



City of Franklin

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

Meeting Minutes

Board of Zoning Appeals

Thursday, November 6, 2025

6:00 PM

Eastern Flank Event Facility

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

Board Members Present: Jonathan Langley (Chair), William Scales, Dorinda Smith, Jeff Fleishour, John Boehms (arrived after item #2)

Board Member Absent: None

Staff Present: Ariella Stanford, Shanna McCoy, William Scales

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 citizens who would like to speak to the Board members about items not 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 October 2, 2025, BZA Minutes.

Sponsors:

A motion was made by Board Member Dorinda Smith, seconded by Board Member William Scales, to approve the Minutes from the October 2, 2025, meeting. The motion carried by a vote of 4-0.

BZA ANNUAL CALENDAR**2. Consideration Of Approval Of The 2026 BZA Deadlines And Schedules Calendar.**

Sponsors: Amy Diaz-Barriga, Ariella Stanford

A motion was made by Board Member Dorinda Smith, seconded by Board Member Jeff Fleishour to approve the 2026 BZA Deadlines and Schedules Calendar. The motion carried by a vote of 4-0.

ANNOUNCEMENTS

Ms. Stanford asked the Board to be patient with her as she will be moving between laptops during presentation of the items.

APPLICATIONS**3. A Variance Request To Encroach 14 Feet Into The Required 25-Foot Transition Zone 1 Buffer Along The Northern Property Line For The Property Located At 4309 S Carothers Road (FZO 8.1.2.).**

Sponsors: Amy Diaz-Barriga, Ariella Stanford

Board Member William Scales stated that he lives close to this neighborhood and, to avoid any appearance of a lack of objectivity, he recused himself from this item.

Staff Presentation: Ariella Stanford. Ms. Stanford noted that this item has an approved site plan, which means the uses proposed on this site meet the development requirements of the city of Franklin. The decision tonight is not whether a particular use can be approved on the site or not. A section of the plan is being considered for a variance as to how the site can be developed, not whether specific use is permitted or not. Ms. Stanford explained that this 5.5-acre parcel is zoned Neighborhood Commercial and is within the Flood Fringe Overlay. The applicant plans to develop the site with one retail building, a daycare, and a gas station/convenience store. The property is vested under the 2020 Zoning Ordinance, so it must comply with the regulations as outlined in the 2020 Zoning Ordinance. Per the 2020 Zoning Ordinance regulations, a 25' transition zone 1 buffer is required along the northern property line abutting an R2 zoned property. Due to the location of the property with respect to the existing South Carothers Road and Carothers Parkway intersection, the entrance to the site must be located within the required transition buffer zone in order to create a four-way intersection with the existing street network. It should also be noted that this Variance Request was approved in April 2021 and then again in December 2023 but has since expired, hence the need to request the Variance again. The applicant is requesting a Variance To Encroach 14 Feet Into The Required 25-Foot Transition Zone 1 Buffer Along The Northern Property Line.

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:

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 topography 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 subject property is located next to the existing intersection of South Carothers Road and Carothers Parkway, with the northern property line located just north of the necessary alignment for the intersection. The location of this property line in relation to the existing intersection alignment is an exceptional situation, as it prevents the property from accommodating engineering standards to connect the entrance to the property with the intersection of South Carothers Road and Carothers Parkway. Staff finds 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.

Strict application of the Zoning Ordinance would prevent the entrance of the parcel from aligning with the existing intersection. For full access to the site, City of Franklin Engineering Standards would require access to be either at the existing intersection, or at least 800 feet from the existing intersection; however, the overall length of the property is less than 600 feet. The Zoning Ordinance transition zone buffer requirements would require the site entrance to be in a location that is not desirable for roadway connectivity and not supported by

the City's Engineering Standards. This creates a hardship upon the owner, which requires the site entrance to be in the proposed location. 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 find that allowing encroachment into the buffer would not be a detriment to the public good and would not substantially impair the purpose and intent of the Zoning Ordinance. The transition zone buffer requirements in the Zoning Ordinance are intended to screen and separate new development from adjacent residential properties, which is still being addressed by the proposed project. The buffer is proposed to have a retaining wall and landscaping to maintain a transition buffer adjacent to the residential property to the north. Additionally, aligning the entrance to the site with the existing intersection would create a higher public safety environment for vehicles entering and exiting the site. Staff find this criteria is met.

RECOMMENDED MOTION: Staff recommends the Board of Zoning Appeals move to approve the Variance Request To Encroach 14 Feet Into The Required 25-Foot Transition Zone 1 Buffer Along The Northern Property Line For The Property Located At 4309 S Carothers Road, because the criteria for granting a variance have been met.

Applicant Presentation: Matt Huff, Gamble Design Collaborative. Mr. Huff was present to answer questions from the Board but did not have any new information to add.

Citizen Comments:

Caroline Shore, 467 Courfield Drive, Lockwood Glen. Ms. Shore stated that building standards exist to protect and safeguard the community by setting minimum building standards for protection of the residents, safety and property values. Ms. Shore stated that waving the minimum standard 25 foot buffer by 14 feet leaves only an 11 foot buffer and is more than half the minimum standard. Ms. Shore stated that this is unacceptable and asked the Board to consider denying the variance request.

Sherri Mangiali, 1020 Meandering Way. Ms. Mangiali stated that she is opposed to the variance request because of the negative impact on the adjacent properties to the north and the other surrounding communities and neighborhoods. Residents were told during a 2021 zoom meeting that nothing could be done to stop the project moving forward, not knowing that there were opportunities to voice their concerns about the overall commercial project. Ms. Mangiali noted that the two property owners just north of the commercial development have gone through the Envision Franklin amendment process to have the property rezoned to commercial and is pending due to the negative impact of this development at 4309 Carothers Parkway.

Erica Scales, 2024 McAvoy Drive. Ms. Scales asked if this variance request would minimize the easement necessary to access the property or does it maximize land development. There are several other commercial properties in the area that will likely request a variance for some reason or another. Ms. Scales asked the Board to not let this variance request set the precedent for the future and to please deny the variance request and ask the developer to request a variance that truly minimizes the easement necessary to access this property.

Scott Johnson, 2001 McAvoy Drive. Mr. Johnson asked if anything could be done regarding the minimum building standards for this project and what was the reason the minimum building standards were waived.

A motion was made by Board Member Dorinda Smith, Seconded by Board Member John Boehms, to close the public comments portion of the items. The motion carried by a vote of 5-0.

Chair Jonathan Langley asked if staff could provide more details about waiving the minimum building requirements for this project.

Ms. Stanford stated, referring to the encroachment into the transition buffer, the applicant received two variance request approvals in 2021 and 2023 which were required for site plan approval.

Board Member Dorinda Smith asked if staff had received any direct correspondence from the property owner whose property is impacted the most by the encroachment.

Ms. Stanford stated that she did not receive any direct correspondence from that property owner.

Chair Jonathan Langley asked staff if the property directly impacted by the encroachment into the transitional buffer is still zoned residential or if the property had been rezoned.

Ms. Stanford stated that the property is zoned R2 and the planning department had not received any formal requests to rezone the property to the north of the subject property. The planning department has received questions about the property.

Board Member John Boehms asked staff about the encroachment for the road alignment at the intersection.

Ms. Stanford stated that the site plan has established road impact improvements based on the traffic impact study that was completed as part of the requirements for site plan approval. It was determined that there would be an addition of two right turn lanes and a left turn lane which required acquiring additional right of way.

MOTION

Board Member Dorinda Smith motioned to approve A Variance Request To Encroach 14 Feet Into The Required 25-Foot Transition Zone 1 Buffer Along The Northern Property Line For The Property Located At 4309 S Carothers Road, seconded by Board Member John Boehms.

Board Member Dorinda Smith stated that she believes the criteria have been met. Also, the city mandates that the entrance to the property be located in specific places so that existing roads can be aligned. Board Member Dorinda Smith noted that there really is not another option for the developer and there is an exception necessary for the narrowness and shape of the property.

Chair Jonathan Langley explained that the BZA is solely looking at the variance request for encroachment into the transition buffer, not the use or zoning of the property. Any development on this property would be required to align the roads according to the zoning ordinance and the city engineering department.

Board Member Jeff Fleishour stated that the left aisle turning into the property is adjacent to the property line.

Mr. Huff stated for the health, safety and welfare of the public, alignment of the roadway is required. The property does not have enough frontage to connect to Carothers Parkway further south. The team has attempted to make the best of the situation on this north side. There will be an eight-foot retaining wall with evergreen plantings to maximize the opacity of the buffer.

Board Member Jeff Fleishour stated that he is referring to how cars will access the pumps.

Mr. Huff stated that cars would enter, take a left and go around the building to access the pumps.

Board Member Jeff Fleishour stated that he understood and that it appears the proposed plan is the only option given the constraints of the property.

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

4. A Variance Request To Allow A Parking Pad That Encroaches Into The Yard Area Located In Front Of The Principal Building For The Property Located At 807 Hillsboro Road (FZO 10.12.1.A).

Sponsors: Amy Diaz-Barriga, Ariella Stanford

Staff Presentation: Ariella Stanford. Ms. Stanford stated this 0.5 acre property is located at 807 Hillsboro Road and is zoned R-1 Residential District. The property has an existing single family house, and the applicant is proposing a parking pad along the driveway, between the existing house and the 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. Ms. Stanford stated that she would only provide staff analysis for each criterion but would be glad to read the criteria if necessary.

Criteria #1. The applicant has stated that the proposed parking pad is necessary due to traffic conditions on Hillsboro Road making it unsafe to back out onto the road with the current driveway. The current driveway is 10 feet wide which does not provide room for a car to turn around. However, the existing driveway leads to an existing parking area behind the house, where cars can turn around. In addition, the applicant is proposing to add a 2-car garage and make the concrete parking area in the back larger than it is currently. This shows that the property can accommodate a reasonable amount of parking spaces and an area to turn around behind the

house, which is in compliance with the Zoning Ordinance. The applicant has also stated a concern with people turning around on the front yard, but there are viable solutions that comply with the Zoning Ordinance. One solution would be a small wall along the driveway between the driveway and the front yard, to prevent drivers from turning around on the front yard. Staff finds this criteria is not met.

Criteria #2. Staff does not find a hardship caused in this case. While Hillsboro Road is a busy road, the property already has a parking area behind the house to turn around, and the applicant is proposing a 2-car garage and a larger parking area behind the house, which eliminates the hardship caused, while complying with the Zoning Ordinance. Staff finds this criteria is not met.

Criteria #3. Staff find that this request would not be a detriment to the public good, but it would impair the intent of the Zoning Ordinance. The intent of the Zoning Ordinance in this case is to ensure that parking pads and cars are not at the forefront, so that the house is the visual focal point of the lot, rather than parked cars. Locating the parking pad in front of the house impairs the intent of the Zoning Ordinance in this case. Staff finds this criteria is not met.

RECOMMENDED MOTION: Staff recommends the Board of Zoning Appeals move to deny the Variance Request To Allow A Parking Pad That Encroaches Into The Yard Area Located In Front Of The Principal Building For The Property Located At 807 Hillsboro Road, because the criteria for granting a variance have not been met.

Applicant Presentation: Cody Crawford. Mr. Crawford stated that he believes that there is room for two cars to turn around behind the home at any given time. The back parking area is gated and cannot be accessed if no one is home and even if the gate is open, larger vehicles can not get through as the entrance measures 9'8". Lastly, Mr. Crawford stated that the intent of the parking pad is for convenience for delivery trucks and visitors and 99% of the time a car will not be parked on the parking pad. Mr. Crawford also noted that recently a concrete truck had to back out of the driveway during school traffic, and it was hardship. Mr. Crawford asked if any of the following property owners on Hillsboro Road have requested a variance for parking pads? Those addresses are 711, 803, and 1003 Hillsboro Road.

Citizen Comments: None

Board Member John Boehms motioned to close the public comments portion of the item, seconded by Board Member Dorinda Smith. The motion carried by a vote of 5-0.

Board Member John Boehms stated that he has the same question the applicant has regarding the parking pads along Hillsboro Road. Also, Mr. Boehms noted that the subject property appears to be graded in preparation for the parking pad.

Ms. Stanford explained that some of the homes with parking pads were established and built prior to this zoning ordinance regulation being put into place. Other properties along Hillsboro Road have been issued notices of violation for the parking pads.

Ms. McCoy stated that several parking pads along Hillsboro Road properties have been installed without approval or permits, and other owners have asked for approval and have been denied, but the parking pads have been installed anyway. Other properties were built and established prior to the zoning ordinance enactment.

Board Member Jeff Fleishour stated that there are multiple situations to consider. There are those property owners who have illegally installed parking pads and have been notified of a violation. There are homes built prior to the existing zoning ordinance, parking pads installed without approval, and we have a property owner who is following the rules and is requesting approval to install the parking pad. Board Member Jeff Fleishour stated that if a precedent is set, then there will be issues with those who have been in violation of the ordinance.

Ms. McCoy, unofficially, stated that the zoning ordinance has been in place since 2008.

MOTION

Board Member Jeff Fleishour motioned to deny the Variance Request To Allow A Parking Pad That Encroaches Into The Yard Area Located In Front Of The Principal Building For The Property Located At 807 Hillsboro Road, seconded by Board Member William Scales.

Board Member Jeff Fleishour stated that he feels the only option is to deny the variance request because the

criteria for granting the request have not been met.

Board Member Dorinda Smith stated that she agrees with Mr. Jeff Fleishour but appreciates the difficulties of navigating Hillsboro Road. Ms. Smith went on to say that most homes along Hillsboro Road don't have parking pads and have figured out a way to handle the traffic.

Board Member William Scales stated that he is also sympathetic with the property owner and feels there are alternative solutions that could be explored.

Chair Jonathan Langley stated that a few years ago the same request came before the BZA, and it's one thing if there is clear criteria that can be met to grant approval, but this situation is entirely different as the property does not meet any of the required criteria.

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

5. A Variance Request To Allow Columns Without Bases For A Canopy For The Property Located At 1215 Hillsboro Road (FZO 5.2.7.E.3.).

Sponsors: Amy Diaz-Barriga, Ariella Stanford

Staff Presentation: Ariella Stanford. Ms. Stanford stated this 38 acre property is located at 1215 Hillsboro Road and is zoned CI Civic and Institutional District. There is an existing church on the property, and a preschool located on the church campus as well. The applicant is proposing a canopy over the main entrance of the preschool building, and is proposing that the columns on the canopy not have bases. The Zoning Ordinance requires that each column or post shall have a base of brick, natural stone, or cultured stone. For this reason, the applicant is requesting a variance to Allow Columns Without Bases For A Canopy.

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:

Criteria #1. Staff does not find any unique condition of the lot, nor any other extraordinary and exceptional situation or condition, that prevents each column of the proposed canopy from having a base. Staff finds this criteria is not met.

Criteria #2. Staff does not find a unique hardship caused by the strict application of the Zoning Ordinance. There are not specific dimensional requirements for bases on columns, which provides flexibility for the design of the base to meet the needs of the site or project. This allows the design of the bases on each column to be able to meet the needs of the preschool building. For example, if the concern is young children climbing the bases, they can be designed narrow and/or tall enough that they cannot be climbed. Staff finds this criteria is not met.

Criteria #3. Staff finds that this would not be a detriment to the public good and would not impair the intent of the Zoning Ordinance. Staff finds that bases without columns would not be a detriment to the public. The intent of this Zoning Ordinance is for aesthetic purposes and aesthetic consistency of buildings and canopies throughout the city. This is a very large lot, and the canopy would be barely visible from the street, if at all. Staff finds this criteria is met.

RECOMMENDED MOTION: Staff recommends the Board of Zoning Appeals move to deny the Variance Request To Allow Columns Without Bases For A Canopy For The Property Located At 1215 Hillsboro Road, because the criteria for granting a variance have not been met.

Applicant Presentation: Rishard Brasher. Mr. Brasher stated that the building under discussion is at the very back of the 38 acre property along Hillsboro Road and cannot be seen from the road. There are safety concerns about having a masonry base as it provides a climbing hazard for children. Staff suggested making the base taller or shorter, which changes the design so that it does not match the rest of the building, which was staff's original argument. Harpeth House, another building on the campus located close to the subject property, has a similar canopy without a base and was approved in 2018.

Holly Davis. Ms. Davis stated that she is the director of the Mustard Seed, a licensed DHS facility, at Christ Community Church. The canopy proposed will provide parents and children with much-needed protection from rain and bright summer sun. The requirement of a masonry base for the canopy presents an ongoing safety

hazard and may potentially violate DHS licensure requirements. The safety concerns revolve around the material of the base as the entrance is a high traffic area and where families congregate and mingle, not to mention the climbing hazard. Preschool children are developing balance, coordination and spatial awareness, making the rough and sharp edges of the canopy base potentially dangerous. Ms. Davis explained that the proposed design matches the church architecture in color, scale and form, but also eliminates known hazards and aligns with established child safety standards. Ms Davis explained that for any preschool, safety must come first and asked for the Board to grant approval of the canopy.

Citizen Comments: None

Board Member Jeff Fleishour motioned to close the public comments portion of the item, seconded by Board Member John Boehms. The motion carried by a vote of 5-0.

Board Member Williams Scales asked if staff had received any other variance requests to install a canopy without a masonry base.

Ms. Stanford stated that she does not know of any variance requests regarding the installation of a canopy without a masonry base. Ms. Stanford noted that driving around Franklin, there are preschools that have canopies with a masonry base.

Chair Jonathan Langley asked if the zoning ordinance for canopies is a commercial requirement.

Ms. Stanford stated that under accessory uses and structures of the zoning ordinance, canopies with masonry bases are required for all structures.

Board Member Boehms asked if there was a variance request granted for Harpeth House.

Ms. Stanford stated there was not a variance request for the Harpeth House.

MOTION

Board Member Jeff Fleishour motioned to approve A Variance Request To Allow Columns Without Bases For A Canopy For The Property Located At 1215 Hillsboro Road, seconded by Board member Boehms.

Board Member Jeff Fleishour stated that he believes the criteria have been met as the building is at the back of the property and completely out of sight. The safety of the children should be considered first.

Board Member William Scales stated that the health and safety of children, in this situation, should be considered as an exceptional situation along with an exceptional hardship on the owner. At the forefront of decision-making should be creating a safe environment for children. Board Member Scales stated that he believes the criteria necessary for granting a variance request have been met.

Board Member Dorinda Smith stated that she feels the requirement for a masonry base is more of an aesthetic requirement than a physical security requirement for a canopy and, since the building cannot be seen from the street, the zoning ordinance is a moot point.

Board Member John Boehms asked if the building was leased from Christ Community Church. If so, the situation changes if the Mustard Seed decides to move locations. The building would not be contextually within the architecture.

Ms. Davis stated that the Mustard Seed is a ministry of Christ Community and part of Christ Community Church.

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

- 6. A Variance Request To Allow A Proposed Principal Building To Have A Maximum Front Yard Setback Of 80 Feet, And A Variance Request To Allow The Front Façade Location Of A Proposed Principal Building To Be Oriented In A Non-Parallel Manner To The Frontage For The Property Located At 880 Oak Meadow Drive (FZO 3.19.5 and 6.9).**

Sponsors: Amy Diaz-Barriga, Ariella Stanford

Staff Presentation: Ariella Stanford. Ms. Stanford stated this 13.3 acre lot is located at 880 Oak Meadow Drive, and is zoned RC-6 Regional Commerce District. The owner wishes to develop the parcel with a 1-story, 100,000± SF Commercial Recreation facility. There is no site plan submitted for this project, but the applicant plans to submit a final plat to subdivide the lot into 2 lots, and a site plan to develop it. The plans provided for this property represent the desired design of the site. There are a few constraints with this property. The property has a border of slopes greater than 20% along Riverside Drive, Oak Meadow Drive, and the rear property line. There are also overhead power lines running along Riverside Drive within the Middle Tennessee Electric (MTE) Easement which extends up to 50' into the property from the Right-of-Way.

The applicant is requesting two variances:

1. To increase the maximum front yard setback from 30 feet to 80 feet along Riverside Drive
2. To allow a principal building to be located in a non-parallel manner to the frontage along Riverside Drive

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 increase the maximum front yard setback from 30 feet to 80 feet along Riverside Drive.

Criteria #1. The property has a border of slopes greater than 20% along Riverside Dr, Oak Meadow Dr, and the rear property line. There are also overhead power lines running along Riverside Drive within the Middle Tennessee Electric (MTE) Easement which extends up to 50' into the property from the Right-of-Way. The maximum setback for Regional Commerce 6 zoning district is 30 feet. Given the topographical conditions and the depth of the easement, it would not be possible for the setback to be 30 feet or less from Riverside Drive. Staff finds this criteria is met.

Criteria #2. Staff find that the strict application of a provision enacted under the Zoning Ordinance would result in exceptional practical difficulties for the owner of the property. Due to the slopes and the MTE Easement, the front yard setback must be more than the required maximum of 30 feet. This property cannot comply with the strict application of the maximum setback requirement in this situation. The setback must be more than 30 feet to accommodate the steep slope and easement along Riverside Drive. Staff finds this requirement 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. The intent of maximum front setbacks is that buildings should activate the street by creating an inviting pedestrian experience, and views from the street should not be of parking lots. With the size of the lot, and the proposed location of the building and parking in relation to the building, it is apparent that this building was designed to be the focal view from the street. This shows effort to meet the intent of the Zoning Ordinance, and that this design is the minimum necessary deviation from the regulations of the Zoning Ordinance. Staff finds this criteria is met.

Request 2. To allow a principal building to be located in a non-parallel manner to the frontage along Riverside Drive.

Criteria #1. Staff does not find a condition of the lot that prevents the building from being parallel to the frontage. While it may be favorable to have the building parallel to the power lines and the slopes, it is possible to have the building parallel to the frontage. Staff finds this criteria is not met.

Criteria #2. Staff does not find a hardship caused by requiring the building to parallel the frontage. While it may require further design, it is the responsibility of the applicant to design the site in accordance with the Zoning Ordinance. Staff finds this criteria is not met.

Criteria #3. Staff find that this request would not be a detriment to the public good and would not impair the intent of the Zoning Ordinance. The lot line along Riverside Drive is not straight for the entirety of the lot width, and the power lines are not parallel to the lot line. With these conditions and the large size of the lot, a 5 percent non-parallel skew would likely not be noticeable. Staff finds this criteria is met.

RECOMMENDED MOTION: Staff recommends the Board of Zoning Appeals move to approve the Variance Request To Allow A Proposed Principal Building To Have A Maximum Front Yard Setback Of 80 Feet For The Property Located At 880 Oak Meadow Drive, because the criteria for granting a variance have been met, and deny A Variance Request To Allow The Front Façade Location Of A Proposed Principal Building To Be Oriented In A Non-Parallel Manner To The Frontage For The Property Located At 880 Oak Meadow Drive, because the criteria for granting a variance have not been met.

Applicant Presentation: Scotty Bernick. Mr. Bernick stated that the variance request for the maximum front yard setback of 80 feet is requested to address the fire department service requirements, stormwater regulations and pedestrian walkability and connectivity. Regarding the second variance request for a slight skew of the building of 5 degrees, Mr. Bernick stated that skewing the building slightly would better meet the zoning code. The zoning ordinance says the building should be close to the streetscape for walkability and it also says the building should be parallel along the property. The hardship is encountered because the right-of-way and the utility easement are not parallel. If the building was pushed all the way to the easement, the building would not be parallel because the building placement is as far as it could be against the easement. By skewing the building 5 degrees, the building would be more parallel, although the building would be slightly further away from the right-of-way. Mr. Bernick stated that it is ethically responsible to request a variance because it keeps the building as close to the right-of-way as possible. Mr. Bernick stated that the intent and the spirit of the zoning ordinance is to meet the requirements by having the building as close to the right-of-way as possible while also being parallel.

Citizen Comments: None

Board Member William Scales motioned to close the public comments portion of the item, seconded by Board Member Jeff Fleishour. The motion carried by a vote of 5-0.

Board Member Scales asked Mr. Bernick to explain the impact to the building without the 5 degree skew.

Mr. Bernick stated that the 5 degree skew allows the building to be as close as it can to the regulated line and be appropriately parallel with the right-of-way.

Board Member Jeff Fleishour asked Mr. Bernick if he thought the building would be parallel without the 5 degree skew and if reducing the square footage would help meet the requirements.

Mr. Bernick stated that the only problem is that inevitably, the building corner would kick out, which moves the building further away from the right-of-way. Also, Mr. Bernick stated that he does not believe lower square footage would correct the issue.

Board Member Jeff Fleishour asked Mr. Bernick how the design would change if the variance request for the 5 degree skew was not granted.

Mr. Bernick stated that the design would not change, but it would push the building further away from the right-of-way and, along with the variance request #1, the building would be further away from the right-of-way. The goal is to keep the spacing as tight as possible and be able to show the 80-foot setback.

Chair Jonathan Langley referenced the application documents showing the easements and how the building would be placed on the site.

Board Member Jeff Fleishour asked if the 5 degree skew would be enough to have the building parallel on the site.

Mr. Bernick stated yes, and it could be less than 5 degrees. Essentially, the visibility is low, but Mr. Bernick noted that he needed to explain his reasonings behind the two variance requests and believes the zoning ordinance will be more accurately reflected with the two variance requests, given the location of the easements and other constraints of the site.

MOTION (Variance Request #1)

Board Member William Scales motioned to approve Variance Request 1, To increase the maximum front yard setback from 30 feet to 80 feet along Riverside Drive Frontage For The Property Located At 880 Oak Meadow Drive, seconded by Board member Dorinda Smith.

Board Member William Scales stated that the criteria for granting a variance request have been met. The staff report clearly represents the rationale for the variance request along with comments from the applicant.

Chair Jonathan Langley stated that he agrees with Mr. Scales.

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

MOTION (Variance Request #2)

Board Member William Scales motioned to approve Variance Request #2, to allow a principal building to be located in a non-parallel manner no greater than 5 percent to the frontage along Riverside Drive For The Property Located At 880 Oak Meadow Drive, seconded by Board Member John Boehms.

Board Member William Scales stated that looking at the criteria, the applicant is in a difficult situation as he tries to follow the frontage requirements and right-of-way distance while also having the building parallel on the site. Mr. Scales explained that he appreciated Mr. Bernick's candor and his attempts to be compliant with the zoning ordinance as much as possible.

Board Member Dorinda Smith agreed and stated that hearing the thought process from the applicant was helpful. The zoning ordinance anticipates these requirements for residential areas as this property is along I-65 and is not walkable at all. The road itself isn't straight, making it difficult to construct a building that is parallel. For these reasons, Board Member Smith stated that she agrees with approving the variance request.

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

7. A Variance Request To Allow 14 Parking Spaces Within The Long Lane Frontage Area For An Existing Principal Building For The Property Located At 4400 Franklin South Court (FZO 7.5.).

Sponsors: Amy Diaz-Barriga, Ariella Stanford

Staff Presentation: Ariella Stanford. Ms. Stanford stated this 1.31 acre property is located at 4400 Franklin South Court and is zoned RC12 Regional Commerce 12. There is an existing 10,000 square foot building on the property (comprised of 5,000 square feet of office space and 5,000 square feet of indoor animal services), along with an existing parking lot, and detention pond. The applicant is proposing an expansion of the parking lot as well as an expansion and modification of the detention pond into a bio-retention and detention pond. The parking expansion is being proposed because the site currently does not have enough parking to serve the existing building uses, which is forcing parking onto the street. This parking expansion will bring the site into compliance with the current Zoning Ordinance parking minimums for the square footage of office and indoor animal services. Due to the conditions and shape of the lot, most of the additional parking is within the Long Lane frontage area of the lot. For this reason, the applicant is requesting a variance to allow 14 parking spaces within the Long Lane frontage area for the 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. The staff has completed an analysis of the request in light of these criteria:

Criteria #1. There are several conditions of this lot that make it a unique situation. The lot has a unique shape, it's a corner lot, and the existing building is located farther from Long Lane, leaving more room between the building and Long Lane than behind the building. Additionally, the existing drive access and parking spaces are located between the location of the existing building and Long Lane. There is also an existing sanitary sewer easement, and proposed bio-retention and detention ponds occupying a significant amount of space to the side and behind the existing building. All of these conditions, combined, significantly restrict the available space for additional parking. The space left for parking is being occupied to maximize the space, and the required amount of parking for the existing building would not be able to fit behind the building in relation to Long Lane. Staff finds this criteria is met.

Criteria #2. The strict application of the Zoning Ordinance in this case would prevent the lot from accommodating the required minimum amount of parking. With the conditions of the lot, there is nowhere else to put the required parking, so the strict application of the Zoning Ordinance in this case would require the removal of required and needed parking spaces for the existing building use. Staff finds this criteria is met.

Criteria #3. Staff find that this request would not be a detriment to the public good and would not substantially impair the intent of the Zoning Ordinance. Providing the necessary parking for the building use on site benefits the neighborhood by allowing more off-street parking spaces. The intent of the ordinance is to provide sufficient parking in a way that minimizes the emphasis on parking along frontages. While this variance is requesting parking in the frontage, it is an existing condition, and the applicant is asking for the minimal number of additional spaces in the frontage, as a means for meeting the other intent of the Zoning Ordinance, which is to provide sufficient parking on-site to avoid disturbance to adjacent property owners. In addition, the applicant is proposing landscaping (shrubs), which will likely partially screen the view of parking from Long Lane. Staff finds

the criteria is met.

RECOMMENDED MOTION: Staff recommends the Board of Zoning Appeals move to approve the Variance Request To Allow 14 Parking Spaces Within The Long Lane Frontage Area For An Existing Principal Building For The Property Located At 4400 Franklin South Court, because the criteria for granting a variance have been met.

Applicant Presentation: Pablo Dahbura. Mr. Dahbura was present to answer questions from the Board, if necessary.

Citizen Comments: None

Board Member William Scales motioned to close the public comments portion of the item, seconded by Board Member Jeff Fleishour. The motion carried by a vote of 5-0.

MOTION

Board Member Dorinda Smith motioned to approve Variance Request To Allow 14 Parking Spaces Within The Long Lane Frontage Area For An Existing Principal Building For The Property Located At 4400 Franklin South Court, seconded by Board Member Jeff Fleishour.


Board Member Dorinda Smith stated that this property is located behind a large gas station and across the street from a car wash. Ms. Smith noted that it is consistent and important that parking is available, and it appears that this is the only place parking can go based on visual observation.

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

OTHER BUSINESS

ADJOURN

Board Member Dorinda Smith motioned to adjourn the November 6, 2025, BZA meeting, seconded by Board Member Scales. The motion carried by a vote of 5-0 and the meeting adjourned at 7:24 pm.


Chair


Date

