residential Code and the City of Franklin inspection schedule. Zoning ordinance violations are not intended to be caught through the building inspection process. Building inspections are only to ensure the minimum building code is met.
- September 2024 - A red sign was posted on the property, stating that this house did not yet have a Certificate of Occupancy and was not yet allowed to be occupied.
- 2023 to 2024 - The owner attempted to sell the house.
- Staff further studied the plans and a site visit to the property brought into question the placement of the building on the lot. After confirming the discrepancies between the approved Building Permit and the house that was built, Shanna McCoy (City of Franklin's Zoning and Floodplain Administrator) made the owner of the home aware that there were multiple aspects of the home that did not meet the Zoning Ordinance requirements.
- 2025 - The owner was not able to sell the house, and the bank foreclosed on the home at the beginning of 2025.
- 2025 - First Bank listed the property with Pilkerton Realtors.
- 3/10/2025 - Shanna McCoy spoke with the listing agent with Pilkerton Realtors. Shanna McCoy explained that the existing home is encroaching into the side setback, and that a Certificate of Occupancy would not be issued until either a variance is issued or the structure is moved or demolished and rebuilt. She also explained that the driveway has to be removed and replaced with pervious material (to meet the LSA requirement).
- 3/13/2025 - Brian Biglin closed on the house.
- 3/14/2025 - Brian Biglin came to the Building and Neighborhood Services department and spoke with Randall Tosh and William Holcomb regarding the property. Brian Biglin then submitted a record's request for the property. Shanna McCoy spoke with Mr. Biglin on the phone during the week of March 17th-21st and explained the issues. Ms. McCoy then scheduled a meeting with Mr. Biglin for March 26th. Mr. Biglin came to the meeting with an attorney and Bill Squires (City of Franklin Assistant City Attorney) was unavailable so the meeting had to be rescheduled. The meeting was rescheduled for April 2nd, and Staff went through all the issues with Mr. Biglin.

Given the existing Zoning Ordinance violations, the applicant is requesting 3 variances:

1. A Variance Request To Allow A 2-Foot And 6-Inch Encroachment Into The Required 7-Foot Side Yard Setback For An Existing Principal Building
2. A Variance Request To Allow A 2-Foot And 6-Inch Encroachment Into The Required 5-Foot Side Yard Setback For An Existing Appurtenance On An Accessory Structure
3. A Variance Request To Allow A Lot To Have A Minimum Landscape Surface Area Of 26 Percent

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 2-Foot And 6-Inch Encroachment Into The Required 7-Foot Side Yard Setback For An Existing Principal Building.

1. Staff does not find any extraordinary conditions of this property that would prevent a single-family home from being located the required 7 feet from the side property line on this property. The approved Building Permit shows that an approximately 2,000 square-foot home could be built within the setback requirements of this lot. Staff finds this criteria is not met.
2. Staff does not find that 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 hardship of needing to remedy the existing house that was built out of compliance is self-imposed. The practical difficulties presented by this situation are a result of the house not being built according to the approved plans, not a result of the strict application of the Zoning Ordinance. Staff finds this criteria is not met.
3. Staff finds that this request may be a detriment to the public good and would impair the intent of the Zoning Ordinance. The house is located very close to the neighboring house at 415 Forrest Street. Part of the intent of this zoning ordinance regulation is to provide a buffer between buildings and to have aesthetic consistency with setbacks in a neighborhood. With this house being so close to the side lot line and the neighboring house also being close to that lot line, the space between the buildings is only 6.6 feet and does not seem to be a sufficient buffer for the property owners, and does not fit the context of the street. This does not meet the intent of the zoning ordinance. Staff finds that this criteria is not met.

Request 2: To Allow A 2-Foot And 6-Inch Encroachment Into The Required 5-Foot Side Yard Setback For An Existing Appurtenance On An Accessory Structure.

1. Staff does not find any extraordinary conditions of this property that would prevent development of an accessory structure and appurtenance within the setbacks on this property. The approved Building Permit shows an accessory structure built within the setback requirements of this lot, and it was not a condition of the lot that required the appurtenance to be located within the side setback. Staff finds this criteria is not met.
2. Staff does not find that 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 hardship of needing to remedy the existing appurtenance that was built out of compliance is self-imposed. The practical difficulties presented by this situation are a result of the appurtenance not being built according to the approved plans, not a result of the strict application of the Zoning Ordinance. Staff finds this criteria is not met.
3. Staff finds that this appurtenance may be a detriment to the public good and would impair the intent of the Zoning Ordinance. Most of the driveway is located against the property line, where the original driveway was located. At the review of the Building Permit, Staff required that any new portion of the driveway would need to curve away from the property line to comply with the required 5-foot setback for driveways. With this required curve and setback of the driveway, it is apparent that the patio encroaches closer to the lot line than the back of the driveway and accessory structure are allowed to be. In addition, the patio being so close to the neighboring property to the west may cause noise or nuisance concerns. Staff finds this criteria is not met.

Request 3: To Allow A Lot To Have A Minimum Landscape Surface Area Of 26 Percent

1. Staff does not find any extraordinary conditions of this property that would prevent development with the required 40% LSA on this property. The approved Building Permit meets the LSA requirements, and it was not a condition of the lot that required the additional paved areas and the lack of pervious pavement. Staff finds this criteria is not met.
2. Staff does not find that 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 hardship of needing to remedy the existing pavement that was installed out of compliance is self-imposed. The practical difficulties presented by this situation are a result of the pavement not being installed according to the approved plans, not a result of the strict application of the Zoning Ordinance. Staff finds this criteria is not met.

3. Staff finds that this request may be a detriment to the public good and would impair the intent of the Zoning Ordinance. Part of the intent of the minimum Landscape Surface Area (LSA) regulation is to ensure that stormwater runoff is not displaced onto neighboring properties. With most of the lot being covered in impervious pavement, stormwater runoff will likely be displaced to the neighboring properties. LSA is also regulated to preserve green space, encourage sustainable development, and maintain consistency in the design of lots. Covering 73.9% of the lot in impervious surfaces does not align with the intent of sustainable development and green space preservation, and it is apparent that the LSA provided on this lot is not consistent with the neighboring properties. Staff finds this criteria is not met.

Recommendation:

Staff recommends the Board of Zoning Appeals move to deny the Variance Request To Allow A 2-Foot And 6-Inch Encroachment Into The Required 7-Foot Side Yard Setback For An Existing Principal Building, And deny the Variance Request To Allow A 2-Foot And 6-Inch Encroachment Into The Required 5-Foot Side Yard Setback For An Existing Appurtenance On An Accessory Structure, And deny the Variance Request To Allow A Lot To Have A Minimum Landscape Surface Area Of 26 Percent For The Property Located At 417 Forrest Street, because the criteria for granting a variance have not been met.

Applicant Presentation: Brian Biglin

Mr. Biglin stated that the home was purchased through the bank as a foreclosure with disclosure of information about the property not required. Mr. Biglin stated that everything on the inside of the building was stripped but the building was structurally sound. The initial information disclosed about the property was a Certificate of Occupancy was needed with no indication in the public records about the zoning ordinance violations. The red tag posted on the home must have been taken off by the previous owner/builder as there was not a tag attached to the building. Regarding the variance requests for criteria one relating to extraordinary conditions, Mr. Biglin stated that none of the violations, prior to March 2025, were a result of his decisions as the zoning ordinance violations were undisclosed by the seller and undiscoverable through public records. Further, Mr. Biglin stated that throughout the 51 city inspections, errors should have been discovered by the inspectors earlier in the building process and addressed. If required to demolish the property and rebuild, the cost would be around \$1.08 Million. As an insurance policy, Mr. Biglin stated that he purchased the lots to the left and right of the subject property (properties that 417 Forest Street encroaches on).

Public Comment:

Julie Leidel, 427 Forrest Street. Ms. Leidel stated that it is very noticeable how close the home is positioned in relationship to the adjacent property. Ms. Leidel also mentioned her concerns about stormwater runoff and a precedent being set regarding the allowable impervious surfaces in the neighborhood.

Michael Derryberry, 424 Forrest Street. Mr. Derryberry stated that there should be a set of rules for everyone to follow. Also, Mr. Derryberry explained that during the construction of the building everyone could see that the builder was overbuilding on the site, yet no one said anything, despite the many codes inspections.

MOTION (Public Comment)

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

Board Member Scales asked Mr. Biglin when he received his real estate license and when the initial property was purchased. Also, Mr. Scales asked if the applicant contacted staff to determine why a Certificate of Occupancy was required.

Mr. Biglin stated that he received his real estate license prior to purchasing the property at 417 Forrest Street. Mr. Biglin explained that he was new to the process and assumed the CO was not issued because the contents of the structure was stripped of everything usable. Also, Mr. Biglin noted that he was not aware that city staff could be utilized to answer questions or provide direction regarding the situation.

Board Member Fleishour asked if the adjacent lots have existing homes.

Mr. Biglin stated that there are existing homes on the adjacent lots.

Chair Langley asked staff if the applicant could replat the subject property and the adjacent lot, also purchased by the applicant.

Ms. Diaz-Barriga stated that the applicant could consolidate the subject property and the encroached lot to create one lot that would comply with the setback standards, allowing much more space to meet the setback requirements. The additional area created by the consolidation also meets the percentage LSA requirement. However, consolidation would not solve the appurtenance on the other side unless the applicant consolidated all three lots. Ms. Diaz-Barriga also clarified that there could only be one house per lot, so if the applicant consolidated lots, one home would need to be removed.

Board Member Fleishour asked the applicant about the appurtenance regarding the accessory building.

Mr. Biglin stated that it is exceedingly small, amounting to a sidewalk that leads to a back patio. The sidewalk could be removed.

MOTION

Board Member Scales motioned to deny A Variance Request To Allow A 2-Foot And 6-Inch Encroachment Into The Required 7-Foot Side Yard Setback For An Existing Principal Building, And A Variance Request To Allow A 2-Foot And 6- Inch Encroachment Into The Required 5-Foot Side Yard Setback For An Existing Appurtenance On An Accessory Structure, And A Variance Request To Allow A Lot To Have A Minimum Landscape Surface Area Of 26 Percent For The Property Located At 417 Forrest Street (F.Z.O. 3.7.5., 12.2.2.) because the criteria for granting a variance request have not been met, seconded by Board Member Smith.

Board Member Scales stated that he understands that the applicant is dealing with issues prior to his ownership of the property but as a licensed real estate agent and knowing a certificate of occupancy is needed and deciding to purchase the property anyway has created issues for the applicant. If the lots are consolidated, demolition would be required or if the variance requests are granted - there isn't a way to meet each of the criteria for each variance request and remain true to the zoning ordinances, according to Board Member Scales.

Board Member Fleishour stated that the applicant could potentially take care of two out of the three variance requests with demolition but there is still a problem with the principal building being in the setback. Also, according to the distance between homes regarding the side yard setback, there appears to be an issue with the side yard setback of the adjacent home.

Ms. McCoy explained that she did not have a survey on the adjacent property but yes, it is safe to say the building is closer than seven feet to the line and is a non-conforming structure.

Board Member Fleishour stated that with a little bit of work the applicant could meet the requirements for the first two variance requests and then return to the BZA meeting for the third variance request. At this time, Board Member Fleishour stated that he agrees with the motion to deny.

Board Member Smith stated that she is very sympathetic to the applicant's situation, and it is a heart-breaking situation. Looking at the property, it does not meet the zoning requirements or the criteria for granting a variance request. Ms. Smith further stated that she agrees with the motion to deny.

Chair Langley stated that he agrees with the motion to deny and that this situation is a textbook example of what you never want to see for a variance request. From a review standpoint, time is spent planning with the creation of site plans and plot plans but on the backend if no one is inspecting work planned on the front end, what good does planning provide? There may be internal processes that can be reviewed. Most of the time, the processes work well with a small percentage of times where hardships must be addressed. Chair Langley stated he sympathizes with the applicant as he potentially faces a million-dollar demo and rebuild. The Board is in a tough position looking at the criteria for granting a variance request, but the applicant did purchase the adjacent properties which could provide other options. Chair Langley finished by stating that he agrees with the other Board Members and the motion to deny.

There being no further discussion, the motion to deny carried by a vote of 4-0.

OTHER BUSINESS

ADJOURN

There being no further business, Board Member Scales motioned to adjourn the meeting, seconded by Board Member Smith. The motion carried by a vote of 4-0, and the meeting adjourned at 07:04 p.m.

Chair

Date



File #: 21-0935

DATE: July 27, 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 Portion Of A Fence Serving A Nonresidential Use To Be Constructed Without Masonry Columns For The Property Located At 1005 Merylinger Court (F.Z.O. 13.1.3.G.)

PURPOSE:

PROJECT INFORMATION

COF Project Number: 8877
Applicant: Andrew Dennis
Owner: Big Picture LLC, Gunnar Peterson (representative)

BACKGROUND/STAFF COMMENTS:

Vicinity Zoning/Land Use

Site: RC4 Regional Commerce 4 District / CommercialSoutheast: 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.

13.1.3.G Fences, Walls and Screening; Fence Materials

Fences serving nonresidential uses shall have masonry columns every 50 feet on-center or less.

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 (BZA) in September 2023 for the proposed principal building to be located 225 feet from the front lot line, and then they received approval from the BZA in April 2025 to allow 7-foot fencing in the front yard area. Fences serving nonresidential uses are required by the Zoning Ordinance to have masonry columns every 50 feet or less, so the applicant then submitted a permit for the masonry columns every 50 feet for the entirety of the fence line. The permit received a comment from the Water and Sewer Department that no masonry columns would be allowed within 5 feet of the sanitary sewer easement located on the west side of the property, and that only wooden posts would be allowed within the easement area. Staff was also informed by the Engineering department that masonry columns are not typically permitted within a public utility easement, such as the utility and drainage easement that runs along the southeast (rear) property line. For these reasons, the applicant is requesting a variance to allow the fence to be constructed without masonry columns for the portions of the fence that are within the sanitary sewer easement and the utility and drainage easement.

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 orientation of this lot with the surrounding neighbors and the easements existing on the lot 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 able to have, this property received a variance to have a fence along the side and rear lot lines. In order to construct this fence for a nonresidential use, masonry columns every 50 feet are required. With the sanitary sewer easement and the utility and drainage easement along the south and southeast lot lines, the applicant cannot construct the privacy fence along these property lines and comply with the requirement to construct masonry columns every 50 feet. 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.

If the applicant were to comply with the requirement to have masonry columns every 50 feet, the fence would need to be constructed at least 5 feet outside the easements. This would result in the loss of usable space on the lot. Considering that fences are permitted to be and often are constructed on property lines, it is a peculiar practical difficulty to create unusable space on the lot to locate the fence outside the easements. 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 portion of the fence without masonry columns is not a detriment to the public good and meets the intent of the Zoning Ordinance. Given the unique shape and the recessed location of the existing and proposed buildings, the fence would be minimally visible. The majority of the fence would be screened by trees, and the majority of the back of the lot is not visible from the street due to the slope of the lot. Additionally, the applicant is proposing to have the masonry columns every 50 feet where there are not sanity sewer and utility and drainage easements on the lot, in order to comply with the Zoning Ordinance as much as possible. This shows that the applicant is making effort to meet the intent of the Zoning Ordinance. Staff finds this criteria is met.

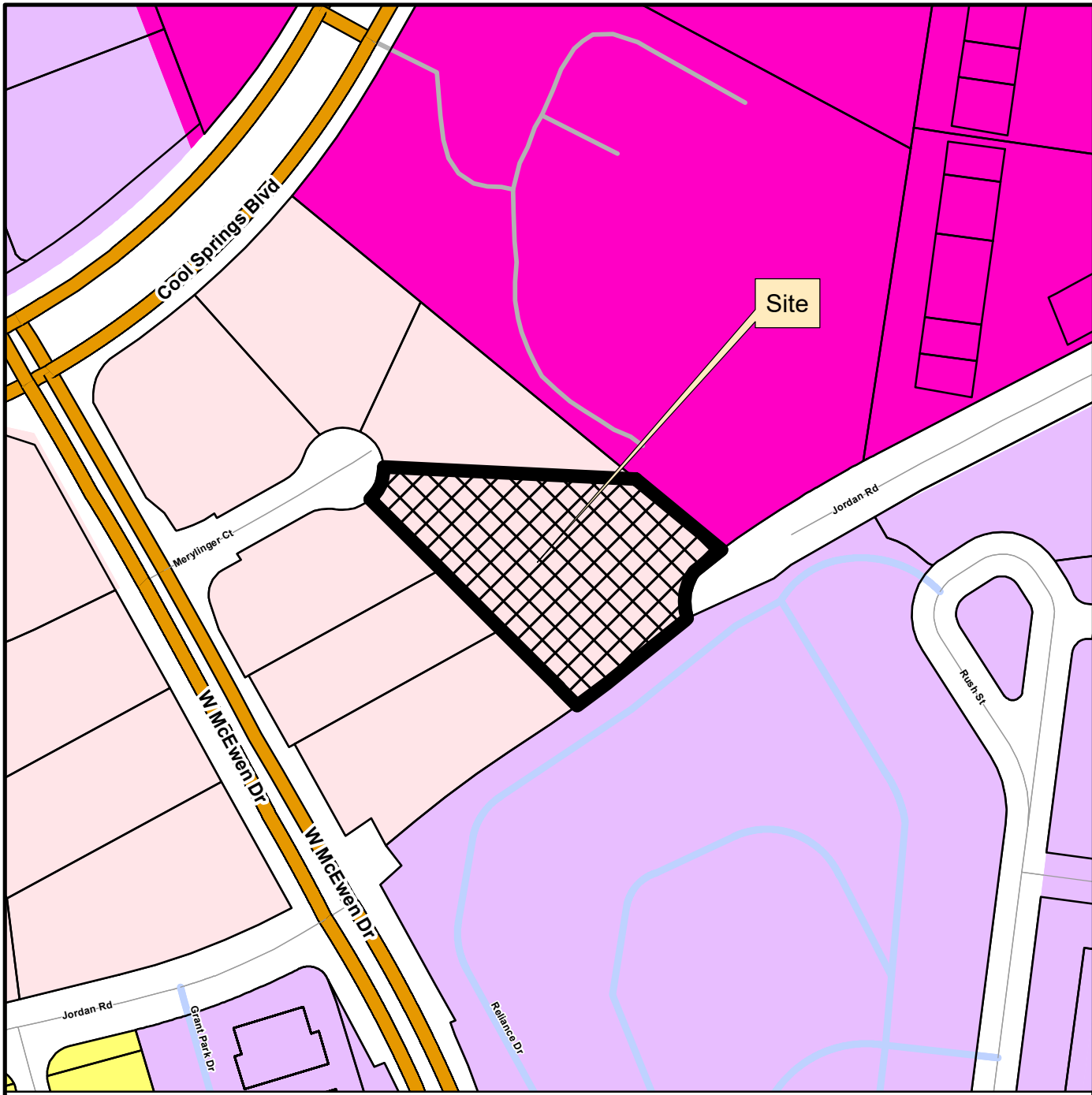
FINANCIAL IMPACT:

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




















RECOMMENDATION:

RECOMMENDED MOTION: Staff recommends the Board of Zoning Appeals move to **approve** the Variance Request to allow A Portion Of A Fence Serving A Nonresidential Use To Be Constructed Without Masonry Columns For The Property Located At 1005 Merylinger Court, because the criteria for granting a variance have been met.

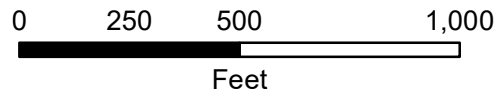
1005 MERYLINGER COURT
 TAX MAP 062G, GROUP A, PARCEL 01203
 BOARD OF ZONING APPEALS
 MAY 1, 2025



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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 It was compiled from the most authentic information available.
 The City is not responsible for any errors or omissions contained hereon.
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City of Franklin

Variance Request - Fencing

1005 Merylinger Court

July 11, 2025

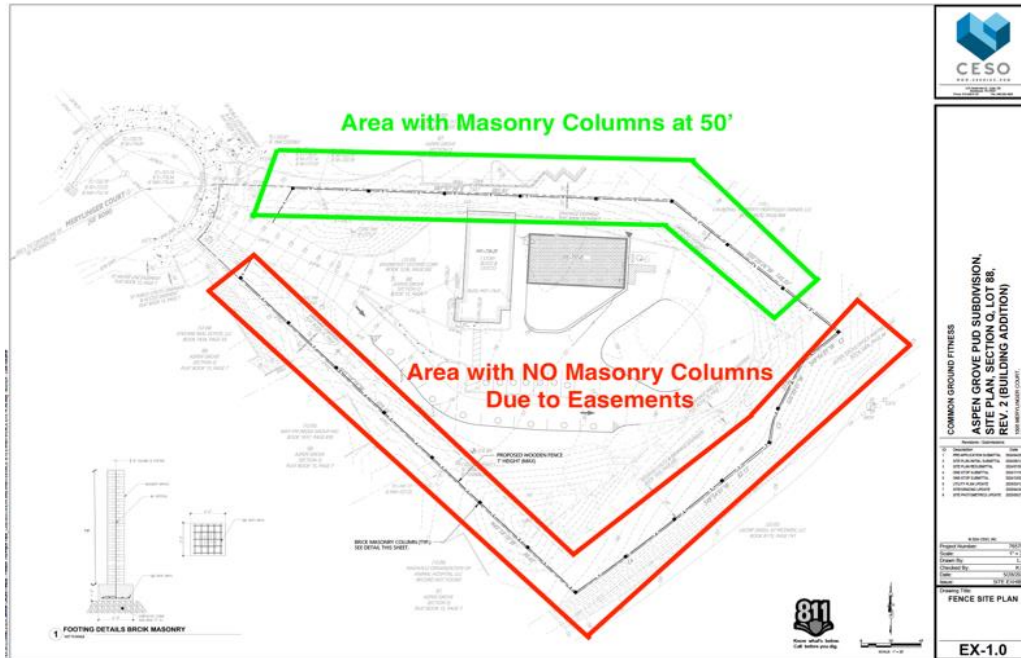
To Whom It May Concern,

The purpose of this variance request is to remove the requirement for masonry columns every 50 feet on the eastern and southern property lines of the perimeter fencing that is planned at 1005 Merylinger Ct. We previously applied for and were awarded a variance to increase the height of the fencing to 7' along all 3 sides of the property. Upon being awarded the variance, a permit was submitted for the masonry columns at every 50 feet along this fence line. On the 2nd round of comments back from the city, the utility department stated that no masonry columns would be allowed within 5 feet of the utility easement area boundaries that are located on the east and south sides of the property. The utility department said that only wooden posts would be allowable within the easement area.

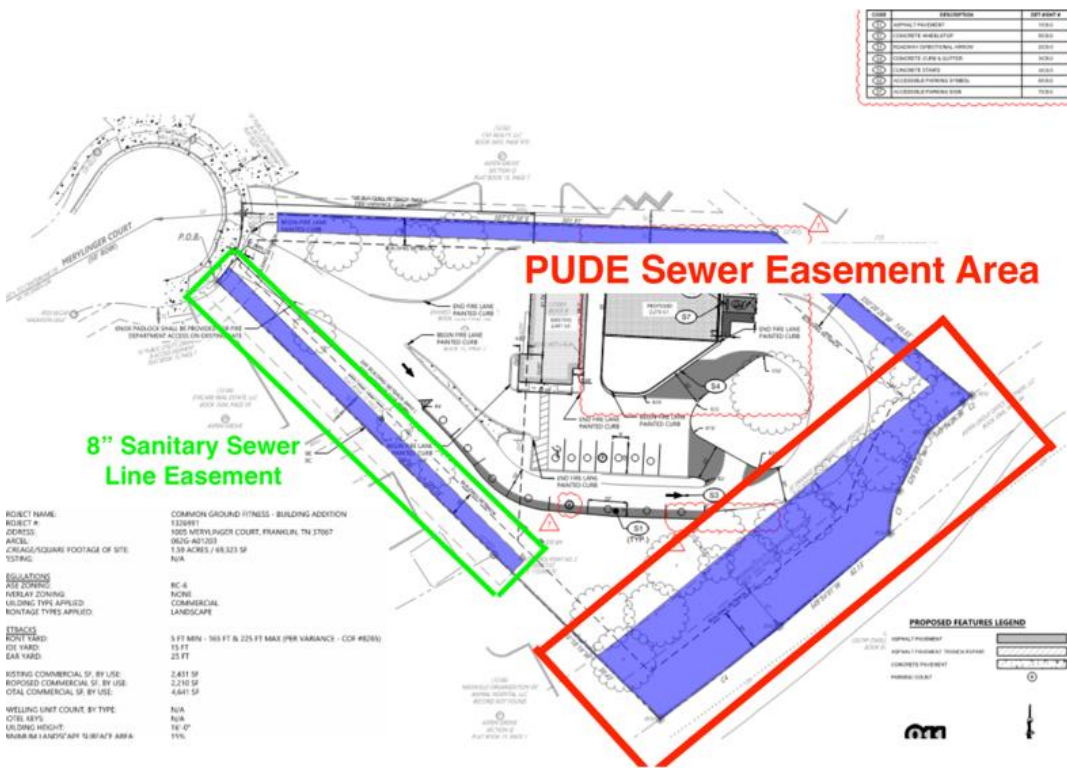
The only current fencing option that exists is to place the masonry columns 5 feet outside of the easement areas. There are three reasons concerning the variance request and they are below:

1. Being as the property is an abnormal shape and because of the buildings and pavement located on the property, if the columns and fencing were moved into the allowable area there would be sections that conflict paved areas.
2. Placing the fencing and masonry columns within the allowable area would significantly decrease the usable area of the overall property.
3. Placing the fencing and masonry columns within the allowable area would create a liability for the property owner. In the event that someone is injured within the 15 foot +/- ribbon around the property that would be accessible from adjacent properties. the property owner of 1005 Merylinger Ct could be held liable.

The below plans show the intended location of the masonry columns and fencing.



The below plan shows the location of the existing easements.



In addition, 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 installed on the property will be minimally visible from the street. 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. Being as that the existing easements will not allow the masonry columns to be installed on 2 sides of the property, we would also like to request that the requirement for masonry columns be eliminated on the north side of the property in order for it to be uniform in appearance.



Please see below for a sample image of the style of fencing that will be installed along the rear of the property.



There is currently a chain link fence installed around the perimeter of the property which is planned to be removed. Due to security, safety and liability reasons, the property owner wishes not want to remove the existing fencing until an approved fence is ready to be installed. Upon direction from the BZA, the new fencing will be installed promptly.

Thank you in advance for your time and consideration,

Andrew Dennis

863-602-6494

a.dennis@ownersreptn.com

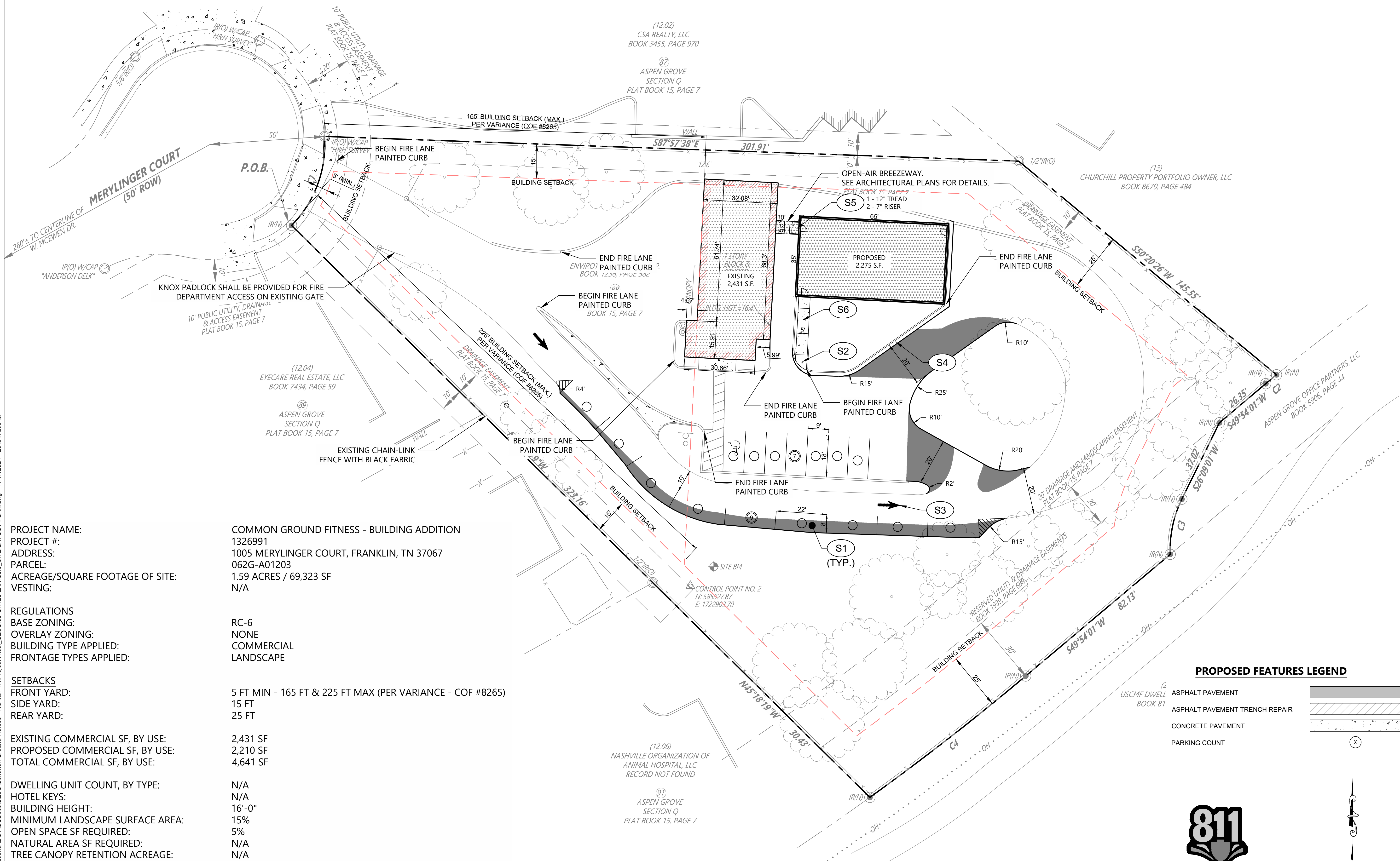
<p>City of Franklin Scott Andrews scott.andrews@franklin.tn.gov 6/17/25 2:46 PM</p>	<p>Applicant has failed to fully address the comment. The fence is within the PUDE. The wooden fence would be allowed with standard wooden fence posts but not with the proposed brick masonry columns.</p>
<p>2 - 14a) Non-residential or Multifamily</p>	<p>If applicant chooses to move the fence outside of the easement, the brick masonry columns would be required to be a minimum of 5 feet away from the easement. If the fence is placed within five feet of the easement, the foundations for the brick masonry columns would have to be structurally designed so full width excavation of the easement would not undermine the columns and/or fence and the fence would not pose a danger to crews working in the excavated area.</p> <p>Applicant shall also add a note to the building permit that the City of Franklin is not responsible for repair or replacement of the fence should the City be required to maintain or repair the sewer within the easement.</p>



216 Centerville Dr., Suite 150
Brentwood, TN 37027
Phone: 615.928.5120 Fax: 668.208.4826

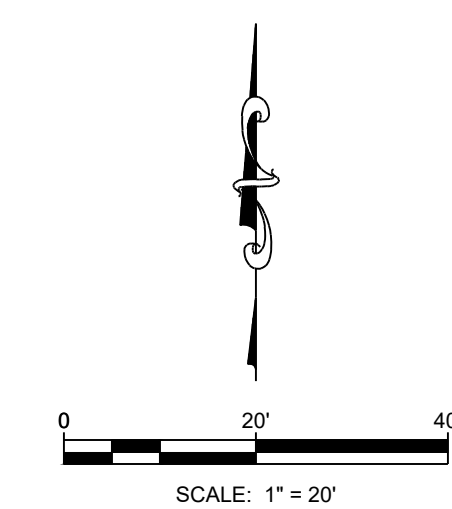


SITE LAYOUT KEYNOTES		
CODE	DESCRIPTION	DET #/SHT #
S1	ASPHALT PAVEMENT	1/C8.0
S2	PERPENDICULAR CURB RAMP	6/C8.0
S3	ROADWAY DIRECTIONAL ARROW	2/C8.0
S4	CONCRETE CURB & GUTTER	3/C8.0
S5	CONCRETE STAIRS	4/C8.0
S6	CONCRETE SIDEWALK	5/C8.0



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	
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

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

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 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

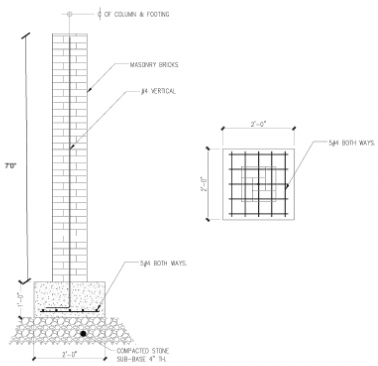
C:\Users\luke.klausner\OneDrive\Work\Projects\Civil\Projects\C5.0_Site Layout Plan.dwg - 11/17/2024 - Luke Klausner



218 Commerce Dr., Suite 100
Franklin, TN 37067
Phone: 615.883.3737 Fax: 615.883.4522

Area with Masonry Columns at 50'

Area with NO Masonry Columns
Due to Easements



1 FOOTINGS DETAILS BRICK MASONRY

NOT TO SCALE

BRICK MASONRY COLUMN (TYP.)
SEE DETAIL THIS SHEET.

PROPOSED WOODEN FENCE
7' HEIGHT (MAX)

(12.06)
NASHVILLE ORGANIZATION OF
ANIMAL HOSPITAL LLC
RECORD NOT FOUND
91
ASPEN GROVE
SECTION Q
PLAT BOOK 15, PAGE 7

COMMON GROUND FITNESS

ASPEN GROVE PUD SUBDIVISION,
SITE PLAN, SECTION Q, LOT 88,
REV. 2 (BUILDING ADDITION)
1005 MERVINGER COURT,
FRANKLIN, TN 37067

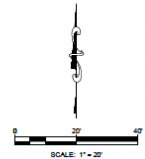
Revisions / Submissions	
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2	SITE PLAN INITIAL SUBMITTAL 2024/05/13
3	SITE PLAN RESUBMITTAL 2024/07/05
4	ONE-STOP SUBMITTAL 2024/11/18
5	ONE-STOP SUBMITTAL 2024/12/01
6	UTILITY PLAN UPDATE 2025/03/12
7	SITEGRADING UPDATE 2025/04/20
8	SITE PHOTOMETRICS UPDATE 2025/05/07

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Project Number: 765704
Scale: 1" = 20'
Drawn By: L.K.
Checked By: K.M.
Date: 5/28/2025
Issue: SITE EXHIBIT

Drawing Title:
FENCE SITE PLAN



Know what's below.
Call before you dig.

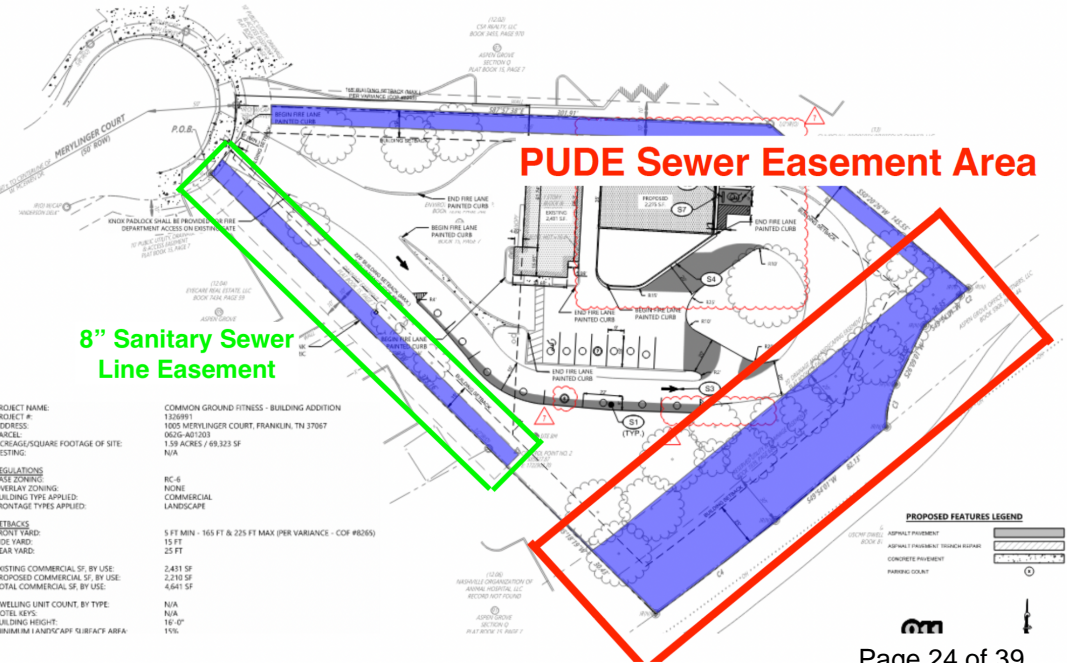


EX-1.0

CODE	DESCRIPTION	SET #/MT #
(1)	ASPHALT PAVEMENT	1000
(2)	CONCRETE WHEELSTOP	5000
(3)	ROADWAY DEFLECTION ARMOR	2000
(4)	CONCRETE CURB & GUTTER	3000
(5)	CONCRETE STAIRS	6000
(6)	ACCESSIBLE PAVEMENT SYMBOL	8000
(7)	ACCESSIBLE PARKING SIGN	7000

PUDE Sewer Easement Area

8" Sanitary Sewer Line Easement



PROJECT NAME:
 PROJECT #:
 ADDRESS:
 PARCEL:
 CVERAGE/SQUARE FOOTAGE OF SITE:
 N/A
 REGULATIONS:
 USE ZONING:
 OVERLAY ZONING:
 BUILDING TYPE APPLIED:
 MONTAGE TYPES APPLIED:
 TRACKS:
 FRONT YARD:
 DE YARD:
 REAR YARD:
 LISTING COMMERCIAL SF, BY USE:
 PROPOSED COMMERCIAL SF, BY USE:
 TOTAL COMMERCIAL SF, BY USE:
 WELLING UNIT COUNT, BY TYPE:
 OTHER KEYS:
 BUILDING HEIGHT:
 MINIMUM LANDSCAPE SQUIFAC AREA:

COMMON GROUND FITNESS - BUILDING ADDITION
 1326991
 1005 MERVLINGER COURT, FRANKLIN, TN 37067
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 15 FT
 25 FT
 2,431 SF
 2,210 SF
 4,641 SF
 N/A
 N/A
 16' 0"

PROPOSED FEATURES LEGEND

(Symbol)	ASPHALT PAVEMENT
(Symbol)	ASPHALT PAVEMENT TOUCHUP SIGN
(Symbol)	CONCRETE PAVEMENT
(Symbol)	PARKING COLONY



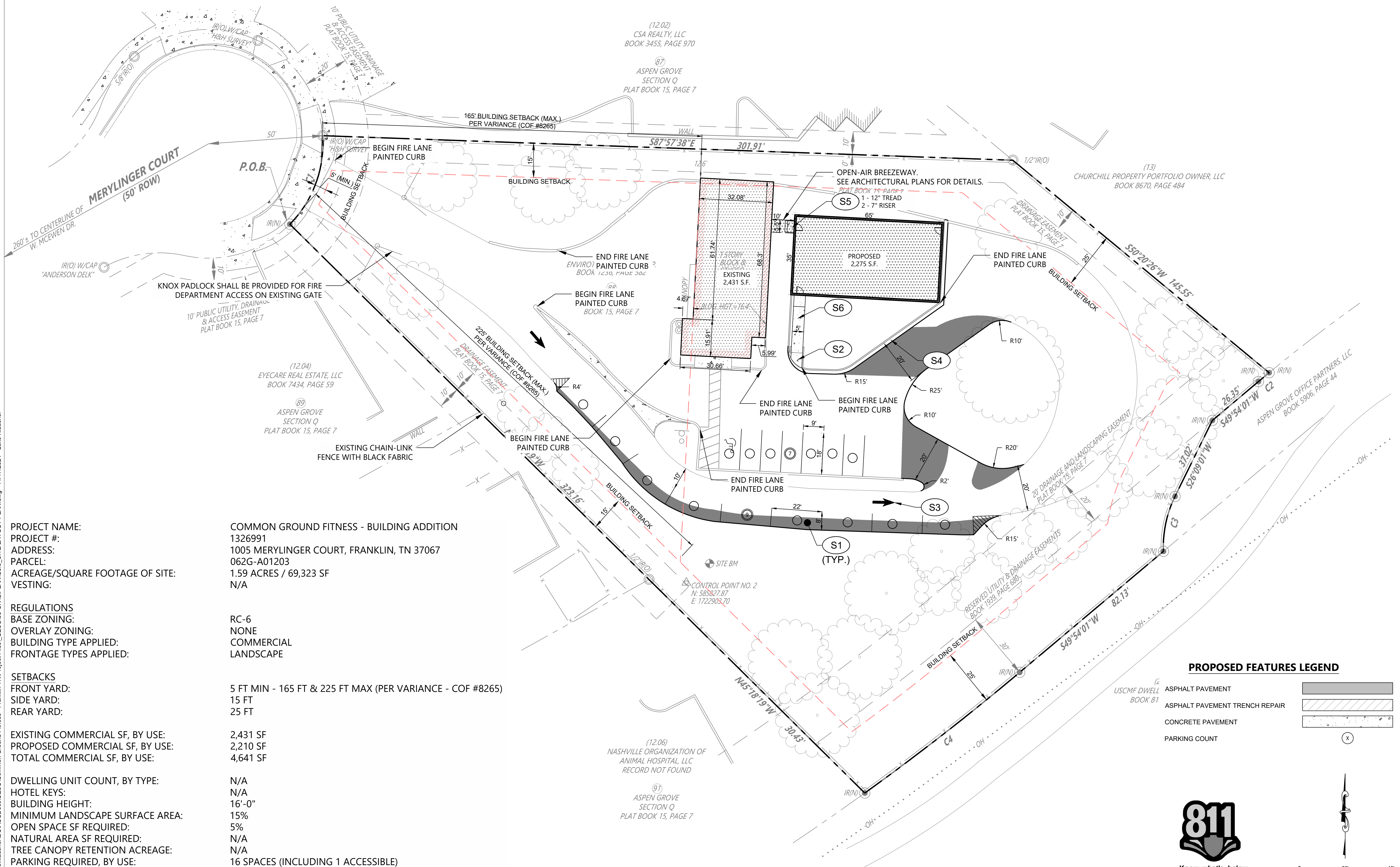
CESO
WWW.CESOINC.COM

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,
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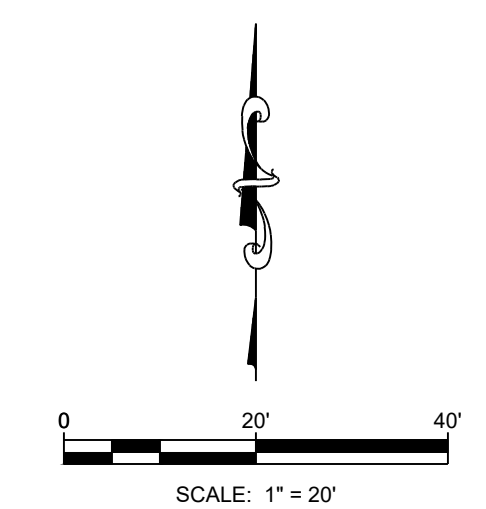


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PROPOSED FEATURES LEGEND	
ASPHALT PAVEMENT	
ASPHALT PAVEMENT TRENCH REPAIR	
CONCRETE PAVEMENT	
PARKING COUNT	



Know what's below.
Call before you dig.



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SITE LAYOUT PLAN

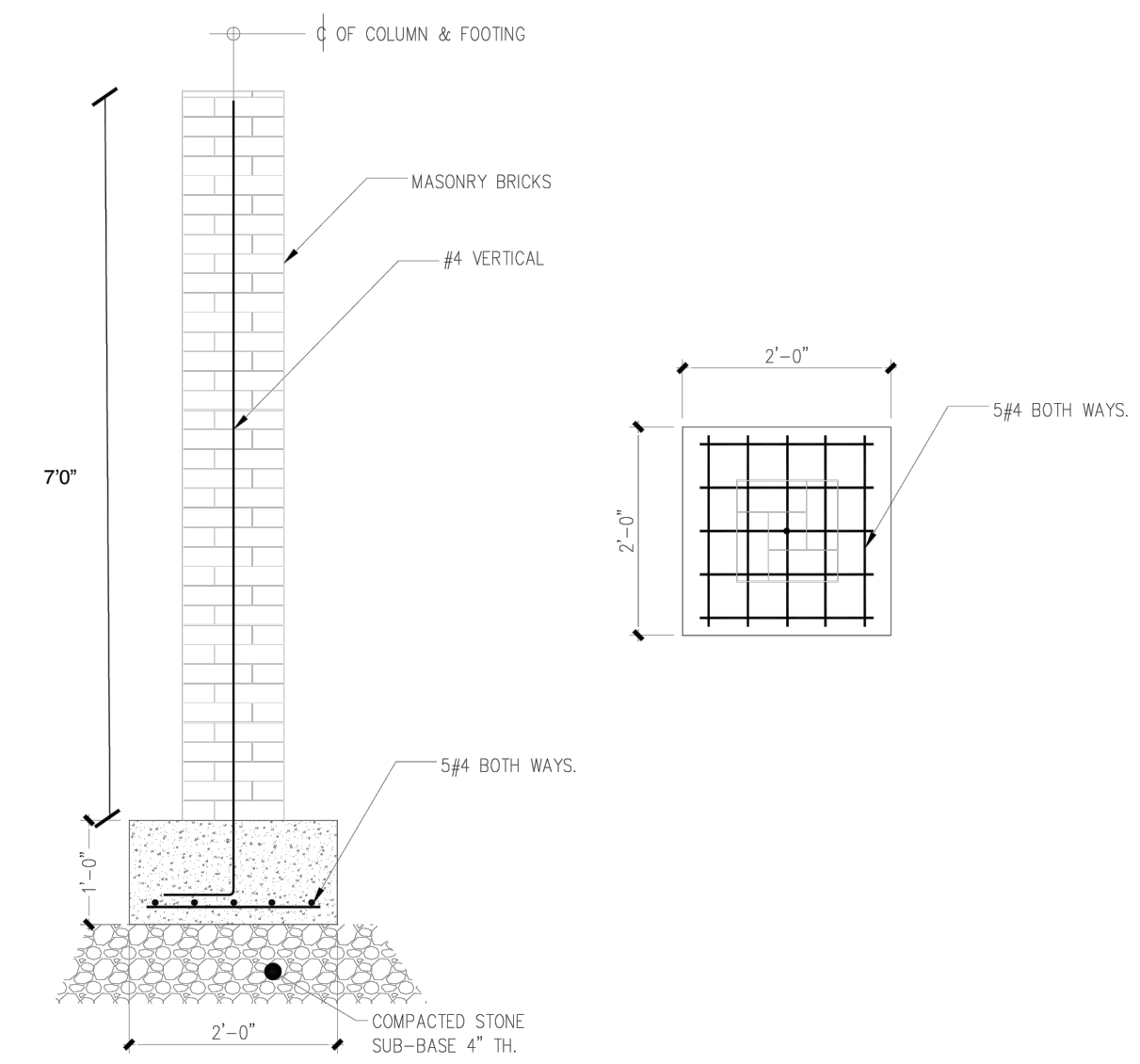
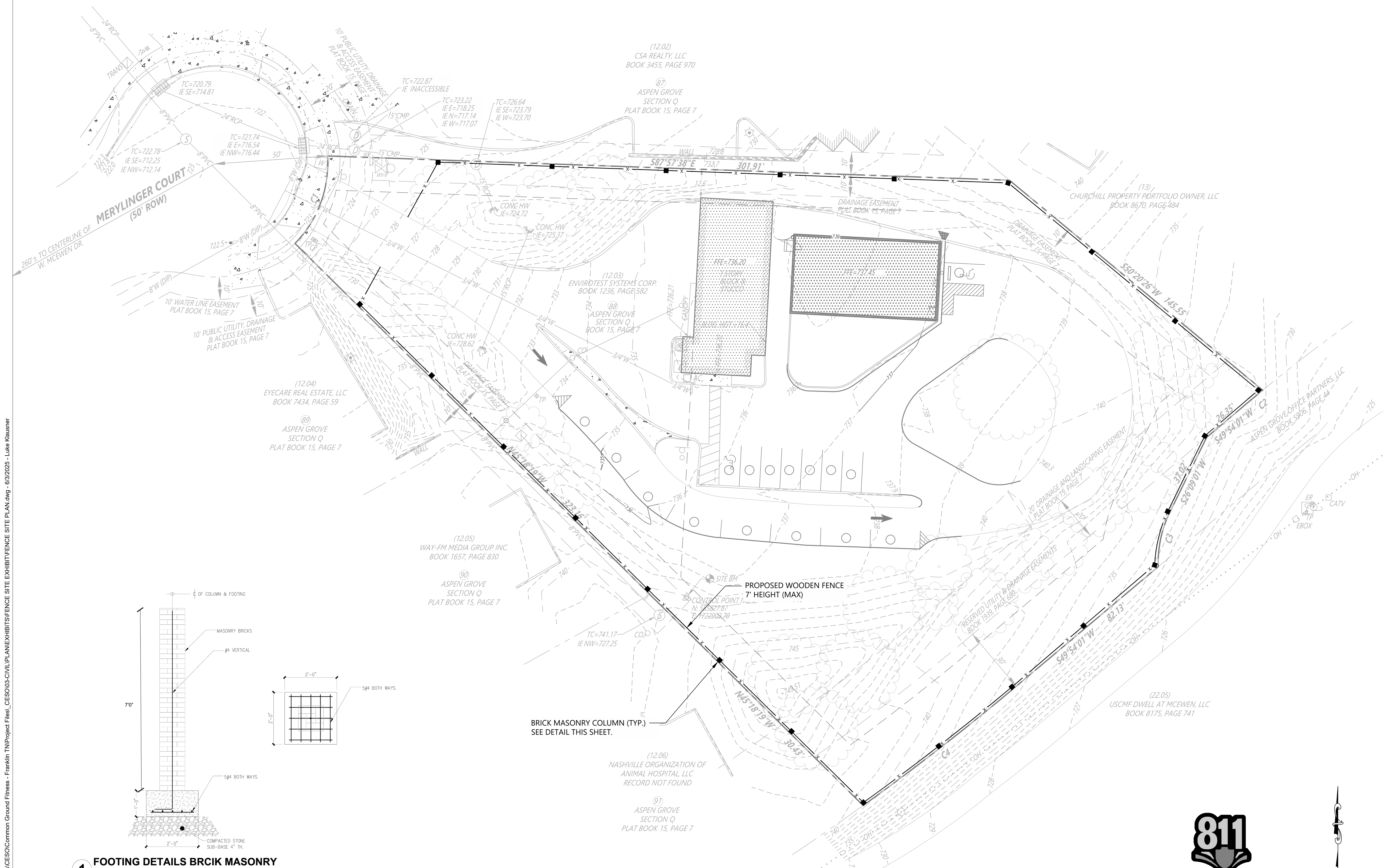
C5.0

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



CESO
WWW.CESOINC.COM

216 Centerville Dr., Suite 150
Brentwood, TN 37027
Phone: 615.928.5120 Fax: 615.208.4826



1 FOOTING DETAILS BRICK MASONRY
NOT TO SCALE

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
5	ONE-STOP SUBMITTAL	2024/12/02
6	UTILITY PLAN UPDATE	2025/03/12
7	SITE/GRADING UPDATE	2025/04/30
8	SITE PHOTOMETRICS UPDATE	2025/05/27

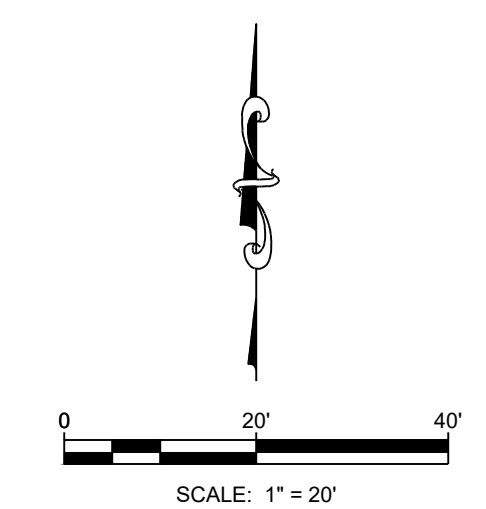
© 2024 CESO, INC.

Project Number: 765704
Scale: 1" = 20'
Drawn By: L.K.
Checked By: K.M.
Date: 5/28/2025
Issue: SITE EXHIBIT

Drawing Title:
FENCE SITE PLAN

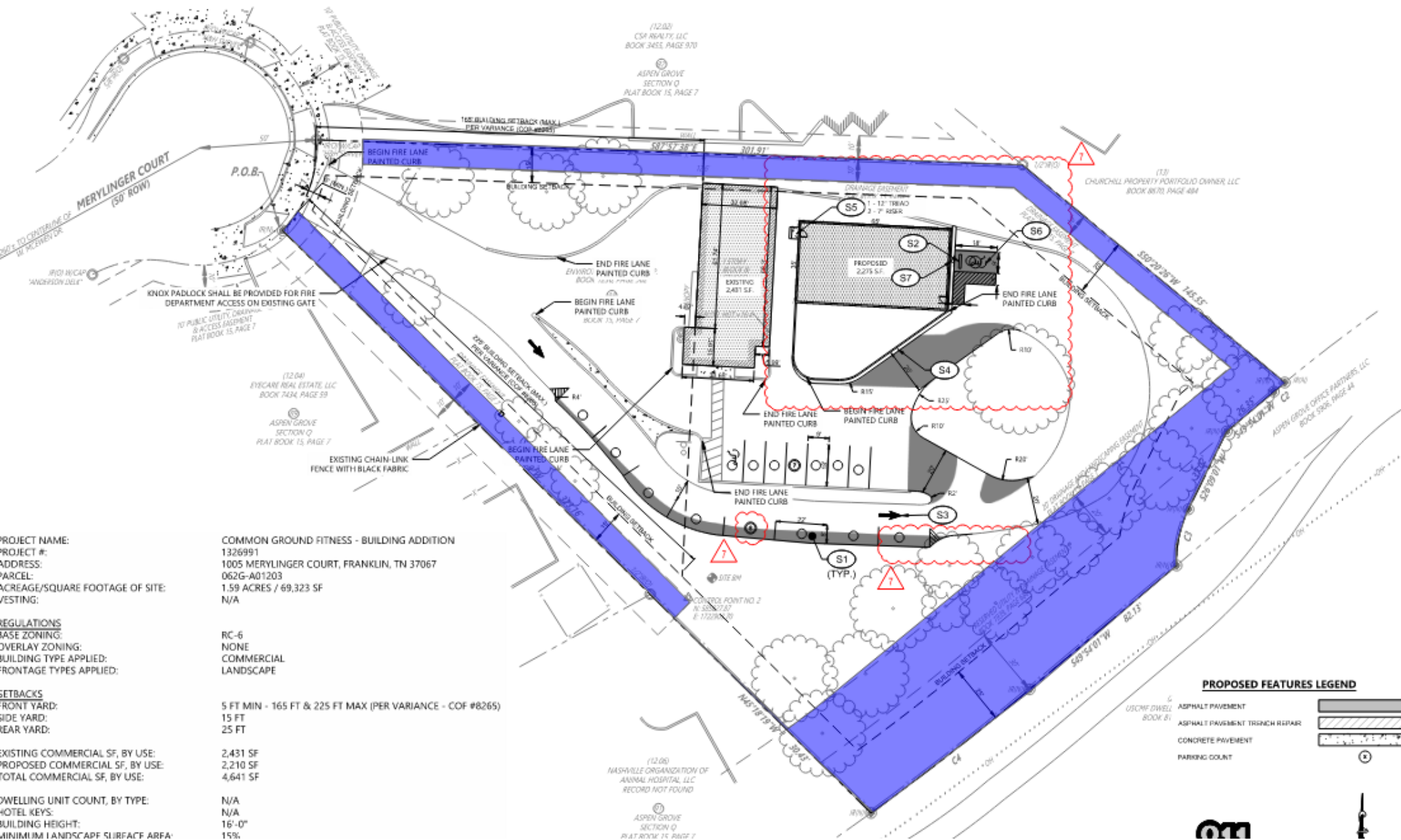


Know what's below.
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EX-1.0

CODE	DESCRIPTION	QTY #/SHT #
S1	ASPHALT PAVEMENT	1CB0
S2	CONCRETE WHEELSTOP	5CB0
S3	ROADWAY DIRECTIONAL ARROW	2CB0
S4	CONCRETE CURB & GUTTER	3CB0
S5	CONCRETE STAIRS	4CB0
S6	ACCESSIBLE PARKING SYMBOL	6CB0
S7	ACCESSIBLE PARKING SIGN	7CB0



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

COMMON GROUND FITNESS - BUILDING ADDITION
 1326991
 1005 MERYLINGER COURT, FRANKLIN, TN 37067
 062G-A01203
 1.59 ACRES / 69,323 SF
 N/A
 RC-6
 NONE
 COMMERCIAL LANDSCAPE
 5 FT MIN - 165 FT & 225 FT MAX (PER VARIANCE - COF #8265)
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 2,210 SF
 4,641 SF
 N/A
 N/A
 16'-0"
 15%

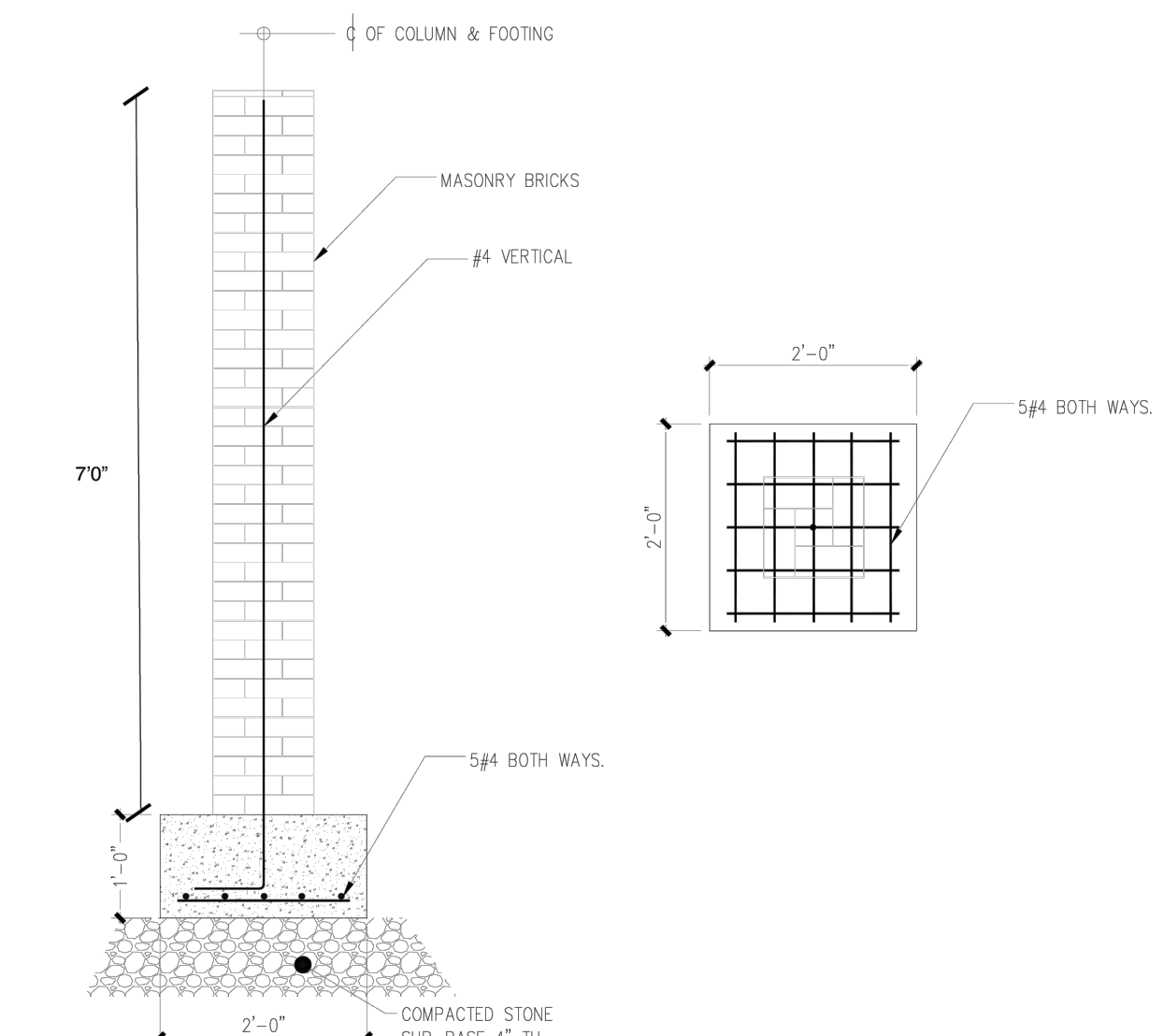
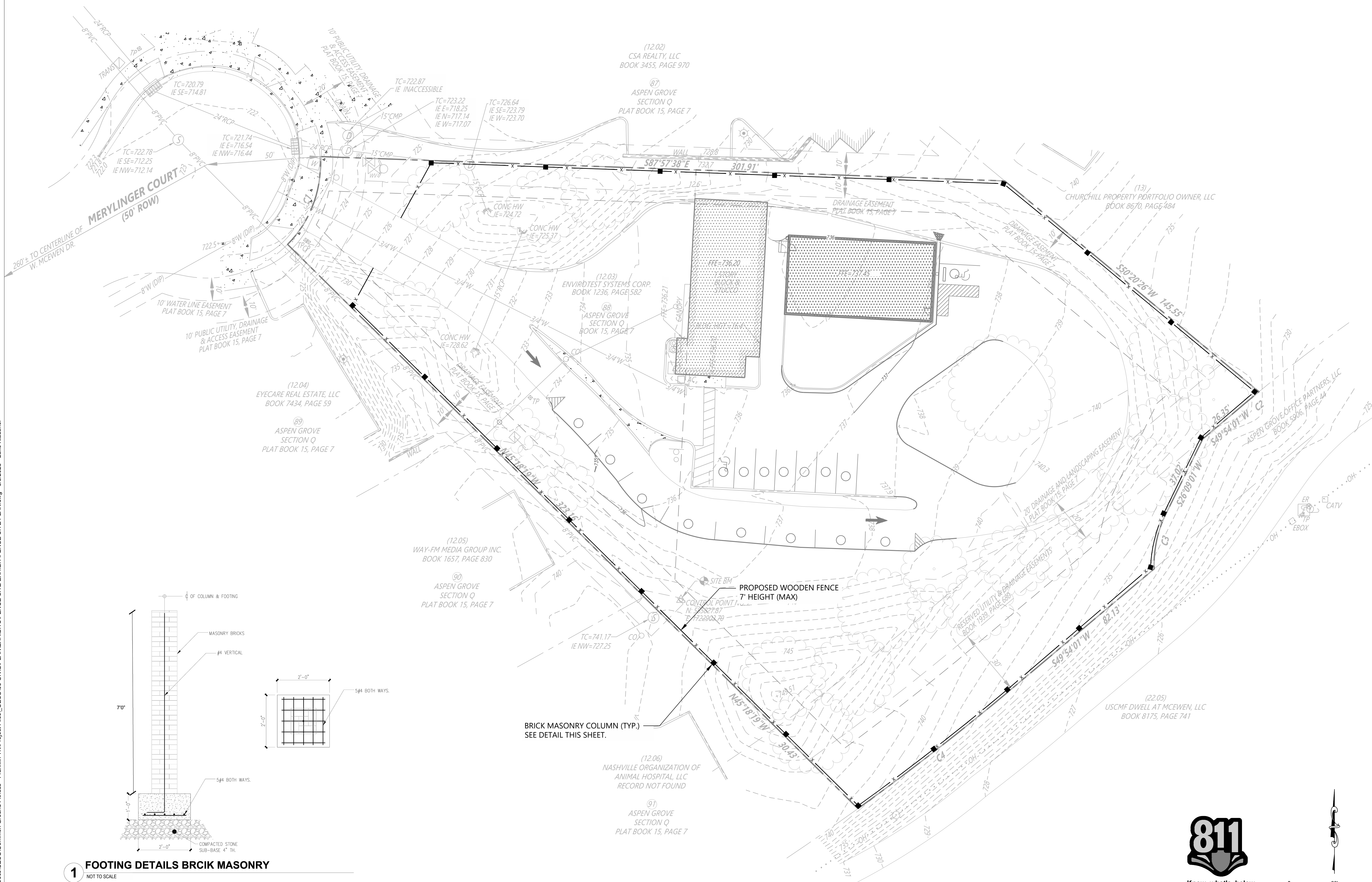
PROPOSED FEATURES LEGEND

ASPHALT PAVEMENT	
ASPHALT PAVEMENT TRENCH REPAIR	
CONCRETE PAVEMENT	
PARKING CURB	



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1 FOOTING DETAILS BRICK MASONRY
NOT TO SCALE

COMMON GROUND FITNESS

**ASPEN GROVE PUD SUBDIVISION,
SITE PLAN, SECTION Q, LOT 88,
REV. 2 (BUILDING ADDITION)**

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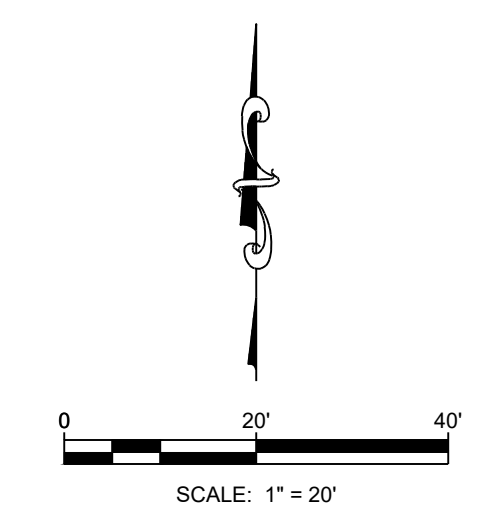
© 2024 CESO, INC.
 Project Number: 765704
 Scale: 1" = 20'
 Drawn By: L.K.
 Checked By: K.M.
 Date: 5/28/2025
 Issue: SITE EXHIBIT

Drawing Title:
FENCE SITE PLAN

EX-1.0



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C:\DCA\CC\Does\CESO\Common Ground Fitness - Franklin TN\Project Files\CESO03-CIVIL\PLAN\EXHIBITS\FENCE SITE EXHIBIT\FENCE SITE PLAN.dwg - 6/3/2025 - Luke Klausner



File #: 21-0936

DATE: July 27, 2025
TO: Board of Zoning Appeals
FROM: Amy Diaz-Barriga, Asst Director of Planning Development
Ariella Stanford, Planner

SUBJECT:

A **Variance Request** To Allow 108 Parking Spaces Within The Acton Street Frontage Area For A Principal Building For The Property Located At 926 Columbia Avenue (F.Z.O.7.6.)

PURPOSE:

PROJECT INFORMATION

COF Project Number: 8876
Applicant: Seth Sparkman
Owner: HG Hill Realty Company

BACKGROUND/STAFF COMMENTS:

Vicinity Zoning/Land Use

Site: CC Central Commercial District / Vacant
North: CI Civic Institutional District / Institutional
South: CI Civic Institutional District / Institutional
East: CC Central Commercial District / Mixed Nonresidential
West: PD Planned District and R-6 Residential District / Mixed Residential

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.

7.6 - Frontage, Urban Frontage

Vehicular Access and Parking

<p>Parking Placement</p>	<p>Parking shall be located behind the building, unless it is parallel parking along the street or internal drive.</p> <p>On corner lots, surface parking areas may occupy up to 30 percent of the lot frontage on the secondary street and shall be no closer to the street than the building.</p>
--------------------------	---

Background

This 5.7 acre property located at 926 Columbia Avenue is zoned CC Central Commercial, and is within the CAO-1 Columbia Avenue Overlay. The property is currently vacant, and the applicant is proposing development with a mix of commercial and residential uses on the site. The property is surrounded on all 4 sides by Columbia Avenue, Plaza Street, Acton Street, and Fowlkes Street. The only permitted frontage type in the Columbia Avenue Overlay is Urban Frontage, so this development must have Urban Frontage along all 4 sides of the property to front each street. Urban Frontage requires parking to be located behind the building. The proposed layout for the development of this site complies with the Urban Frontage Zoning Ordinance requirements along Fowlkes Street, Columbia Avenue, and Plaza Street. However, the proposed hotel does not comply with Urban Frontage requirements along Acton Street. The applicant is proposing 108 parking spaces within the Urban Frontage area of the hotel facing Acton Street.

The applicant is requesting a variance to allow up to 108 parking spaces within the Acton Street frontage 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.

While it is unique that this property has frontage on all 4 sides, and there is some grade change on the lot, Staff does not see how these factors prevent development as required under the frontage standards along Acton Street. Neither of these factors seem to prevent the hotel building from being located closer to Acton Street and having the parking located behind. The grade change is located along the south side of the lot (along Fowlkes Street), and from the existing conditions exhibit, it seems that the slopes on the lot are flattest along Acton Street and Plaza Street. The topography of the lot seems conducive to development closer to Acton Street. 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.

Staff finds that the strict application of the Zoning Ordinance would not result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of the property. The variance request is unique to the applicant’s proposed plan and not generally to all potential designs for the site. It appears to Staff that the applicant could design a plan for the site that meets the requirements of the Zoning Ordinance. It is the expectation of the City that an applicant designs

their site in a way that meets the requirements of the Zoning Ordinance, and not use the variance process to avoid inconvenience or financial hardship. Staff finds that the proposed plan introduces a self-imposed hardship, one that could likely be resolved by redesigning to meet the zoning ordinance. 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.

The design of this site would not be a detriment to the public good, but it would impair the intent of the Zoning Ordinance. The Zoning Ordinance introduced the requirements for Frontage starting with the 2019 Zoning Ordinance update, as a direct response to the adoption of Envision Franklin in 2017. Two of the core Guiding Principles are Exceptional Design and Vibrant Neighborhoods. One characteristic of Exceptional Design as outlined in Envision Franklin is that parking should be secondary to the building and its relationship to the street, and that views from the street should not be of parking lots. One characteristic of Vibrant Neighborhoods as outlined in Envision Franklin includes pedestrian-friendly neighborhoods that make walking and biking more enjoyable along streets. The intent of the Zoning Ordinance is to reinforce the principles of Envision Franklin by keeping parking to the side or behind principal buildings. The Zoning Ordinance also addresses appropriate means of transitioning between new development and established areas expected to remain. Chapter 8, Transitional Features, provides appropriate ways to achieve compatibility, and placing parking between new and existing uses is not one of the means listed. This site is not designed in a way that meets the intent of this ordinance from Acton Street. Staff finds this criteria is not met.

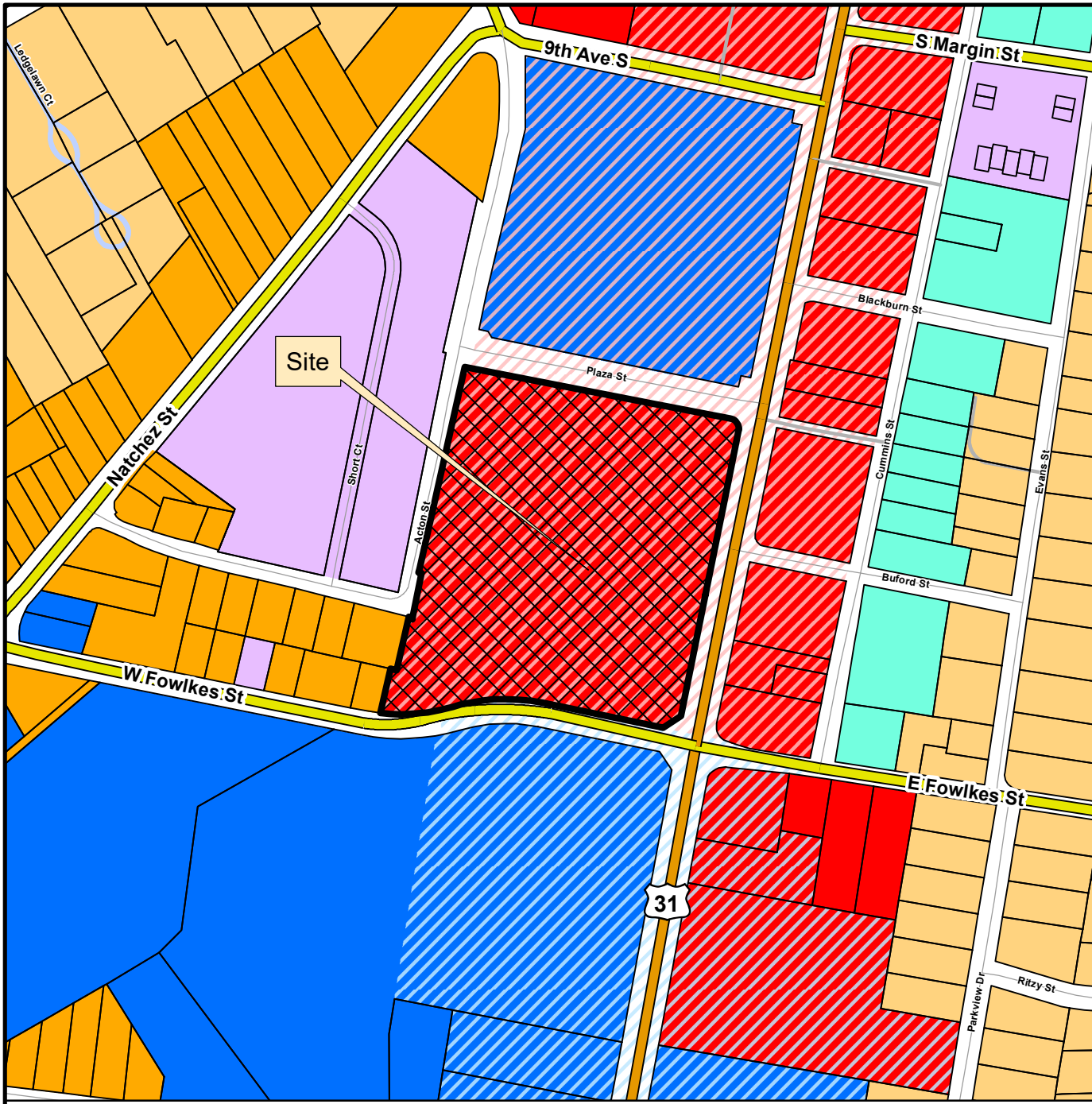
FINANCIAL IMPACT:

Unknown.





























RECOMMENDATION:

RECOMMENDED MOTION: Staff recommends the Board of Zoning Appeals move to disapprove the Variance Request to allow 108 Parking Spaces Within The Acton Street Frontage Area For A Principal Building For The Property Located At 926 Columbia Avenue, because the criteria for granting a variance have not been met.

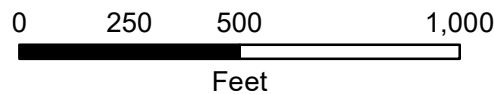
926 COLUMBIA AVENUE
 TAX MAP 078, GROUP A, PARCEL 00900
 BOARD OF ZONING APPEALS
 AUGUST 7, 2025



Legend

-  926 Columbia Avenue
- Zoning Overlay Districts**
-  Columbia Avenue Sub-District 1
-  Columbia Avenue Sub-District 2
-  Columbia Avenue Sub-District 3
-  Columbia Avenue Sub-District 4
-  Columbia Avenue Sub-District 5
-  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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 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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Board of Zoning Appeals Submittal for Hill Center Franklin

Barge Civil Associates
John Gore, P.E.
6606 Charlotte Pike, Suite 210
Nashville, TN 37209
615.356.9911
jgore@bcacivil.com

July 22, 2025

Ms. Ariella Stanford
City of Franklin
120 9th Avenue South
Franklin, TN 37064

RE: Hill Center Franklin
BZA Variance
Franklin, TN

Dear Amy,

Barge Civil Associates, on behalf of H.G. Hill Realty Company, LLC is requesting a variance for the Hill Center Franklin development located at 926 Columbia Pike. This property is 5.7 acres bounded by Columbia Avenue, Plaza Street, Fowlkes Street and Acton Street. This site was previously occupied by several commercial buildings, but they have been demolished.

This site is zoned CC and located within the Columbia Avenue Overlay District (CA01), which requires an "Urban" frontage type. The project is meeting this requirement along Columbia Avenue but is seeking a variance from the frontage for an internal hotel due to hardships presented by the size of the property and the fact that it has four separate public street frontages. The site also has significant topographic challenges sloping 22 feet from the southeast corner to the northwest corner.

The proposed development will include either a 3-story building with underground parking or a 1-story building along Columbia Pike, as well as townhome buildings with frontage addressing Plaza Street and Fowlkes Street, and the interior of the site. A hotel is located internally with a shared parking field between the hotel and the mixed-use building. The site design seeks to strike a balance between pedestrian traffic arriving via Columbia Avenue, and vehicular traffic which will use the interior surface parking lot accessed from the two side streets.

Below are the three variance criteria that must be satisfied for the City of Franklin Board of Zoning Appeals to approve a variance. We have provided commentary as to how this request meets each criteria.

Variance Criteria #1 - Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property ... or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition, such piece of property is not able to accommodate development as required under this Ordinance; This property has four public road frontages which makes it very difficult to design a functional site with buildings fronting all four streets. The proposed hotel is located further back on the site due to this being the flatter portion of the site. As stated above the overall site has 22 feet of topographic change which makes it difficult for a large footprint retail

building to address the street due to the existing grade change. Placing parking between the hotel and Acton Street accommodates the hotel's larger footprint while maintaining a consistent finished floor elevation, enhancing accessibility throughout the building and site. The parking area also provides a visual and physical buffer between the larger-scale hotel and the single-story residences on the south side of Acton Street, creating a more appropriate transition to the surrounding neighborhood.

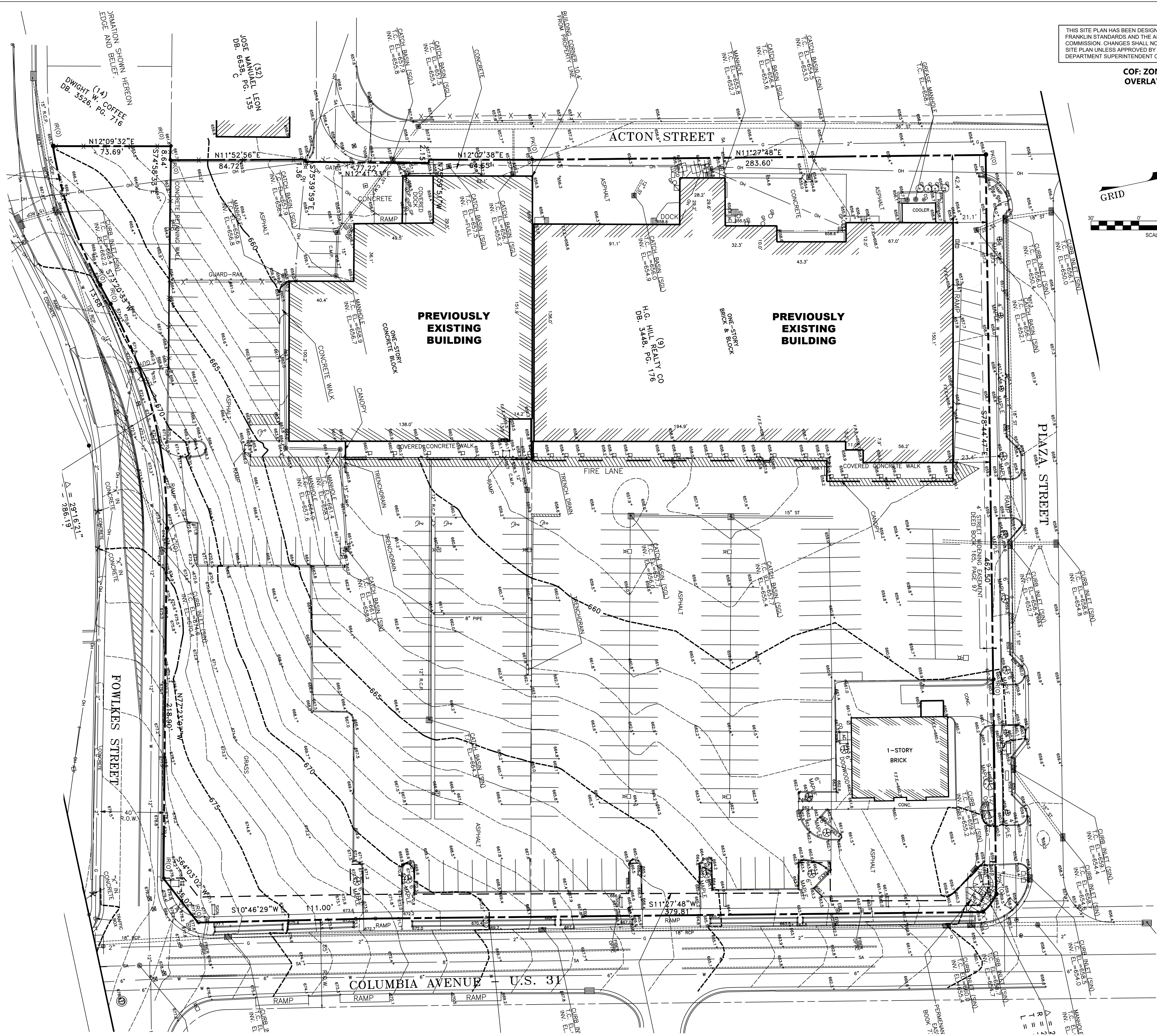
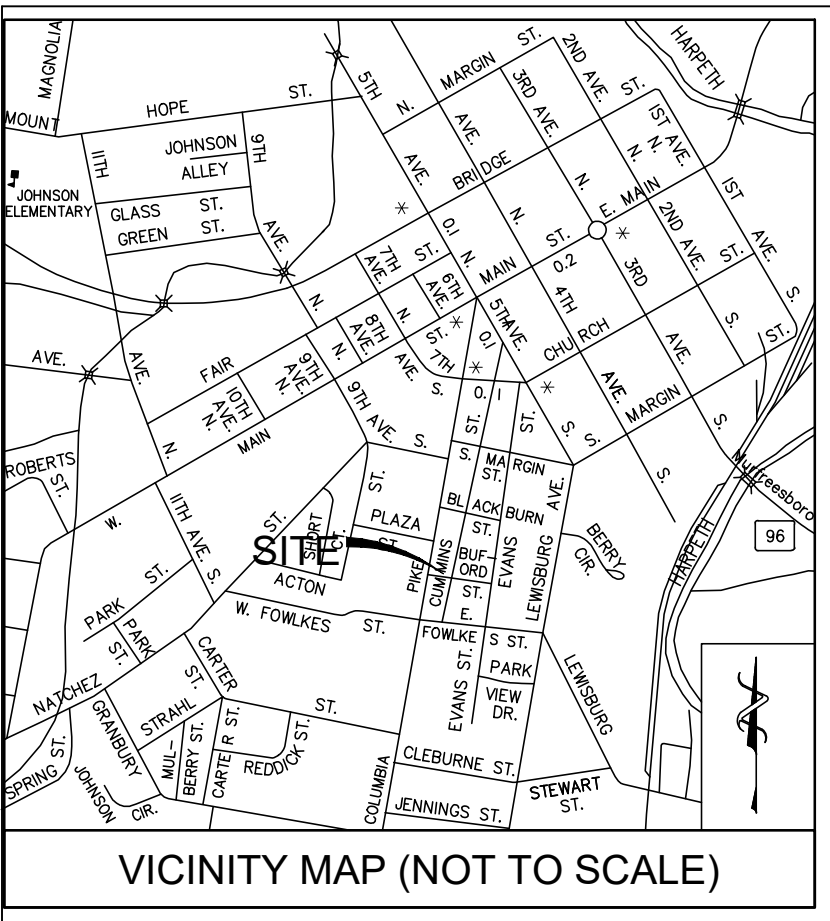
Variance Criteria #2 - The strict application of any provision enacted under this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional hardship upon the owner of such property. The strict application of the urban frontage along all four frontages would create an undue hardship for redevelopment of this site. Most of the parcels in the Overlay are smaller parcels with one or two frontages, but not four. Situating the hotel toward the center of the site, rather than directly along Plaza or Acton Street, helps prevent traffic backups and unsafe loading/unloading during peak check-in and check-out times. This layout also allows for adequate vehicular queuing, efficient service access, and safe pedestrian circulation.

Variance Criteria #3 - Such relief may be granted without meaningful detriment to the public good and without impairing the purpose and intent of the zoning map and this Ordinance. As designed, the site will accomplish the Columbia Avenue Overlay District's goal of addressing Columbia Avenue and extending the walkable, activated commercial district which extends from the north. The frontages of Fowlkes Street and Plaza Street will be screened with landscaping as they face the Carter House Historic site and the Franklin Police Department site respectively. The relationship and walkability between the mixed-use building on Columbia and the hotel in its location central to the site provides a visually pleasing urban walkway and connectivity throughout the site to provide access to the future Margin District and the Downtown Franklin core. Locating parking between the hotel and Acton Street further improves guest safety and convenience by providing a designated drop-off area away from the public street, minimizing potential traffic impacts on the adjacent residential neighborhood.

We appreciate the Boards attention to this project and look forward to discussing this request in person on August 7th, 2025.

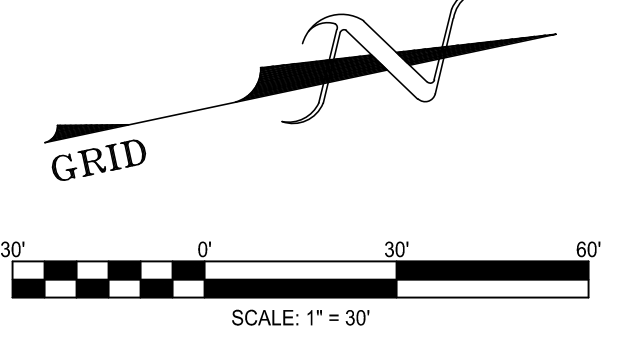
John Gore, P.E.
Barge Civil Associates

SHEET SIZE: ARCH D (24" X 36")



THIS SITE PLAN HAS BEEN DESIGNED TO MEET THE CITY OF FRANKLIN STANDARDS AND THE APPROVAL OF THE PLANNING COMMISSION. CHANGES SHALL NOT BE MADE TO THE APPROVED SITE PLAN UNLESS APPROVED BY EITHER THE RELEVANT DEPARTMENT SUPERINTENDENT OR THE PLANNING COMMISSION.

COF: ZONED: CC
OVERLAY: CA01



BCIA BARGE CIVIL ASSOCIATES
9686 CHARLOTTE PARK, SUITE 210, NASHVILLE, TN 37228 | 615.356.8911 | bciaplanning.com

Hawkins Partners, Inc.
ARCHITECTS

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CELEBRATING **130** YEARS
H.G. HILL
REALTY COMPANY, LLC
1895 - 2025

HILL CENTER FRANKLIN
COLUMBIA AVENUE REDEVELOPMENT

H.G. HILL REALTY COMPANY, LLC.
926 Columbia Avenue
Franklin, TN

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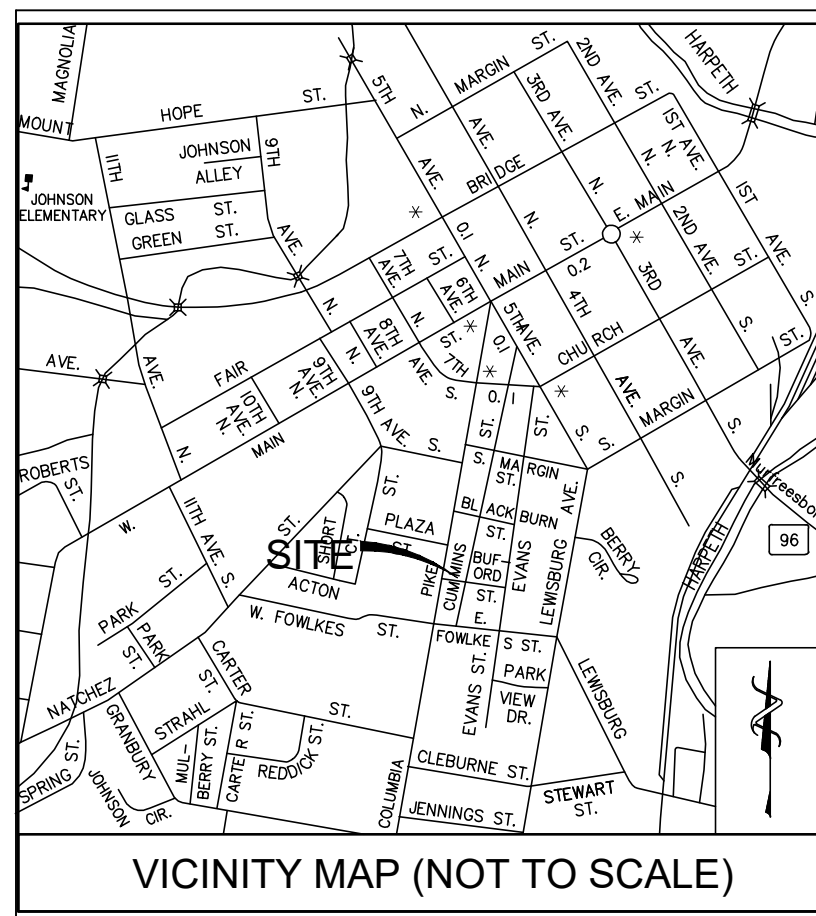
NO.	DESCRIPTION	DATE
1	BZA SUBMITAL	2025/07/14

Project Number
24.1093

EXISTING CONDITIONS

C0.1

7/9/2025 3:12:53 PM

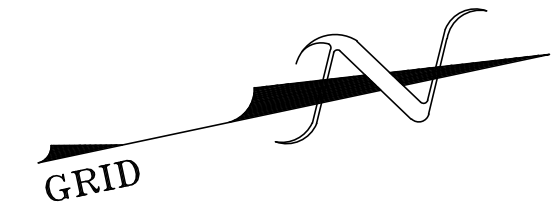


VICINITY MAP (NOT TO SCALE)

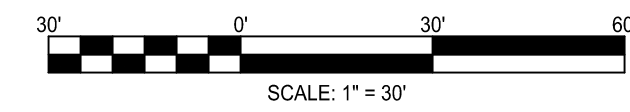


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COF: ZONED: CC
OVERLAY: CA01



STATE PLANE COORDINATE SYSTEM NAD-83 (1990)



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 615.988.9245 • BCVA@bcva.com

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 1895 - 2025 years

HILL CENTER FRANKLIN COLUMBIA AVENUE REDEVELOPMENT

H.G. HILL REALTY COMPANY, LLC.
 926 Columbia Avenue
 Franklin, TN

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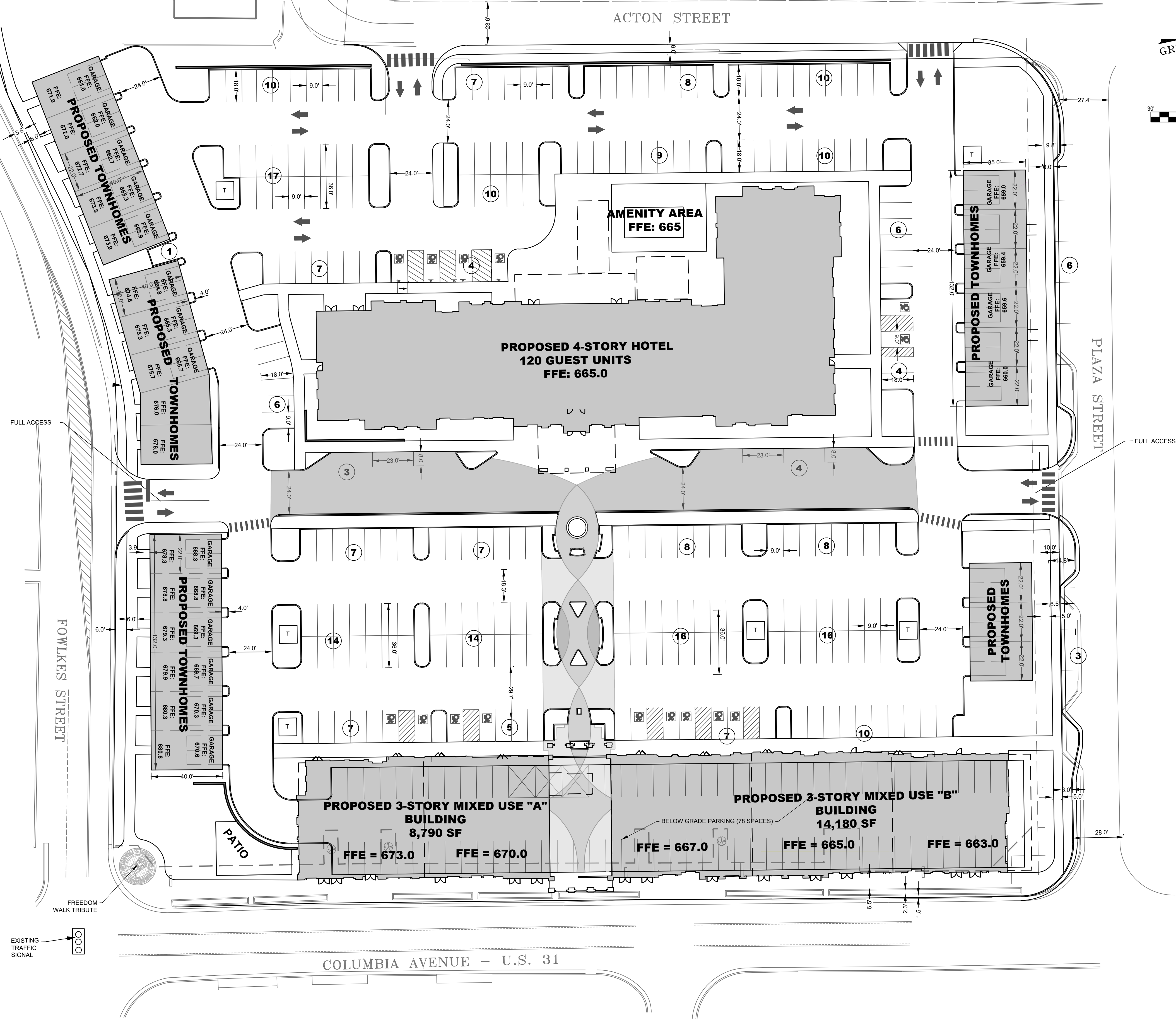
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NO.	DESCRIPTION	DATE
1	BZA SUBMITAL	2025/07/14

Project Number
 24.1093

SITE LAYOUT PLAN

C2.0



PARKING DATA			
USE	REDUCED MINIMUM VEHICLE PARKING SPACES IN CFO, CA01, CA02, AND CA03	REQUIRED PARKING	PROVIDED SPACES
HOTEL	• 1 SPACE PER GUEST ROOM • 0.75 PER EMPLOYEE ON LARGEST SHIFT	120 KEYS+ 15 EMPLOYEES X 0.75 = 132 SPACES	120
MIXED USE A 8,613 SF	• 7.5 SPACES PER 1,000 SQUARE FEET OF GROSS FLOOR AREA OF THE BUILDING AND ANY OUTDOOR SEATING AREA + 0.75 SPACE PER EMPLOYEE ON LARGEST SHIFT	8,613 SF X 7.5/1,000SF + 15 EMPLOYEES X 0.75 = 76 SPACES	
MIXED USE B 15,270 SF	• 1.25 SPACES FOR A STUDIO 1.25 SPACES FOR A 1 BEDROOM UNIT 2.25 SPACES FOR A 2+ BEDROOM UNIT	7-1 BEDROOM UNITS X 1.25 6-2 BEDROOM UNITS X 2.25 1 TOWNHOME X 2 = 25 SPACES	78 (GARAGE) 120(SURFACE)
TOWNHOMES	2 SPACES PER UNIT	25 UNITS X 2 = 50 SPACES	46 (GARAGE) 4 (SURFACE)
TOTAL SPACES:			374 368

EXISTING TRAFFIC SIGNAL

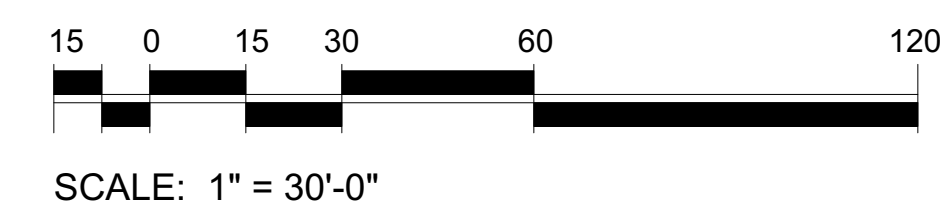
FULL ACCESS

FULL ACCESS

FOWWIKES STREET

PLAZA STREET

COLUMBIA AVENUE - U.S. 31



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 1892 - 2024 years

HILL CENTER FRANKLIN
COLUMBIA AVENUE REDEVELOPMENT

H.G. HILL REALTY COMPANY, LLC.
 926 Columbia Avenue Franklin, TN

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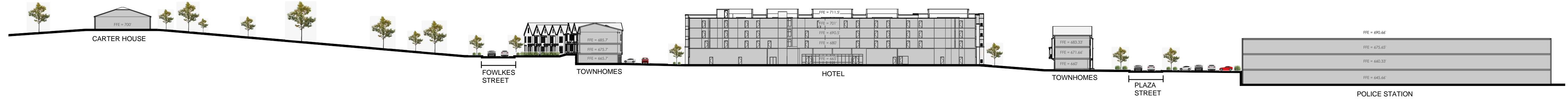
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NO.	DESCRIPTION	DATE
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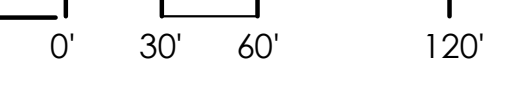
Project Number
 24.1093

LANDSCAPE PLAN

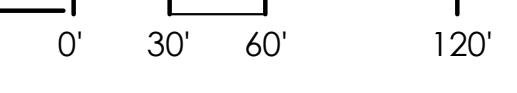
L0.00



1 SITE SECTION THROUGH HOTEL
1" = 60'-0"



2 TRANSVERSE SECTION THROUGH HOTEL
1" = 60'-0"



3 VIEW FROM INTERSECTION OF COLUMBIA AND FOWLKES ST. LOOKING NORTHWEST



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NO.	DESCRIPTION	DATE
1	BZA SUBMITTAL	2025/07/14

Project Number
24.1093

SITE SECTION & RENDERINGS

A01



1 VIEW FROM PLAZA ST. LOOKING SOUTH



2 VIEW OF HOTEL ENTRY & REAR OF MIXED-USE WITH PEDESTRIAN CONNECTION



3 VIEW FROM INTERSECTION OF COLUMBIA & PLAZA ST. LOOKING SOUTHEAST



4 VIEW FROM ACTON ST. FACING REAR OF HOTEL

HILL CENTER
FRANKLIN
COLUMBIA AVENUE
REDEVELOPMENT

H.G. HILL REALTY COMPANY, LLC.
926 Columbia Avenue
Franklin, TN



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NO.	DESCRIPTION	DATE
1	BZA SUBMITTAL	2025/07/14

Project Number
24.1093

RENDERINGS

A02