

**MINUTES OF THE MEETING OF THE
FRANKLIN BOARD OF ZONING APPEALS
FEBRUARY 6, 2014**

The Franklin Board of Zoning Appeals held a regular meeting on Thursday, February 6, 2014 at 6:00 p.m. in the **City Hall Boardroom**.

Members present: Frank Jones
 Joel Tomlin
 Dave Rittenberry

Staff present: Emily Hunter, Planning & Sustainability
 Susan Coleman, Planning & Sustainability
 Kristen Corn, Law Department

The agenda read as follows:

Minutes, December 5, 2013

Election of Officers for 2014

- Elect a Chair for 2014
- Elect a Vice-Chair for 2014

A Variance Request by David and Kerry Clark to vary the rear yard setback by ten (10) feet for the property located at 410 Essex Park Circle in the Fieldstone Farms Subdivision to construct a covered deck.

A Variance Request by Bob Haemmerlein for Mr. and Mrs. Ernie Campbell to vary the maximum retaining wall height in side or rear yards by eight (8) feet for the property located at 431 Canterbury Rise in the Avalon Subdivision to construct a fourteen (14) foot retaining wall in the rear yard.

Chair Jones called the meeting to order at 6:03 pm.

Chair Jones requested to know if there were any non-agenda items.

Staff stated there were no non-agenda items to be heard.

Minutes, December 5, 2013

Mr. Rittenberry moved to approve the minutes from December 5, 2013 as submitted. Mr. Tomlin seconded the motion and the motion passed unanimously.

Election of Officers for 2014

- Elect a Chair for 2014
- Elect a Vice-Chair for 2014

Mr. Rittenberry moved to elect Mr. Frank Jones as the 2014 Chair for the Board of Zoning Appeals. Mr. Tomlin seconded the motion and the motion passed unanimously.

Mr. Rittenberry moved to elect Mr. Greg Caesar as Vice-Chair 2014 Chair for the Board of Zoning Appeals. Mr. Tomlin seconded the motion and the motion passed unanimously.

1. A Variance Request by David and Kerry Clark to vary the rear yard setback by ten (10) feet for the property located at 410 Essex Park Circle in the Fieldstone Farms Subdivision to construct a covered deck.

Ms. Hunter stated the appellant requests a ten (10) foot variance from the rear yard setback for the property located at 410 Essex Park Circle in the Fieldstone Farms Subdivision to construct a covered deck. Ms. Hunter stated the recorded plat for this subdivision requires this lot to maintain a minimum rear-yard setback of twenty-five (25) feet. Ms. Hunter stated in order for the Board to grant a variance, three standards must be established and include the following:

1. There must be an extraordinary or exceptional situation or condition pertaining strictly to the property considered (generally due to narrowness, shallowness, unusual shape or some exceptional topographic condition);
2. Strict application of the Ordinance would result in practical difficulties to, or undue hardship upon, the owner of the property; and
3. The relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zoning Ordinance.

Ms. Hunter stated in regard to the first standard, the lot is shallower than other properties in the Fieldstone Farms subdivision, whereas most other properties in the subdivision are at least 120ft in depth this particular property is approximately 100ft in depth. Ms. Hunter stated since this lot is shallower than other lots in the subdivision, it is staff's opinion that this criteria satisfies the first threshold to grant a variance. Ms. Hunter stated the second standard to be considered is that of hardship or practical difficulty in which this is not a clear-cut situation because the Board must determine if the inability to construct a screened porch on this property is a hardship or difficulty. Ms. Hunter stated the lot's shallowness limits the amount of space available within the building envelope. Ms. Hunter stated the proposed rear-yard location appears to be the least impactful to the surrounding properties and nearby residents. Ms. Hunter stated finally, the Board must determine if the relief would be a detriment to the public good or impair the intent and purpose of the *Zoning Ordinance*. Ms. Hunter explained the intent of the rear-yard setback is to ensure that surrounding properties have access to light, air, and be free from off-site encumbrances and since 15 feet of the rear yard will remain unencumbered with this covered deck addition and since there is an open space lot beyond the rear property line, granting this variance will not greatly impact any adjacent structures in their access to light and air. Therefore, staff finds that granting this variance would not impair the intent and purpose of the Zoning Ordinance and that the third threshold is satisfied.

Ms. Hunter stated if the Board finds that the second threshold is satisfied, then all three standards for the variance will be achieved and staff recommends approval of the ten (10) foot rear-yard setback variance requested by the appellant.

Chair Jones requested to know if the applicant would like to speak.

Mr. Clark reiterated comments that Ms. Hunter had already stated by stating the building envelope is very restricted.

Chair Jones requested to know if anyone else would like to speak on this item and no one wished to speak.

Mr. Tomlin moved to approve the variance request to vary the required twenty-five (25) foot rear-yard setback by ten (10) feet because: 1) the lot is unique when compared to other lots in the surrounding area and possesses conditions containing strictly to the property, 2) a practical difficulty to the property owner would result because of the unique lot shape and existing natural features, and 3) the request can be granted without impairing the intent and purpose of the Franklin Zoning Ordinance because the lot is unique and substantial detriment to the public good would not result. Mr. Rittenberry seconded the motion and the motion passed unanimously.

Chair Jones noted this subdivision is a PUD development that was approved years ago.

2. A Variance Request by Bob Haemmerlein for Mr. and Mrs. Ernie Campbell to vary the maximum retaining wall height in side or rear yards by eight (8) feet for the property located at 431 Canterbury Rise in the Avalon Subdivision to construct a fourteen (14) foot retaining wall in the rear yard.

This item was pulled from the agenda by the applicant.

Other Business.

No other business was discussed.

Adjourn.

With there being no further business Mr. Rittenberry moved to adjourn the meeting at 6:14 pm. Mr. Tomlin seconded the motion and the motion carried unanimously.

Chair