



## Meeting Minutes

### Board of Zoning Appeals

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Thursday, August 7, 2025

6:00 PM

Eastern Flank Event Facility

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

Chair Langley called the meeting to order at 06:01 PM

Board Members Present: Jonathan Langley (Chair), Jeff Fleishour, William Scales, Dorinda Smith, John Boehms

Board Members Absent: none

**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 the meeting or by emailing [planningintake@franklinton.gov](mailto:planningintake@franklinton.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.

Sponsors:

A motion was made by Board Member Smith, seconded by Board Member Scales to approve the Minutes from the July 3, 2025 meeting. The motion carried 5-0.

#### ANNOUNCEMENTS

Amy Diaz-Barriga reminded the BZA members about the 4 hours of required training for the year. Ms. Diaz-Barriga will be looking into options for training and will be contacting the members about possible opportunities.

## 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

Staff Presentation: Ariella Stanford. Ms. Stanford stated that 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.

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. To have privacy from the rear and sides of neighboring properties that most other properties can have, this property received a variance to have a fence along the side and rear lot lines. To construct this fence for 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.

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

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.

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

Staff finds that 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. Most of the fence would be screened by trees, and much 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 no sanity sewer and utility and drainage easements on the lot, 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.

**RECOMMENDATION:** 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.

**Applicant Presentation:** Andy Dennis. Mr. Dennis did not have anything to add to staff's presentation other than the elimination of the column requirement altogether.

**Citizen Comments:** None

Board Member Fleishour motioned to close the citizen comment portion of the item, seconded by Board Member Dorinda Smith. The motion carried by a vote of 5-0.

Chair Langley asked for any discussion and a motion. No discussion was held.

#### **MOTION**

Board member Scales motioned 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, seconded by Board Member Boehms. The motion carried by a vote of 5-0.

### **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

**Staff Presentation:** Ariella Stanford. Ms. Stanford stated that 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 to add 108 parking spaces within the Urban Frontage area of the hotel facing Acton Street.

**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.

**Criteria #1.** 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.

**Criteria #2.** 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.

Criteria #3. 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.

**RECOMMENDATION:** 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.

**Applicant Presentation:** Jimmy Granberry, Chairman and CEO of HG Hill Realty Company. Mr. Granberry stated that he's excited about the project and the assembled team of local architects and design consultants for the project. Mike Hathaway is the architect for the residential and commercial buildings across the front. Mr. Hathaway will talk about the three criteria required for a variance request.

Mike Hathaway, 906 Studio Architects. Mr. Hathaway stated that the team understands the expectations of the city and believes the subject property is unique. Part of developing the property is connecting Columbia Pike to downtown Franklin while being respectful of the historic Natchez Street area. The concern about fronting the hotel on Acton Street is the activity and disruption to an otherwise very quiet street. Across the street, AutoZone and the bank front Columbia Pike with a street separating the block into two smaller blocks where parking faces residential areas similarly to what the team is proposing for the HG Hill property. Mr. Hathaway explained that the team is proposing an internal road through the middle of the property that acts as a connector street between Plaza Street and Fowlkes Street and a way to cross the property internally, alleviating traffic issues. The creation of the internal street will allow the hotel to front the new street and keep the activity interior to the site, away from Acton Street. Parking will serve as a buffer to Acton Street along with fencing as a barrier. The residential portion would be its own separate smaller community where there is less activity. Lastly, Mr. Hathaway asked the BZA to give the team an opportunity to create a beautiful development that fronts three major roads with an interior road that assists in transitioning to the residential areas.

**Citizen Comments:**

Julian Bibb, 918 Fair Street. Mr. Bibb stated that he is speaking in support of the variance request. Having a development that fronts 4 streets is unique but allows discretion within the zoning ordinance. The proposed development is rare as it will accommodate a hotel, retail, and a residential neighborhood that blends with the surrounding properties while being considerate of the historical areas adjacent to the property. Moving the hotel toward the center of the property will allow Acton Street to maintain a quiet atmosphere respectful of the existing residents. For these reasons, Mr. Bibb stated that he is in total support of the variance request and the proposed development.

Scott Black, 117 Bromley Park Lane. Mr. Black stated that he is the Chairman of the Franklin Housing Authority, which owns the property on the other side of Acton Street and is speaking in support of the proposed project. As an architect and developer, Mr. Black stated that the site is extra wide and if all the buildings were built close to the street on all sides, a vast parking area would be in the middle, which would not be aesthetically pleasing. From the Housing Authority point of view, Mr. Black explained that the FHA believes the proposed design is appropriate for the property located across from Acton Street.

Steve Bacon, 201 Polk Place Drive. Mr. Bacon stated that he is one of the developers of Harpeth Square and he supports the variance request by the applicant. By creating an interior street in the middle of the development, you are essentially

meeting the urban frontage requirements while breaking up the mass of parking. Mr. Bacon agreed with Mr. Black's comments regarding the transition to Acton Street. Considering the comments provided, Mr. Bacon stated that he hopes the BZA will vote in favor of the project and the variance request.

Bob Bass, 107 Everbright Avenue. Mr. Bass stated that he likes the plan laid out by the developer. Acton Street is a very narrow street with a narrow right-of-way with the residents' backyards as close as 60 feet of the proposed hotel if fronted on Acton Street. Mr. Bass supports the new north to south street proposed as it will alleviate potential traffic issues.

There being no other citizen comments, Chair Langley asked for a motion to close the citizen comments.

Board Member Fleishour motioned to close the citizen comments, seconded by Board Member Boehms. The motion carried by a vote of 5-0.

Board Member Smith asked Mr. Black if Franklin Housing Authority owns the property on Short Court that is adjacent to Acton Street.

Mr. Black noted that the purple area on the map, presented by staff, is owned by FHA and includes Short Court.

Chair Langley stated that Acton is a very narrow street and asked staff if Acton Street is a two-way street with parking along the street.

Ms. Stanford stated that Acton is a two-way street from Plaza Street south with no street parking.

Board Member Boehms stated that he likes the plan and agrees that the proposed design is in line with the goals of downtown Franklin and the proposed interior road solves a problem regarding the placement of the hotel. If the hotel was the only building proposed on the property, where would the most appropriate place be for parking? How would frontage be determined considering the property has frontage on four sides? Lastly, Mr. Boehms asked staff if the proposed interior road would be considered a public road.

Ms. Diaz-Barriga stated that the site plan has not been submitted yet, so staff does not know yet. The engineering department would likely need to review the proposed road along with a potential traffic study to determine if the curb cut would be appropriate at that location and whether it could be designated as a public right-of-way or a drive isle. There are several things to consider, once the site plan has been submitted.

Mr. Hathaway stated that the intention of the interior road is to be private with the potential that it could be requested to be public.

Board Member Smith asked Mr. Hathaway where delivery vehicles will deliver items that support the hotel.

Mr. Hathaway explained that the intention would be to deliver items to the hotel via the internal road with limited activity on Acton Street and Fowlkes Street. Furthermore, Mr. Hathaway noted that there would not be an entrance or exit onto Columbia Pike from the property.

Board Member Smith asked Mr. Hathaway for additional information regarding the buffer/barrier wall along Acton Street. The residents of Short Court would likely appreciate the privacy barrier/screening the hotel from view.

Mr. Hathaway stated that the details have not been determined yet, but the intention is a 6-foot wall with attractive landscaping along the edge of the property. Mr. Hathaway noted that there is a substantial hedge along the back that would be maintained.

Chair Langley asked staff, regarding the comments of Board Member Boehms, how staff would address the frontage questions if there was a single building proposed for the property.

Board Member Boehms stated that it was a comment about design solutions not necessarily a question.

## **MOTION**

Board Member Fleishour motioned to approve 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 because the criteria for granting a variance request have been met, seconded by Board Member Boehms.

Board Member Fleishour stated that he liked the design of the site with parking behind the hotel along with the privacy buffer/barrier along the back of the property for residents whose yard back-up to Acton Street. The applicant has done all he can do with the design of the site considering frontage on four sides and the constraints of Acton Street.

Chair Langley stated that given the unique situation with the narrowness of Acton Street, the requirements for granting a variance request have been met.

Board Member Scales stated that he agrees with Chair Langley about the uniqueness of property, and it is an exceptional circumstance. Also, the strict application of the zoning ordinance disregards the efforts made by the applicant to design and accommodate the requirements of this exceptionally large property while being sensitive to the historic surroundings and neighborhoods.

Board Member Smith echoed the comments of Mr. Scales and stated her main concern is the impact the development will have on the residents that back-up to Acton Street. The backyards along Acton Street do not have sidewalks or privacy. This is a unique circumstance that is not addressed by the zoning ordinance, allowing an exception to the rule. The idea of a new road, whether public or private, is interesting as the hotel will face this road with parking behind it. The BZA must consider the new road that doesn't exist today and consider Acton Street that is very narrow without sidewalks also keeping in mind that the area is not the traditional neighborhood defined by the zoning ordinance. Ms. Smith finished by stating that she believes the criteria for granting a variance request have been met.

Board Member Fleishour stated that Ms. Smith's comments are an accurate assessment of the situation.

There being no further discussion, the motion carried by a vote of 5-0.

**OTHER BUSINESS**

**ADJOURN**

There being no further business, Board Member Smith moved to adjourn the meeting, seconded by Board Member Fleishour. The motion carried by a vote of 5-0 and the meeting adjourned at 06:37 p.m.

  
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Chair

10/2/25  
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Date