



City of Franklin

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

Meeting Minutes Board of Zoning Appeals

Thursday, June 4, 2026

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 meeting 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. 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@franklin.tn.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 Eastern Flank Event Facility. Speakers will be asked to fill out a speaker card prior to the meeting starting. Speakers may sit in the Event Facility.

CALL TO ORDER

Chair Langley called the meeting to order at 06:00 PM

Board Members Present: Chair Jonathan Langley, John Boehms, Jeff Fleishour, Dorinda Smith

Board Members Absent: 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.)

Comments on agenda items may be made in person or by emailing PlanningIntake@FranklinTN.gov before noon on the day of 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.

Chair Langley asked if there were any citizen comments. There were none.

APPROVAL OF MINUTES

1. Consideration Of Approval Of The April 2, 2026 BZA Minutes.

Sponsors:

A motion was made by Board Member Smith, seconded by Board Member Boehms, to approve the April 2, 2026 Minutes. The motion carried 4-0.

ANNOUNCEMENTS

Chair Langley asked if Staff had any announcements. There were none.

APPLICATIONS**2. A Variance Request To Allow The Principal Building And Rear Deck To Encroach Up To 20 Feet Into The 40-Foot Rear Setback For The Property Located At 129 Thompson Alley (F.Z.O. 3.5.5.).**

Sponsors: Amy Diaz-Barriga, Ariella Stanford

Staff Presentation: Ariella Stanford. Ms. Stanford explained that the subject property is located at 129 Thompson Alley and is zoned Residential 2 (R-2) District. It is also within the Flood Fringe Overlay (FFO) and the Central Franklin Overlay (CFO). The applicant is proposing to build a new single-family house on this property. There are a couple factors limiting where the new house can be located: the R-2 zoning district requires 40-foot rear yard setbacks, and this property has a Middle Tennessee Electric (MTE) overhead transmission line and a 40' easement (20' on either side of the overhead line) across the front portion of the lot. The MTE easement covers a large portion of the lot that would otherwise be buildable area within the required setbacks. To avoid the MTE easement, the applicant is proposing to locate the house further back on the site and encroach into the rear yard setback. The request is for an approximately 5.5 foot encroachment of the house into the rear setback, and an additional encroachment of about 14.3 feet for the rear deck. Decks are considered appurtenances, which are allowed to encroach 15 feet into a rear setback (but no closer than 20 feet from a lot line). While the deck is approximately 14.3 feet, it is encroaching up to 20 feet with the encroachment of the house included. For this reason, the applicant is requesting a variance to allow a principal building and rear deck to encroach up to 20 feet into the rear setback.

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 MTE easement takes up a large portion of the lot that would otherwise be buildable area within the setbacks. In addition, the lot is a smaller size than what is required today for the R-2 zoning district. The zoning district requires 15,000 square feet for R-2 lots, and this lot is 12,829 square feet. With these factors, the buildable area on the lot is uniquely restricted and this property would not be able to accommodate development of the proposed house within the setback requirements. Staff find this criteria is met.

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

The strict application of the zoning ordinance in this case would require a smaller house than proposed, due to the MTE easement in the front. If it weren't for the MTE easement, the house could be significantly larger and still fit within the setbacks. To comply with the zoning ordinance in this case, the house would need to be even smaller than proposed. Staff find this criteria is met.

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

Staff find that this would not be a detriment to the public good or impair the intent of the zoning ordinance. The house is still significantly smaller than a house that could fit within the required setbacks, if it weren't for the MTE easement. The proposed house is appropriate size for this neighborhood and the zoning district. Rear setbacks are intended to be a buffer between houses and the properties behind. In this case, there is a vacant lot behind this property and railroad tracks behind that vacant lot. The house being slightly farther back would not have a negative effect on any neighboring property behind. In addition, the location of houses on this street are not uniform or consistent. The house being setback farther would not be inconsistent with the aesthetics of the street. Staff finds this criteria is met.

RECOMMENDATION: Staff recommends the Board of Zoning Appeals move to approve the Variance Request To Allow The Principal Building And Rear Deck To Encroach Up To 20 Feet Into The 40-Foot Rear Setback For The Property Located At 129 Thompson Alley, because the criteria for granting a variance have been met.

Applicant: Ben McCreary. Mr. McCreary was present to answer questions but did not have any additional information regarding the application.

Citizen Comments: None

MOTION (Close Citizen Comments)

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

MOTION

Board Member Smith motioned to approve the variance request To Allow The Principal Building And Rear Deck To Encroach Up To 20 Feet Into The 40-Foot Rear Setback For The Property Located At 129 Thompson Alley because the criteria for granting a variance request have been met, seconded by Board Member Fleishour.

Board Member Boehms asked the applicant for more details about the orientation of the house on the property as the house is skewed not to be parallel with the driveway.

Mr. McCreary explained that the existing house was not parallel with the main street, Thompson Alley, but did have a parallel driveway with its skew. Now, the house is reoriented to be parallel with Thompson Alley with the driveway off to the side, matching the grade of the property.

Board Member Boehms also asked if the existing house was in alignment with the setbacks and if the applicant viewed this as an opportunity to stay within the setbacks.

Mr. McCreary stated that it was more about the size of the home and even if the orientation matched the orientation of the original home, the home would encroach into setbacks.

Board Member Boehms asked about the dimensions of the porch and the reasoning behind the dimensions.

Mr. McCreary stated that the dimensions are mostly for ease of use with roughly 7'3" of space to provide for seating areas and walkway around those areas.

There being no further discussion, 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 meeting, seconded by Board Member Smith. The motion carried 4-0. There being no further business, the meeting adjourned at 06:09 p.m.


Chair


Date

