



City of Franklin

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

Meeting Minutes

Board of Zoning Appeals

Thursday, October 2, 2025

6:00 PM

Eastern Flank Event Facility

Notice is hereby given that a meeting of the Board of Zoning Appeals will be held on the date, time, and location listed above. Additional information can be found at www.franklintn.gov/planning. For accommodations due to disabilities or other special arrangements, please contact the Human Resources Department at (615) 791-3216, at least 24 hours prior to the meeting. Accommodations have been made to ensure that the public is able to participate in the meeting. The public may participate in the following ways: • Watch the meeting on FranklinTV or the City of Franklin website. • Watch the live stream through the City of Franklin Facebook and YouTube accounts. • Email comments to planningintake@franklintn.gov to be provided in full to the Commission and included in the minutes, but not read aloud in their entirety during the meeting. Emailed comments are accepted until 12:00 PM (noon) on the day before the meeting. • Comment in-person 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 6:01pm.

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

Board Members Absent: Jeff Fleishour

Staff Members Present: Shanna McCoy, Amy Diaz-Barriga, Ariella Stanford

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

Chair Langley asked for citizen comments. There were none.

Comments on agenda items may be made in person at 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 August 7, 2025, BZA Minutes.

Sponsors:

Board Member Dorinda Smith motioned to approve the August 7, 2025, BZA meeting minutes, seconded by Board Member William Scales. The motion carried by a vote of 4-0.

ANNOUNCEMENTS

Ms. Diaz-Barriga stated that there will be training available for the BZA members during October 20-22, 2025 at the TAPA Conference. Once the agenda is received, Ms. Diaz-Barriga will notify everyone on the Board. It was also noted that the training courses would be recorded and available for viewing by the end of the year. The BZA members will have an opportunity to watch the video in place of attending the training.

Board Member Boehms stated that he attended the training event held on October 1 and it was a great learning opportunity.

APPLICATIONS

2. **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 For The Property Located At 417 Forrest Street (F.Z.O. 3.7.5.).**

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

Staff Presentation: Ariella Stanford. Ms. Stanford stated that 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. The applicant requested 3 variances at the July 3, 2025 BZA meeting which were denied. Since then, the applicant has remedied the appurtenance encroachment of the accessory structure, and has removed portions of impervious pavement so that the minimum landscape surface area (LSA) meets the 40% minimum. Since the conditions of the lot have changed since the applicant's previous variance request, the applicant is now requesting 1 variance for the remaining Zoning Ordinance violation.

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.

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. 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 find this criteria is not 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. 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.

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 find that this request would not be a detriment to the public good and would not impair the intent of the Zoning Ordinance. Part of the intent for setbacks is safety, and buildings are required to be at least 5 feet from a property line for fire safety. If a house is less than 5 feet from a property line, the house is required to be fire rated or have a sprinkler system installed. The applicant has met with city staff and has submitted a permit application for a sprinkler system, so the fire safety concern is being addressed. The applicant and owner of 417 Forrest Street also owns 415 Forrest Street, and since last month, the house at 415 Forrest Street has been demolished. The house at 415 Forrest Street was legally nonconforming and was approximately 2 feet from the side lot line. With that house being demolished, a new house on that lot will now need to conform with the required 7-foot setback, so the houses will not be as close as they were. Part of the intent of the Zoning Ordinance in this case is to have aesthetic consistency of spacing between houses. The side setbacks between the houses on this street are not consistent, so the inconsistency of this setback with the rest of the street is not obviously out of place. Staff find this

criteria is 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 For The Property Located At 417 Forrest Street, because the criteria for granting a variance have not all been met.

Applicant Presentation: Brian Biglin, owner. Mr. Biglin stated that there have been several changes since the last meeting, including the purchase and demolition of the homes on each side of the subject property, removing the existence of a fire hazard. Concrete was removed from the front, back patio and steps along the side of the home to comply with the required permeable surface guidelines. The permeable surface area went from 27% to 40% permeable surface. Mr. Biglin stated that he solved the first two variance requests from the July submittal. Lastly, Mr. Biglin explained that he met Don Toothman, an expert in home moving, to understand the process. Mr. Toothman did not recommend moving the home because it is built on a slab. Part of the process of moving a home requires a four-foot trench to be dug, then the home is moved over and another four-foot trench and so forth. Because the home is built on a slab, Mr. Toothman said the concrete slab would collapse. Mr. Biglin finished by explaining that his goal is to rebuild the demolished homes on each side so that each home allows for better spacing between the properties.

Citizen Comments: None

Chair Langley mentioned that an email was received by staff regarding this property.

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

Board Member Smith 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 the applicant owns 415 and 417 Forrest Street. The issue involves the encroachment between these two homes. The problem could be solved if 415 becomes part of 417, in theory.

Ms. Diaz-Barriga stated that 415 does not meet the zoning ordinance minimums as it is today and to make 415 smaller, by giving land to 417, would make the lot further out of compliance. Ms. Diaz-Barriga agreed with Board Member Smith, that 415 and 417 could be combined into a singular lot which would solve the problem.

Board Member Boehms asked Mr. Biglin if he had considered removal of a wall, reducing the home size so that the home does not encroach into the required distance between the homes.

Mr. Biglin explained that the home is very narrow to begin with and removing a wall would reduce the space in the kitchen, which is where all the utilities enter the home.

Board Member Scales asked Mr. Biglin if he considered combining the two lots.

Mr. Biglin stated that only as a last resort would he consider combining the two lots as he would lose the ability to build a home on the 415 Forrest Street site.

MOTION

Board Member Smith 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 For The Property Located At 417 Forrest Street because the criteria for granting a variance request has not been met, seconded by Board Member Boehms.

Board Member Smith stated that she researched the lots in this area of Franklin, and the lots are very small. Encroachment of 2.6 feet into the side setback of a small lot is significant when considering the lot size. Board Member Smith stated that buildings should be consistent with the lot size and should be compliant with the zoning ordinance.

Chair Langley stated that he recognizes the difficulty the applicant is faced with considering the home was built years ago in a location that does not meet the zoning requirements. Chair Langley noted that he feels for the applicant in this situation and the obstacles in finding a solution.

Board Member Scales agreed with Chair Langley and stated that he recognizes the work the applicant has

completed to bring the property into compliance with the zoning ordinance in other areas. Board Member Scales noted that it is an unfortunate situation, but there are still lot size issues.

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

3. A Variance Request To Allow Additional Parking Bays And Drive Aisles Within The Noah Drive Frontage Area For A Principal Building For The Property Located At 245 Noah Drive (F.Z.O.7.4.).

Sponsors: Amy Diaz-Barriga, Ariella Stanford

Staff Presentation: Ariella Stanford. Ms. Stanford stated that this 2.39 acre property is located at 245 Noah Drive and is zoned LI Light Industrial District. There is currently an 8,191 SF building on the lot, and the applicant is proposing an additional 5,740 SF building to be used as a warehouse. Due to the unique conditions of the lot, the applicant is proposing to locate the warehouse building at the back of the lot, which would require parking to be in front of the proposed building. Parking frontage is allowed in the light industrial zoning district, but it is limited to 2 bays of parking and 1 drive aisle. Due to the unique conditions of the lot, the applicant is proposing more than 2 bays of parking and 1 drive aisle. For this reason, the applicant is requesting a variance to allow additional parking bays and drive aisles within the Noah Drive 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.

Criteria #1. There are several unique conditions of this lot. In addition to the unique shape of the lot, the location of the existing building and the 50' buffer along the northern property line restrict options for additional development on this site. There is a 50' buffer along the northern property line because this property abuts a residential neighborhood to the north, which is required per the Franklin Zoning Ordinance. With the existing building location, the 50' buffer, and the unique shape of the lot, the proposed additional warehouse building would not be able to fit on the lot in a location that would allow the parking to be located behind the building. Staff find this criteria is met.

Criteria #2. To comply with the Zoning Ordinance regulations in this case, the applicant would likely not be able to build the proposed warehouse and keep the existing building on this lot. The applicant has attempted multiple configurations but have been unable to configure the lot in a way that would allow them to meet this Zoning Ordinance regulation. The lot is big enough to fit the existing building, the proposed building, and the necessary parking, but the only configuration that fits within the unique conditions of the lot cannot meet the Zoning Ordinance. This is a unique hardship. Staff find this criteria is met.

Criteria #3. Staff finds that this request would not be a detriment to the public good and would not impair the intent of the Zoning Ordinance. Part of the reason for this request is to maintain the 50' buffer between this lot and the neighboring residential use, which is an effort to ensure that this proposed warehouse would not be a detriment to those neighbors. The intent of this Zoning Ordinance regulation is to avoid parking lots being the view of a property from the street. The lot slopes up from the street in a way that the back of the lot is barely visible from the street. This means the proposed parking being in front of the proposed building would barely be visible from the street, if at all. Staff finds this criteria is met.

RECOMMENDATION: Staff recommends the Board of Zoning Appeals move to approve A Variance Request To Allow Additional Parking Bays And Drive Aisles Within The Noah Drive Frontage Area For A Principal Building For The Property Located At 245 Noah Drive, because the criteria for granting a variance have been met.

Applicant presentation: Jimmy Franks, Tennessee Valley Homes. Mr. Franks asked the BZA to favorably consider the variance request for an additional storage building on this property. Mr. Franks explained that the current building houses a cabinet making business for his Tennessee Valley Homes Company. The cabinets are in high demand, but more storage is needed to house the finished cabinets and to allow the workers to continue building. Mr. Franks also noted that there would not be any more parking needed than already exists. The proposed building would fit nicely into a steep bank that backs up to the APCOM property. Mr. Franks stated that there is a two-acre lot in front of the existing building that has a 13-14,000 square foot building on the property, making it impossible to build in the front. Also, Mr. Franks noted that there is a shortage of light

industrial space availability in Franklin. Lastly, Mr. Franklin stated that the area is a little over three acres that is being underutilized, and he would appreciate support for the request.

Citizen Comments: None

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

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

MOTION

Board Member Boehms motioned to approve A Variance Request To Allow Additional Parking Bays And Drive Aisles Within The Noah Drive Frontage Area For A Principal Building For The Property Located At 245 Noah Drive, seconded by Board Member Scales. There being no discussion, the motion carried by a vote of 4-0.

4. A Variance Request To Allow A Nonconforming Structure To Expand In A Way That Does Not Meet The 5-Foot Side Yard Setback Requirement For The Property Located At 1127 Park Street (F.Z.O. 2.3.3.).

Sponsors: Amy Diaz-Barriga, Ariella Stanford

Staff Presentation: Ariella Stanford. Ms. Stanford stated that This 0.14-acre property is located at 1127 Park Street and is zoned R-6 Residential District. There is an existing house on this property, and the applicant is proposing an addition to the existing house. The existing house is not completely parallel to the side lot line, so the setback varies from 3.81' to 4.16'. The minimum setback requirement for the R-6 Residential zoning district is 5 feet, but this house is allowed to remain in place because it is a legally nonconforming use. As stated in the Franklin Zoning Ordinance, a nonconforming use is any principal or accessory use, structure, lot of record, sign, or tower that was lawfully established before the effective date of this Ordinance and no longer complies with this Ordinance is considered nonconforming. The proposed addition to the house extends from the rear façade and maintains the width of the existing house. Since the existing house is not parallel to the side lot line and gets closer to the lot line as it extends back, the addition encroaches closer to the side lot line than the existing house as it extends back. At its closest point, the proposed addition is 3.49' from the side lot line. Since any addition to a nonconforming use is required to comply with the Zoning Ordinance standards, the addition is required to comply with the 5-foot side yard setback requirement. For this reason, the applicant is requesting a variance to allow a nonconforming structure to expand in a way that does not meet the 5-foot side yard setback requirement.

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. Staff does not find any extraordinary conditions of this property that would prevent development of an addition to the existing house within the setbacks on this property. While it is unique that the existing house is not completely parallel to the side lot line, that does not prevent the addition from being offset by 2 feet to comply with the setback requirements. Staff find this criteria is not met.

Criteria #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. To comply with the Zoning Ordinance in this case, the addition could be reduced by 2 feet on the side or moved 2 feet to the west. There is not a driveway extending to the back of the property along the west side of the house or a garage in the rear, so moving the addition 2 feet would not impede vehicular access to the backyard area. Regarding stormwater mitigation, the proposed drywell tanks may restrict the design of the addition if the applicant were to extend the addition back to compensate for meeting the side setback, but the proposed drywell tanks are not specifically required per the City of Franklin. There are other options for stormwater mitigation on the site that would likely allow the addition to extend further back on the site. Additionally, there seems to be at least a few feet between the proposed drywell tanks and the proposed deck, so there is currently room to extend further back with the proposed location of the drywell tanks. Without these options being explored to meet the Zoning Ordinance regulations, Staff does not find that the location of the proposed drywell tanks causes hardship. Staff find this criteria is not met.

Criteria #3. Staff find 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 this zoning ordinance regulation is to provide a buffer between buildings and to have aesthetic consistency with setbacks in a neighborhood. In addition to the house already being close to the side lot line, the addition would encroach even closer. This lessens the buffer to the

neighboring house and would be visibly closer to the side lot line from the street. This does not meet the intent of the zoning ordinance. Staff find that this criteria is not met.

RECOMMENDATION: Staff recommends the Board of Zoning Appeals move to deny the Variance Request To Allow A Nonconforming Structure To Expand In A Way That Does Not Meet The 5-Foot Side Yard Setback Requirement For The Property Located At 1127 Park Street, because the criteria for granting a variance have not been met.

Applicant: Matt Knutsen, KCK Custom Builders. Mr. Knutsen stated that Ms. Stanford covered everything well, and he did not have anything to add.

Chair Langley asked Mr. Knutsen to summarize or describe the situation.

Mr. Knutsen stated that the house is not parallel with the property lines as the front and rear property lines are skewed. Since the lines are skewed, the addition ends up encroaching into the left side setback.

Citizen Comments:

Lisa Coffee, 119 Reveille Court. Ms. Coffee stated that the purpose of the addition is to provide a larger bedroom for her 88-year-old mother who would like to remain in her home instead of moving to a nursing home. A larger space would accommodate a walker or larger bed along with any other needs she might have. Ms. Coffee explained that this house and the land are very special, and it is the family gathering place for holidays and celebrations throughout the year. Many times, the backyard is used to park cars for these gatherings because there is not enough parking on the road.

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

Board Member Boehms asked staff if fire rating the wall or sprinkling the wall would address or satisfy the encroachment of the addition into the side setback.

Ms. McCoy stated that it would help meet the building code requirements, but it would not satisfy the zoning requirements. A fire rating of closer than five feet to the property line would require use of fire-rated materials or a sprinkler system.

Board Member Smith asked Ms. McCoy if the entire house would be required to have a sprinkler system.

Ms. McCoy confirmed that it would only be the addition that would require the sprinkler system.

Board Member Smith stated that staff analysis indicated that the option to move the structure over so that the addition does not encroach into the setback has not been explored fully. Ms. Smith asked Mr. Knutsen if they considered relocating the addition to a different part of the home.

Mr. Knutsen stated that if the addition was moved over, it would impede the pathway to the backyard making it difficult to park cars during family gatherings. There is only enough parking for two cars along the street. Another concern is the location of the drywells that mitigate storm water, as the plan was to build the addition and a deck leaving space for the dry wells. Mr. Knutsen further stated that there are a couple of storage buildings behind the dry wells. The main concern for the family is having enough space for parking so that cars are not blocking the street.

Board Member Boehms asked Mr. Knutsen if he explored an option to not setback the entire addition but at the corner where there appears to be a generous space that could be configured differently to address the setback issue. Mr. Boehms recommended exploring this option to find a way to comply with the zoning ordinance.

Mr. Knutsen explained that he considered decreasing the square footage, but the space is needed to accommodate the family's needs. Mr. Knutsen stated that they considered a reduction of 2.5 feet which would reduce the square footage by 75 square feet and even with the addition, it is a small house.

Board Member Boehms suggested a reduction on the inside using the 3D rendering to allow the family to get a better idea of what the smaller space would look like.

Mr. Knutsen stated that it has been a tricky process fitting the requested addition size on the small lot while not

interfering with the dry wells or encroaching into the side setback. Mr. Knutsen stated that he understands and appreciates the thoughts on decreasing the addition size but the family has concerns about having enough space for a walker or wheelchair or other needs in the future.

Chair Langley asked Board Member Boehms for more explanation on his suggestions on decreasing the size of the addition.

Board Member Boehms pointed out the areas on the application exhibits.

Board Member Scales asked Mr. Squires if the application was denied, could the applicant come back with a modified plan as was discussed this evening.

Mr. Scales explained yes, but the board is charged with deciding on the application that is before you. If changes are made to the proposal and presented to the board, the board would make a decision on the new information.

MOTION

Board Member Scales motioned to deny A Variance Request To Allow A Nonconforming Structure To Expand In A Way That Does Not Meet The 5-Foot Side Yard Setback Requirement For The Property Located At 1127 Park Street because the criteria for granting a variance request have not been met, seconded by Board Member Smith.

Board Member Smith stated that she applauds and sympathizes with the efforts to keep Ms. Coffee's mother in her home. The board is tasked with looking at the entire situation, not only the subject property but the surrounding property and the neighborhood, and the consistency with the zoning ordinances. Ms. Smith further stated that the setbacks are already closer than they should be and to encroach closer to the adjacent property is concerning.

Board Member Scales stated that he would like to see other options or renderings that take into consideration more consistency with the setback requirements. The applicant has submitted a single version of a plan so far that does not satisfy the zoning requirements for side setbacks. Mr. Scales also stated that he sympathizes with the family, but he does not see how the current proposal can be approved given the criteria required for granting a variance request.

Chair Langley stated that this is a difficult situation given the small footprint of the lot, but looking at the aerial view of the lot and adjacent properties, there appears to be enough space to configure an addition that would not impact the side setbacks. Hearing the potential options from Board Member Boehms, is there a way to design the addition so that enough space is provided for the family and that complies with the zoning ordinance?

Board Member Boehms suggested that if the applicant considered using the corner as the pivot point, angled with the lot line, come back and strike a line at 5 feet...would this work for the applicant?

Board Member Scales asked if the board should speak in hypotheticals.

Mr. Squires stated that discussion can consist of anything the board would like to discuss, but it is never a good idea to discuss how you may vote in the future, and it is challenging to offer design suggestions to an applicant who may or may not take the suggestions.

Chair Langley stated that the charge of the BZA is to decide on the setback using criteria required for granting a variance and not the building plan of the addition. But to do so requires looking at the situation in context of existing conditions and plans for the future.

There being no further discussion, the motion carried by a vote of 3-1 with Chair Langley voting against.

OTHER BUSINESS

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

ADJOURN

There being no further business, Board Member Smith motioned to adjourn the October 2, 2025, BZA meeting, seconded by Board Member Boehms. The motion carried by a vote of 4-0 and the the meeting adjourned at 06:47 PM.


Chair

11/6/25
Date