



City of Franklin

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

Meeting Minutes

Board of Zoning Appeals

Thursday, December 5, 2024

6:00 PM

Board Room

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

Applicants are encouraged to attend the meeting, even if they agree with staff recommendation. The Board of Zoning Appeals may defer or disapprove an application/request unless someone is present to represent it.

Comments on agenda items may be made in person at city hall or by emailing planningintake@franklin.tn.gov until the day prior to the meeting. Emailed comments will be provided to the Commission and included in the minutes, but not read aloud in their entirety during the meeting.

CALL TO ORDER

Chair Langley called the meeting to order at 6:01 PM.

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

Board Members Absent: Lee Reeves

Staff Present: Amy Diaz-Barriga, Ariella Stanford, Nathan Hollingsworth, and Bill Squires

CITIZEN COMMENTS (Open for citizens to be heard on any issue or concern, including those related to items on the agenda. Please submit a Speaker Card at the beginning of the meeting if you would like to address the Commission. If you would like to speak on an agenda item, the Chair will hold your comment until the public comment period associated with the item. As provided by law, the Commission shall make no decisions or consideration of action of citizen comments for items not on the agenda, except to refer the matter to the Planning Director/Staff for administrative consideration, or to a schedule the matter for consideration at a later date. Those addressing the Commission are requested to come to the microphone and identify themselves by name and address for the official record. The Chair may restrict the period for public comment, including the length of the public comment period, the number of individuals who can speak and the length of time each individual may speak. When time allows, the standard individual public comment time is two minutes.)

Chair Langley asked for citizen comments. There were none.

APPROVAL OF MINUTES

1. Consideration Of Approval Of The November 7, 2024, BZA Minutes

Sponsors:

Board Member Smith motioned to approve the minutes from the November 7, 2024, BZA meeting, seconded by Board member Fleishour. The motion carried 4-0.

ANNOUNCEMENTS

Ms. Diaz-Barriga wished the Board a Merry Christmas as this is the last Board Meeting before the new year.

APPLICATIONS**2. A Variance Request To Allow For Encroachments Into Areas With Slopes Of 20% Or Greater, For The Property Located At 3270 And 3244 Boyd Mill Avenue (F.Z.O. 17.1.2.).**

Sponsors: Amy Diaz-Barriga, Ariella Stanford

Staff Presentation: Ariella Stanford. The subject property is located at 3270 and 3244 Boyd Mill Avenue. The property is zoned Residential R-1 District and is within the Hillside/Hillcrest Overlay and the 500-foot Buffer of the Hillside Overlay. Most of the lot is within the 500-foot buffer of Hillside Overlay and is covered in 14-20% or greater slopes, and most of the site is heavily wooded. This property was platted prior to the establishment of the Hillside/Hillcrest Overlay District and the 500-foot Buffer of the Hillside Overlay. This property now lies within the HHO district and the 500-foot Buffer of the Hillside Overlay. As shown in the 'Slopes Greater Than 20% Exhibit', most of the lot is covered in slopes with grades over 20%. This topography creates difficulties for site design and development. The owners of this property own 3270, 3244, 3250, and 3248 Boyd Mill Avenue, and intend to build a single-family residential home on 3270 and 3244 Boyd Mill Avenue. Due to conditions of the site, they intend to replat 3270 and 3244 Boyd Mill Avenue to consolidate the lots and utilize the existing driveway that connects from Boyd Mill Avenue to 3244 Boyd Mill Avenue. The Board of Zoning Appeals approved the following 3 Variance Requests for this property at last month's meeting on November 7, 2024:

1. Variance Request To Allow For A Taller Than Allowable Retaining Wall Within A Front Yard
2. A Variance Request To Allow More Than The Maximum Number Of Retaining Walls On A Site
3. A Variance Request To Reduce The Minimum Garage Setback For A Front Facing Garage From 20-Feet To 0-Feet Behind The Front Facade And Front Door Of The Principal Building

Staff realized that this property would need to apply for one more Variance Request to allow development on slopes greater than 20%. To send out proper public notice for the request, the applicant needed to submit this request as a new application this month. This is why the applicant is now requesting a Variance to allow encroachment into areas with slopes greater than 20%.

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 slopes existing on this lot present an exceptional situation for development of this property. In addition, the property is heavily wooded, which is restricting the location of the house and driveway, because the owner's intention is to minimize tree removal to preserve the natural landscape of the property. Given the topography of the site, encroachment into 20% slopes is necessary for development; however, the Franklin Zoning Ordinance does not allow for encroachment into areas with slopes of 20% or greater. Staff recognizes the exceptional slope conditions across the site and believes that encroachment into areas with a slope of 20% is necessary in this case. For these reasons, 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. Due to exceptional topographic conditions, the strict application of the Zoning Ordinance would create practical difficulties in the development of this site. As shown in the attached exhibit, slopes greater than 20% cover most of the lot. It would not be feasible to build a house on the portion of the lot that does not have slopes greater than 20%, while also minimizing tree removal on the site. Given the unique topography and wooded area of the site, the strict application of the Zoning Ordinance would prevent development on this site. For these reasons, 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. Allowing for encroachment into areas with slopes of 20% or greater on the site would not be a detriment to the public good, nor would it impair the purpose and intent of the Zoning Ordinance. The intent of the Zoning Ordinance is to allow a single-family residential home on this lot, and this variance is the minimum necessary deviation from the requirements of the Zoning Ordinance to develop a single-family home on the lot, given the current conditions of the site. Staff finds this criteria is met.

Recommendation: Staff recommends the Board of Zoning Appeals move to approve the Variance Request To Allow For Encroachments Into Areas With Slopes Of 20% Or Greater, For The Property Located At 3270 And 3244 Boyd Mill Avenue, because the criteria for granting a variance have been met.

Applicant Presentation: The applicant was present but did not have new information to add to staff's presentation.

Citizen comments: None

Board Member Fleishour motioned to close the citizen comment portion of the item, seconded by Board Member Scales. The motion carried 4-0.

Board Member Smith stated that she understood the purpose of the HHO was to protect the viewshed or vista for all citizens to enjoy without development on the hills. Ms. Smith also asked why more of the subject isn't in the HHO.

Ms. Diaz-Barriga clarified that for the 500 buffer of the overlay zone there are certain regulations including the regulation preventing development, in slopes greater than 20%. The idea behind the hillside overlay was to protect the hillsides, and so the city designated that. Determining the overlays was not just an elevation line, it was a study throughout the city where they looked at viewsheds everywhere. As they established the hillsides, they determined that they also wanted to protect the hillsides as they went down to a more flat grade, so they put the 500-foot buffer around it and established that if there were 20% slopes within that buffer, that also needed to be protected. This was a way to transition development from flat land to the hillsides.

Board Member Smith stated that she wanted to make sure she understood the intent of the ordinance. Her understanding is that the intent is to provide the vista for all citizens without development on them.

Chair Langley stated that considering Avalon in Cool Springs, the intent of the zoning ordinance is protection of the hillsides and viewsheds.

Buffer zones vary in slope throughout the city with some 20% slopes falling inside the buffer zones, while other buffer zones exist without 20% slopes. So the regulation isn't just for steep slopes protection, it's to address steep slopes that may be harder to build on, to protect viewsheds of hillsides, and to transition from developed areas to those hillsides and viewsheds that we want to preserve.

Board Member Smith asked if the lots were not going to be combined and re-platted, would a variance request be required.

Ms. Diaz-Barriga explained that steep slopes exist on both lots, so either way, a variance request would be necessary.

Motion

Board Member Scales motioned to approve The Variance Request To Allow For Encroachments Into Areas With Slopes Of 20% Or Greater, For The Property Located At 3270 And 3244 Boyd Mill Avenue because the criteria required to grant a variance requests have been met, seconded by Chair Langley.

Board Member Scales explained that certain entitlements have previously been granted for this property and most of the property is covered in the 20% slope. Granting the variance request is appropriate as the criteria for meeting a variance request have been met and only a small portion of the Hillside Overlay is on the property.

Board Member Smith stated her concerns about upholding the intent of the zoning ordinance and the precedent set for future requests. The Avalon development in Cool Springs was platted prior to the enactment of the zoning ordinance and falls outside the same requirements as the Boyd Mill Avenue variance request. There is a concern that this may set a precedent for future requests because this variance request involves a single property outside a development/subdivision and will affect future variance requests coming before this board. Also, it is important to provide consistency for citizens as this board acts on future variance requests.

There being no further discussion, Chair Langley asked the members to vote one by one.

Board Member Fleishour stated that because the lot location is toward the back of the property, away from Highway 96 and the intersection, he can support the variance request.

The motion carried 4-0.

OTHER BUSINESS

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

ADJOURN

Board Member Fleishour motioned to adjourn the December 5, 2024, BZA meeting, seconded by Board Member Smith. The motion carried 4-0.

There being no further business, the meeting adjourned at 6:21 PM


Chair

1/2/25
Date