

**MINUTES OF THE MEETING OF THE  
FRANKLIN BOARD OF ZONING APPEALS  
SEPTEMBER 4, 2014**

The Franklin Board of Zoning Appeals held a regular meeting on Thursday, May 1, 2014 at 6:00 p.m. in the **City Hall Boardroom**.

Members present:                   Greg Caesar  
                                          Dave Rittenberry  
                                          Gillian Fischbach

Staff present:                       Donald Anthony, Planning & Sustainability  
                                          Susan Coleman, Planning & Sustainability  
                                          Kristen Corn, Law Department

The agenda read as follows:

Minutes, May 1, 2014

A **Variance Request** by Dale E. Koford to vary the front yard setback by nine (9) feet for the property located at 902 Evans Street in the Campbell Subdivision to allow for the addition of an enclosed garage.

A **Variance Request** by Ronald and Lani Rossman to vary the rear yard setback by ten (10) feet for the property of 167 Gardenia Way in the Willow Springs Subdivision to allow for the addition of a screened porch.

Vice-Chair Caesar called the meeting to order at 6:05 pm.

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

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

**Minutes, May 1, 2014**

Mr. Rittenberry moved to approve the minutes from May 1, 2014 as submitted. Ms. Fischbach seconded the motion and the motion passed unanimously.

**1. A Variance Request by Dale E. Koford to vary the front yard setback by nine (9) feet for the property located at 902 Evans Street in the Campbell Subdivision to allow for the addition of an enclosed garage.**

Mr. Anthony stated the appellant requests a nine (9) foot variance from the front yard setback for the property located at 902 Evans Street in the Campbell Subdivision to construct an enclosed garage. Mr. Anthony stated the recorded plat for this subdivision requires this lot to maintain a minimum front yard setback of twelve (12) feet. Mr. Anthony noted that the subject property is situated at the corner of Evans Street and Blackburn Street, thereby subjecting the lot to front yard setback standards along both street frontages. Mr. Anthony 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.

Mr. Anthony stated the first standard to be considered is whether there is an extraordinary or exceptional situation pertaining to the subject property. Mr. Anthony stated the subject property is approximately 72 feet deep, which is significantly shallower than many neighboring lots and the two lots contiguous to the subject property have lot depths of approximately 147 feet and 109 feet. Mr. Anthony stated the subject property is the shallowest lot on the block and due to the depth of the subject property when compared to neighboring lots, staff has determined that the subject property is exceptionally shallow, thereby meeting the first threshold for granting a variance.

Mr. Anthony stated the second standard to be considered is that of hardship or practical difficulty and the Board must determine whether the inability to construct a garage along the subject property's Blackburn Street frontage and within the existing twelve (12) foot setback is a hardship or practical difficulty. Mr. Anthony stated staff reviewed the subject property's lot lines, comparing them against aerial photography and determined that there is approximately 20 feet of space between the rear (western) façade of the appellant's home and rear (western) property line. Mr. Anthony stated the same analysis showed that there was approximately three (3) feet of space between the side (southern) façade of the home and the side (southern) property line and because the home is situated on a corner lot, it has two street frontages. Mr. Anthony stated the applicant wishes to construct the proposed garage between the northern façade of the house and the northern property line along Blackburn Street; staff's analysis found that there was approximately 26 feet of space between the northern façade and the northern property line on Blackburn, indicating that this portion of the appellant's property has the most available space for a garage addition.

Mr. Anthony stated the final standard the Board must consider is whether the requested relief would be a detriment to the public good or impair the intent and purpose of the Zoning Ordinance. Mr. Anthony stated the intent of setbacks is to ensure that surrounding properties have access to light, air, and be free from off-site encumbrances and further, front yard setbacks frame the context and aesthetic qualities of a street, block, or block face. Mr. Anthony stated the proposed front yard setback encroachment should not greatly impact any adjacent structures in their access to light or air and the encroachment into the setback for the proposed garage structure would be consistent with the three (3) foot setback of an accessory structure on the adjacent lot to the west and it would also be similar to the six (6) foot setback of the larger commercial structure directly across Blackburn Street. Mr. Anthony stated, 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. Mr. Anthony stated if the Board finds that the second threshold is satisfied, then all three standards for the variance will be met, and staff recommends approval of the nine (9) foot front yard setback variance requested by the appellant.

Vice-Chair Caesar requested to know if there was anyone in the audience who wished to speak for or against and no one requested to speak.

Ms. Fischbach moved to approve the variance request to vary the required twelve (12) foot front-yard setback by nine (9) feet to three (3) 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. (3-0)

**2. A Variance Request by Ronald and Lani Rossman to vary the rear yard setback by ten (10) feet for the property of 167 Gardenia Way in the Willowsprings Subdivision to allow for the addition of a screened porch.**

Mr. Anthony stated the appellant requests a ten (10) foot variance from the rear yard setback for the property located at 167 Gardenia Way in the Willowsprings Subdivision to construct a screened porch.

Mr. Anthony stated the recorded plat for this subdivision requires this lot to maintain a minimum rear yard setback of twenty (20) feet. Mr. Anthony explained 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.

Mr. Anthony stated the first standard to be considered is whether there is an extraordinary or exceptional situation pertaining to the subject property and the subject property is located at the end of a cul-de-sac, which gives it a unique shape along the front property line and creates an unusual building envelope. Mr. Anthony stated in other hearings for similar rear yard setback variance requests, the Board has found that a lot along a cul-de-sac meets the first standard and based on the subject property's unique shape and the Board's previous actions in similar cases, staff finds that there is extraordinary or exceptional situation pertaining strictly to the subject property, thereby meeting the first threshold for granting a variance.

Mr. Anthony stated the second standard to be considered is that of hardship or practical difficulty and the Board must determine whether the inability to construct a screen porch on the subject property is a hardship or practical difficulty. Mr. Anthony stated staff reviewed the recorded plat for the property as well as GIS and aerial data for the property and the appellant's house is situated on the back one-half of the subject property, situated approximately 11 feet from the eastern (side) property line, 20 feet from the southern (rear) property line, 30 feet from the western (side) property line, and 35 feet from the northern (front) property line. Mr. Anthony stated due to a ten-foot public utility and drainage easement, the appellant would not be able to construct the proposed porch along the eastern side of the house. Mr. Anthony stated there does appear to be sufficient space to construct the porch on the western or northern portions of the property; however, doing so may be inconsistent with the orientation of the house and the design context of the neighborhood and the proposed rear yard location would appear to have the least impact on the surrounding properties and nearby residents.

Mr. Anthony stated the final standard the Board must consider is whether the requested relief would be a detriment to the public good or impair the intent and purpose of the Zoning Ordinance. Mr. Anthony stated the intent of rear yard setbacks is to ensure that surrounding properties have access to light, air, and be free from off-site encumbrances and in this case, ten (10) feet of the rear yard will remain unencumbered with the proposed screen porch addition. Mr. Anthony stated granting this variance should not greatly impact any adjacent structure's 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. Mr. Anthony stated if the Board finds that the second threshold is satisfied, then all three standards for the variance will

be met, and staff recommends approval of the ten (10) foot rear yard setback variance requested by the appellant.

Mr. Rossman introduces himself.

Mr. Mark Ammons, the contractor reiterated from Mr. Anthony's comments on what they were requesting.

Vice-Chair Caesar requested to know if there was anyone in the audience who wished to speak for or against and no one requested to speak.

Mr. Rittenberry moved to approve the variance request to vary the required twenty (20) foot rear-yard setback by ten (10) feet to 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. Ms. Fischbach seconded the motion and the motion passed. (3-0)

**Other Business.**

No other business was discussed.

**Adjourn.**

With there being no further business Ms. Fischbach moved to adjourn the meeting at 6:15 pm. Mr. Rittenberry seconded the motion and the motion carried unanimously.

---

Chair