

**MEETING MINUTES OF THE
FRANKLIN BOARD OF ZONING APPEALS
May 5, 2016**

The Franklin Board of Zoning Appeals held a regular meeting on Thursday, May 5, 2016 at 6:00 p.m. in the **City Hall Boardroom**.

Members present: Frank Jones
 Joel Tomlin III
 Greg Caesar

Staff present: Brad Baumgartner, Planning & Sustainability
 Shauna Billingsley, Law Department

The agenda read as follows:

Review of Minutes from March 4, 2016 BZA Meeting

A Zoning Map Interpretation Request by Kris Keown to the BZA to make an interpretation of the location of the Floodway Fringe Overlay (FFO) Zoning District boundary based on new FEMA documentation for the proposed Section 40 of Highlands at Ladd Park Subdivision.

A Variance Request by Steven Johnson to allow an additional sign be located along Mack Hatcher for the Franklin United Methodist Church located at 120 Aldergate Way.

A Variance Request by Ken Crowder to vary the parking requirements for McDonald's restaurant located at 1704 Galleria Boulevard.

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, March 4, 2016

Mr. Tomlin moved to approve the March 4, 2016 meeting minutes. Mr. Caesar seconded the motion and the motion passed unanimously 3-0.

- 1. A Zoning Map Interpretation Request by Kris Keown to the BZA to make an interpretation of the location of the Floodway Fringe Overlay (FFO) Zoning District boundary based on new FEMA documentation for the proposed Section 40 of Highlands at Ladd Park Subdivision.**

Mr. Baumgartner stated the portions of Section 40 of Highlands at Ladd Park Subdivision that are in the FFO are located toward the eastern side of the new Carothers Parkway and southwest of the Harpeth River. Mr. Baumgartner stated the appellant has been granted a Letter of Map Revision

(LOMR) from the Federal Emergency Management Agency (FEMA) for these properties. Mr. Baumgartner stated the FFO District was created to coincide with the Federal Emergency Management Agency's (FEMA) designated floodplains and the Franklin Zoning Ordinance (cited above) prohibits the creation of new buildable lots in the FFO District. Mr. Baumgartner stated the LOMR obtained by the appellant removes the subject property from the 100-year floodplain and therefore the FFO District no longer coincides with the FEMA-designated floodplain on the subject property. Mr. Baumgartner stated pursuant to Subsections 2.2.4(1)(a) and 5.8.5(5)(c)1., the appellant requests that the BZA reinterpret the FFO boundary to reflect the adjusted floodplain boundary as shown on the LOMR included in Exhibit 6. Mr. Baumgartner stated Staff recommends approval of the request to interpret the FFO boundary based on the LOMA approved by FEMA on February 11, 2016 (FEMA Case #16-04-1919A).

Chair Jones requested to know if the applicant had anything to add and the applicant did not.

Chair Jones requested to know if any citizens requested to comment on this item and no one did.

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

Mr. Caesar moved to approve the request that the FFO boundary for the subject property be based on the LOMA approved by FEMA on February 11, 2016 (FEMA Case #16-04-1919A). Mr. Tomlin seconded the motion and the motion passed 3-0.

2. A Variance Request by Steven Johnson to allow an additional sign be located along Mack Hatcher for the Franklin United Methodist Church located at 120 Aldersgate Way.

Mr. Baumgartner stated the appellant is requesting approval of a variance from Subsection 5.12.11 (7), Freestanding Signs, If Not Otherwise Regulated, in order to permit an additional freestanding sign along Mack Hatcher Parkway. Mr. Baumgartner stated the subject property contains 106.15 acres and is located at 120 Aldersgate Way, on the south side of Mack Hatcher Parkway. Mr. Baumgartner stated the property has over 2,740 feet of road frontage along Mack Hatcher Parkway. The current sign is located at the far west side of the property at the intersection of Aldersgate Way and Mack Hatcher Parkway. Mr. Baumgartner stated the Department of Building and Neighborhood Services Department has interpreted that only one freestanding sign is permitted on the property per Subsection 5.12.11(7). Mr. Baumgartner stated according to the Zoning Ordinance provisions outlined above, the following three standards must be established in order for the Board of Zoning Appeals to grant a variance:

1. Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of this ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property is not able to accommodate development as required under this ordinance; and
2. The strict application of any provision enacted under this ordinance would result in peculiar and exceptional practical difficulties to or exception or undue hardship upon the owner of such property; and
3. Such 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 and the property is a large lot containing over 100 acres with over 2,700 feet on road frontage along Mack Hatcher Parkway. Mr. Baumgartner stated the lot is atypical lot in terms of size, topography, dimensions and layout. Mr. Baumgartner stated a large creek divides the property and is lined with dense vegetation that visually divides the property. Mr. Baumgartner stated the proposed sign would be located over 2,000 feet from the existing sign located at the intersection of Aldersgate Way and Mack Hatcher Parkway. Mr. Baumgartner stated after reviewing the information submitted by the applicant, staff concurs that the topography and atypical size of the property create an extraordinary or exceptional situation, 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 and the Board must determine whether the inability to have an additional freestanding sign on the subject property is a hardship or practical difficulty. Mr. Baumgartner stated Staff reviewed the information submitted by the applicant, the recorded plat of the property, and GIS and aerial data for the property and Staff concurs with the applicant that the excessive size (acreage and road frontage) and variable topography of the property create a hardship for the applicant. Mr. Baumgartner stated the property is located along three different streets and the addition of a second sign along Mack Hatcher Parkway is in keeping with the intent of the sign regulations and ultimately, the Board must decide whether the existing zoning regulation restricting the property to one freestanding sign 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 and the intent of not allowing multiple freestanding signs is to help encourage the general attractiveness of the community and ensure the aesthetic look of Franklin is well maintained and attractive. Mr. Baumgartner stated in this case, allowing an additional sign on a property of this size will not detrimentally affect the Zoning Ordinance. Mr. Baumgartner stated the property is located along three different streets and the addition of a second freestanding sign would meet the intent of the Ordinance 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 Staff recommends approval of the additional sign variance requested by the appellant.

Chair Jones requested to know if the applicant had anything to add and the applicant did not.

Mr. Johnson explained there have been people stating they have passed by the church not even knowing where it was. Mr. Johnson stated vegetation along Spencer Creek blocks view as well.

Chair Jones requested to know if any citizens requested to comment on this item and no one did.

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

Mr. Tomlin moved to approve the variance request to allow an additional freestanding sign to be located on Mack Hatcher Parkway because the standards for granting a variance have been satisfied. Mr. Caesar seconded the motion and the motion passed 3-0.

3. A Variance Request by Ken Crowder to vary the parking requirements for McDonald's restaurant located at 1704 Galleria Boulevard.

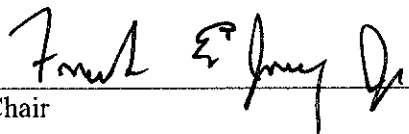
No one was present to represent this item, so Mr. Caesar moved to as defer to next month's meeting. Mr. Tomlin seconded the motion and the motion passed 3-0

Other Business.

No other Business was discussed.

Adjourn.

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


Chair