

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

The Franklin Board of Zoning Appeals held a regular meeting on Thursday, August 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 July 7, 2016 BZA Meeting

A Variance Request by Rachel Allen to vary the rear yard setback by two (2) feet for the property located at 250 3rd Avenue South.

A Variance Request by Rachel Allen to vary the side yard setback by two (2) feet for the property located at 250 3rd Avenue South.

A Zoning Map Interpretation Request by Michael Dewey 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 property located at 4413 South Carothers Road and the proposed Section 3 of Water's Edge PUD Subdivision.

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, July 7, 2016

Mr. Caesar moved to defer the July 7, 2016 minutes to next month's meeting. Mr. Tomlin seconded the motion and the motion passed 3-0.

1. A Variance Request by Rachel Allen to vary the rear yard setback by two (2) feet for the property located at 250 3rd Avenue South.

Mr. Baumgartner stated the appellant requests a two (2) foot variance from the rear yard setback for the property located at 250 3rd Avenue South to construct a carport. 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 end-block of an existing street and is a typical lot in terms of dimensions and layout. Mr. Baumgartner stated the lot's dimensions (125.10-foot depth and 70-foot width at the rear) are typical of other more

standard lots in the subdivision and 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. Mr. Baumgartner stated the Board must determine whether the inability to construct a carport 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 carport adjacent to the house. Mr. Baumgartner stated situating the carport 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 ultimately, the Board must decide whether the inability to construct a carport within the required five (5) 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. Mr. Baumgartner stated in this case, three (3) feet of the rear yard will remain unencumbered with the proposed carport 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 two (2) foot rear yard setback variance requested by the appellant.

Ms. Allen stated the intent is to construct a detached carport adjacent to the brick wall lining the property edge at rear corner of property. Ms. Allen stated the extra feet will provide an adequate turn radius for reversing a vehicle without having to backing out into the street. Ms. Allen stated the property is exceptional due to the shallowness of the lot compared to others in the area and it is a corner lot with no street parking. Ms. Allen stated it was a practical difficulty due to having to back out on the street without. Ms. Allen stated the rear yard location would have the least impact. Ms. Allen stated they feel it there would be no detriment to the public good or impair the intent and purpose of the Zoning Ordinance.

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

Chair Jones stated the plan showed it as two front yards and pointed out the picture.

Mr. Baumgartner stated yes.

Mr. Caesar requested to know if the question becomes where the rear yard is.

Chair Jones stated they must determine the lot's locations of the rear yard, side yard, etc.

Mr. Baumgartner stated the house orients on 3rd Avenue South and this was considered to be the front yard. Mr. Baumgartner explained the terminology used and where the rear yard was located.

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

Mr. Tomlin moved to approve the variance request to vary the required five (5) foot rear-yard setback by two (2) feet to three (3) feet because the standards for granting a variance have been satisfied and stated the lot does create an exceptional situation based on the shape and it being a corner lot, the second standard is met due to the lot causing a vehicular hardship on the owner and allowing this variance will not impair the intent of the Zoning Ordinance. Mr. Rittenberry seconded the motion and the motion passed 4-0.

2. A Variance Request by Rachel Allen to vary the side yard setback by two (2) feet for the property located at 250 3rd Avenue South.

Mr. Baumgartner stated the existing description from the previous item hold true for the second item as well since it is the same lot just asking for the side lot to be varied.

Ms. Allen stated same comments for her as well.

Chair Jones requested to know if anyone else wished to speak on this item and no one wished to speak. Public comment portion was closed.

Mr. Tomlin moved to approve the variance request to vary the side yard setback by two (2) feet because the standards for granting a variance have been satisfied due to an exceptional situation based on the shape of the lot and it being a corner lot, the second standard is met due to the lot causing a vehicular hardship on the owner and allowing this variance would not impair the intent of the Zoning Ordinance. Mr. Caesar seconded the motion and the motion passed 4-0.

3. A Zoning Map Interpretation Request by Michael Dewey 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 property located at 4413 South Carothers Road and the proposed Section 3 of Water's Edge PUD Subdivision.

Mr. Baumgartner stated the portions of 4413 South Carothers Road that are in the FFO are located toward the southwestern side of the new Carothers Parkway and east of the Harpeth River. Mr. Baumgartner stated the appellant has been granted a Letter of Map Revision (LOMR-F) 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. Mr. Baumgartner stated the Franklin Zoning Ordinance (cited above) prohibits the creation of new buildable lots in the FFO District. Mr. Baumgartner stated the LOMR-F 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 appellants request that the BZA reinterpret the FFO boundary to reflect the adjusted floodplain boundary as shown on the LOMR. Mr. Baumgartner stated Staff recommends approval of the request to interpret the FFO boundary based on the LOMA approved by FEMA on June 17, 2016 (FEMA Case #16-04-5075A).

Mr. Dewey stated he was there to answer any questions the board may have.

Chair Jones requested to know if anyone else wished to speak on this item and no one wished to speak. Public comment portion was closed.

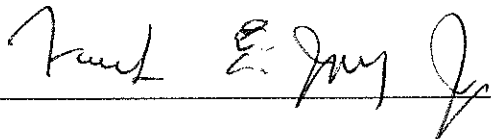
After clarification of the map and the request Mr. Rittenberry moved to approve the request that the FFO boundary for the subject property be based on the LOMA-F approved by FEMA on June 17, 2016 (FEMA Case #16-04-5075A). Mr. Caesar seconded the motion and the motion passed 4-0.

Other Business.

No other Business was discussed.

Adjourn.

With there being no further business the meeting was adjourned at 6:20 pm.

X 
Chair