

**MINUTES OF THE MEETING OF THE
FRANKLIN BOARD OF ZONING APPEALS
October 1, 2015**

The Franklin Board of Zoning Appeals held a regular meeting on Thursday, October 1, 2015 at 6:00 p.m. in the **City Hall Boardroom**.

Members present: Dave Rittenberry
 Greg Caesar
 Joel Tomlin

Staff present: Brad Baumgartner, Planning & Sustainability
 Kristen Corn, Law Department

The agenda read as follows:

Minutes, September 3, 2015

A **Variance Request** by John Barnett to vary the rear yard setback by three (3) feet for the property located at 104 Tiffany Court in the Polk Place Subdivision to allow for the addition of a covered porch.

Vice-Chair Caesar called the meeting to order at 6:00 pm and requested to know if there were any non-agenda items.

Staff stated there were no non-agenda items.

Minutes, September 3, 2015

Mr. Rittenberry moved to approve the September 3, 2015 minutes. Mr. Tomlin seconded the motion and the motion passed 3-0.

1. A Variance Request by John Barnett to vary the rear yard setback by three (3) feet for the property located at 104 Tiffany Court in the Polk Place Subdivision to allow for the addition of a covered porch.

Mr. Baumgartner stated the appellant requests a three (3) foot variance from the rear yard setback for the property located at 104 Tiffany Court in the Polk Place Subdivision to construct a covered porch. Mr. Baumgartner 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. Baumgartner stated the first standard to be considered is whether there is an extraordinary or exceptional situation pertaining to the subject property. Mr. Baumgartner stated the lot is located at the end of a cul-de-sac and is not a typical lot in terms of dimensions and layout. Mr. Baumgartner stated based on the subject property's untypical shape and the Board's previous actions in similar cases, staff finds that there is an extraordinary or exceptional situation pertaining strictly to the subject property, thereby meeting the first threshold for granting a variance. Mr. Baumgartner stated the second standard to be considered is that of hardship or practical difficulty. Mr. Baumgartner stated the Board must determine whether the inability to construct a screen porch on the subject property is a hardship or practical difficulty. Mr. Baumgartner stated the appellant appears to have few options for placing a covered porch adjacent to the house and situating the porch on the eastern or western sides of the house may be inconsistent with the orientation of the house and the design context of the neighborhood. Mr. Baumgartner stated the proposed rear yard location would appear to have the least impact on the surrounding properties and nearby residents. Mr. Baumgartner stated the Board must decide whether the inability to construct a covered porch within the required thirty (30) foot rear setback constitutes a hardship or practical difficulty. Mr. Baumgartner 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. Baumgartner 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, twenty-seven (27) feet of the rear yard will remain unencumbered with the proposed screen porch addition. 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. Baumgartner stated based on the presence of an extraordinary or exceptional situation pertaining to the subject lot, staff recommends approval of the three (3) foot rear yard setback variance requested by the appellant.

Vice-Chair Caesar requested to know if anyone from the audience wished to speak on this item and no one asked to speak.

Mr. Tomlin moved to close the public hearing. Mr. Rittenberry seconded the motion and the motion passed.

Vice-Chair requested "boards previous actions in similar cases" be stricken from this report and all future reports.

Mr. Baumgartner stated yes that could be done.

Ms. Corn stated that statement will remain in this report, but could stricken from future staff reports.

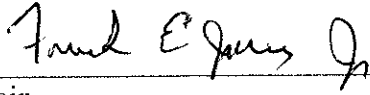
Mr. Rittenberry moved to approve the variance request to vary the required thirty (30) foot rear-yard setback by three (3) feet to twenty-seven (27) feet because the standards for granting a variance have been satisfied. Mr. Tomlin seconded the motion and the motion passed 3-0.

Other Business.

No other Business was discussed.

Adjourn.

With there being no further business the meeting was adjourned at 6:10 pm.



Chair

