

**MEETING MINUTES OF THE
FRANKLIN BOARD OF ZONING APPEALS
February 4, 2016**

The Franklin Board of Zoning Appeals held a regular meeting on Thursday, February 4, 2016 at 6:00 p.m. in the **City Hall Boardroom**.

Members present: Frank Jones
 Joel Tomlin III
 Dave Rittenberry

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

The agenda read as follows:

Review of Minutes from January 7, 2016 BZA Meeting

Election of 2016 Chair and Vice-Chair

A **Variance Request** by Barbara Lopez to vary the rear yard setback by fifteen (15) feet for the property located at 1409 Clairmonte Circle.

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

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

Minutes, January 7, 2016

Mr. Rittenberry moved to approve the January 7, 2016 meeting minutes. Mr. Tomlin seconded the motion and the motion passed unanimously 3-0.

Election of 2016 Chair and Vice Chair

Mr. Rittenberry moved to have Mr. Frank Jones be Chair and Mr. Greg Caesar be Vice-Chair. Mr. Tomlin seconded the motion and the motion passed unanimously 3-0.

1. A Variance Request by Barbara Lopez to vary the rear yard setback by fifteen (15) feet for the property located at 1409 Clairmonte Circle.

Mr. Baumgartner stated appellant requests a fifteen (15) foot variance from the rear yard setback for the property located at 1409 Clairmonte Circle in the Clairmonte Subdivision to construct a covered porch. Mr. Baumgartner stated the recorded plat for this subdivision requires this lot to maintain a minimum rear yard setback of thirty (30) feet. 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 mid-block of an existing street and is a typical lot in terms of dimensions and layout and other more standard lots in the subdivision. Mr. Baumgartner stated the property is adjacent to open space on the western side of the property which does allow for a relief from adjoining neighbors where the porch would be situated. Mr. Baumgartner stated based on the subject property's typical shape, staff finds that there is not an extraordinary or exceptional situation pertaining strictly to the subject property, thereby not meeting the first threshold for granting a variance. Mr. Baumgartner stated the second standard to be considered is that of hardship or practical difficulty where 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 Staff reviewed the recorded plat for the property as well as GIS and aerial data for the property and the appellant appears to have few options for placing a covered porch adjacent to the house. Mr. Baumgartner stated situating the porch on the northern or southern 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, fifteen (15) feet of the rear yard will remain unencumbered with the proposed screen porch addition. Mr. Baumgartner stated granting this variance should not greatly impact any adjacent structure's access to light and air and 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 in order for the Board to grant a variance, all three variance standards must be met and based on the lack of an extraordinary or exceptional situation pertaining to the subject lot, staff recommends disapproval of the fifteen (15) foot rear yard setback variance requested by the appellant.

Ms. Lopez requested clarification on the denial by staff.

Chair Jones stated staff is going by the city standards.

Mr. Michael P. Fallace at 1405 Clairmonte, stated he was part of the HOA of Clairmonte and he would take this information back to the board.

Chair Jones requested to know if there were any letters or comments that were against this item.

Mr. Baumgartner stated no.

Chair Jones requested to know the depth of the lot and the front yard setback.

Discussion ensued on the depth of the lot and front and rear yard setbacks.

Ms. Pike from BNS stated the applicant was going to decrease the size of the deck and put a roof over it. Ms. Pike stated by putting a roof over this makes it go into the setback and this is not allowed.

Chair Jones stated this subdivision is one of those PUD developments done years ago. Chair Jones stated these developments helped the builders, but limits homeowners on what they can do.


Mr. Tomlin moved to approve the variance request to vary the required thirty (30) foot rear-yard setback by fifteen (15) feet to fifteen (15) feet due to the two other spaces where it could be put fall into the setback which are on the North and South sides of the house which do not make any sense and proposes the hardship and practical difficulty, there is an exceptional situation due to the setbacks for this property and the third standard is met due to there not being a detriment to the Zoning Ordinance. Mr. Rittenberry seconded the motion and the motion passed unanimously 3-0.

Other Business.

No other Business was discussed.

Adjourn.

With there being no further business the meeting was adjourned at 6:15pm.



Chair

