

**PUBLIC NOTICE**  
**FRANKLIN BOARD OF ZONING APPEALS**  
**FEBRUARY 1, 2018**

**AGENDA**

Notice is hereby given that the Franklin Board of Zoning Appeals will hold a regularly scheduled meeting on Thursday, February 1, 2018, at 6:00 p.m. in the City Hall Board Room, 109 Third Avenue South, Franklin, Tennessee. Additional information can be found at [www.franklintn.gov/planning](http://www.franklintn.gov/planning). The purpose of the meeting will be to consider matters brought to the attention of the Board and will include the following:

**Call to Order**

**Review and approval of Minutes from November 2, 2017, BZA Meeting**

**Election of Officers for 2018 – Chair and Vice-Chair**

**Items to be heard by the Board**

1. **Zoning Map Interpretation Request** by Stream Valley Franklin, LLC, for the BZA to make an interpretation that the location of the boundaries of the Floodway Fringe Overlay (FFO) District on the City of Franklin Zoning Map for the properties located at 212, 217, 218, and 224 Coffenbury Ct., in the Stream Valley PUD Subdivision, Section 13 (Lots 431-434), be based on the Letter of Map Revision Based on Fill (LOMR-F) Determination issued by FEMA on December 8, 2017 (FEMA Case No. 18-04-0503A) (F.Z.O. § 2.2.4(1)(a) and F.Z.O. § 5.8.5(5)(c)(i)).
2. **Variance Request** by Michael and Jeannette Harris, for an 8-foot encroachment into the required 25-foot rear yard setback to construct a sunroom/porch addition located at the rear of the existing dwelling located at 1213 Limerick Lane (F.Z.O §3.3.3, Table 3-6 and §3.3.4, Table 3-8).
3. **Variance Request** by Michelle and William Johnson, for an 8-foot encroachment into the required 40-foot rear yard setback to construct a screened porched addition located at the rear of the existing dwelling located at 105 Richards Glen Drive (F.Z.O §3.3.3, Table 3-6 and §3.3.4, Table 3-8).
4. **Variance Request** by Chris and Kaci Holz, for a 7.5-foot encroachment into the required 30-foot rear yard setback to construct an addition located at the rear of the existing dwelling located at 517 Shadycrest Lane (F.Z.O §3.3.3, Table 3-6).

**Other Business**

**Adjourn**

*Anyone requesting accommodations due to disabilities should contact the Human Resources Department at (615) 791-3216, at least 24 hours prior to the meeting.*

**MEETING MINUTES OF THE  
FRANKLIN BOARD OF ZONING APPEALS  
November 2, 2017**

The Franklin Board of Zoning Appeals held a regular meeting on Thursday, November 2, 2017, at 6:00 p.m. in the City Hall Boardroom.

Members present:                   Jonathan Langley  
  Greg Caesar  
  Gillian Fischbach

Staff present:                     James Svoboda, Planning & Sustainability  
  Joseph Bryan, Planning & Sustainability  
  Tiffany Pope, Law Department  
  Lori Jarosz, BNS Department

The agenda read as follows:

**Review and approval of Minutes from October 5, 2017, BZA Meeting**

**Zoning Map Interpretation Request** by Crescent Lockwood MF, LLC, for the BZA to make an interpretation that the location of the boundaries of the Floodway Fringe Overlay (FFO) District on the City of Franklin Zoning Map, for the property located on Carothers Parkway, South of Lockwood Lane (Map 89, Parcel 048.05), be based on the Letter of Map Revision Based on Fill (LOMR-F) Determination issued by FEMA on September 22, 2017 (FEMA Case No. 17-04-6854A) (F.Z.O. § 2.2.4(1)(a) and F.Z.O. § 5.8.5(5)(c)(i)).

**Variance Request** by Kevin Patrick O'Rourke, for a 17-foot encroachment into the required rear yard setback to construct a roof over an existing concrete patio located at the rear of the existing dwelling located at 3111 Bush Drive (F.Z.O §3.3.3, Table 3-6 and §3.3.4, Table 3-8).

**Variance Request** by Scott Davis, for a 10-foot encroachment into the required front yard setback to construct a new detached dwelling unit on the property located at 141 Rivergate Drive (F.Z.O §3.3.3, Table 3-6).

Vice-Chair Caesar called the October 5, 2017, meeting to order at 6:00 p.m.

**Minutes from October 5, 2017 BZA Meeting**

Mr. Langley made a motion to approve the October 5, 2017 minutes with correction to page 2 of adding the second to the vote and to add Vice-Chair Caesar's comments of clarifying his motion intent. Ms. Fischbach seconded the motion and the motion passed 3-0.

**Zoning Map Interpretation Request by Crescent Lockwood MF, LLC, for the BZA to make an interpretation that the location of the boundaries of the Floodway Fringe Overlay (FFO) District on the City of Franklin Zoning Map, for the property located on Carothers Parkway, South of Lockwood Lane (Map 89, Parcel 048.05), be based on the Letter of Map Revision Based on Fill (LOMR-F) Determination issued by FEMA on September 22, 2017 (FEMA Case No. 17-04-6854A) (F.Z.O. § 2.2.4(1)(a) and F.Z.O. § 5.8.5(5)(c)(i)).**

Mr. Svoboda stated the subject property is located Carothers Parkway, south of Lockwood Lane. Mr. Svoboda stated the current FFO boundaries are based on the adopted FIRM Map Number 47187C0214G, effective December 22, 2016. FEMA issued a Letter of Map Revision Based on Fill (LOMR-F) Determination on

September 22, 2017, updating the flood zone information and the location of the 100-year floodplain boundaries on the subject property (Follows CLOMR 16-04-2996C). Mr. Svoboda stated the LOMR-F approved by FEMA became effective on September 22, 2017 (FEMA Case No. 17-04-6854A). Mr. Svoboda stated pursuant to the provisions of the Franklin Zoning Ordinance in § 2.2.4(1)(a), § 3.1.2, and § 5.8.5(5)(c)(i), the applicant is requesting the BZA to interpret the location of the boundary of the FFO Overlay District on the City of Franklin Zoning Map be based on the LOMR-F Determination issued by FEMA. Mr. Svoboda stated the applicant has provided the necessary information to satisfy the Zoning Ordinance standards required for the BZA to interpret the location of the FFO based on the approved LOMR-F, therefore, staff recommends approval of the request to interpret the location of the Floodway Fringe Overlay (FFO) Zoning District boundary be based on the Letter of Map Revision Based on Fill Determination issued by FEMA on September 22, 2017 (FEMA Case No. 17-04-6854A), effective September 22, 2017.

Mr. Wallace stated he was available to answer any questions.

Vice-Chair Caesar requested to know if anyone else would like to speak to this item and no one requested to speak. Vice-Chair closed the public comment portion.

Ms. Fischbach moved to approve the request to interpret the location of the boundary of the FFO Overlay District on the subject property located on Carothers Parkway, South of Lockwood Lane (Map 89, Parcel 048.05), be based on the LOMR-F Determination approved by FEMA on September 22, 2017 (FEMA Case No. 17-04-6854A), effective September 22, 2017, because the applicant has satisfied the Zoning Ordinance Standards for making the boundary line interpretation. Mr. Langley seconded the motion and the motion passed 3-0.

**Variance Request by Kevin Patrick O'Rourke, for a 17-foot encroachment into the required rear yard setback to construct a roof over an existing concrete patio located at the rear of the existing dwelling located at 3111 Bush Drive (F.Z.O §3.3.3, Table 3-6 and §3.3.4, Table 3-8).**

Mr. Svoboda stated the applicant is requesting a 17-foot encroachment into the required 30-foot rear yard setback to construct a roof over an existing concrete patio located at the rear of the existing dwelling located at 3111 Bush Drive. Mr. Svoboda stated the applicant started construction of the roof addition without a building permit and was issued a stop work order. Mr. Svoboda stated the encroachment into the required rear yard setback was identified during the review of the building permit. Mr. Svoboda stated the area where the roof addition is located is adjacent to a required open space lot for the subdivision. Mr. Svoboda stated the subject property is lot 128 in the Spencer Hall PUD Subdivision, Section 1, and is a lot of record that was created prior to the adoption of the current Zoning Ordinance. Mr. Svoboda stated the property was originally zoned and subdivided under Williamson County Zoning and Subdivision Regulations with a 30-foot rear yard setback in 1996. Mr. Svoboda stated the property was subsequently annexed by the City and zoned PR 2.3. Mr. Svoboda stated the property was zoned R-3 – Detached Residential 3 District, West Harpeth Character Area Overlay District - Special Area 2 (WHCO-2), and designated as either Traditional or Conventional Development Standards as part of the adoption of the 2008 Zoning Ordinance. Table 3-6 establishes the Site Development Standards for Conventional Areas and Table 3-8 establishes the Site Development Standards for Traditional Areas. Both Tables have a footnote that stipulates that “for lots in recorded subdivisions or approved PUDs, the setbacks and lot sizes, maximum densities, and primary façade widths shown in this table shall not apply, and the requirements shown on the final plat, the approved PUD, or conditions on existing lots shall govern.” Therefore, the required 30-foot rear yard setback requirements established on the recorded plat supersedes the setback requirements stipulated in Tables 3-6 and 3-8. If the property could be resubdivided under the traditional development standards according to Table 3-8, a 5-foot rear yard setback would be permitted. Mr. Svoboda stated the Variance process is intended to provide limited relief from the requirements of the Zoning Ordinance in those cases where the strict application of a particular requirement will create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed under the Ordinance. Mr.

Svoboda stated it is not intended that Variances be granted merely to remove inconveniences or financial burdens that the requirements of the Zoning Ordinance may impose of property owners in general. Variances are intended to address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission. Mr. Svoboda stated the following is an analysis of the requested variances as they relate to the variance standards and approval criteria:

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.
  - The subject property is an existing lot of record that was created prior to the adoption of the Zoning Ordinance. The property was originally platted as part of Section 1 of the Spencer Hall PUD Subdivision in 1996. The property is a standard lot in terms of size, shape, dimensions and setbacks as compared to other lots in the Spencer Hall PUD Subdivision. The existing home was constructed within the required rear yard setback per the information submitted by the applicant. The side and rear yards on the property where the addition is located is adjacent to an existing open space lot.
  - The applicant started constructing the 17' long x 13' wide roof addition over the existing concrete patio without a building permit and was issued a stop work order by the City of Franklin. The encroachment into the required 30-foot rear yard setback was identified during the review of the building permit application and the applicant is requesting the variance from the rear yard setback into to complete the roof addition. The building appears to be set back approximately 31 feet from the rear property line. However, without a survey to verify the exact setback, the applicant is requesting that a 17-foot encroachment into the rear yard be granted by the Board.
  - The current Zoning Ordinance would permit a 5-foot rear yard setback if Traditional Standards were applied. However, since the subject property is a lot of record, the platted setbacks supersede the existing standards. The roof addition is located next to an existing open space lot along the side and rear property lines and would not negatively impact any adjoining property owners. The applicant discussed the roof addition with the Spencer Hall HOA Design Review Committee and will have to remove a portion of the roof to keep in line with the existing side façade of the existing dwelling. The HOA approved the porch addition contingent upon the BZA granting a variance from the rear yard setback.
  - Based on similar variance requests granted by the BZA, Staff finds that the platted setbacks create a unique, exceptional, or extraordinary situations about the subject property that would prevent the applicant from complying with the requirements of the Zoning Ordinance if Traditional Development Standards were applied.
2. Mr. Svoboda stated 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.
  - The only place where the roof addition can be located is to the rear of the existing dwelling over the existing concrete patio. The side and rear of the subject property is located next to a required open space area. The strict application of the Zoning Ordinance provisions requiring conformance with the platted setback instead of the Traditional Development Standards would result in an exceptional hardship on the owner of the property. Ultimately, the Board must determine whether the inability to construct the proposed roof addition encroaching into the required rear yard is a hardship or practical difficulty.
3. Mr. Svoboda stated the relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning map and this ordinance.
  - The final standard the Board must consider is whether the requested relief granted would be a detriment to the public good or impair the intent and purpose of the Zoning Ordinance. Based on similar variance requests granted by the BZA, the location of the roof addition adjacent to required open space, and that a 5-foot rear yard setback would be permitted if traditional standards were able to be applied, staff

believes that granting the proposed variance would not be detrimental to the public good and would not impair the intent or purpose of the Zoning Ordinance.

Mr. Svoboda stated for the BZA to grant a variance, the applicant must have demonstrated that all three of the standards required to grant a variance have been satisfied and based on the analysis presented above, staff recommends approval of the variance requested by the applicant because the applicant has met all three of the standards required for granting a variance.

Vice-Chair Caesar opened the public portion of the meeting.

Mr. O'Rourke stated he agreed with staff's comments and the HOA has approved this.

Vice-Chair Caesar requested to know if anyone else would like to speak to this item and no one requested to speak. Vice-Chair closed the public comment portion.

Mr. Langley moved to approve the variance request to vary the required 30-foot rear yard setback by 17 feet to construct a roof addition over the existing concrete patio located to the rear of the existing dwelling because the applicant has demonstrated that the three standards for granting a variance have been satisfied. Ms. Fischbach seconded the motion and the motion passed 3-0.

**Variance Request by Scott Davis, for a 10-foot encroachment into the required front yard setback to construct a new detached dwelling unit on the property located at 141 Rivergate Drive (F.Z.O §3.3.3, Table 3-6).**

Mr. Svoboda stated the applicant is requesting a 10-foot encroachment into the required 40-foot front yard setback to construct a detached dwelling on the property located at 141 Rivergate Drive (F.Z.O §3.3.3, Table 3-6). Mr. Svoboda stated the subject property is lot 614 in the Riverview Park Subdivision, Section VI, and is a lot of record that was created prior to the adoption of the current Zoning Ordinance. Mr. Svoboda stated the property was originally subdivided and zoned under Williamson County Zoning and Subdivision Regulations in 1985. Mr. Svoboda stated the property is currently zoned R-3 – Detached Residential District, McEwen Character Area Overlay District – Special Area 6 (MECO-6), and is designated as Conventional Development Standards. Table 3-6 establishes the Site Development Standards for Conventional Areas. Footnote 1 stipulates that “for lots in recorded subdivisions or approved PUDs, the setbacks and lot sizes, maximum densities, and primary façade widths shown in this table shall not apply, and the requirements shown on the final plat, the approved PUD, or conditions on existing lots shall govern.” Mr. Svoboda stated the R-3 Zone District permits a 25-foot front yard setback on a local street. However, the front yard setback shown on the recorded subdivision plat is more restrictive and requires a 40-foot setback. Mr. Svoboda stated the subject property is an unusually shaped, narrow lot that contains steep slopes and the top of a bluff that slopes down into the Harpeth River. Mr. Svoboda stated the rear of the subject property is in the floodway of the Harpeth River and also located in the (FWO) Overlay District and consequently, the property has a very narrow building envelope, and the applicant is requesting the 10-foot front yard variance to permit the house to be located further away from the top of the bluff of the Harpeth River and stay outside of the floodway.

Mr. Svoboda stated the Variance process is intended to provide limited relief from the requirements of the Zoning Ordinance in those cases where the strict application of a particular requirement will create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed under the Ordinance. Mr. Svoboda stated it is not intended that Variances be granted merely to remove inconveniences or financial burdens that the requirements of the Zoning Ordinance may impose of property owners in general. Variances are intended to address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission. Mr. Svoboda stated the BZA may authorize, upon an appeal relating to the property, a Variance from such strict application of the Zoning Ordinance so as to relieve such difficulties or hardship only in accordance with the following three standards (FZA §§ 2.2.4 (b) and 2.4.5):

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. Relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning map and this ordinance.

Mr. Svoboda stated in order to grant the Variance Request, the BZA must determine that the applicant has demonstrated that all three standards required to grant the variance have been satisfied. Mr. Svoboda stated the following is an analysis of the requested variances as they relate to the variance standards and approval criteria described above:

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.
  - As described above, the subject property is an existing lot of record that was originally subdivided in the County and was created prior to being annexed by the City of Franklin and the adoption of the current Zoning Ordinance. The property was originally platted as part Riverview Park Subdivision, and is an unusually shaped, narrow lot that contains steep slopes and the banks of the Harpeth River. The property is located partially in the FWO Overlay District. The applicant is requesting the variance to construct a new detached dwelling on the property and wishes to move the house forward on the property to stay away from the top of the bluff/banks of the river.
  - Staff finds that the unusual shape, narrowness, and topographic conditions of the lot, creates a unique, exceptional, or extraordinary situation on the property which limits the applicant's ability to comply with the requirements of the Zoning Ordinance.
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.
  - Staff finds that the due to the unusual circumstances described above and in the staff report, the strict application of the Zoning Ordinance would result in an exceptional practical difficulty and hardship on the owner of the property due the location of the FWO Overlay District on the property and the unusual shape, narrowness and topography of the property. The R-3 Zone District would permit a 25-foot front yard setback (Table 3-6), however the lot cannot be resubdivided due to the existing floodway on the property. New lots created after the adoption of the current Ordinance are not permitted to be created that contain floodplains or floodways. Ultimately, the Board must determine whether the inability to construct the proposed addition encroaching into the required front yard on the subject property is a hardship or practical difficulty.
3. Relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning map and this ordinance.
  - The final standard the Board must consider is whether the requested relief granted would be a detriment to the public good or impair the intent and purpose of the Zoning Ordinance. The applicant has shown a proposed house layout/footprint that will conform to the design standards in the Zoning Ordinance, and has designed the location of the proposed dwelling to minimize the encroachment into the required front yard. Staff believes that the proposed variance may be granted without substantial detriment to the public good and will not impair the intent or purpose of the Zoning Ordinance.

Mr. Svoboda stated the in order for the BZA to grant a variance, the applicant must have demonstrated that all three of the standards required to grant a variance have been satisfied and based on the analysis presented above, staff recommends approval of the variance requested by the applicant because the applicant has demonstrated that they have met all three standards required for granting a variance.

Vice-Chair Caesar opened the public portion of the meeting.

Mr. Davis stated he wanted to thank the staff for the help. Mr. Davis stated he feels he has met all the required requirements to grant variance and stated it has a narrow lot and an unusual shape. Mr. Davis stated they own the vacant lot next door and do not plan to build on it and there is no visual impact.

Vice-Chair Caesar requested to know if anyone else would like to speak to this item.

Ms. Cindy Wilson, at 188 Rivergate Dr., spoke against this request.

Mr. Svoboda stated he had some phone calls on this item and stated he explained the request to the people who called.

With no other comments Vice-Chair closed the public comment portion.

Vice-Chair Caesar requested to know what the setbacks were for the other homes.

Mr. Svoboda requested they look at the plat and explained the setbacks.

Mr. Langley requested to know if the lot was a buildable lot in all other aspects.

Mr. Svoboda stated during the pre-app meeting BNS was there and it was determined this lot would meet all the standards and explained what was buildable and the area that is not buildable.

Mr. Langley moved to approve the variance request to vary the required 40-foot front yard setback by 10-feet to construct a detached dwelling on the property located at 141 Rivergate Drive because the standards for granting a variance have been satisfied. Ms. Fischbach seconded the motion and the motion passed 3-0.

**Other Business.**

Mr. Svoboda mentioned two were going to training tomorrow and others are doing the online training. Mr. Svoboda stated he was available to discuss any questions they have from the training.

**Adjourn.**

With there being no further business, the meeting was adjourned at 6:25pm.

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Chair

**Item 1**  
**Zoning Map Interpretation Request**  
BZA 2/1/18  
COF 6604

**Zoning Map Interpretation Request** by Stream Valley Franklin, LLC, for the BZA to make an interpretation that the location of the boundaries of the Floodway Fringe Overlay (FFO) District on the City of Franklin Zoning Map for the properties located at 212, 217, 218, and 224 Coffenbury Ct., in the Stream Valley PUD Subdivision, Section 13 (Lots 431-434), be based on the Letter of Map Revision Based on Fill (LOMR-F) Determination issued by FEMA on December 8, 2017 (FEMA Case No. 18-04-0503A) (F.Z.O. § 2.2.4(1)(a) and F.Z.O. § 5.8.5(5)(c)(i)).

**Summary of Action Taken (To be completed after item is heard)**

The Board of Zoning Appeals has reviewed and discussed this item, and has taken the following action:

- Granted the variance because the statutory standards for granting a variance were established.
- Denied the variance because one or more of the statutory standards to be granted a variance were not established.
- Upheld staff's decision in the administrative review process.
- Overturned staff's decision in the administrative review process.
- Approved/Interpreted the FFO boundary on the City of Franklin Zoning Map, based on a Letter of Map Revision Based on Fill Determination issued by FEMA on December 8, 2017 (FEMA Case No. 18-04-0503A) (F.Z.O. § 2.2.4(1)(a) and F.Z.O. § 5.8.5(5)(c)(i))
- Deferred the item.

\_\_\_\_\_  
BZA Chair

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
Applicant Acknowledgement

\_\_\_\_\_  
Date

**Exhibits**

1. Staff Report and Analysis
2. BZA Application, letter, and Supporting documentation
3. Location Map

**Vicinity Base Zoning District**

Site: SD-X – Specific Development -Mixed Use  
North: SD-X – Specific Development -Mixed Use  
South: SD-X – Specific Development -Mixed Use  
East: SD-X – Specific Development -Mixed Use  
West: SD-X – Specific Development -Mixed Use

**Vicinity Land Use**

Site: Single Family  
North: Single Family  
South: Open Space  
East: Vacant  
West: Open Space

**Applicable Zoning Ordinance Regulations**

**CHAPTER 2**

**Subsection 2.2.4 BOARD OF ZONING APPEALS (BZA)**

\* \* \*

**(1) Membership, Powers, and Duties**

Pursuant to the provisions of the Tennessee Code Annotated, Sections 13-7-205 through 13-7-207, there is hereby created the Franklin Board of Zoning Appeals, hereinafter referred to as the



BZA. The Board shall consist of five (5) members and shall be appointed by the Mayor and confirmed by a majority vote of the Board of Mayor and Aldermen. The terms of membership shall be five (5) years. Terms shall be arranged so that the term of one (1) member shall expire each year. Vacancies shall be filled for an unexpired term in the same manner as the original appointment.

The BZA shall have the following powers and duties under this ordinance:

**(a) Appeal of Administrative Decisions**

To hear and decide appeals of administrative decisions where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the Department of Building and Neighborhood Services or other administrative official in carrying out or enforcing any provision of this ordinance, and for interpretation of the zoning map pursuant to Subsection 2.4.6, Appeal of Administrative Decisions.

\* \* \*

**CHAPTER 3**

**Subsection 3.1.2 District Boundaries**

- (1) The boundaries of the districts are established as shown on the zoning map. Unless otherwise indicated on the zoning map, the district boundaries are parcel lines or the corporate limit lines, as they existed at the time of the enactment of this ordinance. Questions concerning the exact location of the district boundary lines shall be determined by the BZA at a regular public meeting.

**Subsection 3.4.5 FFO—FLOODWAY FRINGE OVERLAY DISTRICT**

\* \* \*

**(1) Purpose**

The purpose of the Floodway Fringe Overlay District, hereinafter referred to as the “FFO District”, is defined as that which is intended to preserve the holding capacity of the floodplain. Encroachments into the FFO District that would impede the holding capacity of the floodplain shall be strictly limited, as follows.

\* \* \*

**(5) Undesignated Tributaries and Drainage Areas Within or Affecting the City**

The FFO District shall coincide with the 100-year floodplain or floodway fringe boundary as designated in the Flood Insurance Study or on the FIRMs, adopted in Subsection 5.8.5 (2) (b), or as subsequently amended by either a Letter of Map Amendment or a Letter of Map Revision. The FFO District width for tributaries and drainage areas within or affecting the city that do not have designated floodway fringe areas depicted on the zoning map or are not delimited in the Flood Insurance Studies or FIRMs shall be established in accordance with the stormwater management ordinance.

**Chapter 5**

**Subsection 5.8.5 Floodplain Protection**

\* \* \*

**(5) Appeals to Board of Zoning Appeals**

\* \* \*

(c) Zoning District Boundary Interpretations

- (i) The BZA may review questions relating to the district boundaries for the FWO and the FFO, delimited according the Zoning Map, as specified in Section 3.1.2 of the ordinance.

**Staff Report and Analysis**

The subject property is located on Coffenbury Ct, South of Ledgebrook Drive in the Stream Valley PUD Subdivision, Section 13, Lots 431-434. The Floodway Fringe Overlay (FFO) District boundaries coincide with the 100-year floodplain areas designated by FEMA on the adopted Flood Insurance Rate Maps (FIRMs). The current FFO boundaries are based on the adopted FIRM Map Number 47187C0355F, effective September 29, 2006. FEMA issued a Letter of Map Revision Based on Fill (LOMR-F) Determination on December 8, 2017, updating the flood zone information and the location of the 100-year floodplain

boundaries on the subject property. The LOMR-F approved by FEMA became effective on December 8, 2017 (FEMA Case No. 18-04-0503A). Pursuant to the provisions of the Franklin Zoning Ordinance in § 2.2.4(1)(a), § 3.1.2, and § 5.8.5(5)(c)(i), the applicant is requesting the BZA to interpret the location of the boundary of the FFO Overlay District on the City of Franklin Zoning Map be based on the LOMR-F Determination issued by FEMA.

The applicant has provided the necessary information to satisfy the Zoning Ordinance standards required for the BZA to interpret the location of the FFO based on the approved LOMR-F. Therefore, staff recommends approval of the request to interpret the location of the Floodway Fringe Overlay (FFO) Zoning District boundary be based on the Letter of Map Revision Based on Fill Determination issued by FEMA on December 8, 2017 (FEMA Case No. 18-04-0503A), effective December 8, 2017.

**Staff Recommended Motion for Administrative Appeal/Zoning District Boundary Interpretation**

**Move to approve the request to interpret that the location of the boundary of the FFO Overlay District on the subject properties located at 212, 217, 218, and 224 Coffenbury Ct., in the Stream Valley PUD Subdivision, Section 13 (Lots 431-434), be based on the LOMR-F Determination approved by FEMA on December 8, 2017 (FEMA Case No. 18-04-0503A), effective December 8, 2017, because the applicant has satisfied the Zoning Ordinance for making the boundary line interpretation.**



**ENERGY LAND & INFRASTRUCTURE**

December 11, 2017

City of Franklin  
Board of Zoning Appeals  
109 3rd Avenue South  
Franklin, TN 37064

**RE: FFO BOUNDARY REQUEST  
COF 6171 STREAM VALLEY PUD SUBDIVISION, SECTION 13 (LOTS 431-434)  
FRANKLIN, WILLIAMSON COUNTY, TENNESSEE**

We, on the behalf of Stream Valley Partners, LLC, request a hearing before the Board of Zoning Appeals to re-interpret the location of the boundary of the Floodway Fridge Overlay District (FFO) on Stream Valley PUD Subdivision, Section 13 (212, 217, 218, and 224 Coffenbury Court) as revised by the Letter of Map Revision based on Fill (LOMR-F) Determination issued by FEMA on December 8, 2017 (FEMA Case No. 18-04-0503A).

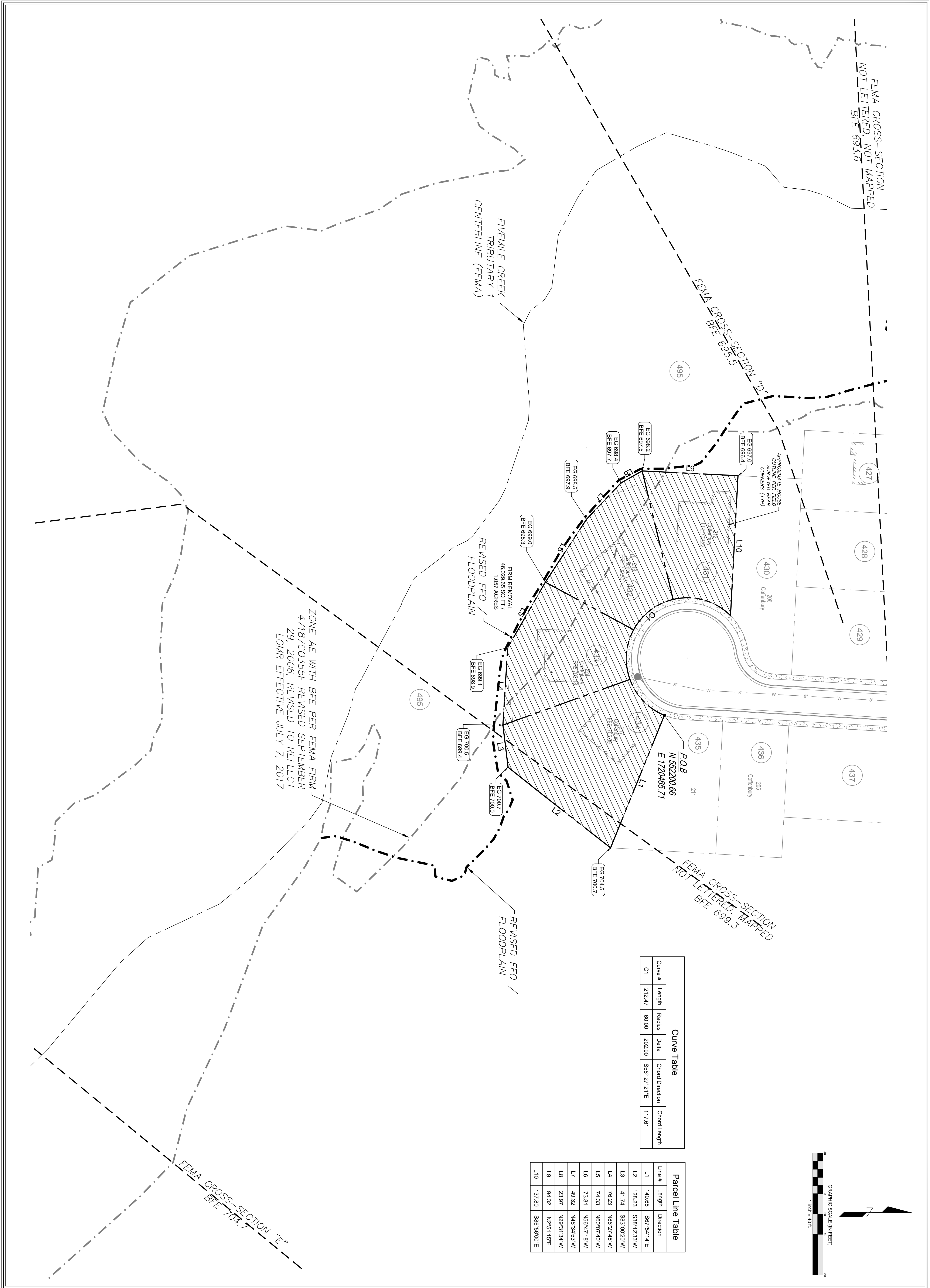
If you have any questions or need additional information, please contact me at (615) 383-6300 or [clay.wallace@eli-llc.com](mailto:clay.wallace@eli-llc.com)

Sincerely,

**ENERGY LAND & INFRASTRUCTURE, LLC**

Clay Wallace, P.E.

Enclosure



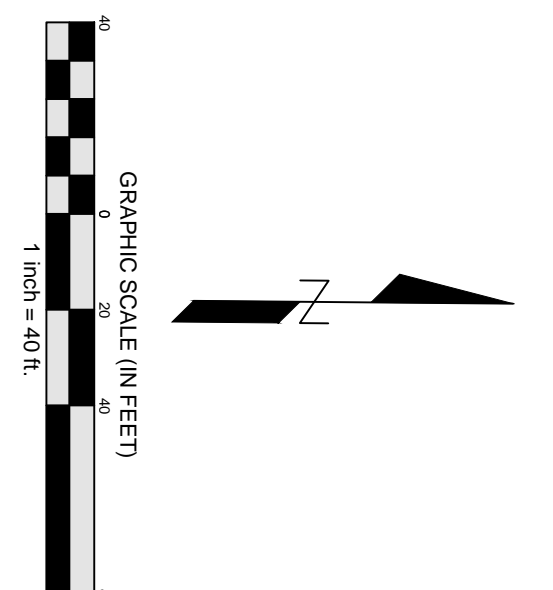
ZONE AE WITH BFE PER FEMA FIRM  
 4718700355F REVISED SEPTEMBER  
 29, 2006, REVISED TO REFLECT  
 LOMR EFFECTIVE JULY 7, 2017

**Curve Table**

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	212.47	60.00	202.90	S56° 27' 21"E	117.61

**Parcel Line Table**

Line #	Length	Direction
L1	140.68	S67°54'14"E
L2	128.23	S38°12'33"W
L3	41.74	S83°00'20"W
L4	76.23	N86°27'48"W
L5	74.33	N60°07'40"W
L6	73.81	N56°47'18"W
L7	49.32	N46°34'53"W
L8	23.97	N29°31'34"W
L9	94.32	N2°51'15"E
L10	137.80	S86°56'00"E



**LARRY C. WALLACE**  
 REGISTERED ENVIRONMENTAL ENGINEER  
 STATE OF TENNESSEE  
 No. 01717

Issue Date: August 14, 2017  
 EII Project No: 14-II-1104  
 Drafted By: LCW  
 Checked By: LCW  
 Sheet Title: FEMA FIRM AREA REMOVAL EXHIBIT  
 Sheet No.

Rev.	Date	Revision Description
1	10/17/17	Added Additional EG & BFE Info
1	10/10/17	Revise Area Description

**STREAM VALLEY PUD  
 SUBDIVISION, SECTION 13  
 LOTS 431-434  
 FEMA LOMR-F EXHIBIT  
 CITY OF FRANKLIN PROJECT NO. 6171  
 FRANKLIN, TENNESSEE**

**EDGE ENERGY LAND & INFRASTRUCTURE**  
 1420 DONELSON PIKE, SUITE A12 • NASHVILLE, TN 37217  
 OFFICE 615-383-6300 • WWW.ELI-LLC.COM  
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2017 Energy Land & Infrastructure  
 2017 Energy Land & Infrastructure  
 Nashville, Tennessee 37203  
 P: 615-383-6124  
 F: 615-383-6125



# Federal Emergency Management Agency

Washington, D.C. 20472

**December 08, 2017**

THE HONORABLE KEN MOORE  
MAYOR, CITY OF FRANKLIN  
109 THIRD AVENUE SOUTH

FRANKLIN, TN 37064

**CASE NO.: 18-04-0503A**

COMMUNITY: CITY OF FRANKLIN, WILLIAMSON  
COUNTY, TENNESSEE

COMMUNITY NO.: 470206

DEAR MR. MOORE:

This is in reference to a request that the Federal Emergency Management Agency (FEMA) determine if the property described in the enclosed document is located within an identified Special Flood Hazard Area, the area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood), on the effective National Flood Insurance Program (NFIP) map. Using the information submitted and the effective NFIP map, our determination is shown on the attached Letter of Map Revision based on Fill (LOMR-F) Determination Document. This determination document provides additional information regarding the effective NFIP map, the legal description of the property and our determination.

Additional documents are enclosed which provide information regarding the subject property and LOMR-Fs. Please see the List of Enclosures below to determine which documents are enclosed. Other attachments specific to this request may be included as referenced in the Determination/Comment document. If you have any questions about this letter or any of the enclosures, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Sincerely,

Luis V. Rodriguez, P.E., Director  
Engineering and Modeling Division  
Federal Insurance and Mitigation Administration

## **LIST OF ENCLOSURES:**

LOMR-F DETERMINATION DOCUMENT (REMOVAL)

cc: State/Commonwealth NFIP Coordinator  
Community Map Repository  
Region  
Mr. Clay Wallace



# Federal Emergency Management Agency

Washington, D.C. 20472

## LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	CITY OF FRANKLIN, WILLIAMSON COUNTY, TENNESSEE	A portion of Lots 431 through 434, Stream Valley PUD Subdivision, Section 13, as shown on the Plat recorded as Document No. 16038723, in Plat Book P64, Page 124, in the Office of the Register of Deeds, Williamson County, Tennessee  The portion of property is more particularly described by the following metes and bounds:
	COMMUNITY NO.: 470206	
AFFECTED MAP PANEL	NUMBER: 47187C0355F  DATE: 9/29/2006	
FLOODING SOURCE: FIVEMILE CREEK TRIBUTARY 1		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 35.847152, -86.837112 SOURCE OF LAT & LONG: LOMA LOGIC DATUM: NAD 83

### DETERMINATION

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
431- 434	-/13	Stream Valley PUD	212, 217, 218 & 224 Coffenbury Court	Portion of Property	X (shaded)	--	--	697.0 feet

**Special Flood Hazard Area (SFHA)** - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

LEGAL PROPERTY DESCRIPTION	ANNEXATION
FILL RECOMMENDATION	REVISED BY LETTER OF MAP REVISION
PORTIONS REMAIN IN THE SFHA	SUPERSEDES PREVIOUS DETERMINATION

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Revision based on Fill for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the described portion(s) of the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document revises the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Luis V. Rodriguez, P.E., Director  
Engineering and Modeling Division  
Federal Insurance and Mitigation Administration



# Federal Emergency Management Agency

Washington, D.C. 20472

## LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

### LEGAL PROPERTY DESCRIPTION (CONTINUED)

Beginning at an iron rod found in the southerly right of way (being 50') of Coffenbury Court, also being a corner common with lots 434 and 435 of above mentioned plat of record, said rod having coordinates of N 552200.66, E 1720465.71; thence, with the following eleven (11) calls, S 67°54'14" E, for a distance of 140.68' to a point; thence, S 38°12'33" W, for a distance of 128.23' to a point; thence, S 83°00'20" W, for a distance of 41.74' to a point; thence, N 86°27'48" W, for a distance of 76.23' to a point; thence, N 60°07'40" W, for a distance of 74.33' to a point; thence, N 56°47'18" W, for a distance of 73.81' to a point; thence, N 46°34'53" W, for a distance of 49.32' to a point; thence, N 29°31'34" W, for a distance of 23.97' to a point; thence, N 2°51'15" E, for a distance of 94.32' to a point; thence, S 86°56'00" E, for a distance of 137.80' to a point; thence, following along the southerly right of way Coffenbury Court with a curve to the left, having a radius of 60.00', an arc length 212.47', a chord bearing of S 56°27'21" E for a chord length of 117.61' to the Point of Beginning

### **FILL RECOMMENDATION (This Additional Consideration applies to the preceding 1 Property.)**

The minimum NFIP criteria for removal of the subject area based on fill have been met for this request and the community in which the property is located has certified that the area and any subsequent structure(s) built on the filled area are reasonably safe from flooding. FEMA's Technical Bulletin 10-01 provides guidance for the construction of buildings on land elevated above the base flood elevation through the placement of fill. A copy of Technical Bulletin 10-01 can be obtained by calling the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or from our web site at <http://www.fema.gov/mit/tb1001.pdf>. Although the minimum NFIP standards no longer apply to this area, some communities may have floodplain management regulations that are more restrictive and may continue to enforce some or all of their requirements in areas outside the Special Flood Hazard Area.

### **PORTIONS OF THE PROPERTY REMAIN IN THE SFHA (This Additional Consideration applies to the preceding 1 Property.)**

Portions of this property, but not the subject of the Determination/Comment document, may remain in the Special Flood Hazard Area. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management.

### **ANNEXATION (This Additional Consideration applies to the preceding 1 Property.)**

Although the subject of this determination is shown on the National Flood Insurance Program map as being located in a community other than the community indicated on the Determination/Comment Document, it has been annexed by the community referenced therein.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Luis V. Rodriguez, P.E., Director  
Engineering and Modeling Division  
Federal Insurance and Mitigation Administration



# Federal Emergency Management Agency

Washington, D.C. 20472

## LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

### **REVISED BY LETTER OF MAP REVISION (This Additional Consideration applies to the preceding 1 Property.)**

The effective National Flood Insurance Program map for the subject property, has since been revised by a Letter of Map Revision (LOMR) dated 7/7/2017. The 7/7/2017 LOMR has been used in making the determination/comment for the subject property.

### **SUPERSEDES OUR PREVIOUS DETERMINATION (This Additional Consideration applies to all properties in the LOMR-F DETERMINATION DOCUMENT (REMOVAL))**

This Determination Document supersedes our previous determination dated 10/13/2017, for the subject property.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

A handwritten signature in black ink, appearing to read "Luis V. Rodriguez".

Luis V. Rodriguez, P.E., Director  
Engineering and Modeling Division  
Federal Insurance and Mitigation Administration





# Federal Emergency Management Agency

Washington, D.C. 20472

## **ADDITIONAL INFORMATION REGARDING LETTERS OF MAP REVISION BASED ON FILL**

When making determinations on requests for Letters of Map Revision based on the placement of fill (LOMR-Fs), the Department of Homeland Security's Federal Emergency Management Agency (FEMA) bases its determination on the flood hazard information available at the time of the determination. Requesters should be aware that flood conditions may change or new information may be generated that would supersede FEMA's determination. In such cases, the community will be informed by letter.

Requesters also should be aware that removal of a property (parcel of land or structure) from the Special Flood Hazard Area (SFHA) means FEMA has determined the property is not subject to inundation by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This does not mean the property is not subject to other flood hazards. The property could be inundated by a flood with a magnitude greater than the base flood or by localized flooding not shown on the effective National Flood Insurance Program (NFIP) map.

The effect of a LOMR-F is it removes the Federal requirement for the lender to require flood insurance coverage for the property described. The LOMR-F *is not* a waiver of the condition that the property owner maintain flood insurance coverage for the property. *Only* the lender can waive the flood insurance purchase requirement because the lender imposed the requirement. *The property owner must request and receive a written waiver from the lender before canceling the policy.* The lender may determine, on its own as a business decision, that it wishes to continue the flood insurance requirement to protect its financial risk on the loan.

The LOMR-F provides FEMA's comment on the mandatory flood insurance requirements of the NFIP as they apply to a particular property. A LOMR-F is not a building permit, nor should it be construed as such. Any development, new construction, or substantial improvement of a property impacted by a LOMR-F must comply with all applicable State and local criteria and other Federal criteria.

If a lender releases a property owner from the flood insurance requirement, and the property owner decides to cancel the policy and seek a refund, the NFIP will refund the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy during the current policy year. The property owner must provide a written waiver of the insurance requirement from the lender to the property insurance agent or company servicing his or her policy. The agent or company will then process the refund request.

Even though structures are not located in an SFHA, as mentioned above, they could be flooded by a flooding event with a greater magnitude than the base flood. In fact, more than 25 percent of all claims paid by the NFIP are for policies for structures located outside the SFHA in Zones B, C, X (shaded), or X (unshaded). More than one-fourth of all policies purchased under the NFIP protect structures located in these zones. The risk to structures located outside SFHAs is just not as great as the risk to structures located in SFHAs. Finally, approximately 90 percent of all federally declared disasters are caused by flooding, and homeowners insurance does not provide financial protection from this flooding. Therefore, FEMA encourages the widest possible coverage under the NFIP.

The NFIP offers two types of flood insurance policies to property owners: the low-cost Preferred Risk Policy (PRP) and the Standard Flood Insurance Policy (SFIP). The PRP is available for 1- to 4-family residential structures located outside the SFHA with little or no loss history. The PRP is available for townhouse/rowhouse-type structures, but is not available for other types of condominium units. The SFIP is available for all other structures.

Additional information on the PRP and how a property owner can qualify for this type of policy may be obtained by contacting the Flood Insurance Information Hotline, toll free, at 1-800-427-4661. Before making a final decision about flood insurance coverage, FEMA strongly encourages property owners to discuss their individual flood risk situations and insurance needs with an insurance agent or company.

The revisions made effective by a LOMR-F are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90-448) 42 U.S.C. 4001-4128, and 44 CFR Part 65.

In accordance with regulations adopted by the community when it made application to join the NFIP, letters issued to revise an NFIP map must be attached to the community's official record copy of the map. That map is available for public inspection at the community's official map repository. Therefore, FEMA sends copies of all such letters to the affected community's official map repository.

To ensure continued eligibility to participate in the NFIP, the community must enforce its floodplain management regulations using, at a minimum, the flood elevations and zone designations shown on the NFIP map, including the revisions made effective by LOMR-Fs. LOMR-Fs are based on minimum criteria established by the NFIP. State, county, and community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction in the SFHA. If the State, county, or community has adopted more restrictive and comprehensive floodplain management criteria, these criteria take precedence over the minimum Federal criteria.

FEMA does not print and distribute LOMR-Fs to primary map users, such as local insurance agents and mortgage lenders; therefore, the community serves as the repository for LOMR-Fs. FEMA encourages communities to disseminate LOMR-Fs so that interested persons, such as property owners, insurance agents, and mortgage lenders, may benefit from the information. FEMA also encourages communities to prepare articles for publication in the local newspaper that describe the changes made and the assistance community officials will provide in serving as a clearinghouse for LOMR-Fs and interpreting NFIP maps.

When a restudy is undertaken, or when a sufficient number of revisions occur on particular map panels, FEMA initiates the printing and distribution process for the panels and incorporates the changes made effective by LOMR-Fs. FEMA notifies community officials in writing when affected map panels are being physically revised and distributed. If the results of particular LOMR-Fs cannot be reflected on the new map panels because of scale limitations, FEMA notifies the community in writing and revalidates the LOMR-Fs in that letter. LOMR-Fs revalidated in this way usually will become effective 1 day after the effective date of the revised map.





TN STATE PLANE  
NAD 83

GRAPHIC SCALE (IN FEET)  
1 inch = 60 ft.

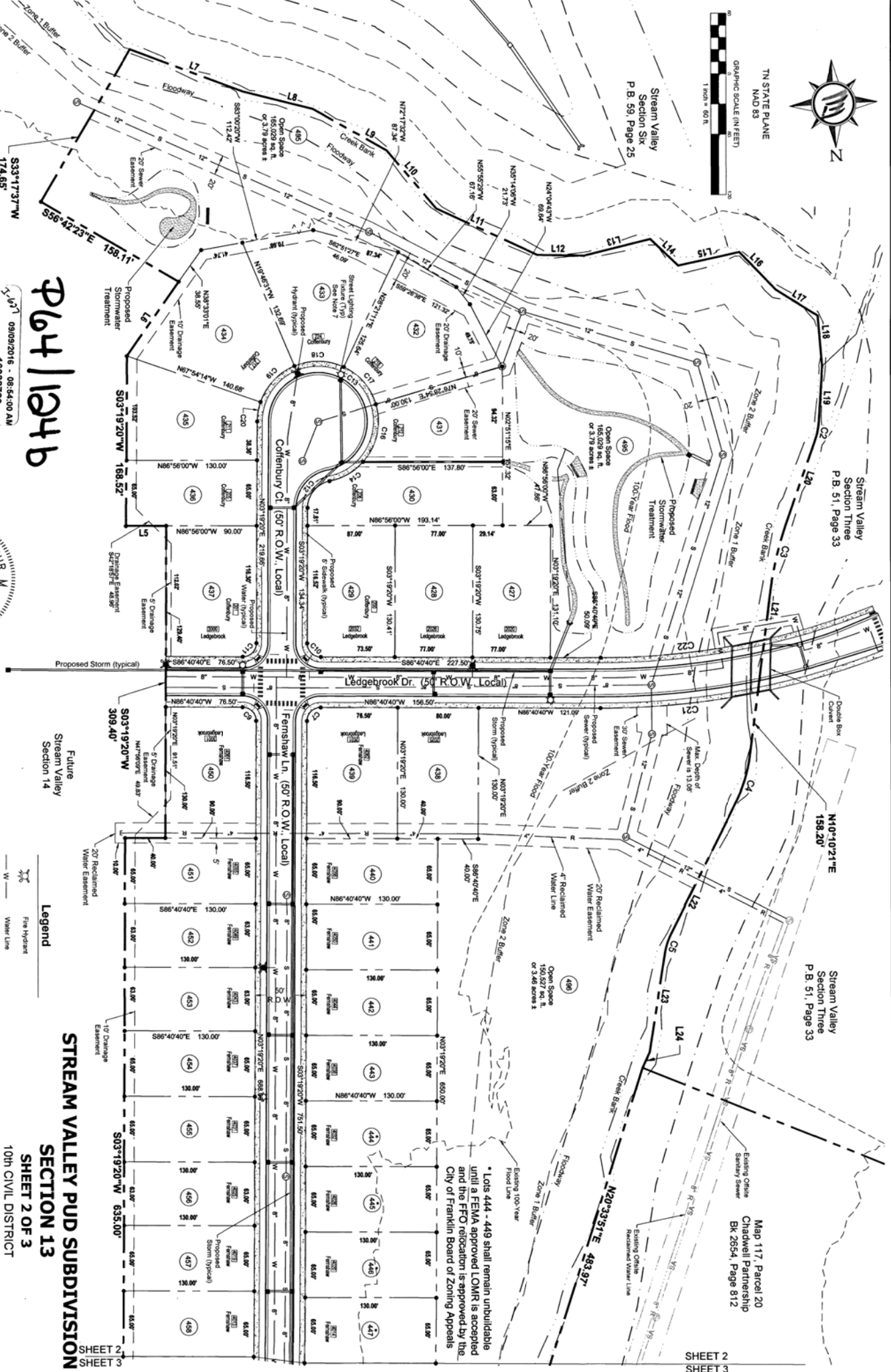
Stream Valley  
Section Six  
P.B. 59, Page 25

Stream Valley  
Section Three  
P.B. 51, Page 33

Stream Valley  
Section Three  
P.B. 51, Page 33

Map 117, Parcel 20  
Chadwell Partnership  
BK 2854, Page 812

\* Lots 444 - 449 shall remain unbuildable until a FEMA approved LOMR is accepted and the FFD relocation is approved by the City of Franklin Board of Zoning Appeals



Future  
Stream Valley  
Section 14

Future  
Stream Valley  
Section 14

# STREAM VALLEY PUD SUBDIVISION SECTION 13 SHEET 2 OF 3

10th CIVIL DISTRICT

FRANKLIN, WILLIAMSON COUNTY, TENNESSEE

CITY OF FRANKLIN PROJECT #6171

DATE: 06-13-2016

REVISED: 07-28-2016

**P64/124b**

09/09/2016 - 08:54:00 AM  
16038723

PLAT BOOK: P64  
PAGE: 124

REC FEE: 450  
DP FEE: 200  
TOTAL: 650  
STATE OF TENNESSEE  
SAJIDE WADE



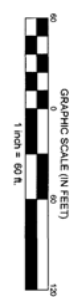
### Legend

- Fire Hydrant
- Water Line
- Sewer Line
- Sewer Manhole
- Iron Rod (New)
- Monument (New)
- Proposed Stormwater Pipe
- Proposed Sidewalk
- Lot Number

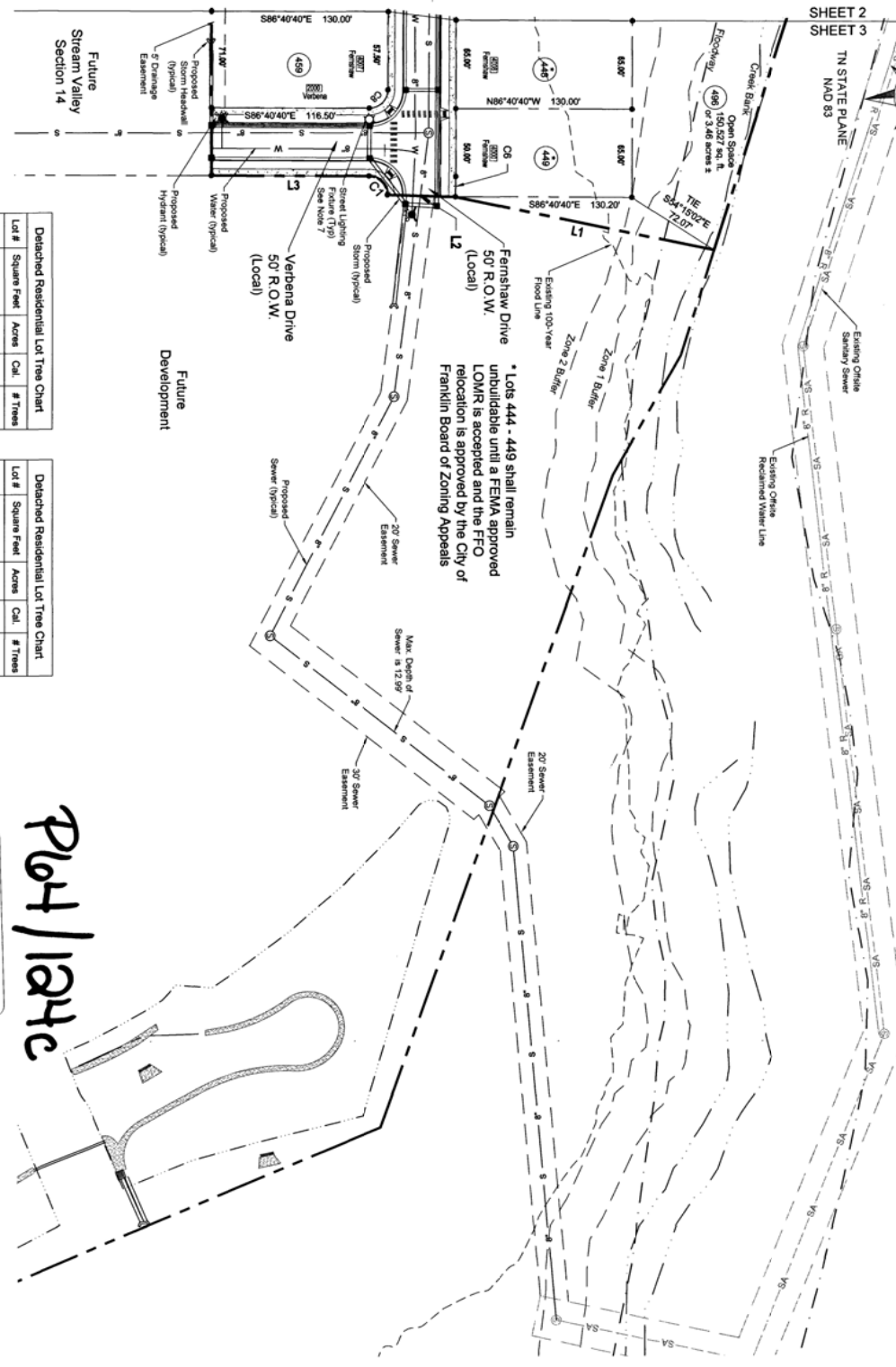
**ENERGY LAND & INFRASTRUCTURE**  
 1420 DONELSON PIKE, SUITE A12  
 OFFICE 615.433.4300  
 WWWW.ELL-LLC.COM  
 ENGINEERS SURVEYORS INFRASTRUCTURE ENVIRONMENTAL

SHEET 2  
SHEET 3

SHEET 2  
SHEET 3



Map 117, Parcel 20  
Chadwell Partnership  
Bk 2654, Page 812



Detached Residential Lot Tree Chart

Lot #	Square Feet	Acres	Cal.	# Trees
427	10,081	0.23	2"	6
428	10,065	0.23	2"	6
429	11,290	0.26	2"	6
430	11,209	0.26	2"	6
431	9,521	0.22	2"	6
432	13,522	0.31	2"	6
433	13,435	0.31	2"	6
434	14,798	0.34	2"	6
435	10,570	0.24	2"	6
436	8,450	0.19	2"	6
437	11,625	0.27	2"	6
438	10,400	0.24	2"	6
439	11,861	0.27	2"	6
440	8,450	0.19	2"	6
441	8,450	0.19	2"	6
442	8,450	0.19	2"	6
443	8,450	0.19	2"	6

Detached Residential Lot Tree Chart

Lot #	Square Feet	Acres	Cal.	# Trees
444	8,450	0.19	2"	6
445	8,450	0.19	2"	6
446	8,450	0.19	2"	6
447	8,450	0.19	2"	6
448	8,450	0.19	2"	6
449	8,451	0.19	2"	6
450	11,661	0.27	2"	6
451	8,450	0.19	2"	6
452	8,190	0.19	2"	6
453	8,190	0.19	2"	6
454	8,450	0.19	2"	6
455	8,450	0.19	2"	6
456	8,190	0.19	2"	6
457	8,450	0.19	2"	6
458	8,450	0.19	2"	6
459	9,191	0.21	2"	6

**PUD/PLATE**

09/09/2016 - 08:54:00 AM  
16038723  
PLAT BOOK: P64  
PAGE: 124



Legend

	Fire Hydrant
	Water Line
	Sewer Line
	Sewer Manhole
	Iron Rod (New)
	Monument (New)
	Proposed Stormwater Inlet
	Proposed Sidewalk
	Lot Number

Line Table

Line #	Direction	Length
L1	S75° 17' 30"E	194.87'
L2	S85° 09' 55"E	50.00'
L3	S66° 40' 40"E	116.32'
L4	S86° 56' 00"E	40.00'
L5	S38° 03' 48"W	89.88'
L6	N66° 29' 59"W	120.18'
L7	N72° 50' 56"W	70.94'
L8	N57° 34' 39"W	84.43'
L9	N37° 12' 58"W	75.52'
L10	N62° 10' 57"W	110.19'
L11	N86° 03' 29"W	47.18'
L12	S79° 13' 37"W	67.54'
L13	N43° 25' 17"W	38.22'
L14		

Line Table

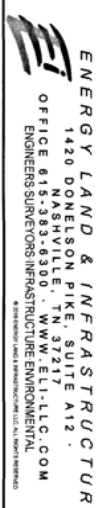
Line #	Direction	Length
L15	S60° 36' 19"W	62.20'
L16	N40° 53' 44"W	51.80'
L17	N54° 49' 08"W	49.09'
L18	N02° 03' 27"W	50.33'
L19	N06° 35' 08"E	55.48'
L20	N22° 00' 01"E	65.24'
L21	N10° 10' 21"E	158.20'
L22	N29° 23' 18"E	146.56'
L23	N11° 54' 48"E	99.33'
L24	N28° 05' 00"E	16.94'

Curve Table

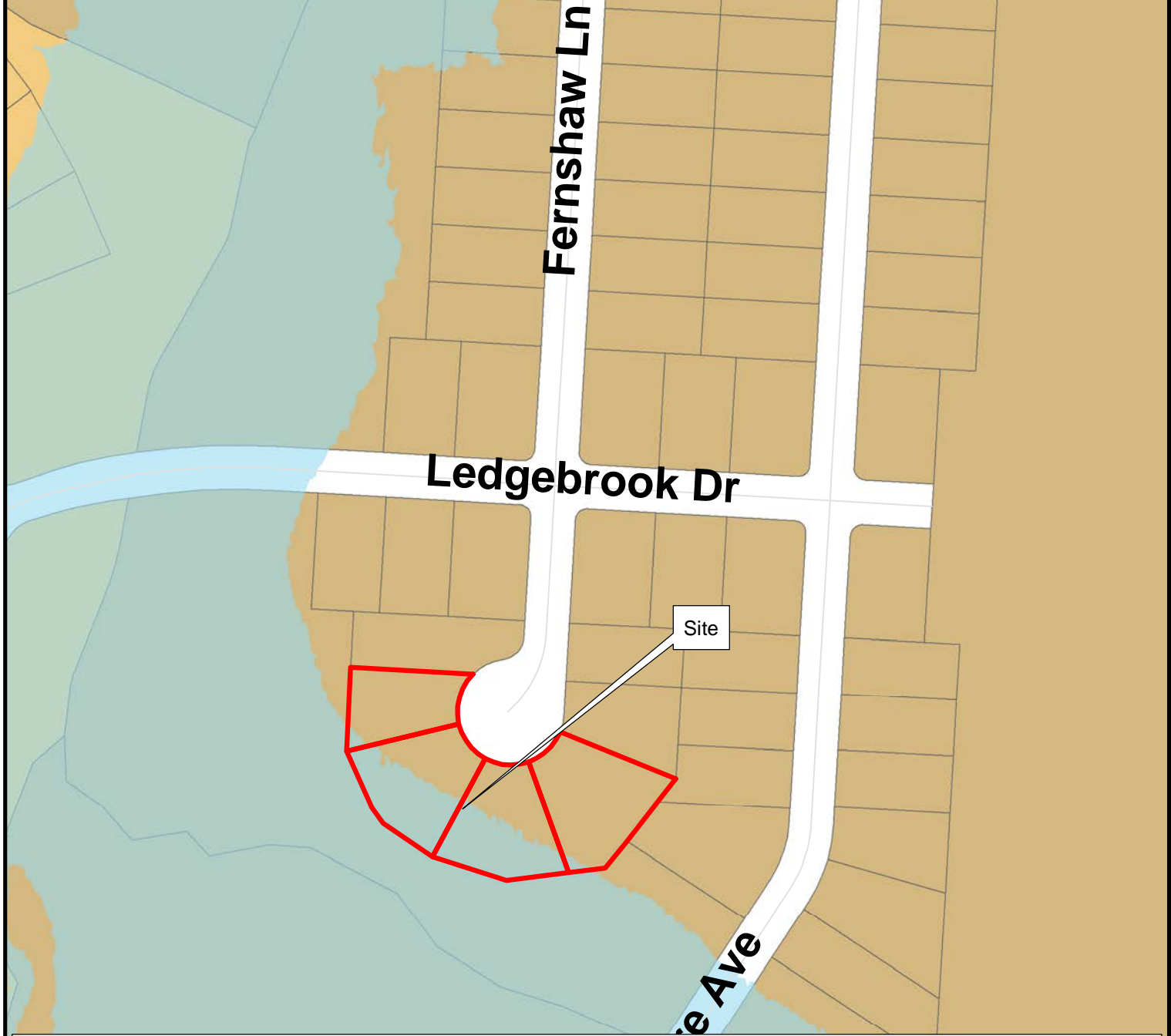
Curve #	Radius	Length	Delta	Chord Direction	Chord Length
C1	13.50'	21.56'	91°30'45"	S40°55'18"E	19.34'
C2	65.75'	17.69'	15°24'53"	N14°17'34"E	17.64'
C3	380.00'	78.44'	11°49'40"	N16°05'11"E	78.31'
C4	140.00'	46.95'	19°12'57"	N19°46'50"E	46.73'
C5	65.75'	20.05'	17°28'30"	N20°39'03"E	19.98'
C6	575.00'	15.00'	1°29'41"	S4°04'11"W	15.00'
C7	13.50'	21.21'	90°00'00"	S48°19'20"W	19.09'
C8	13.50'	21.21'	90°00'00"	N48°19'20"E	19.09'
C9	13.50'	21.21'	90°00'00"	N41°40'40"W	19.09'
C10	13.50'	21.21'	90°00'00"	S41°40'40"E	19.09'
C11	13.50'	21.21'	90°00'00"	N48°19'20"E	19.09'
C12	27.00'	37.10'	78°43'54"	S42°41'17"W	34.25'
C13	60.00'	270.94'	268°43'54"	S47°18'43"E	92.77'
C14	60.00'	38.81'	37°03'43"	S63°31'23"W	38.14'
C16	60.00'	61.27'	59°30'38"	S15°44'13"W	58.64'
C17	60.00'	50.40'	48°07'42"	S37°34'58"E	48.93'
C18	60.00'	50.40'	48°07'42"	S85°42'40"E	48.93'
C19	60.00'	50.40'	48°07'42"	N46°09'28"E	48.93'
C20	60.00'	19.66'	18°48'28"	N172°42'23"E	19.57'
C21	775.00'	157.39'	11°38'09"	S87°30'16"W	157.12'
C22	725.00'	164.02'	12°57'44"	N85°50'28"E	163.67'

**STREAM VALLEY PUD SUBDIVISION**  
**SECTION 13**  
**SHEET 3 OF 3**

10th CIVIL DISTRICT  
FRANKLIN, WILLIAMSON COUNTY, TENNESSEE  
CITY OF FRANKLIN PROJECT #6171  
DATE: 06-13-2016  
REVISED: 07-28-2016

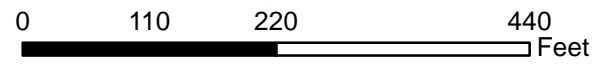


Stream Valley, Section 13 (Lots 431-434)  
 FFO Interpretation Request  
 TAX MAP 117J, GROUP B, PARCELS 005.00, 006.00, 007.00, 008.00  
 BOARD OF ZONING APPEALS  
 1/4/18



**Stream Valley, Section 13 Appeal of Administrative Decision**

- |  |  |
|--|--|
| Stream Valley, Section 13              | RM-20 Attached 20 Residential District |
| <b>Zoning Class</b>                    | SD-R Specific Development-Residential  |
| FFO                                    | SD-X Specific Development-Variety      |
| FWO                                    | OR Office Residential District         |
| AG Agricultural District               | GO General Office District             |
| ER Estate Residential                  | CC Central Commercial District         |
| R-1 Residential District               | NC Neighborhood Commercial District    |
| R-2 Residential District               | GC General Commercial District         |
| R-3 Residential District               | LI Light Industrial District           |
| R-6 Residential District               | HI Heavy Industrial District           |
| RM-10 Attached 10 Residential District | CI Civic and Institutional District    |
| RM-15 Attached 15 Residential District |  |



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**Item 2**  
**Variance Request**  
BZA 2/1/18  
COF #6602

**Variance Request** by Michael and Jeannette Harris, for an 8-foot encroachment into the required 25-foot rear yard setback to construct a sunroom/porch addition located at the rear of the existing dwelling located at 1213 Limerick Lane (F.Z.O §3.3.3, Table 3-6 and §3.3.4, Table 3-8).

<b>Summary of Action Taken (To be completed after item is heard)</b>	
The Board of Zoning Appeals has reviewed and discussed this item, and has taken the following action:	
_____	Granted the variance because the statutory standards to be granted a variance were established.
_____	Denied the variance because one or more of the statutory standards required to be granted a variance were not established.
_____	Upheld staff's decision in the administrative review process.
_____	Overtured staff's decision in the administrative review process.
_____	Deferred the item.
_____	Conditions of approval: _____ _____
_____	_____
BZA Chair	BZA Recording Secretary
_____	_____
Applicant Acknowledgement	Date

**Exhibits**

1. Staff Report and Analysis
2. BZA Application Materials and Supporting documentation
3. Location Map

**Vicinity Zoning**

Site: SD-R – Specific Development – Residential District  
North: SD-R – Specific Development – Residential District  
South: SD-R – Specific Development – Residential District  
East: SD-R – Specific Development – Residential District  
West: SD-R – Specific Development – Residential District

**Vicinity Land Use**

Site: Detached Residential  
North: Detached Residential  
South: Detached Residential  
East: Detached Residential  
West: Detached Residential

**Applicable Zoning Ordinance Regulations**

**CHAPTER 2.2.4**  
**BOARD OF ZONING APPEALS (BZA)**

\* \* \*

(1) **Powers and Duties**

The BZA shall have the following powers and duties under this ordinance:

(a) Appeal of Administrative Decisions

To hear and decide appeals of administrative decisions where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the Codes Department or other administrative official in carrying out or enforcing any provision of this ordinance, and for interpretation of the zoning map pursuant to Subsection 2.4.6, Appeal of Administrative Decisions.

(b) Variances

To hear and decide applications for variance from the terms of this ordinance where:

- (i) By reason of exceptional narrowness, shallowness, or shape of a specific piece of property which, at the time of adoption of this ordinance, was a lot of record, or where, by reason of exceptional topographic conditions or other extraordinary or exceptional situation or condition of a piece of property; and
- (ii) The strict application of the provisions of this ordinance would result in practical difficulties to, or undue hardship upon, the owner of a piece of property; and
- (iii) Relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance.

In granting a Variance, the BZA may attach conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purposes of this ordinance pursuant to Subsection 2.4.5, Variances.

**CHAPTER 2.4.5  
VARIANCES**

**(1) Purpose and Scope**

The Variance process is intended to provide limited relief from the requirements of this ordinance in those cases where strict application of a particular requirement will create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this ordinance. It is not intended that Variances be granted merely to remove inconveniences or financial burdens that the requirements of this ordinance may impose of property owners in general. Variances are intended to address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.

\* \* \*

**(4) Approval Criteria**

The BZA may authorize, upon an appeal relating to the property, a Variance from such strict application so as to relieve such difficulties or hardship only in accordance with the following criteria:

- (a) 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
- (b) 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
- (c) Such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning map and this ordinance.
- (d) In granting Variances, the BZA shall have no power to take action that has the effect of allowing a use in contravention of the applicable base or overlay district or which in any other way changes the applicable district. Any action that has in effect changed the district shall be deemed to be a violation of powers of this subsection and shall be of no force and effect.
- (e) The fact that a site or development does not conform to this ordinance prior to the consideration of a Variance application may not be used as a basis for the granting of a Variance.

**(5) Effect of a Variance**

- (a) The issuance of a Variance shall authorize only the particular variation that is approved in the Variance.
- (b) A Variance, including any conditions, shall run with the land and shall not be affected by a change in ownership.

**(6) Subsequent Development**

Development authorized by the Variance shall not be carried out until the applicant has secured all other approvals required by this ordinance or any other applicable ordinances or regulations. A Variance shall not ensure that the development feature approved as a Variance shall receive subsequent approval for other applications for



development approval unless the relevant and applicable portions of this ordinance or other applicable provisions are met.

**(7) Time Limit**

- (a) Unless otherwise specified in the Variance, an application for a Building Permit shall be applied for and approved within one year of the date of the Variance approval; otherwise the Variance shall become invalid. Permitted timeframes do not change with successive owners.
- (b) Upon written request, one extension of six months may be granted by the Codes Department if the applicant can show good cause.
- (c) The decision of the Codes Department as to what constitutes substantial compliance with the time limit or applicable conditions for a Variance shall be final.

**(8) Amendment**

A Variance may be amended, extended, or modified only in accordance with the procedures and standards established for its original approval. A request for a change in the conditions of approval of a Variance shall be considered an amendment and subject to the full review procedure set forth in this subsection.

**CHAPTER 3.3  
SITE DEVELOPMENT STANDARDS**

**3.3.1 Measurements, Computations, and Exceptions**

**(1) Distance Measurements**

Unless otherwise expressly stated, distances specified in this ordinance are to be measured as the length of an imaginary straight line joining those points.

**(2) Lot-Area Measurements**

**(a) Lot-Area Measurements**

The area of a lot includes the total horizontal surface area within the lot's boundaries.

**(b) Reductions in Lot Area Prohibited**

No lot shall be reduced in area so that lot area per dwelling unit, lot width, required yards, building area, setbacks, or other requirements of this ordinance are not maintained. Actions by governmental agencies, such as road widening, shall not be considered as reductions.

**(3) Lot Measurements**

**(a) Lot Width**

Lot width is the distance between the side lot lines measured at the point of the Front Yard Setback line.

**(b) Lot Frontage**

Lot frontage is the length of the front lot line measured at the street.

**(4) Setbacks, Yards, and Height**

**(a) Measurements**

Setbacks refer to the unobstructed, unoccupied open area between the furthestmost projection of a structure and the property line of the lot on which the structure is located. Setbacks shall be unobstructed from the ground to the sky except as otherwise expressly allowed in Subsection 3.3.1(4)(b), Permitted Encroachments into Required Setbacks.

**(b) Permitted Encroachments into Required Setbacks**

(i) The following features may be located within required setbacks to the extent indicated:

- A.) Sidewalks and landscape;
- B.) Accessory uses and structures as allowed in Section 4.1, Accessory Uses and Structures;
- C.) Fences and walls as allowed in Section 5.6, Fences and Walls; and
- D.) Off-Street Parking, as allowed in Section 5.9, Off-Street Parking and Loading.

(ii) Appurtenances are permitted to encroach into a required front or rear yard setback up to six feet and within side yards up to five feet from the property line provided a minimum of ten feet between buildings is maintained.

**(c) Yards Required for Buildings**

A yard or other open area required about a building shall not be included as part of a yard or other open space for another building.

**(d) Front Yard Setback**

**(i) Front Yard Setback and Streets**

The yard fronting a street shall be considered to be a front yard and shall meet the minimum front yard setback.

**(ii) Measurement**

The front yard setback shall extend the full width of the lot and shall be measured from the street right-of-way line.

**(iii) Double Frontage Lot**

A double frontage lot shall provide a front yard setback on both streets. The remaining yards shall meet the side yard setback requirements.

**(iv) Corner Lot**

A corner lot shall provide a front yard setback on all streets. The remaining yards shall meet the side yard setback requirements.

**(v) Cul-de-Sac or Curved-Street Lot**

For a cul-de-sac lot or a lot abutting a curved street, the front yard setback shall follow the curve of the front property line.

**(e) Side Yard Setback**

The side yard setback shall extend from the required front yard setback line to the required rear yard setback line and shall be measured from the side lot line. If no street or rear yard setback is required, the setback shall extend the full depth of the lot.

**(f) Rear Yard Setback**

The rear yard setback shall extend the full width of the lot and shall be measured from the rear lot line.

\*\*\*

### 3.3.3 Site Development Standards for Conventional Areas

- (1) Tables 3-6 and 3-7 establish the site development standards, by building type, for development within conventional areas established pursuant to Section 5.1, Traditional and Conventional Area Standards Distinguished.
- (2) All applicable development shall comply with the standards established within this subsection unless otherwise expressly stated, or unless a different standard is required by an applicable overlay district.

**TABLE 3-6: SITE DEVELOPMENT STANDARDS FOR RESIDENTIAL BUILDING TYPES IN CONVENTIONAL AREAS [1], [2], [3], [10]**

Standard		AG	ER	R-1	R-2	R-3	R-6	SD-R	SD-X	RM-10	RM-15	RM-20	
Residential Detached (Street Loaded)	Front Yard and Side Street Setback (feet) [4] [5]	Local	100	75	60	40	25	25	30[9]	30[9]			
		Collector	150	100	90	75	60	35	40[9]	40[9]			
		Arterial/ Mack Hatcher	225	150	125	100	80	45	50[9]	50[9]			
	Side Yard Setback (feet) [6] [11]		50	35	25	[7]	[8]	[8]	[8][9]	[8][9]			
	Rear Yard Setback (feet)[6]		100	65	50	40	30	25	30[9]	30[9]			
	Minimum Lot Size (square feet)		1 per 15 acres	45,000	30,000	15,000	9,000	5,000	5,000[9]	5,000[9]			
	Minimum Lot Width (feet)		200	150	100	75	60	50	50[9]	50[9]			
	Minimum Lot Frontage (feet) [12]		160	120	80	60	48	40	40[9]	40[9]			

**NOTES:**

- [1] For lots in recorded subdivisions or approved PUDs, the setbacks, lot sizes, and maximum densities shown in this table shall not apply, and the requirements shown on the Final Plat or approved PUD shall govern.
- [2] Unified developments may establish interior lot lines as necessary, provided that the bulk requirements along the outer boundaries of the development shall be retained as specified in this table.
- [3] Shaded cells indicate that no requirement exists.
- [4] Where the average front yard for existing buildings on the same block face is more than or less than the minimum required front yard, the minimum front yard shall instead be within 25 percent of the average front yard for existing buildings on the same block face.
- [5] In cases where a transitional feature is required, the minimum setback shall be in accordance with Subsection 5.3.4, Transitional Features.
- [6] Where an immediately adjacent existing building is set back less than the minimum required side or rear yard, the minimum side or rear yard requirement shall instead be the same as the immediately adjacent developed building, but not less than five feet. Buildings shall maintain a minimum spacing of ten feet.
- [7] Minimum of eight feet each side, minimum of 20 feet between dwellings.
- [8] Minimum of five feet each side, minimum 12 feet between dwellings.
- [9] Larger or smaller setbacks, lot widths, lot frontages and lot sizes, beyond the range presented in this table, are permitted in cases where topographical or natural constraints exist, or where a particular design approach warrants a different setback subject to Subsection 2.4.2, Planned Unit Developments.
- [10] Appurtenances may encroach into a side-yard provided they maintain a minimum setback of five feet from the property line and ten feet from principal structures on adjacent lots.
- [11] For unified developments, internal side setback shall be determined by the applicable Building and Fire Codes as adopted by the City of Franklin.
- [12] The minimum lot frontage width shall be required to be maintained to the front yard setback line, at which point the minimum lot width shall apply. However, the minimum lot frontage requirement shall not apply to lots located on the turning radius of a cul-de-sac.

### 3.3.4 Site Development Standards for Traditional Areas

- (1) Table 3-8 establishes the site developments standards, by building type, for development within traditional areas established pursuant to Section 5.1, Traditional and Conventional Area Standards Distinguished, and for development within the R-6, OR, and CC Districts.
- (2) All applicable development shall comply with the standards established within this subsection unless otherwise expressly stated, or unless a different standard is required by an applicable overlay district.

**TABLE 3-8 SITE DEVELOPMENT STANDARDS FOR TRADITIONAL AREAS [1], [2], [3]**

Standard	Residential Detached (Street Loaded)	Residential Detached (Alley Loaded)	Residential Attached	Mixed-Use	Nonresidential
Front Yard and Side Street Setback [4] [5] [6] [7]	10-30 feet	10-30 feet	0 or 5-25 feet	0–15 feet	0-20 feet
Side Yard Setback [8] [12]	5 feet	5 feet	[9] [13]	0-5 feet	0 feet
<b>Rear Yard Setback [8]</b>	<b>5 feet</b>	5 feet	5 feet	0 feet	0 feet
Main Body/Primary Facade Width (Maximum) [10]	50 feet	50 feet			
Minimum Lot Size	4,000 square feet	2,100 square feet			
Minimum Lot Width [5] [6] [11]	40-85 feet	30-70 feet			
Minimum Lot Frontage [5] [14]	40 feet	30 feet			

**NOTES:**

- [1] For lots in recorded subdivisions or approved PUDs, the setbacks and lot sizes, maximum densities, and primary façade widths shown in this table shall not apply, and the requirements shown on the final plat, the approved PUD, or conditions on existing lots shall govern.
- [2] Numbers shown as a range indicate a minimum and maximum (Example: 10-30). Shaded cells indicate that no requirement exists.
- [3] Unified developments may establish interior lot lines as necessary, provided that the bulk requirements of the outer boundaries of the development shall be retained as specified in this table.
- [4] For mixed-use and single-use nonresidential building types developed according to the traditional standards, the front building setback shall be measured from the back edge of the sidewalk, not the right-of-way line.
- [5] Larger or smaller setbacks, lot widths, lot frontages and lot sizes, beyond the range presented in this table, are permitted in cases where topographical or natural constraints exist, or where a particular design approach warrants a different setback, subject to Subsection 2.4.2, Planned Unit Developments.
- [6] In cases where a transitional feature is required, the minimum setback and lot width shall be in accordance with Subsection 5.3.4, Transitional Features.
- [7] The minimum setback from Mack Hatcher Parkway shall be 80 feet, and the minimum setback from Interstate 65 shall be 100 feet.
- [8] Where an immediately adjacent existing building is set back less than the minimum required side or rear yard, the minimum side or rear yard requirement shall instead be the same as the immediately adjacent developed building, but not less than five feet. Buildings shall maintain a minimum spacing of ten feet.
- [9] Minimum of zero feet each side, minimum ten feet between buildings.
- [10] Side or rear wings designed in accordance with Subsection 5.3.9 are exempt from the maximum width.
- [11] Corner lots may be up to 15 feet wider to accommodate porches or other architectural feature facing the street, and the maximum lot size shall not apply.
- [12] Appurtenances are permitted to encroach into a required front or rear yard setback up to six feet and within side yards up to five feet from the property line provided a minimum of ten feet between buildings is maintained.
- [13] Internal side setbacks shall be determined by the City of Franklin Building Code and or the City of Franklin Fire Code.
- [14] The minimum lot frontage width shall be required to be maintained to the front yard setback line, at which point the minimum lot width shall apply. However, the minimum lot frontage requirement shall not apply to lots located on the turning radius of a cul-de-sac.

**CHAPTER 8.3**  
**DEFINITIONS AND USE CLASSIFICATIONS**

**Addition (to an existing building)**

Any walled and roofed expansion to the perimeter of a building that is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition that is connected by a firewall or is separated by an independent perimeter load-bearing wall shall be considered “new construction”.

**Appurtenance**

The visible, functional, or ornamental objects accessory to, and part of a building, such as chimneys, decks, stoops, steps, porches, bay windows, roof overhangs, awnings, and similar features.

**Porch**

A projection from an outside wall of a dwelling that is covered by a roof and/or sidewalls (other than the sides of the building to which the porch is attached) for the purpose of providing shade or shelter from the elements.

**Yard**

An open space that lies between the principal or accessory structure and the nearest property line and which is unoccupied and unobstructed from the ground upward except as permitted in this ordinance.

**Yard, Rear**

An open, unoccupied space on a lot, except for accessory structures as herein permitted, extending across the rear of the lot from one side lot line to the other side lot line.

**Yard, Required**

The space between a lot line and the principal building within which no structure shall be permitted, except as authorized in this ordinance.

**Background Information/Description of Variance Request**

The applicant is requesting an 8-foot encroachment into the required 25-foot rear yard setback to construct a 26’ wide by 10’ deep sunroom/porch addition over the existing patio located to the rear of the existing dwelling located at 1213 Limerick Lane. The subject property is lot 187 in the McKays Mill PUD Subdivision, Section 7, and is a lot of record that was created prior to the adoption of the current Zoning Ordinance. The property was originally platted with a 25-foot rear yard setback in 2000. The property is currently zoned SD-R – Specific Development – Residential District, Seward Hall Character Area Overlay District - Special Area 2 (SWCO-2), and designated as suitable for either Traditional or Conventional Development Standards.

Table 3-6 establishes the Site Development Standards for Conventional Areas and Table 3-8 establishes the Site Development Standards for Traditional Areas. Both Tables have a footnote that stipulates that “for lots in recorded subdivisions or approved PUDs, the setbacks and lot sizes, maximum densities, and primary façade widths shown in this table shall not apply, and the requirements shown on the final plat, the approved PUD, or conditions on existing lots shall govern.” The required 25-foot rear yard setback requirements established on the recorded plat supersedes the setback requirements stipulated in Tables 3-6 and 3-8. However, if the property could be resubdivided according to the traditional development standards stipulated in Table 3-8 in the current Zoning Ordinance, a 5-foot rear yard setback would be permitted. In addition, Footnote 12, in Table 3-8 states that “Appurtenances are permitted to encroach into a required front or rear yard setback up to six feet and within side yards up to five feet from the property line provided a minimum of ten feet between buildings is maintained.” Due to the angle of the rear lot line, only a small portion of the proposed porch addition will encroach further into the area where appurtenances are permitted to encroach into a required rear yard setback.

### **Approval Criteria for Variances**

The Variance process is intended to provide limited relief from the requirements of the Zoning Ordinance in those cases where the strict application of a particular requirement will create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed under the Ordinance. It is not intended that Variances be granted merely to remove inconveniences or financial burdens that the requirements of the Zoning Ordinance may impose of property owners in general. Variances are intended to address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.

The BZA may authorize, upon an appeal relating to the property, a Variance from such strict application of the Zoning Ordinance so as to relieve such difficulties or hardship only in accordance with the following three standards (FZA §§ 2.2.4 (b) and 2.4.5):

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. Relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning map and this ordinance.

In order to grant the Variance Request, the BZA must determine that the applicant has demonstrated that all three standards required to grant the variance have been satisfied.

### **Analysis of Approval Criteria for Variances**

The following is an analysis of the requested variances as they relate to the variance standards and approval criteria described above:

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.
  - The subject property is an existing lot of record that was created prior to the adoption of the Zoning Ordinance. The property was originally platted as part of Section 7 of the McKays Mill PUD Subdivision in 2000. The property is an unusually shaped lot that narrows from the road frontage to the rear lot line as compared to other lots in the Subdivision. The existing home was constructed within the required rear yard setback per the information submitted by the applicant. The proposed screened porch addition will be constructed over the existing concrete patio area and the applicant is requesting an 8-foot encroachment into the required 25-foot rear yard setback.
  - The current Zoning Ordinance would permit a 5-foot rear yard setback if Traditional Standards were applied. However, since the subject property is a lot of record, the platted setbacks supersede the existing standards. The variance request is consistent with similar rear yard variance requests for screened porched additions granted by the Board.
  - Footnote 12, in Table 3-8 states that "Appurtenances are permitted to encroach into a required front or rear yard setback up to six feet and within side yards up to five feet from the property line provided a minimum of ten feet between buildings is maintained." Due to the angle of the rear lot line, only a small portion of the proposed porch addition will encroach further into the area where appurtenances are permitted to encroach into a required rear yard setback.
  - Staff finds that the unusual shape of the lot as described by the applicant, create a unique, exceptional, or extraordinary situations about the subject property that would prevent the applicant from complying with the requirements of the Zoning Ordinance. If the applicant were permitted to develop under Traditional Development Standards, the proposed addition would be in compliance with the Zoning Ordinance.

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.
  - The only place where the proposed addition can be located is to the rear of the existing dwelling over the existing concrete patio. The strict application of the Zoning Ordinance provisions requiring conformance with the platted setback instead of the Traditional Development Standards would result in an exceptional hardship on the owner of the property. Ultimately, the Board must determine whether the inability to construct the proposed porch addition encroaching into the required rear yard is a hardship or practical difficulty.
3. Relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning map and this ordinance.
  - The final standard the Board must consider is whether the requested relief granted would be a detriment to the public good or impair the intent and purpose of the Zoning Ordinance. Based on similar variance requests granted by the BZA, the proposed location of the porch addition in relation to the shape of the property, and that a 5-foot rear yard setback would be permitted if traditional standards were able to be applied, staff believes that granting the proposed variance would not be detrimental to the public good and would not impair the intent or purpose of the Zoning Ordinance.

#### **Staff Recommendation**

In order for the BZA to grant a variance, the applicant must have demonstrated that all three of the standards required to grant a variance have been satisfied. Based on the analysis presented above, staff recommends approval of the variance requested by the applicant because the applicant has met all three of the standards required for granting a variance.

#### **Motion for Variance Requests**

**Move to approve the variance request to vary the required 25-foot rear yard setback by 8 feet to construct a screened porched addition located at the rear of the existing dwelling located at 1213 Limerick Lane because the applicant has demonstrated that the standards for granting a variance have been satisfied as described in the staff report.**

1213 Limerick Lane  
Franklin, TN 37067

December 4, 2017

RE: Justification Letter for Rear Yard Variance

To Board of Zoning Appeals, Franklin, TN

We hereby request a hearing by the board of Zoning Appeals for a variance of 8 feet from the 25 feet rear yard setback. This is for the construction of a 26' wide x 10' deep sunroom to be attached to the property at 1213 Limerick Lane in the McKay's Mill Scottsdale subdivision. The grounds on which I request this is as follows:

- a) The property is angled on the sides and at the shortest point, the total distance from the back of the house to the back of the property is 28', which leaves only three feet after the 25' setback. At its longest point, the total distance from the back of the house to the back of the property is 33', which leaves eight feet after the 25' setback. We the homeowners desire a 26' wide x 10' deep sunroom, which would encroach a maximum of 8' into the 25' setback.
- b) Four pictures of different angles of the back yard area are shown below. The property line is a fence.
- c) Porches with roofs, screened in porches, and sunrooms are very common in our McKay's Mill subdivision, where the majority of the back yards are similarly small in size as ours. By granting this variance it would not be detrimental to the public and is in keeping with similar encroachments.
- d) The strict application of the Zoning Ordinance would result in a hardship due to there being no other location to construct the sunroom without encroaching into the rear yard setback.
- e) We feel that there will not be a negative impact to our property with the addition of a sunroom and feel it will add value to our property and to the neighborhood.

The plot plan, sunroom plans and four pictures of the back yard area are shown below.

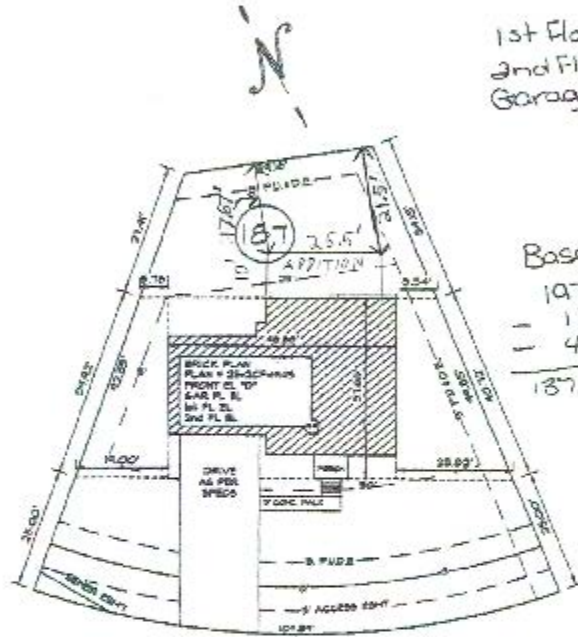
Thank you for taking time to review this request.

Michael & Jeannette Harris  
1213 Limerick Lane  
Franklin, TN 37067



01-982

1st Floor 798  
2nd Floor 1147  
Garage 432



Base Price  
197,900.00  
- 11,874.00 6%  
- 48,400.00 lot  
137,626.00

LIMERICK LANE  
40' R.O.M.

PROPERTY MAP # 30  
PARCELS # 1215  
SECTION 1

ZONING PR 2.25  
BOOK # 30  
PAGE # 44

SUPERINTENDENT MUST CHECK ALL DIMENSIONS FROM ANY EXISTING ADJACENT HOUSE TO ENSURE THAT THE MINIMUM REQUIRED DISTANCE IS MAINTAINED FROM EACH EXISTING AND/OR NEW HOUSE(S).

MCKAYS MILL SUBDIV. LOT # 187

WILLIAMSON COUNTY, TENNESSEE SCALE: 1" = 20'

DATE DRAWN: 10/09/01  
DRAWN BY: JONATHAN CARTER

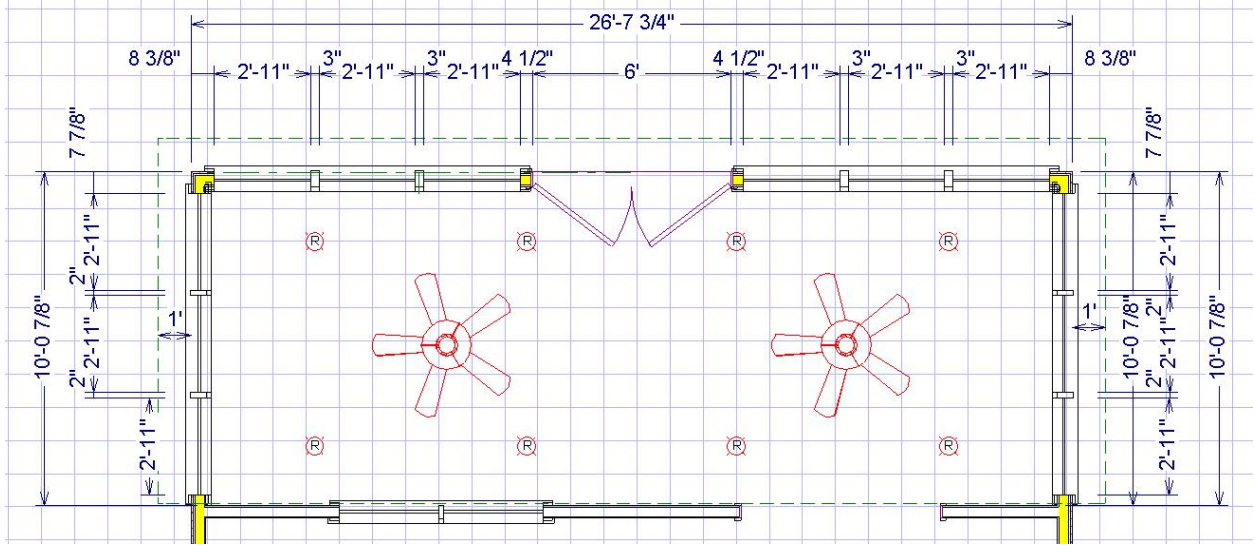
GENERAL NOTES:

- (A) BUILDERS TO VERIFY ALL LOT DATA AS SHOWN WITH RECORDED PLAT AND RESTRICTIONS PRIOR TO START OF CONSTRUCTION
- (B) FINISH GRADE OR SLOPE AWAY FROM HOUSE AT ALL POINTS



FINISH GRADE  
EXIST GRADE

280 KRAFT DRIVE NASHVILLE, TENNESSEE 37204 (615) 344-4600



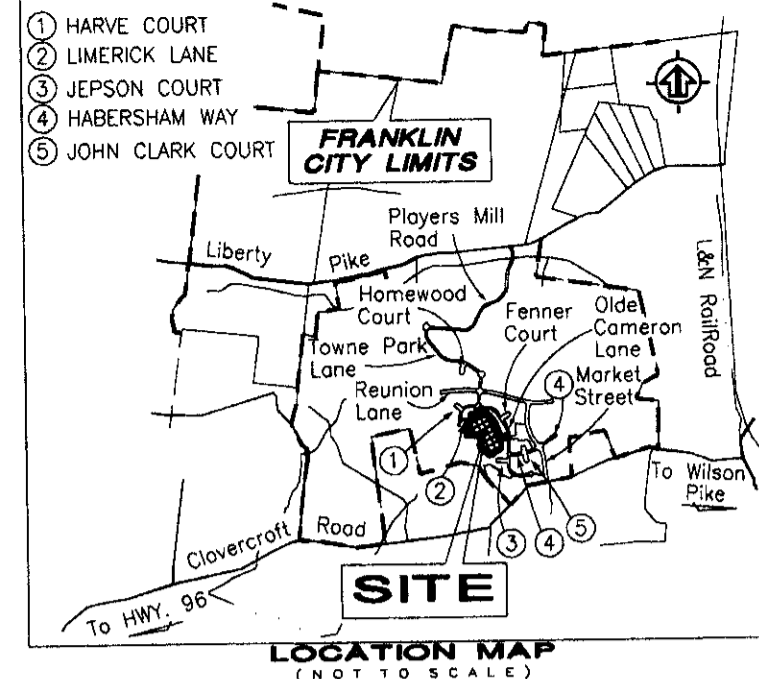






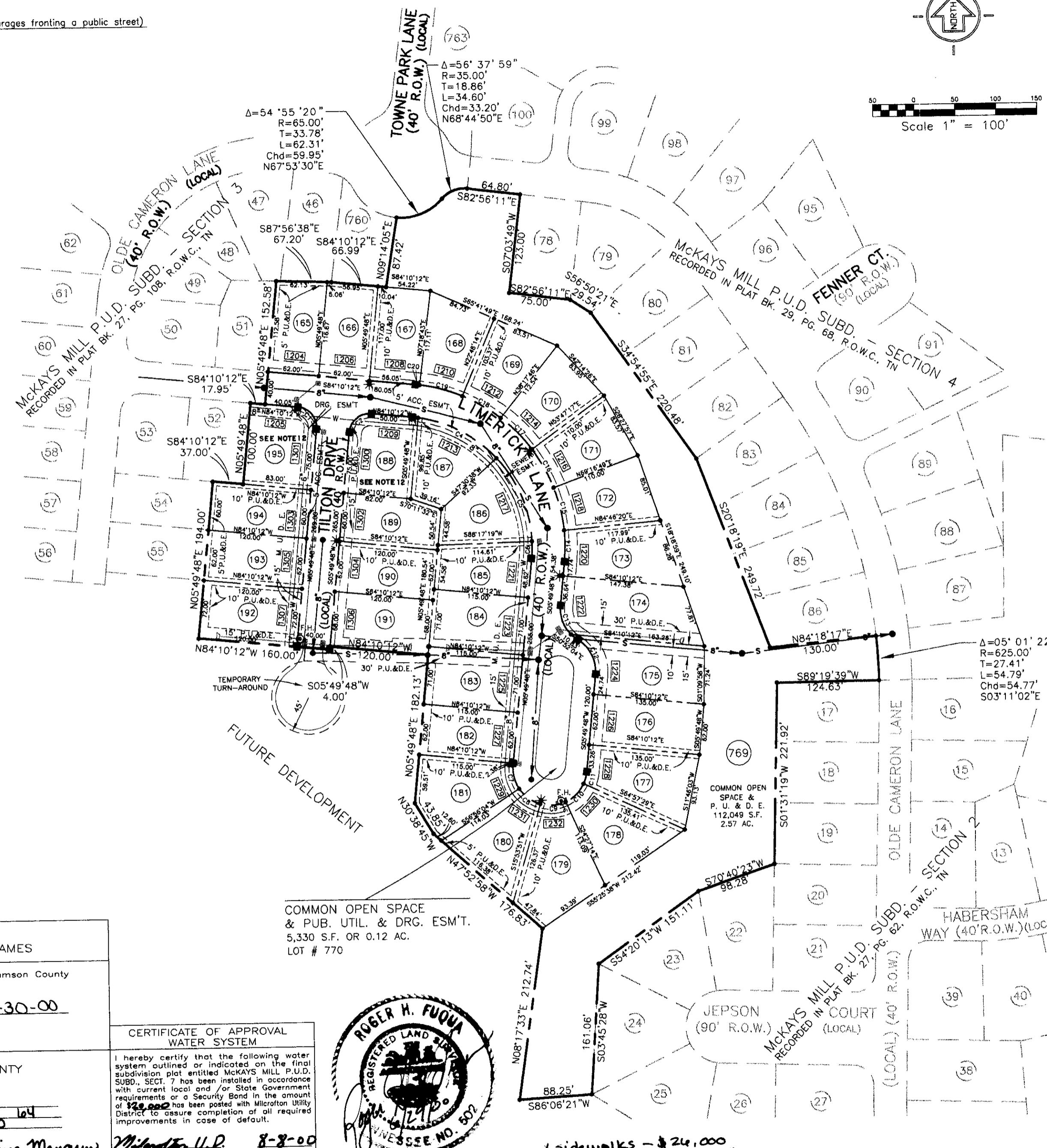
NOTES

- Existing Zoning PLANNED RESIDENTIAL (PR 2.25)
- Minimum Required Setback Lines  
Yard fronting on any local street 25' (30' for garages fronting a public street)  
Side yard: (MINIMUM OF 12') 5'  
Rear yard: (BETWEEN DWELLINGS) 25'
- Concrete Monument
- Iron Pin (NEW)
- Owner/Developer: Beazer Homes Corp. d/b/a/ Phillips Builders  
Contact: Bob Allen  
Address: c/o Phillips Builders, Inc.  
2910 Kraft Drive  
Nashville, Tennessee 37204  
Tel. No. (615) 244-9600
- Surveyor: RAGAN-SMITH-ASSOCIATES, INC.  
Address: 315 WOODLAND ST. P.O. 60070  
NASHVILLE, TN. 37206-0070  
Tel. No. (615) 244-8591
- THIS PROPERTY IS IN ZONE "C" OF THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO'S 470204 0050 C, AND 470204 0080 C, WHICH BEAR AN EFFECTIVE DATE OF NOV. 3, 1989 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.
- BEARINGS BASED ON TENNESSEE STATE GRID COORDINATES.
- THE DEVELOPER ACKNOWLEDGES THAT ALL LOTS HAVE ADEQUATE BUILDING ENVELOPES AND NO VARIANCES WILL BE REQUIRED.
- ALL LANDSCAPING WITHIN RIGHTS-OF-WAY, MEDIANS AND COMMON OPEN SPACE SHALL BE MAINTAINED BY THE HOMEOWNERS' ASSOCIATION.
- SITE IS LOCATED ON PROPERTY MAP 80, PARCEL 11.04.
- DWELLING UNITS CONSTRUCTED ON LOTS 188 AND 195 SHALL FACE LIMERICK LANE.



NUMBER	DELTA	RADIUS	TANGENT	ARC	CHORD BEARING	CHORD
C1	90°00'00"	25.00	25.00	39.27	S 39°10'12" E	35.36
C2	90°00'00"	25.00	25.00	39.27	N 50°49'48" E	35.36
C3	02°30'27"	160.00	3.50	7.00	S 82°54'59" E	7.00
C4	39°10'23"	160.00	56.93	109.39	S 62°04'33" E	107.27
C5	40°46'40"	160.00	59.47	113.87	S 22°06'02" E	111.49
C6	07°32'29"	160.00	10.55	21.06	S 02°03'33" W	21.04
C7	38°53'44"	45.00	15.89	30.55	S 13°37'04" E	29.97
C8	41°02'13"	45.00	16.84	32.23	S 53°33'03" E	31.55
C9	40°21'04"	45.00	18.54	31.69	N 85°43'18" E	31.04
C10	43°30'15"	45.00	16.60	31.81	N 45°17'39" E	31.15
C11	19°12'43"	45.00	7.62	15.09	N 15°26'09" E	15.02
C12	63°36'44"	45.00	27.91	49.96	N 25°56'34" W	47.43
C13	49°46'59"	45.00	20.88	39.10	N 19°03'42" W	37.88
C14	11°03'27"	200.00	19.36	38.60	N 00°18'04" E	38.54
C15	15°29'32"	200.00	27.20	54.08	N 12°58'25" W	53.91
C16	15°29'32"	200.00	27.20	54.08	N 28°27'57" W	53.91
C17	15°29'32"	200.00	27.20	54.08	N 43°57'28" W	53.91
C18	15°29'32"	200.00	27.20	54.08	N 59°27'00" W	53.91
C19	15°29'32"	200.00	27.20	54.08	N 74°56'32" W	53.91
C20	01°28'55"	200.00	2.59	5.17	N 83°25'45" W	5.17

LOT NO.	SQ. FT. ±	ACRES	181	8891	0.20
185	7107	0.16	182	7130	0.16
186	7253	0.17	183	8165	0.19
187	7340	0.17	184	8165	0.19
188	7440	0.17	185	7142	0.16
189	7255	0.17	186	8107	0.19
170	7532	0.17	187	7229	0.17
171	7427	0.17	188	8056	0.19
172	7757	0.18	189	7020	0.16
173	9035	0.21	190	7440	0.17
174	11426	0.26	191	8160	0.19
175	9844	0.23	192	8840	0.20
176	8370	0.19	193	7440	0.17
177	9334	0.21	194	7200	0.17
178	8547	0.20	195	8166	0.19
179	10232	0.24	196	112049	2.57
180	8221	0.19	197	5330	0.12



LEGEND

- STREET LIGHT
- SANITARY SEWER MANHOLE
- FIRE HYDRANT
- CATCH BASIN
- SANITARY SEWER LINE
- WATER LINE
- M.U.D.E. MICROFLYON UTILITY DISTRICT EXCLUSIVE EASEMENT
- P.U.D.E. PUBLIC UTILITY AND DRAINAGE EASEMENT
- STREET ADDRESS

CERTIFICATE OF APPROVAL OF SUBDIVISION NAME AND STREET NAMES

Subdivision Name and Street Names Approved by The Williamson County Emergency Management Agency  
*Jerrin Lewis* Date 6-30-00  
 Williamson County Emergency Management Agency

REGISTERS OFFICE WILLIAMSON COUNTY (State of Tennessee)

Received for record the 29 day of Aug 2000 at 11:02 o'clock A M. Noted in Note Book 164 page 334 and recorded in Plat Book No. P30 page 94 Fee \$ 12.00  
 WITNESS MY HAND SARAH G. WADE *Jessica Mangrum* Deputy Register  
 REC # 383131

CERTIFICATE OF APPROVAL WATER SYSTEM

I hereby certify that the following water system outlined or indicated on the final subdivision plat entitled McKays Mill P.U.D. SUBD., SECT. 7 has been installed in accordance with current local and/or State Government requirements or a Security Bond in the amount of 125,000 has been posted with Microflon Utility District to assure completion of all required improvements in case of default.  
*William H. U.P.* Date 8-8-00  
 Microflon Utility District  
*By Carl Heatt*



CERTIFICATE OF SURVEY

I (we) hereby certify that the subdivision plat as shown hereon is correct and that all of the monuments shown hereon have been placed as indicated. This subdivision plat correctly represents a survey made under my supervision on the 13th day of APRIL, 1998.  
*Roger H. Fuqua* Date 6/29/00  
 License No. 502

CERTIFICATE OF APPROVAL OF SEWER SYSTEM

I hereby certify that:  
 (1) the sewer system designated in McKays Mill P.U.D. SUBD., SECT. 7 has been installed in accordance with City specifications, or  
 (2) a performance bond in the amount of \$29,000 for the sewer system has been posted with the City of Franklin, Tennessee, to assure completion of such system.  
*Subhendu Chatterjee* Date 8-25-00  
 Supt. Water and Sewer Franklin, Tenn.

CERTIFICATE OF APPROVAL OF STREETS AND DRAINAGE

I hereby certify that: (1) the streets and drainage designated in McKays Mill P.U.D. SUBD., SECT. 7 has been installed in accordance with City specifications, or (2) a performance bond in the amount of \$98,000 for streets and \$77,000 for drainage has been posted with the City of Franklin, Tennessee, to assure completion of such improvements.  
*Joseph York* Date 8-25-00

CERTIFICATE OF APPROVAL FOR RECORDING

Approved by the Franklin Municipal Planning Commission, Franklin, Williamson County, Tennessee, with the exception of such conditions, if any, as are noted in the Planning Commission minutes for the 10 day of July, 1998, and this plat has been approved for recording in the Register's Office of Williamson County.  
*Bob Harris* Date 8/25/00  
 Secretary, Franklin Municipal Planning Commission

**P 30/94**  
 McKAYS MILL P.U.D. SUBDIVISION  
 SECTION 7  
 (SCOTSDALE AREA)  
 JOB NO: 97-013 W.O: 5425

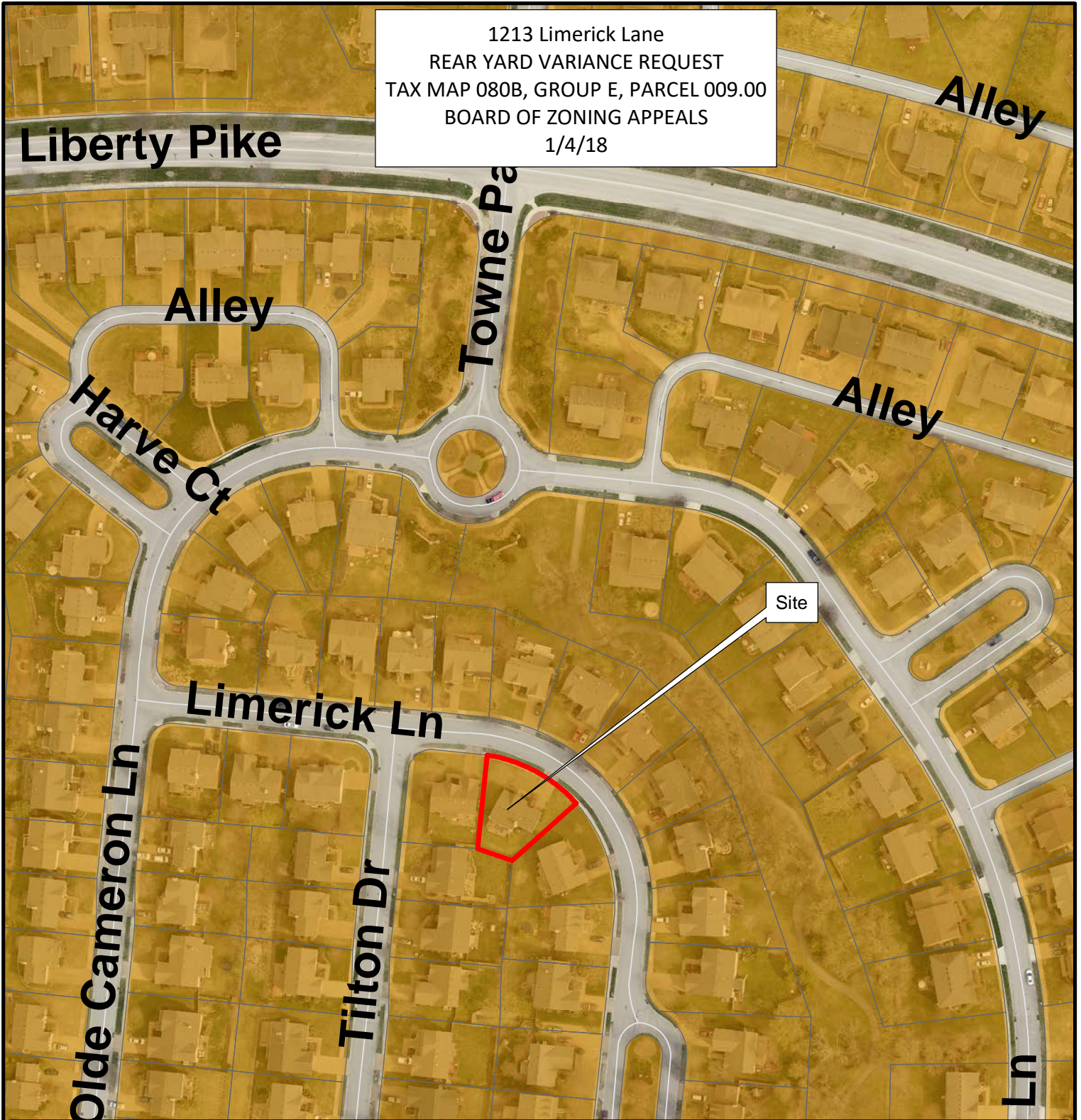
CERTIFICATE OF OWNERSHIP

I (We) hereby certify that I am (we are) the owner(s) of the property shown hereon as of record in Book 191 Page 108 R.O.W.C., Tennessee, and adopt the plan of subdivision of the property as shown hereon and dedicate all public ways and easements as noted. No lot(s) as shown hereon shall again be subdivided, resubdivided, altered, or changed so as to produce less area than is hereby established, until otherwise approved by the Franklin Municipal Planning Commission, and under no condition shall such lot(s) be made to produce less area than is prescribed by the restrictive covenants as of record in Book 191 Page 108 R.O.W.C., Tennessee, running with the title to the property. I (We) further certify that there are no liens on this property, except as follows: Book 191 Page 108 R.O.W.C., Tennessee.  
*Phillips Builders Bob Allen* Date 6-30-00  
 Owner(s) *Dr. Vice Pres*





















FINAL SUBDIVISION PLAT

FRANKLIN, WILLIAMSON COUNTY, TENNESSEE  
 TOTAL ACRES: 9.52 ± TOTAL LOTS: 33  
 ACRES NEW STREETS: 1.08 FEET NEW STREETS: 950  
 CIVIL DISTRICT: 8th CLOSURE ERROR: 1:15,000  
 SCALE: 1" = 100' DATE: 06/29/00

1213 Limerick Lane  
 REAR YARD VARIANCE REQUEST  
 TAX MAP 080B, GROUP E, PARCEL 009.00  
 BOARD OF ZONING APPEALS  
 1/4/18



**1213 Limerick Lane Variance Request**

- |   |   |
|---|---|
|  1213 Limerick Ln                       |  SD-R Specific Development-Residential |
|  AG Agricultural District               |  SD-X Specific Development-Variety     |
|  ER Estate Residential                  |  OR Office Residential District        |
|  R-1 Residential District               |  GO General Office District            |
|  R-2 Residential District               |  CC Central Commercial District        |
|  R-3 Residential District               |  NC Neighborhood Commercial District   |
|  R-6 Residential District               |  GC General Commercial District        |
|  RM-10 Attached 10 Residential District |  LI Light Industrial District          |
|  RM-15 Attached 15 Residential District |  HI Heavy Industrial District          |
|  RM-20 Attached 20 Residential District |  CI Civic and Institutional District   |



0 95 190 380 Feet

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**Item 3**  
**Variance Request**  
BZA 2/1/18  
COF #6603

**Variance Request** by Michelle and William Johnson, for an 8-foot encroachment into the required 40-foot rear yard setback to construct a screened porched addition located at the rear of the existing dwelling located at 105 Richards Glen Drive (F.Z.O §3.3.3, Table 3-6 and §3.3.4, Table 3-8).

<b>Summary of Action Taken (To be completed after item is heard)</b>	
The Board of Zoning Appeals has reviewed and discussed this item, and has taken the following action:	
_____	Granted the variance because the statutory standards to be granted a variance were established.
_____	Denied the variance because one or more of the statutory standards required to be granted a variance were not established.
_____	Upheld staff's decision in the administrative review process.
_____	Overtured staff's decision in the administrative review process.
_____	Deferred the item.
_____	Conditions of approval: _____ _____
_____	_____
BZA Chair	BZA Recording Secretary
_____	_____
Applicant Acknowledgement	Date

**Exhibits**

1. Staff Report and Analysis
2. BZA Application Materials and Supporting documentation
3. Location Map

**Vicinity Zoning**

Site: R-2 – Detached Residential 2 District  
North: R-2 – Detached Residential 2 District  
South: R-2 – Detached Residential 2 District  
East: R-2 – Detached Residential 2 District  
West: R-2 – Detached Residential 2 District

**Vicinity Land Use**

Site: Detached Residential  
North: Detached Residential  
South: Detached Residential  
East: Detached Residential  
West: Open Space and Detached Residential

**Applicable Zoning Ordinance Regulations**

**CHAPTER 2.2.4**  
**BOARD OF ZONING APPEALS (BZA)**

\* \* \*

(1) **Powers and Duties**

The BZA shall have the following powers and duties under this ordinance:



(a) Appeal of Administrative Decisions

To hear and decide appeals of administrative decisions where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the Codes Department or other administrative official in carrying out or enforcing any provision of this ordinance, and for interpretation of the zoning map pursuant to Subsection 2.4.6, Appeal of Administrative Decisions.

(b) Variances

To hear and decide applications for variance from the terms of this ordinance where:

- (i) By reason of exceptional narrowness, shallowness, or shape of a specific piece of property which, at the time of adoption of this ordinance, was a lot of record, or where, by reason of exceptional topographic conditions or other extraordinary or exceptional situation or condition of a piece of property; and
- (ii) The strict application of the provisions of this ordinance would result in practical difficulties to, or undue hardship upon, the owner of a piece of property; and
- (iii) Relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance.

In granting a Variance, the BZA may attach conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purposes of this ordinance pursuant to Subsection 2.4.5, Variances.

**CHAPTER 2.4.5  
VARIANCES**

**(1) Purpose and Scope**

The Variance process is intended to provide limited relief from the requirements of this ordinance in those cases where strict application of a particular requirement will create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this ordinance. It is not intended that Variances be granted merely to remove inconveniences or financial burdens that the requirements of this ordinance may impose of property owners in general. Variances are intended to address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.

\* \* \*

**(4) Approval Criteria**

The BZA may authorize, upon an appeal relating to the property, a Variance from such strict application so as to relieve such difficulties or hardship only in accordance with the following criteria:

- (a) 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
- (b) 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
- (c) Such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning map and this ordinance.
- (d) In granting Variances, the BZA shall have no power to take action that has the effect of allowing a use in contravention of the applicable base or overlay district or which in any other way changes the applicable district. Any action that has in effect changed the district shall be deemed to be a violation of powers of this subsection and shall be of no force and effect.
- (e) The fact that a site or development does not conform to this ordinance prior to the consideration of a Variance application may not be used as a basis for the granting of a Variance.

**(5) Effect of a Variance**

- (a) The issuance of a Variance shall authorize only the particular variation that is approved in the Variance.
- (b) A Variance, including any conditions, shall run with the land and shall not be affected by a change in ownership.

**(6) Subsequent Development**

Development authorized by the Variance shall not be carried out until the applicant has secured all other approvals required by this ordinance or any other applicable ordinances or regulations. A Variance shall not ensure that the development feature approved as a Variance shall receive subsequent approval for other applications for

development approval unless the relevant and applicable portions of this ordinance or other applicable provisions are met.

**(7) Time Limit**

- (a) Unless otherwise specified in the Variance, an application for a Building Permit shall be applied for and approved within one year of the date of the Variance approval; otherwise the Variance shall become invalid. Permitted timeframes do not change with successive owners.
- (b) Upon written request, one extension of six months may be granted by the Codes Department if the applicant can show good cause.
- (c) The decision of the Codes Department as to what constitutes substantial compliance with the time limit or applicable conditions for a Variance shall be final.

**(8) Amendment**

A Variance may be amended, extended, or modified only in accordance with the procedures and standards established for its original approval. A request for a change in the conditions of approval of a Variance shall be considered an amendment and subject to the full review procedure set forth in this subsection.

**CHAPTER 3.3  
SITE DEVELOPMENT STANDARDS**

**3.3.1 Measurements, Computations, and Exceptions**

**(1) Distance Measurements**

Unless otherwise expressly stated, distances specified in this ordinance are to be measured as the length of an imaginary straight line joining those points.

**(2) Lot-Area Measurements**

**(a) Lot-Area Measurements**

The area of a lot includes the total horizontal surface area within the lot's boundaries.

**(b) Reductions in Lot Area Prohibited**

No lot shall be reduced in area so that lot area per dwelling unit, lot width, required yards, building area, setbacks, or other requirements of this ordinance are not maintained. Actions by governmental agencies, such as road widening, shall not be considered as reductions.

**(3) Lot Measurements**

**(a) Lot Width**

Lot width is the distance between the side lot lines measured at the point of the Front Yard Setback line.

**(b) Lot Frontage**

Lot frontage is the length of the front lot line measured at the street.

**(4) Setbacks, Yards, and Height**

**(a) Measurements**

Setbacks refer to the unobstructed, unoccupied open area between the furthestmost projection of a structure and the property line of the lot on which the structure is located. Setbacks shall be unobstructed from the ground to the sky except as otherwise expressly allowed in Subsection 3.3.1(4)(b), Permitted Encroachments into Required Setbacks.

**(b) Permitted Encroachments into Required Setbacks**

(i) The following features may be located within required setbacks to the extent indicated:

- A.) Sidewalks and landscape;
- B.) Accessory uses and structures as allowed in Section 4.1, Accessory Uses and Structures;
- C.) Fences and walls as allowed in Section 5.6, Fences and Walls; and
- D.) Off-Street Parking, as allowed in Section 5.9, Off-Street Parking and Loading.

(ii) Appurtenances are permitted to encroach into a required front or rear yard setback up to six feet and within side yards up to five feet from the property line provided a minimum of ten feet between buildings is maintained.

**(c) Yards Required for Buildings**

A yard or other open area required about a building shall not be included as part of a yard or other open space for another building.

**(d) Front Yard Setback**

**(i) Front Yard Setback and Streets**

The yard fronting a street shall be considered to be a front yard and shall meet the minimum front yard setback.

**(ii) Measurement**

The front yard setback shall extend the full width of the lot and shall be measured from the street right-of-way line.

**(iii) Double Frontage Lot**

A double frontage lot shall provide a front yard setback on both streets. The remaining yards shall meet the side yard setback requirements.

**(iv) Corner Lot**

A corner lot shall provide a front yard setback on all streets. The remaining yards shall meet the side yard setback requirements.

**(v) Cul-de-Sac or Curved-Street Lot**

For a cul-de-sac lot or a lot abutting a curved street, the front yard setback shall follow the curve of the front property line.

**(e) Side Yard Setback**

The side yard setback shall extend from the required front yard setback line to the required rear yard setback line and shall be measured from the side lot line. If no street or rear yard setback is required, the setback shall extend the full depth of the lot.

**(f) Rear Yard Setback**

The rear yard setback shall extend the full width of the lot and shall be measured from the rear lot line.

\*\*\*

### 3.3.3 Site Development Standards for Conventional Areas

- (1) Tables 3-6 and 3-7 establish the site development standards, by building type, for development within conventional areas established pursuant to Section 5.1, Traditional and Conventional Area Standards Distinguished.
- (2) All applicable development shall comply with the standards established within this subsection unless otherwise expressly stated, or unless a different standard is required by an applicable overlay district.

**TABLE 3-6: SITE DEVELOPMENT STANDARDS FOR RESIDENTIAL BUILDING TYPES IN CONVENTIONAL AREAS [1], [2], [3], [10]**

Standard		AG	ER	R-1	R-2	R-3	R-6	SD-R	SD-X	RM-10	RM-15	RM-20	
Residential Detached (Street Loaded)	Front Yard and Side Street Setback (feet) [4] [5]	Local	100	75	60	40	25	25	30[9]	30[9]			
		Collector	150	100	90	75	60	35	40[9]	40[9]			
		Arterial/ Mack Hatcher	225	150	125	100	80	45	50[9]	50[9]			
	Side Yard Setback (feet) [6] [11]		50	35	25	[7]	[8]	[8]	[8][9]	[8][9]			
	Rear Yard Setback (feet)[6]		100	65	50	40	30	25	30[9]	30[9]			
	Minimum Lot Size (square feet)		1 per 15 acres	45,000	30,000	15,000	9,000	5,000	5,000[9]	5,000[9]			
	Minimum Lot Width (feet)		200	150	100	75	60	50	50[9]	50[9]			
	Minimum Lot Frontage (feet) [12]		160	120	80	60	48	40	40[9]	40[9]			

**NOTES:**

- [1] For lots in recorded subdivisions or approved PUDs, the setbacks, lot sizes, and maximum densities shown in this table shall not apply, and the requirements shown on the Final Plat or approved PUD shall govern.
- [2] Unified developments may establish interior lot lines as necessary, provided that the bulk requirements along the outer boundaries of the development shall be retained as specified in this table.
- [3] Shaded cells indicate that no requirement exists.
- [4] Where the average front yard for existing buildings on the same block face is more than or less than the minimum required front yard, the minimum front yard shall instead be within 25 percent of the average front yard for existing buildings on the same block face.
- [5] In cases where a transitional feature is required, the minimum setback shall be in accordance with Subsection 5.3.4, Transitional Features.
- [6] Where an immediately adjacent existing building is set back less than the minimum required side or rear yard, the minimum side or rear yard requirement shall instead be the same as the immediately adjacent developed building, but not less than five feet. Buildings shall maintain a minimum spacing of ten feet.
- [7] Minimum of eight feet each side, minimum of 20 feet between dwellings.
- [8] Minimum of five feet each side, minimum 12 feet between dwellings.
- [9] Larger or smaller setbacks, lot widths, lot frontages and lot sizes, beyond the range presented in this table, are permitted in cases where topographical or natural constraints exist, or where a particular design approach warrants a different setback subject to Subsection 2.4.2, Planned Unit Developments.
- [10] Appurtenances may encroach into a side-yard provided they maintain a minimum setback of five feet from the property line and ten feet from principal structures on adjacent lots.
- [11] For unified developments, internal side setback shall be determined by the applicable Building and Fire Codes as adopted by the City of Franklin.
- [12] The minimum lot frontage width shall be required to be maintained to the front yard setback line, at which point the minimum lot width shall apply. However, the minimum lot frontage requirement shall not apply to lots located on the turning radius of a cul-de-sac.

### 3.3.4 Site Development Standards for Traditional Areas

- (1) Table 3-8 establishes the site developments standards, by building type, for development within traditional areas established pursuant to Section 5.1, Traditional and Conventional Area Standards Distinguished, and for development within the R-6, OR, and CC Districts.
- (2) All applicable development shall comply with the standards established within this subsection unless otherwise expressly stated, or unless a different standard is required by an applicable overlay district.

**TABLE 3-8 SITE DEVELOPMENT STANDARDS FOR TRADITIONAL AREAS [1], [2], [3]**

Standard	Residential Detached (Street Loaded)	Residential Detached (Alley Loaded)	Residential Attached	Mixed-Use	Nonresidential
Front Yard and Side Street Setback [4] [5] [6] [7]	10-30 feet	10-30 feet	0 or 5-25 feet	0–15 feet	0-20 feet
Side Yard Setback [8] [12]	5 feet	5 feet	[9] [13]	0-5 feet	0 feet
<b>Rear Yard Setback [8]</b>	<b>5 feet</b>	5 feet	5 feet	0 feet	0 feet
Main Body/Primary Facade Width (Maximum) [10]	50 feet	50 feet			
Minimum Lot Size	4,000 square feet	2,100 square feet			
Minimum Lot Width [5] [6] [11]	40-85 feet	30-70 feet			
Minimum Lot Frontage [5] [14]	40 feet	30 feet			

**NOTES:**

- [1] For lots in recorded subdivisions or approved PUDs, the setbacks and lot sizes, maximum densities, and primary façade widths shown in this table shall not apply, and the requirements shown on the final plat, the approved PUD, or conditions on existing lots shall govern.
- [2] Numbers shown as a range indicate a minimum and maximum (Example: 10-30). Shaded cells indicate that no requirement exists.
- [3] Unified developments may establish interior lot lines as necessary, provided that the bulk requirements of the outer boundaries of the development shall be retained as specified in this table.
- [4] For mixed-use and single-use nonresidential building types developed according to the traditional standards, the front building setback shall be measured from the back edge of the sidewalk, not the right-of-way line.
- [5] Larger or smaller setbacks, lot widths, lot frontages and lot sizes, beyond the range presented in this table, are permitted in cases where topographical or natural constraints exist, or where a particular design approach warrants a different setback, subject to Subsection 2.4.2, Planned Unit Developments.
- [6] In cases where a transitional feature is required, the minimum setback and lot width shall be in accordance with Subsection 5.3.4, Transitional Features.
- [7] The minimum setback from Mack Hatcher Parkway shall be 80 feet, and the minimum setback from Interstate 65 shall be 100 feet.
- [8] Where an immediately adjacent existing building is set back less than the minimum required side or rear yard, the minimum side or rear yard requirement shall instead be the same as the immediately adjacent developed building, but not less than five feet. Buildings shall maintain a minimum spacing of ten feet.
- [9] Minimum of zero feet each side, minimum ten feet between buildings.
- [10] Side or rear wings designed in accordance with Subsection 5.3.9 are exempt from the maximum width.
- [11] Corner lots may be up to 15 feet wider to accommodate porches or other architectural feature facing the street, and the maximum lot size shall not apply.
- [12] Appurtenances are permitted to encroach into a required front or rear yard setback up to six feet and within side yards up to five feet from the property line provided a minimum of ten feet between buildings is maintained.
- [13] Internal side setbacks shall be determined by the City of Franklin Building Code and or the City of Franklin Fire Code.
- [14] The minimum lot frontage width shall be required to be maintained to the front yard setback line, at which point the minimum lot width shall apply. However, the minimum lot frontage requirement shall not apply to lots located on the turning radius of a cul-de-sac.

**CHAPTER 8.3**  
**DEFINITIONS AND USE CLASSIFICATIONS**

**Addition (to an existing building)**

Any walled and roofed expansion to the perimeter of a building that is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition that is connected by a firewall or is separated by an independent perimeter load-bearing wall shall be considered “new construction”.

**Appurtenance**

The visible, functional, or ornamental objects accessory to, and part of a building, such as chimneys, decks, stoops, steps, porches, bay windows, roof overhangs, awnings, and similar features.

**Porch**

A projection from an outside wall of a dwelling that is covered by a roof and/or sidewalls (other than the sides of the building to which the porch is attached) for the purpose of providing shade or shelter from the elements.

**Yard**

An open space that lies between the principal or accessory structure and the nearest property line and which is unoccupied and unobstructed from the ground upward except as permitted in this ordinance.

**Yard, Rear**

An open, unoccupied space on a lot, except for accessory structures as herein permitted, extending across the rear of the lot from one side lot line to the other side lot line.

**Yard, Required**

The space between a lot line and the principal building within which no structure shall be permitted, except as authorized in this ordinance.

**Background Information/Description of Variance Request**

The applicant is requesting an 8-foot encroachment into the required 40-foot rear yard setback to construct a screened porch addition over the existing concrete patio located at the rear of the existing dwelling located at 105 Richards Glen Drive. The subject property is lot 58 in the Richards Glen Subdivision, Section 1, and is a lot of record that was created prior to the adoption of the current Zoning Ordinance. The property was originally platted with a 40-foot rear yard setback in 2001. The property is currently zoned R-2 – Detached Residential 2 District, McEwen Character Area Overlay District - Special Area 4 (MECO-4), and designated as suitable for either Traditional or Conventional Development Standards.

Table 3-6 establishes the Site Development Standards for Conventional Areas and Table 3-8 establishes the Site Development Standards for Traditional Areas. Both Tables have a footnote that stipulates that “for lots in recorded subdivisions or approved PUDs, the setbacks and lot sizes, maximum densities, and primary façade widths shown in this table shall not apply, and the requirements shown on the final plat, the approved PUD, or conditions on existing lots shall govern.” The required 40-foot rear yard setback requirements established on the recorded plat supersedes the setback requirements stipulated in Tables 3-6 and 3-8. However, if the property could be resubdivided according to the traditional development standards stipulated in Table 3-8 in the current Zoning Ordinance, a 5-foot rear yard setback would be permitted.

**Approval Criteria for Variances**

The Variance process is intended to provide limited relief from the requirements of the Zoning Ordinance in those cases where the strict application of a particular requirement will create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed under the Ordinance. It is not intended that Variances be granted merely to remove inconveniences or financial burdens that the requirements of the Zoning Ordinance may impose of property owners in general. Variances are intended to address extraordinary, exceptional, or unique situations that were not caused by the applicant’s act or omission.

The BZA may authorize, upon an appeal relating to the property, a Variance from such strict application of the Zoning Ordinance so as to relieve such difficulties or hardship only in accordance with the following three standards (FZA §§ 2.2.4 (b) and 2.4.5):

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. Relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning map and this ordinance.

In order to grant the Variance Request, the BZA must determine that the applicant has demonstrated that all three standards required to grant the variance have been satisfied.

### **Analysis of Approval Criteria for Variances**

The following is an analysis of the requested variances as they relate to the variance standards and approval criteria described above:

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.
  - The subject property is an existing lot of record that was created prior to the adoption of the Zoning Ordinance. The property was originally platted as part of Section 1 of the Richards Glen Subdivision in 2001. The property is a standard lot in terms of size, shape, dimensions and setbacks as compared to other lots in the Subdivision. The existing home was constructed within the required rear yard setback per the information submitted by the applicant. The proposed screened porch addition will be constructed over the existing concrete patio area and the applicant is requesting an 8-foot encroachment into the required 40-foot rear yard setback.
  - The applicant indicated that the rear of the property slopes downwards towards existing drainage easements and culverts on/adjacent to the property. The existing slopes and drainage easements restricts the areas where additions and/or accessory structures can be constructed on the property.
  - The current Zoning Ordinance would permit a 5-foot rear yard setback if Traditional Standards were applied. However, since the subject property is a lot of record, the platted setbacks supersede the existing standards.
  - Staff finds that the topographic conditions on the lot as described by the applicant, create a unique, exceptional, or extraordinary situations about the subject property that would prevent the applicant from complying with the requirements of the Zoning Ordinance if Conventional Development Standards were applied. If the applicant were permitted to develop under Traditional Development Standards, the proposed addition would be in compliance with the Zoning Ordinance.
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.
  - The only place where the proposed addition can be located is to the rear of the existing dwelling over the existing concrete patio. The strict application of the Zoning Ordinance provisions requiring conformance with the platted setback instead of the Traditional Development Standards would result in an exceptional hardship on the owner of the property. Ultimately, the Board must determine whether the inability to construct the proposed porch addition encroaching into the required rear yard is a hardship or practical difficulty.

3. Relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning map and this ordinance.
  - The final standard the Board must consider is whether the requested relief granted would be a detriment to the public good or impair the intent and purpose of the Zoning Ordinance. Based on similar variance requests granted by the BZA, the proposed location of the porch addition in related to the topography and drainage easements on the property, and that a 5-foot rear yard setback would be permitted if traditional standards were able to be applied, staff believes that granting the proposed variance would not be detrimental to the public good and would not impair the intent or purpose of the Zoning Ordinance.

**Staff Recommendation**

In order for the BZA to grant a variance, the applicant must have demonstrated that all three of the standards required to grant a variance have been satisfied. Based on the analysis presented above, staff recommends approval of the variance requested by the applicant because the applicant has met all three of the standards required for granting a variance.

**Motion for Variance Requests**

**Move to approve the variance request to vary the required 40-foot rear yard setback by 8 feet to construct a screened porched addition located at the rear of the existing dwelling located at 105 Richards Glen Drive because the applicant has demonstrated that the standards for granting a variance have been satisfied as described in the staff report.**



Dear Franklin Board of Zoning Appeals,

**Standard (1)** Michelle and William Johnson (we) are requesting an 8-foot (rounded up) encroachment in the 40-foot rear yard setback requirement for the construction of a covered, screened porch attached to the northwest portion (over the 1<sup>st</sup> floor bay structure) of the rear of our home at 105 Richards Glen Drive within the Richards Glen Subdivision. The covered screen porch will extend to the westward end of the concrete porch (see pictures 1 & 6). This portion of our home does not back to another home, but the usability of the lot is significantly impacted by a sloping downward (8-10-foot elevation change) and 12-15-foot narrowing of our lot due to the exit of the subdivision storm water drain into the adjoining detention and overflow field (see pictures 2a, 2b, 5 & 6).

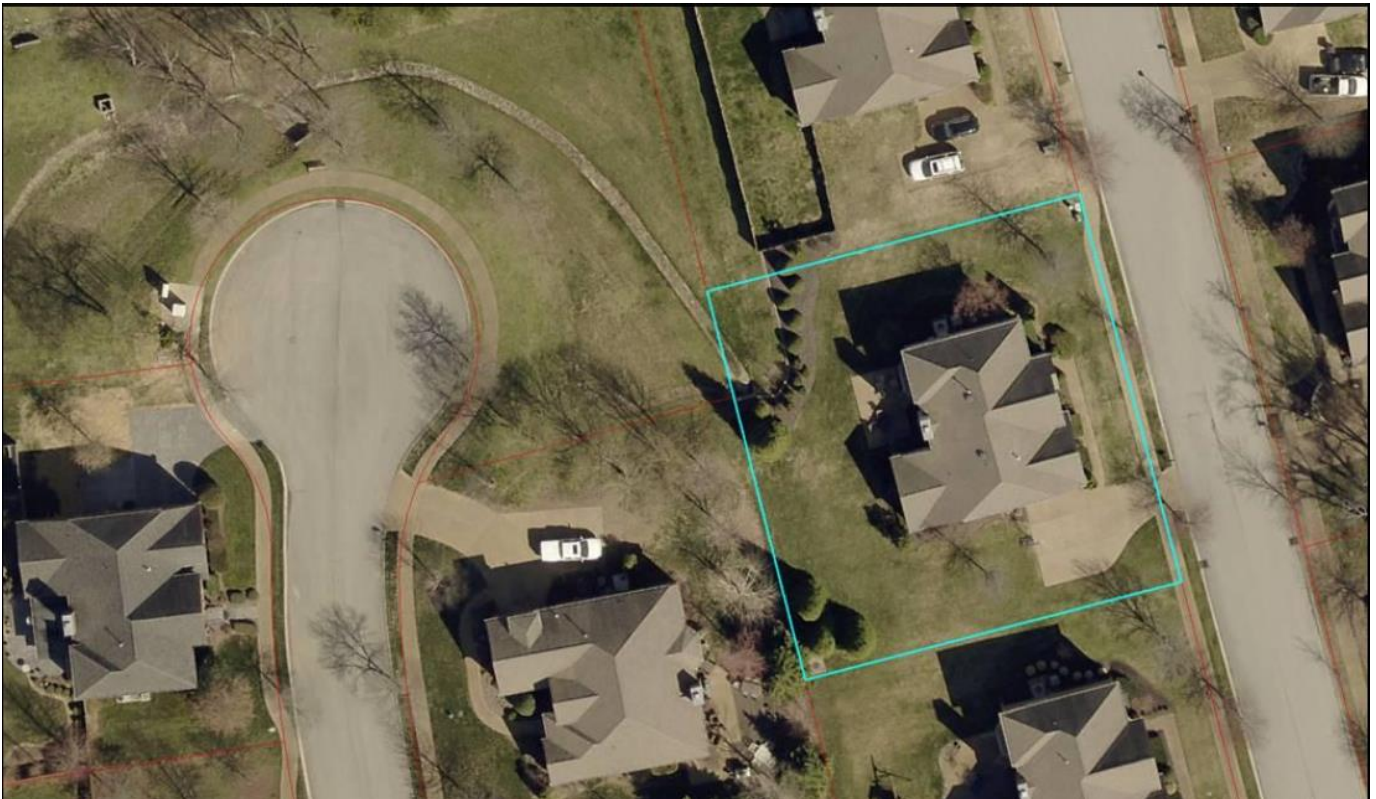
Picture 1



Picture 2a



Picture 2b



**Standard (2)** The strict application of the Zoning Ordinance would make the covered screen porch size impracticable, there is only 9 feet of depth from the edge of the flat bay window wall to the 40' rear setback line (see picture 3 below). Including the required 2 feet for door swing and 4" for structure would reduce the useable interior space to less than 7 feet. After visiting many newer homes built in Franklin since 2003, we have observed many with covered screen porches that have less than 40 feet rear setback. We further reviewed zoning standards in our R2 designation and found that in our area the rear set back requirements range from 5' to 40'. Additionally, the proximity of the existing rear porch the storm water drain exit and detention field makes increases the risk of our exposure to disease carrying insects, limiting the use of porch (see picture 2a above). This would be considerably reduced by adding the covered screen porch.

**Picture 3.** End of 40' Rear setback at end of wall, only 9' depth.



**Standard (3)** The 8-foot relief on the 40' rear set back ordinance would not be a detriment to the public good, nor my neighbors because this portion of our house does not back to another home, only to the storm drain exit and detention field (see picture 4). The porch would have very little impact to my neighbor to the north, as this is the driveway side of the home where the side entry garage is located (see picture 5). The neighbor to south would only see the edge of the screen porch that extends into the 40' set back, but the view would be partially obscured by existing landscaping (see picture 6).

**Picture 4.** West view from the existing slab, future covered screen porch.

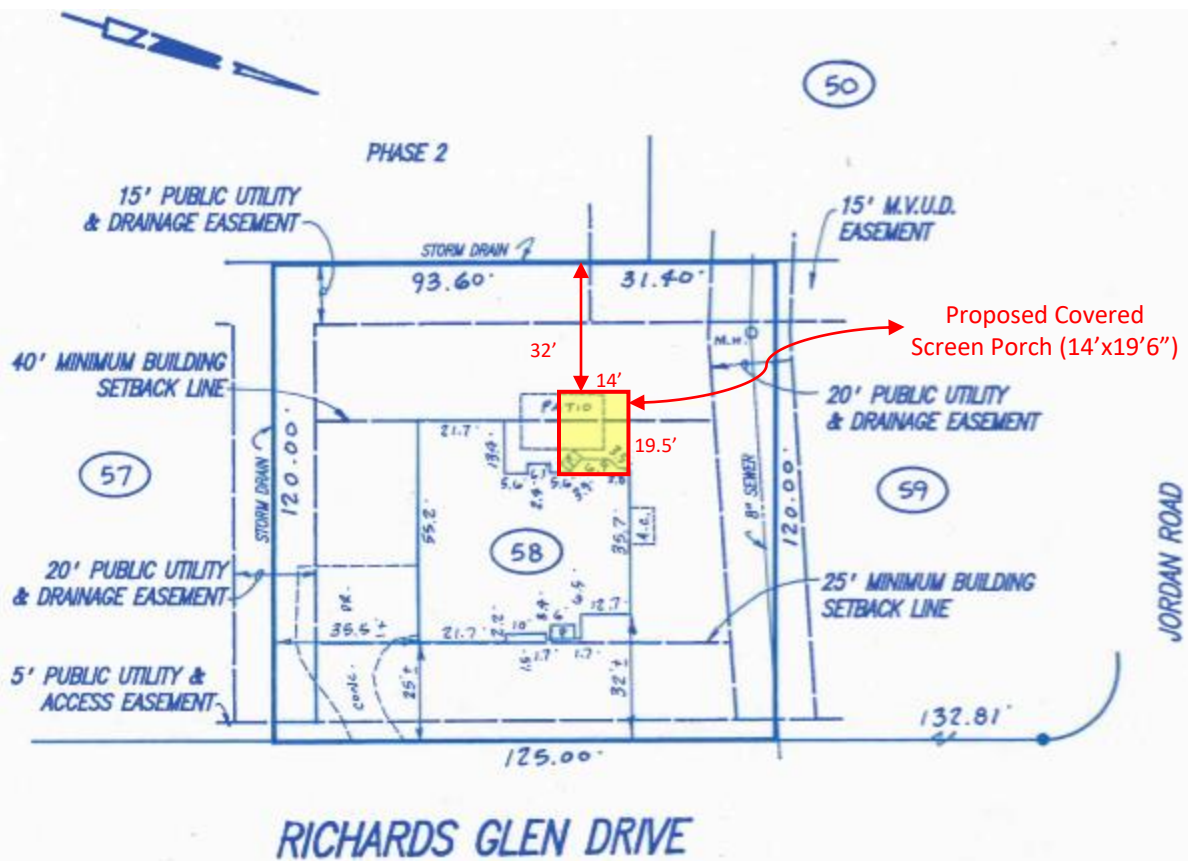


**Picture 5.** North view from the existing slab, future covered screen porch.



**Picture 6.** South view from the existing slab, future covered screen porch.





**RICHARDS GLEN DRIVE**

**MORTGAGE LOAN INSPECTION**

FILE NO. 53/18 . 363

OWNER: JOSEPH M. RUSNIC  
 PROPERTY LOCATED: 105 RICHARDS GLEN DRIVE  
FRANKLIN, WILLIAMSON COUNTY, TENNESSEE  
 PROPERTY: LOT NO. 58 ON THE PLAN OF  
RICHARDS GLEN - SECTION 1  
PLAT BOOK 31 - PAGE 108 - R.O.W.C.  
 RECORDED: \_\_\_\_\_

SCALE: 1" = 40' DATE: JULY 30, 2003

This MORTGAGE LOAN INSPECTION should not be represented to be a general property survey as defined under Rule 0820-3-.07. It is a limited nonmonumented survey done under the authority of TCA 62-18-126. It should not be relied upon for the construction of fences or for establishing the exact location of property lines. No corners were set or reset at the time of this inspection.

By: [Signature]  
 SIGNED: JOHN KOHL & COMPANY, P.C.  
 ©2003 John Kohl & Co., P.C.



JOHN KOHL & COMPANY, P.C.

400 7th Ave. S., Nashville, TN 37203

(615) 255-3535



No Pergola

'C' ELEVATION

August 20th, 2014



A New Screenroom & Equinox For:

**JOHNSON**  
 105 Richard Glen Drive  
 Franklin, TN

SCOPE DOCUMENT  
 THESE DOCUMENTS INDICATE THE GENERAL SCOPE OF THE PROJECT IN TERMS OF ARCHITECTURAL DESIGN CONCEPT, THE DIMENSIONS OF THE BUILDING, THE ARCHITECTURAL ELEMENTS AND THE TYPE OF STRUCTURAL, MECHANICAL AND ELECTRICAL SYSTEMS. THE DRAWINGS DO NOT NECESSARILY INDICATE OR DESCRIBE ALL WORK REQUIRED FOR FULL PERFORMANCE AND COMPLETION OF THE REQUIREMENTS OF THE CONTRACT. ON THE BASIS OF THE GENERAL SCOPE INDICATED OR DESCRIBED, THE TRADE CONTRACTOR SHALL FURNISH ALL ITEMS REQUIRED FOR THE EXECUTION AND COMPLETION OF THE WORK.  
 COPYRIGHT 2014 NICHOLAS DESIGN GROUP, INC.



No Pergola

'B' ELEVATION

August 20th, 2014



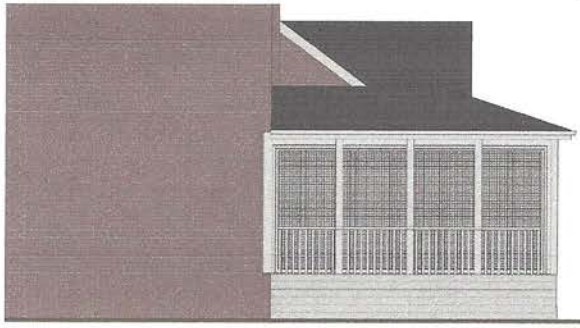
A New Screenroom & Equinox For:

**JOHNSON**  
105 Richard Glen Drive  
Franklin, TN

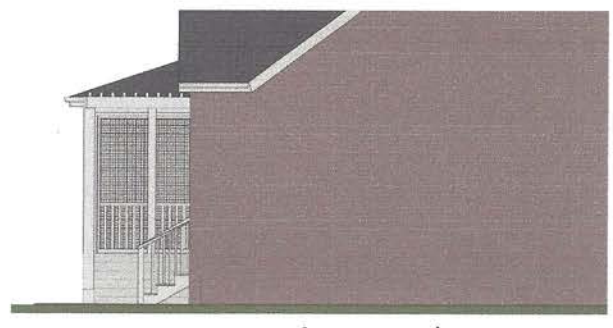
SCOPE DOCUMENT  
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No Pergola



Looking South (North Side)



Looking North (Southside) August 20th, 2014

ELEVATIONS

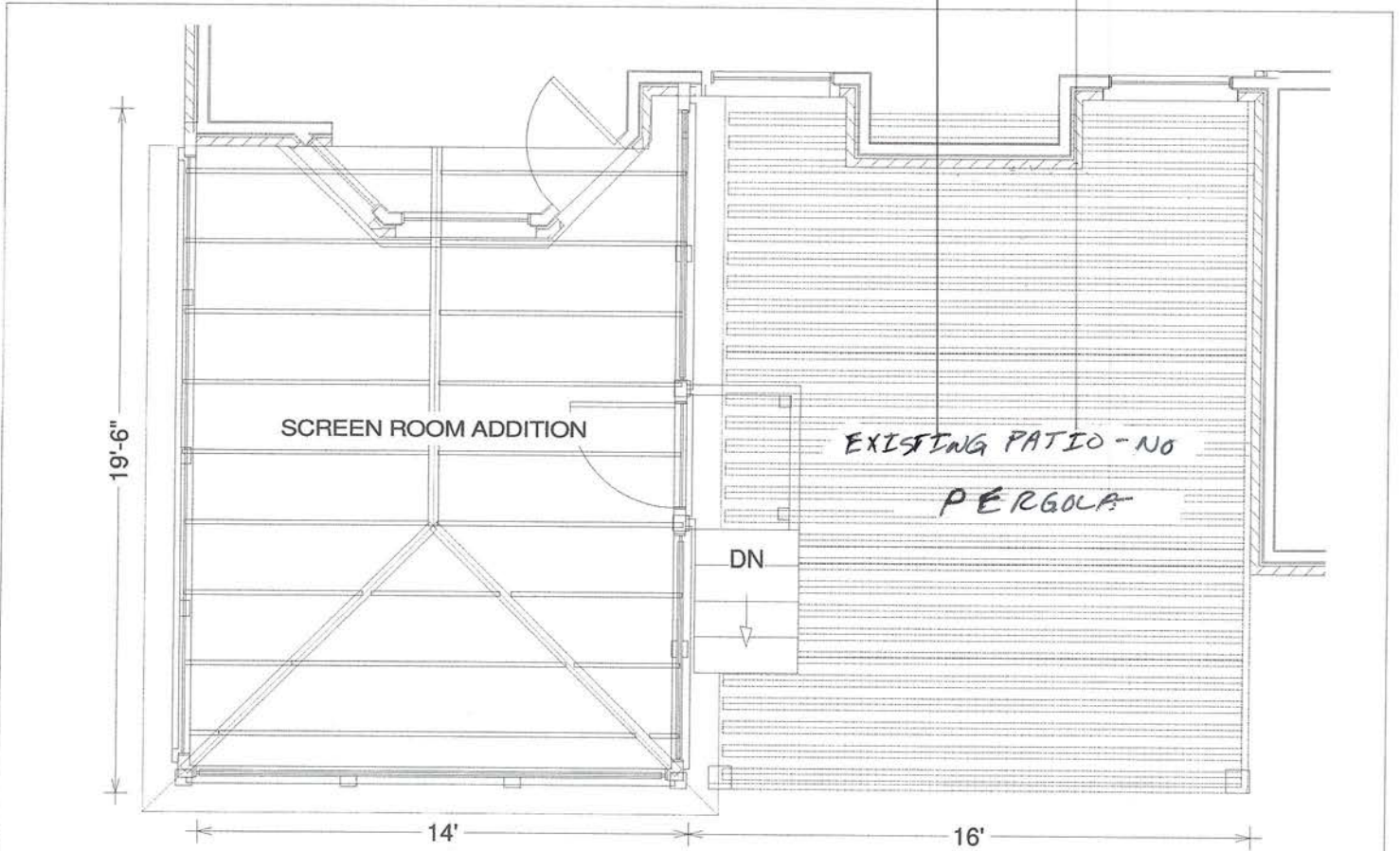


A New Screenroom & Equinox For:

**JOHNSON**  
 105 Richard Glen Drive  
 Franklin, TN

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 COPYRIGHT 2014 NICHOLAS DESIGN GROUP, INC.





FLOORPLAN

August 20th, 2014



A New Screenroom & Equinox For:

**JOHNSON**  
 105 Richard Glen Drive  
 Franklin, TN

SCOPE DOCUMENT  
 THESE DOCUMENTS INDICATE THE GENERAL SCOPE OF THE PROJECT IN TERMS OF ARCHITECTURAL DESIGN CONCEPT, THE DIMENSIONS OF THE BUILDING, THE ARCHITECTURAL ELEMENTS AND THE TYPE OF STRUCTURAL, MECHANICAL, AND ELECTRICAL SYSTEMS. THE DRAWINGS DO NOT NECESSARILY INDICATE OR DESCRIBE ALL WORK REQUIRED FOR FULL PERFORMANCE AND COMPLETION OF THE REQUIREMENTS OF THE CONTRACT. ON THE BASIS OF THE GENERAL SCOPE INDICATED OR DESCRIBED, THE TRADE CONTRACTOR SHALL FURNISH ALL ITEMS REQUIRED FOR THE EXECUTION AND COMPLETION OF THE WORK.  
 COPYRIGHT 2014 NICHOLAS DESIGN GROUP, INC.

OWNER: JOSEPH M. RUSNIC  
PROPERTY LOCATED: 105 RICHARDS GLEN DRIVE  
FRANKLIN, WILLIAMSON COUNTY, TENNESSEE  
PROPERTY: LOT NO. 58 ON THE PLAN OF  
RICHARDS GLEN - SECTION 1  
RECORDED: PLAT BOOK 31 - PAGE 108 - R.O.W.C.

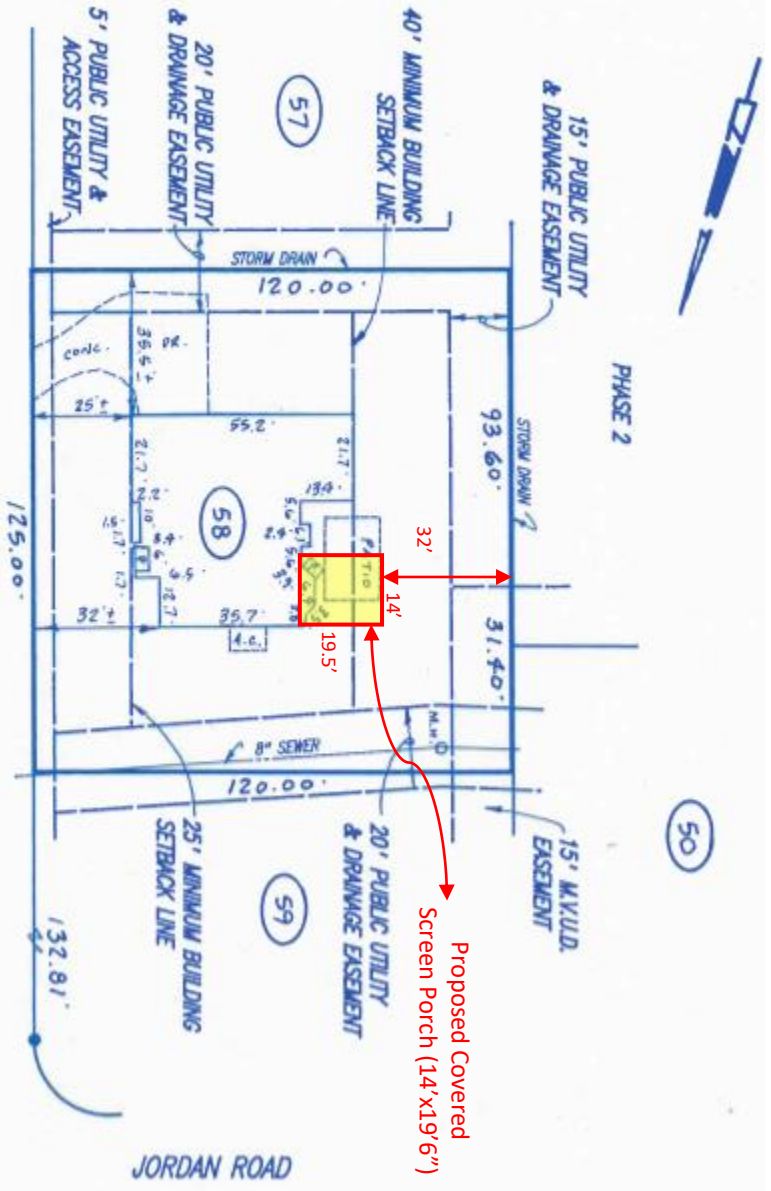
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FRANKLIN, WILLIAMSON COUNTY, TENNESSEE  
PROPERTY: LOT NO. 58 ON THE PLAN OF  
RICHARDS GLEN - SECTION 1  
RECORDED: PLAT BOOK 31 - PAGE 108 - R.O.W.C.

SCALE: 1" = 40' DATE: JULY 30, 2003  
By: [Signature]  
SIGNED: JOHN KOHL & COMPANY, P.C.  
Q2003 John Kohl & Co., P.C.



MORTGAGE LOAN INSPECTION

RICHARDS GLEN DRIVE



There are significant drops to the elevation on the northwest side of our property.

The screenshot displays the City of Franklin Zoning Web Mapping Application. The interface includes a top navigation bar with the city name and application title, a search bar, and various utility icons. A central map shows an aerial view with yellow contour lines representing elevation. A blue dashed circle highlights a specific area on the northwest side of a property. A 'Layer List' panel is open, showing the 'Contours' layer selected with a list of scales: 1:2400, 1:1600, 1:4800, 1:9600, 1:18K, 1:36K, and 1:72K and smaller scales. A 'Location' popup identifies the highlighted area as '105 RICHARDS GLEN DR'. The bottom navigation bar contains links for 'About', 'Zoning Administration', 'City of Franklin', 'Zoning Ordinance', 'Basemap', and 'More...'. The Esri logo is visible in the bottom right corner.

City of Franklin  
Zoning Web Mapping Application

105 RICHARDS GLEN DR

Search Results

50 m  
200 ft

Layer List  
Layer Visibility  
Contours  
1:2400  
1:1600  
1:4800  
1:9600  
1:18K  
1:36K  
1:72K and smaller scales

Location  
105 RICHARDS GLEN DR

About  
Zoning Administration  
City of Franklin  
Zoning Ordinance  
Basemap  
More...

esri

Our property is MECO-4, which supports Conventional or Traditional Standards, in the R-2 structure type.

The screenshot displays the City of Franklin Zoning Web Mapping Application. The interface includes a top navigation bar with the city logo, application title, and utility icons. A search bar at the top left shows 'Search Results'. The map area is overlaid with a semi-transparent green tint and shows a residential neighborhood. A specific property at 105 Richards Glen Dr is highlighted with a yellow 'MECO-4' zoning overlay. A blue information popup for this location is visible, showing the address. A legend in the bottom right corner lists zoning categories: 'Zoning Overlays Districts' (with 'Standards' checked), 'Conventional' (yellow), 'Traditional' (blue), 'Either Standard Apply' (green), 'Character Areas' (grey), and 'Zoning Districts' (checked). The map also shows 'R-2 Residential District' and 'Specific Development-Residential' areas. A scale bar at the bottom left indicates 50 meters and 200 feet. The bottom right corner features a 'Basemap' button and a 'Powered by ESRI' logo.



105 RICHARDS GLEN DR

About

Zoning Administration

Zoning Ordinance  
City of Franklin

More...

Basemap

R-2 Residential District

MECO-4

Location  
105 RICHARDS GLEN DR

Specific Development-Residential

Search Results

50 m  
200 ft

Our property is MECO-4, which supports Conventional or Traditional Standards. In the R-2 type, Rear Yard Setback can vary from 5 feet to 40 feet. Per the notes, exceptions are allowed.

**TABLE 3-6: SITE DEVELOPMENT STANDARDS FOR RESIDENTIAL BUILDING TYPES IN CONVENTIONAL AREAS [1], [2], [3], [10]**

Standard	AG	ER	R-1	R-2	R-3	R-6	SD-R	SD-X	RM-10	RM-15	RM-20
Residential Detached (Street Loaded)	100	75	60	40	25	25	30[9]	30[9]			
	150	100	90	75	60	35	40[9]	40[9]			
	225	150	125	100	80	45	50[9]	50[9]			
	50	35	25	[7]	[8]	[8]	[8][9]	[8][9]			
	100	65	50	40	30	25	30[9]	30[9]			
	1 per 15 acres	45,000	30,000	15,000	9,000	5,000	5,000[9]	5,000[9]			

- [4] Where the average front yard for existing buildings on the same block face is more than or less than the minimum required front yard, the minimum front yard shall instead be within 25 percent of the average front yard for existing buildings on the same block face.
- [5] In cases where a transitional feature is required, the minimum setback shall be in accordance with Subsection 5.3.4, Transitional Features.
- [6] Where an immediately adjacent existing building is set back less than the minimum required side or rear yard, the minimum side or rear yard requirement shall instead be the same as the immediately adjacent developed building, but not less than five feet. Buildings shall maintain a minimum spacing of ten feet.

**TABLE 3-8 SITE DEVELOPMENT STANDARDS FOR TRADITIONAL AREAS [1], [2], [3]**

Standard	Residential Detached (Street Loaded)	Residential Detached (Alley Loaded)	Residential Attached	Mixed-Use	Nonresidential
Front Yard and Side Street Setback [4] [5] [6] [7]	10-30 feet	10-30 feet	0 or 5-25 feet	0-15 feet	0-20 feet
Side Yard Setback [8] [12]	5 feet	5 feet	[9] [13]	0-5 feet	0 feet
Rear Yard Setback [8]	5 feet	5 feet	5 feet	0 feet	0 feet
Main Body/Primary Facade Width (Maximum) [10]	50 feet	50 feet			
Minimum Lot Size	4,000 square feet	2,100 square feet			
Minimum Lot Width [5] [6] [11]	40-85 feet	30-70 feet			
Minimum Lot Frontage [5] [14]	40 feet	30 feet			

- [4] For mixed-use and single-use nonresidential building types developed according to the traditional standards, the front building setback shall be measured from the back edge of the sidewalk, not the right-of-way line.
- [5] Larger or smaller setbacks, lot widths, lot frontages and lot sizes, beyond the range presented in this table, are permitted in cases where topographical or natural constraints exist, or where a particular design approach warrants a different setback, subject to Subsection 2.4.2, Planned Unit Developments.
- [6] In cases where a transitional feature is required, the minimum setback and lot width shall be in accordance with Subsection 5.3.4, Transitional Features.
- [7] The minimum setback from Mack Hatcher Parkway shall be 80 feet, and the minimum setback from Interstate 65 shall be 100 feet.
- [8] Where an immediately adjacent existing building is set back less than the minimum required side or rear yard, the minimum side or rear yard requirement shall instead be the same as the immediately adjacent developed building, but not less than five feet. Buildings shall maintain a minimum spacing of ten feet.

December 19, 2017

**PUBLIC NOTICE**

This letter shall serve as written notice for a variance request for the property located at 105 Richards Glen Drive, Franklin, TN 37067 which will be heard by the Board of Zoning Appeals on January 4, 2018, at 6pm in the City Hall Board Room. Please see below for more details.

**Applicant:**

Michelle and William Johnson, 105 Richards Glen Drive, Franklin, TN 37067 615-472-8251

**Application Type:**

Variance Request – 8-foot encroachment into the required 40-foot rear yard setback.

**Date, Time & Place of Public Meeting:**

January 4, 2018 at 6pm in the City Hall Board Room, 109 3<sup>rd</sup> Ave South, Franklin, TN 37064

**Subject Property:**

105 Richards Glen Drive, Franklin, TN 37067

**Nature and Scope of the Application Request:**

This variance request covers the extension of the structure to include a 19'6" x 14' covered screen porch.

**Where to View the Application:**

This application may be viewed in the Planning and Sustainability Department, 109 3<sup>rd</sup> Ave South, Franklin, TN, 37064. The staff contact is: Jim Svoboda, 615-791-3212, james.svoboda@franklin-tn.gov.

**Where the Public Can Be Heard:**

The public may appear at the public meeting on January 4, 2018 at 6pm to be heard, or submit written comments with respect to the application. Written comments may be directed to the City of Franklin Planning and Sustainability Department, 109 3<sup>rd</sup> Ave South, Franklin, TN, 37064.

NOTES:  
 1. Existing Zoning: MEDIUM RESIDENTIAL (MR)  
 2. Minimum Required Setback Lines  
 Side yard: 25'  
 Rear yard: 8'  
 Front yard: 40'
 Building to building distance: 20'

3. Owner/Subdivider: D.R. HORTON, INC. (DEA TORREY HOMES)  
 Address: 5115 MARYLAND WAY  
 City, State: BRENTWOOD, TN, 37027  
 Tel. No.: 615-376-0997  
 4. Surveyor: WALTER DAVIDSON & ASSOCIATES  
 Address: 5127 MARC COURT  
 City, State: NASHVILLE, TN, 37211  
 Tel. No.: 615-331-2156

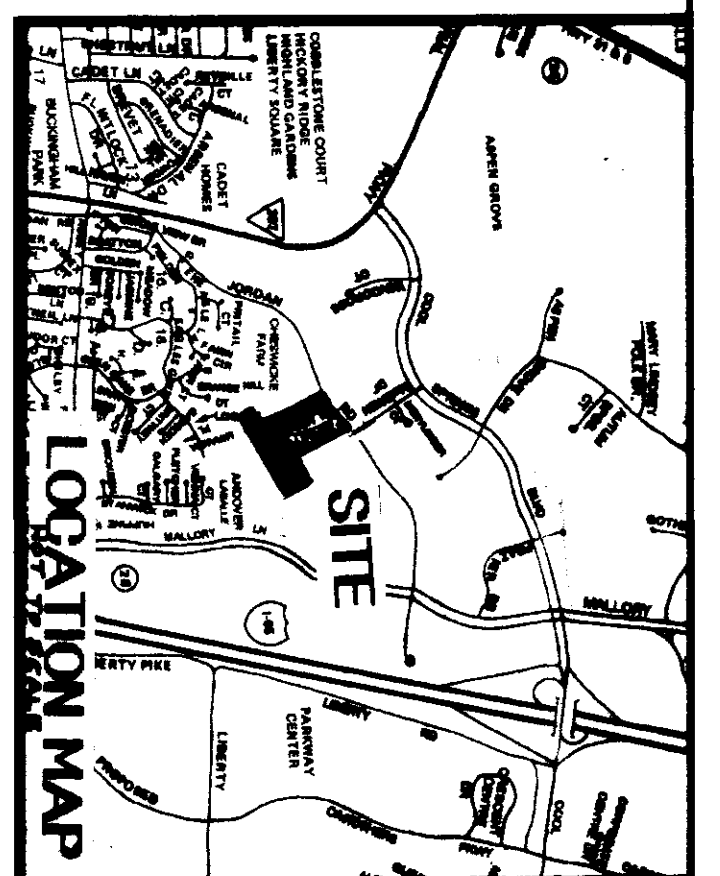
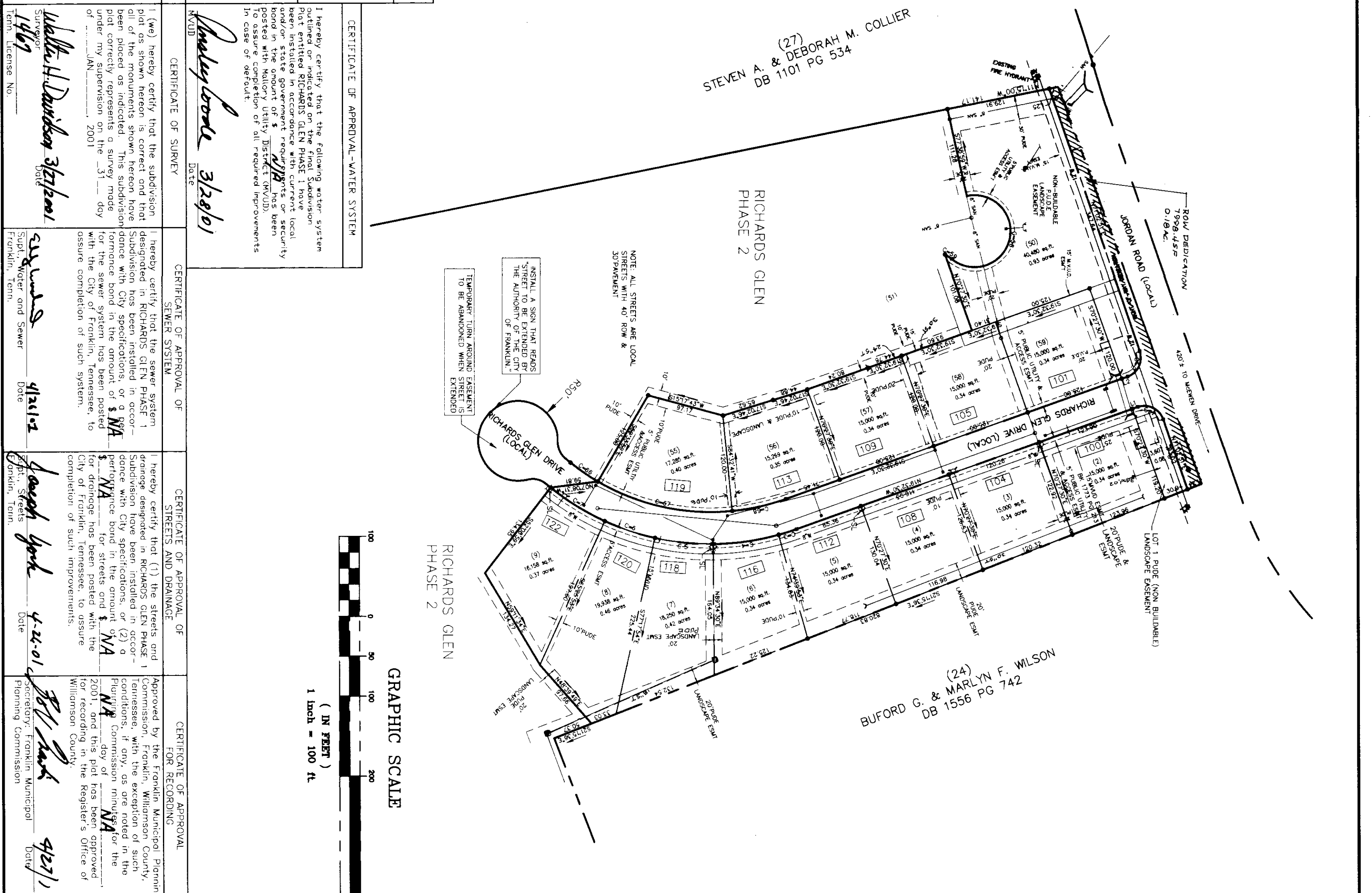
LEGEND:  
 CONCRETE MONUMENT  
 IRON ROD  
 STREET ADDRESS [100]  
 STREET LIGHT

NOTES:  
 1. THIS PLAT IS FOR THE PURPOSE OF ADJUSTING BUILDING SETBACKS, CHANGING SUBDIVISION NAME AND STREET NAME.  
 2. NO PORTION OF THIS PROPERTY IS IN A FLOOD WAY (F-W) OR FLOODWAY FRINGE (F-F) BOUNDARY AS SHOWN ON FEMA MAP COMMUNITY PANEL # 470206-0005D REVISED JULY 15, 1988.  
 3. THE CITY OF FRANKLIN RETAINS THE RIGHTS TO ACCESS ALL LANDSCAPING EASEMENTS.  
 4. BEARINGS ARE BASED ON PLAT OF D FOR ROCKFORD HILLS DATED 6/02/99 AS OF RECORD IN BOOK 28 PAGE 140 ROWCT. 5. THE RECORDING OF THIS PLAT VOIDS VACATES AND SUPERSEDES THE RECORDING OF ROCKFORD HILLS, SECTION 1 AS OF RECORD IN BOOK 28 PAGE 140 ROWCT.  
 5. MAP 62J GROUP B PARCELS 1-14.

CERTIFICATE OF APPROVAL  
 SUBDIVISION NAME AND STREET NAMES  
 I DO HEREBY CERTIFY THAT THE SUBDIVISION NAME AND STREET NAMES DENOTED ON THIS FINAL PLAT HAVE BEEN APPROVED BY THE WILLIAMSON COUNTY DEPT. OF EMERGENCY COMMUNICATIONS.  
 DATE: 3-27-01  
 REGISTER'S OFFICE  
 WILLIAMSON COUNTY DEPT. OF EMERGENCY COMMUNICATIONS

CERTIFICATE OF OWNERSHIP  
 I (We) hereby certify that I am (we are) the owner(s) of the property shown hereon as of record in Book 1773, Page 219, R.O.W.C., Tennessee, and adopt the plan of subdivision of the property as shown hereon and dedicate all public ways and easements as noted. No lot(s) as shown hereon shall again be subdivided, resubdivided, altered, or changed so as to produce less acreage than is hereby established until otherwise approved by the Franklin Municipal Planning Commission, and under no condition shall any portion of the property be sold or conveyed to any person other than the person(s) named in the plat as the owner(s) of record in Book 1773, Page 219, R.O.W.C., Tennessee, and the person(s) named in the plat as the owner(s) of record in Book 1773, Page 219, R.O.W.C., Tennessee, except as follows:  
 Received for record the 2nd day of May 2001 at 10:10 o'clock A.M. Noted in Note Book No. 51  
 Page 105 Fee \$1200  
 WITNESS MY HAND  
 415143  
 Register  
 C. H. S. C. H. S.

CERTIFICATE OF APPROVAL-WATER SYSTEM  
 I hereby certify that the following water system outlined or indicated on the final subdivision plat entitled RICHARDS GLEN PHASE 1 has been approved by the Williamson County Board of Health and the State Department of Health and is in compliance with the requirements of the Health Code of the State of Tennessee, and that the amount of \$ 278 has been posted with the Utility District (VUD), to assure completion of all required improvements in case of outbreak.  
 I (We) hereby certify that the subdivision plat as shown hereon is correct and that all of the monuments shown hereon have been placed as indicated. This subdivision plat correctly represents a survey made of order by me on the 31st day of March, 2001.  
 Surveyor: Walter H. Davidson 3/27/01  
 Term, License No. 4469



CERTIFICATE OF APPROVAL OF SEWER SYSTEM  
 I hereby certify that the sewer system designed for RICHARDS GLEN PHASE 1 has been installed in accordance with City specifications, or a performance bond in the amount of \$ NA has been posted with the City of Franklin, Tennessee, to assure completion of such system.  
 Supervisor: [Signature] 4/21/02  
 Date: 4/21/02

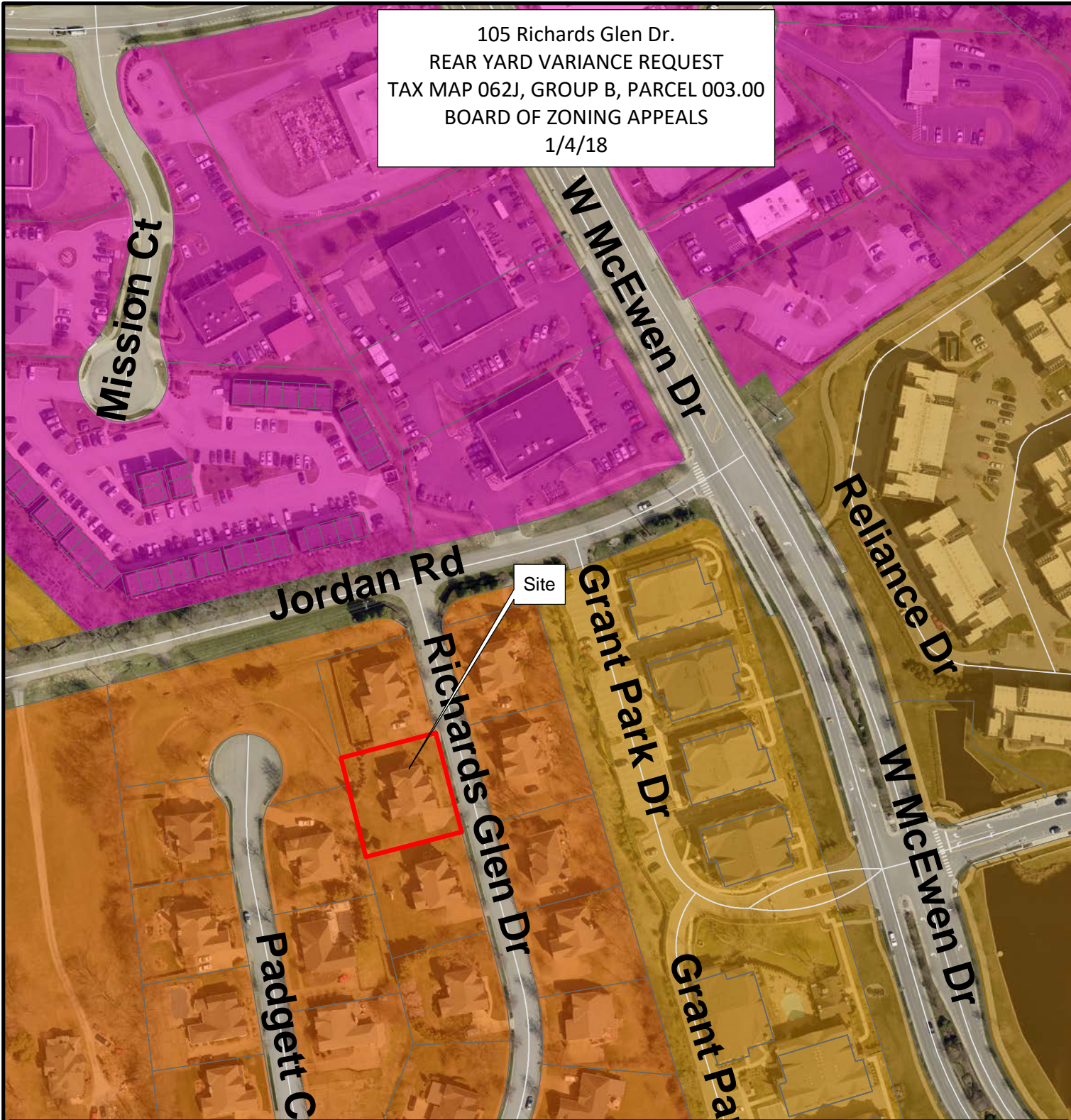
CERTIFICATE OF APPROVAL OF STREETS AND DRAINAGE  
 I hereby certify that (1) the streets and drainage designed in RICHARDS GLEN PHASE 1 Subdivision have been installed in accordance with City specifications; or (2) a performance bond in the amount of \$ NA for streets and \$ NA for drainage has been posted with the City of Franklin, Tennessee, to assure completion of such improvements.  
 Supervisor: [Signature] 4/27/01  
 Date: 4/27/01

CERTIFICATE OF APPROVAL FOR RECORDING  
 Approved by the Franklin Municipal Planning Commission, Franklin, Williamson County, Tennessee, with the exception of such conditions, if any, as are noted in the Plat. Commission minutes for the 2001, and this plat has been approved for recording in the Register's Office of Williamson County.  
 Secretary: [Signature] 4/27/01  
 Date: 4/27/01





















FRANKLIN, WILLIAMSON COUNTY, TENNESSEE  
 TOTAL ACRES: 6.68 AC. TOTAL LOTS: 15  
 ACRES NEW STREETS: 0.89 AC FEET NEW STREETS: 802'  
 CIVIL DIST: 9TH CLOSURE ERROR: 1/10000  
 SCALE: 1" = 100' DATE: 2/7/2001

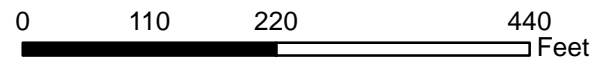
WALTER DAVIDSON & ASSOCIATES  
 3/27/01  
 31/108  
 RICHARDS GLEN SECTION 1

105 Richards Glen Dr.  
 REAR YARD VARIANCE REQUEST  
 TAX MAP 062J, GROUP B, PARCEL 003.00  
 BOARD OF ZONING APPEALS  
 1/4/18



**105 Richards Glen Drive Variance Request**

- |   |   |
|---|---|
|  105 Richards Glen                      |  SD-R Specific Development-Residential |
|  AG Agricultural District               |  SD-X Specific Development-Variety     |
|  ER Estate Residential                  |  OR Office Residential District        |
|  R-1 Residential District               |  GO General Office District            |
|  R-2 Residential District               |  CC Central Commercial District        |
|  R-3 Residential District               |  NC Neighborhood Commercial District   |
|  R-6 Residential District               |  GC General Commercial District        |
|  RM-10 Attached 10 Residential District |  LI Light Industrial District          |
|  RM-15 Attached 15 Residential District |  HI Heavy Industrial District          |
|  RM-20 Attached 20 Residential District |  CI Civic and Institutional District   |



This map was created by the Franklin Planning Department. It was compiled from the most authentic information available. The City is not responsible for any errors or omissions contained herein. All data and materials (c) copyright 2016. All rights reserved.



**Item 4**  
**Variance Request**  
BZA 2/1/18  
COF #6608

**Variance Request** by Chris and Kaci Holz, for a 7.5-foot encroachment into the required 30-foot rear yard setback to construct an addition located at the rear of the existing dwelling located at 517 Shadycrest Lane (F.Z.O §3.3.3, Table 3-6).

<b>Summary of Action Taken (To be completed after item is heard)</b>	
The Board of Zoning Appeals has reviewed and discussed this item, and has taken the following action:	
_____	Granted the variance because the statutory standards to be granted a variance were established.
_____	Denied the variance because one or more of the statutory standards required to be granted a variance were not established.
_____	Upheld staff's decision in the administrative review process.
_____	Overtured staff's decision in the administrative review process.
_____	Deferred the item.
_____	Conditions of approval: _____ _____
_____	_____
BZA Chair	BZA Recording Secretary
_____	_____
Applicant Acknowledgement	Date

**Exhibits**

1. Staff Report and Analysis
2. BZA Application Materials and Supporting documentation
3. Location Map

**Vicinity Zoning**

Site: R-3 – Detached Residential 3 District  
North: R-3 – Detached Residential 3 District  
South: R-3 – Detached Residential 3 District  
East: R-3 – Detached Residential 3 District  
West: R-3 – Detached Residential 3 District

**Vicinity Land Use**

Site: Detached Residential  
North: Detached Residential  
South: Detached Residential  
East: Detached Residential  
West: Detached Residential

**Applicable Zoning Ordinance Regulations**

**CHAPTER 2.2.4**  
**BOARD OF ZONING APPEALS (BZA)**

\* \* \*

(1) **Powers and Duties**

The BZA shall have the following powers and duties under this ordinance:

- (a) Appeal of Administrative Decisions  
To hear and decide appeals of administrative decisions where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the Codes Department or other administrative official in carrying out or enforcing any provision of this ordinance, and for interpretation of the zoning map pursuant to Subsection 2.4.6, Appeal of Administrative Decisions.
- (b) Variances  
To hear and decide applications for variance from the terms of this ordinance where:
  - (i) By reason of exceptional narrowness, shallowness, or shape of a specific piece of property which, at the time of adoption of this ordinance, was a lot of record, or where, by reason of exceptional topographic conditions or other extraordinary or exceptional situation or condition of a piece of property; and
  - (ii) The strict application of the provisions of this ordinance would result in practical difficulties to, or undue hardship upon, the owner of a piece of property; and
  - (iii) Relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance.

In granting a Variance, the BZA may attach conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purposes of this ordinance pursuant to Subsection 2.4.5, Variances.

#### **CHAPTER 2.4.5 VARIANCES**

##### **(1) Purpose and Scope**

The Variance process is intended to provide limited relief from the requirements of this ordinance in those cases where strict application of a particular requirement will create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this ordinance. It is not intended that Variances be granted merely to remove inconveniences or financial burdens that the requirements of this ordinance may impose of property owners in general. Variances are intended to address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.

\* \* \*

##### **(4) Approval Criteria**

The BZA may authorize, upon an appeal relating to the property, a Variance from such strict application so as to relieve such difficulties or hardship only in accordance with the following criteria:

- (a) 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
- (b) 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
- (c) Such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning map and this ordinance.
- (d) In granting Variances, the BZA shall have no power to take action that has the effect of allowing a use in contravention of the applicable base or overlay district or which in any other way changes the applicable district. Any action that has in effect changed the district shall be deemed to be a violation of powers of this subsection and shall be of no force and effect.
- (e) The fact that a site or development does not conform to this ordinance prior to the consideration of a Variance application may not be used as a basis for the granting of a Variance.

##### **(5) Effect of a Variance**

- (a) The issuance of a Variance shall authorize only the particular variation that is approved in the Variance.
- (b) A Variance, including any conditions, shall run with the land and shall not be affected by a change in ownership.

##### **(6) Subsequent Development**

Development authorized by the Variance shall not be carried out until the applicant has secured all other approvals required by this ordinance or any other applicable ordinances or regulations. A Variance shall not ensure that the development feature approved as a Variance shall receive subsequent approval for other applications for

development approval unless the relevant and applicable portions of this ordinance or other applicable provisions are met.

**(7) Time Limit**

- (a) Unless otherwise specified in the Variance, an application for a Building Permit shall be applied for and approved within one year of the date of the Variance approval; otherwise the Variance shall become invalid. Permitted timeframes do not change with successive owners.
- (b) Upon written request, one extension of six months may be granted by the Codes Department if the applicant can show good cause.
- (c) The decision of the Codes Department as to what constitutes substantial compliance with the time limit or applicable conditions for a Variance shall be final.

**(8) Amendment**

A Variance may be amended, extended, or modified only in accordance with the procedures and standards established for its original approval. A request for a change in the conditions of approval of a Variance shall be considered an amendment and subject to the full review procedure set forth in this subsection.

**CHAPTER 3.3  
SITE DEVELOPMENT STANDARDS**

**3.3.1 Measurements, Computations, and Exceptions**

**(1) Distance Measurements**

Unless otherwise expressly stated, distances specified in this ordinance are to be measured as the length of an imaginary straight line joining those points.

**(2) Lot-Area Measurements**

**(a) Lot-Area Measurements**

The area of a lot includes the total horizontal surface area within the lot's boundaries.

**(b) Reductions in Lot Area Prohibited**

No lot shall be reduced in area so that lot area per dwelling unit, lot width, required yards, building area, setbacks, or other requirements of this ordinance are not maintained. Actions by governmental agencies, such as road widening, shall not be considered as reductions.

**(3) Lot Measurements**

**(a) Lot Width**

Lot width is the distance between the side lot lines measured at the point of the Front Yard Setback line.

**(b) Lot Frontage**

Lot frontage is the length of the front lot line measured at the street.

**(4) Setbacks, Yards, and Height**

**(a) Measurements**

Setbacks refer to the unobstructed, unoccupied open area between the furthestmost projection of a structure and the property line of the lot on which the structure is located. Setbacks shall be unobstructed from the ground to the sky except as otherwise expressly allowed in Subsection 3.3.1(4)(b), Permitted Encroachments into Required Setbacks.

**(b) Permitted Encroachments into Required Setbacks**

(i) The following features may be located within required setbacks to the extent indicated:

- A.) Sidewalks and landscape;
- B.) Accessory uses and structures as allowed in Section 4.1, Accessory Uses and Structures;
- C.) Fences and walls as allowed in Section 5.6, Fences and Walls; and
- D.) Off-Street Parking, as allowed in Section 5.9, Off-Street Parking and Loading.

(ii) Appurtenances are permitted to encroach into a required front or rear yard setback up to six feet and within side yards up to five feet from the property line provided a minimum of ten feet between buildings is maintained.

**(c) Yards Required for Buildings**

A yard or other open area required about a building shall not be included as part of a yard or other open space for another building.

**(d) Front Yard Setback**

**(i) Front Yard Setback and Streets**

The yard fronting a street shall be considered to be a front yard and shall meet the minimum front yard setback.

**(ii) Measurement**

The front yard setback shall extend the full width of the lot and shall be measured from the street right-of-way line.

**(iii) Double Frontage Lot**

A double frontage lot shall provide a front yard setback on both streets. The remaining yards shall meet the side yard setback requirements.

**(iv) Corner Lot**

A corner lot shall provide a front yard setback on all streets. The remaining yards shall meet the side yard setback requirements.

**(v) Cul-de-Sac or Curved-Street Lot**

For a cul-de-sac lot or a lot abutting a curved street, the front yard setback shall follow the curve of the front property line.

**(e) Side Yard Setback**

The side yard setback shall extend from the required front yard setback line to the required rear yard setback line and shall be measured from the side lot line. If no street or rear yard setback is required, the setback shall extend the full depth of the lot.

**(f) Rear Yard Setback**

The rear yard setback shall extend the full width of the lot and shall be measured from the rear lot line.

\*\*\*

### 3.3.3 Site Development Standards for Conventional Areas

- (1) Tables 3-6 and 3-7 establish the site development standards, by building type, for development within conventional areas established pursuant to Section 5.1, Traditional and Conventional Area Standards Distinguished.
- (2) All applicable development shall comply with the standards established within this subsection unless otherwise expressly stated, or unless a different standard is required by an applicable overlay district.

**TABLE 3-6: SITE DEVELOPMENT STANDARDS FOR RESIDENTIAL BUILDING TYPES IN CONVENTIONAL AREAS [1], [2], [3], [10]**

Standard		AG	ER	R-1	R-2	R-3	R-6	SD-R	SD-X	RM-10	RM-15	RM-20	
Residential Detached (Street Loaded)	Front Yard and Side Street Setback (feet) [4] [5]	Local	100	75	60	40	25	25	30[9]	30[9]			
		Collector	150	100	90	75	60	35	40[9]	40[9]			
		Arterial/ Mack Hatcher	225	150	125	100	80	45	50[9]	50[9]			
	Side Yard Setback (feet) [6] [11]		50	35	25	[7]	[8]	[8]	[8][9]	[8][9]			
	Rear Yard Setback (feet)[6]		100	65	50	40	30	25	30[9]	30[9]			
	Minimum Lot Size (square feet)		1 per 15 acres	45,000	30,000	15,000	9,000	5,000	5,000[9]	5,000[9]			
	Minimum Lot Width (feet)		200	150	100	75	60	50	50[9]	50[9]			
	Minimum Lot Frontage (feet) [12]		160	120	80	60	48	40	40[9]	40[9]			

**NOTES:**

- [1] For lots in recorded subdivisions or approved PUDs, the setbacks, lot sizes, and maximum densities shown in this table shall not apply, and the requirements shown on the Final Plat or approved PUD shall govern.
- [2] Unified developments may establish interior lot lines as necessary, provided that the bulk requirements along the outer boundaries of the development shall be retained as specified in this table.
- [3] Shaded cells indicate that no requirement exists.
- [4] Where the average front yard for existing buildings on the same block face is more than or less than the minimum required front yard, the minimum front yard shall instead be within 25 percent of the average front yard for existing buildings on the same block face.
- [5] In cases where a transitional feature is required, the minimum setback shall be in accordance with Subsection 5.3.4, Transitional Features.
- [6] Where an immediately adjacent existing building is set back less than the minimum required side or rear yard, the minimum side or rear yard requirement shall instead be the same as the immediately adjacent developed building, but not less than five feet. Buildings shall maintain a minimum spacing of ten feet.
- [7] Minimum of eight feet each side, minimum of 20 feet between dwellings.
- [8] Minimum of five feet each side, minimum 12 feet between dwellings.
- [9] Larger or smaller setbacks, lot widths, lot frontages and lot sizes, beyond the range presented in this table, are permitted in cases where topographical or natural constraints exist, or where a particular design approach warrants a different setback subject to Subsection 2.4.2, Planned Unit Developments.
- [10] Appurtenances may encroach into a side-yard provided they maintain a minimum setback of five feet from the property line and ten feet from principal structures on adjacent lots.
- [11] For unified developments, internal side setback shall be determined by the applicable Building and Fire Codes as adopted by the City of Franklin.
- [12] The minimum lot frontage width shall be required to be maintained to the front yard setback line, at which point the minimum lot width shall apply. However, the minimum lot frontage requirement shall not apply to lots located on the turning radius of a cul-de-sac.

**CHAPTER 8.3**  
**DEFINITIONS AND USE CLASSIFICATIONS**

**Addition (to an existing building)**

Any walled and roofed expansion to the perimeter of a building that is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition that is connected by a firewall or is separated by an independent perimeter load-bearing wall shall be considered “new construction”.

**Appurtenance**

The visible, functional, or ornamental objects accessory to, and part of a building, such as chimneys, decks, stoops, steps, porches, bay windows, roof overhangs, awnings, and similar features.

**Porch**

A projection from an outside wall of a dwelling that is covered by a roof and/or sidewalls (other than the sides of the building to which the porch is attached) for the purpose of providing shade or shelter from the elements.

**Yard**

An open space that lies between the principal or accessory structure and the nearest property line and which is unoccupied and unobstructed from the ground upward except as permitted in this ordinance.

**Yard, Rear**

An open, unoccupied space on a lot, except for accessory structures as herein permitted, extending across the rear of the lot from one side lot line to the other side lot line.

**Yard, Required**

The space between a lot line and the principal building within which no structure shall be permitted, except as authorized in this ordinance.

**Background Information/Description of Variance Request**

The applicant is requesting a 7.5-foot encroachment into the required 30-foot rear yard setback to construct an addition at the rear of the existing dwelling located at 517 Shadycrest Lane. The subject property is lot 37 in the Maplewood Subdivision, Section 1, Revision 1, and is a lot of record that was created prior to the adoption of the current Zoning Ordinance. The property was originally platted with a 30-foot rear yard setback in 1980. The property is currently zoned R-3 – Detached Residential 3 District, McEwen Character Area Overlay District - Special Area 7 (MECO-7), and designated for Conventional Development Standards.

Table 3-6 establishes the Site Development Standards for Conventional Areas and has a footnote that stipulates that “for lots in recorded subdivisions or approved PUDs, the setbacks and lot sizes, maximum densities, and primary façade widths shown in this table shall not apply, and the requirements shown on the final plat, the approved PUD, or conditions on existing lots shall govern.” The required 30-foot rear yard setback requirement established on the recorded plat is consistent with the rear yard setback stipulated in Tables 3-6.

The applicant is proposing to construct a 15’ x 37.5’ addition to the rear of the existing dwelling. The lot the dwelling is situated on has a slanting rear property line that produces a unique rear setback line. The lot also contains an existing PUDE that cannot be built on. The proposed addition would encroach into the rear setback approximately 7.5’. The unique shape of the lot, particularly the location of the rear property line as well as the location of an existing PUDE, restricts the areas where additions and/or accessory structures can be constructed on the property. The encroachment to the rear setback would be minimal as the rear setback line deepens the further back the lot goes.

**Approval Criteria for Variances**

The Variance process is intended to provide limited relief from the requirements of the Zoning Ordinance in those cases where the strict application of a particular requirement will create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed under the Ordinance. It is not intended that Variances

be granted merely to remove inconveniences or financial burdens that the requirements of the Zoning Ordinance may impose of property owners in general. Variances are intended to address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.

The BZA may authorize, upon an appeal relating to the property, a Variance from such strict application of the Zoning Ordinance so as to relieve such difficulties or hardship only in accordance with the following three standards (FZA §§ 2.2.4 (b) and 2.4.5):

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. Relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning map and this ordinance.

In order to grant the Variance Request, the BZA must determine that the applicant has demonstrated that all three standards required to grant the variance have been satisfied.

#### **Analysis of Approval Criteria for Variances**

The following is an analysis of the requested variances as they relate to the variance standards and approval criteria described above:

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.
  - The subject property is an existing lot of record that was created prior to the adoption of the Zoning Ordinance. The property was originally platted as part of Section 1 of the Maplewood Subdivision in 1980. The shape of the lot is unique as the rear property line slants causing a unique setback line. The existing home was constructed within the required rear yard setback per the information submitted by the applicant. The rear left corner of the home sits approximately 7.7 feet from the rear setback line. The proposed addition will be constructed along the rear wall of the existing dwelling and the applicant is requesting a 7.5-foot encroachment into the required 30-foot rear yard setback.
  - The unique shape of the lot, particularly the location of the rear property line as well as the location of an existing PUDE, restricts the areas where additions and/or accessory structures can be constructed on the property. The encroachment to the rear setback would be minimal as the rear setback line deepens the further back the lot goes.
  - Staff finds that the conditions on the lot as described by the applicant, create a unique, exceptional, or extraordinary situations about the subject property that would prevent the applicant from complying with the requirements of the Zoning Ordinance if Conventional Development Standards were applied.
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.
  - Due to the shape of the lot and location of the PUDE, the only place where the proposed addition can be located is to the rear of the existing dwelling. The strict application of the Zoning Ordinance provisions requiring conformance with the platted setback would result in an exceptional hardship on the owner of the property. Ultimately, the Board must determine whether the inability to construct the proposed enclosed addition encroaching into the required rear yard is a hardship or practical difficulty.

3. Relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning map and this ordinance.
  - The final standard the Board must consider is whether the requested relief granted would be a detriment to the public good or impair the intent and purpose of the Zoning Ordinance. Based on similar variance requests granted by the BZA, the proposed location of the addition in related to the unique shape of the property, particularly the location of the rear shared boundary, staff believes that granting the proposed variance would not be detrimental to the public good and would not impair the intent or purpose of the Zoning Ordinance.

**Staff Recommendation**

In order for the BZA to grant a variance, the applicant must have demonstrated that all three of the standards required to grant a variance have been satisfied. Based on the analysis presented above, staff recommends approval of the variance requested by the applicant because the applicant has met all three of the standards required for granting a variance.

**Motion for Variance Requests**

**Move to approve the variance request to vary the required 30-foot rear yard setback by 7.5 feet to construct an enclosed addition located at the rear of the existing dwelling located at 517 Shadycrest Lane because the applicant has demonstrated that the standards for granting a variance have been satisfied as described in the staff report.**



**Cover Sheet for Variance Request for 517 Shadycrest Lane**

**Page 1 - Cover Sheet**

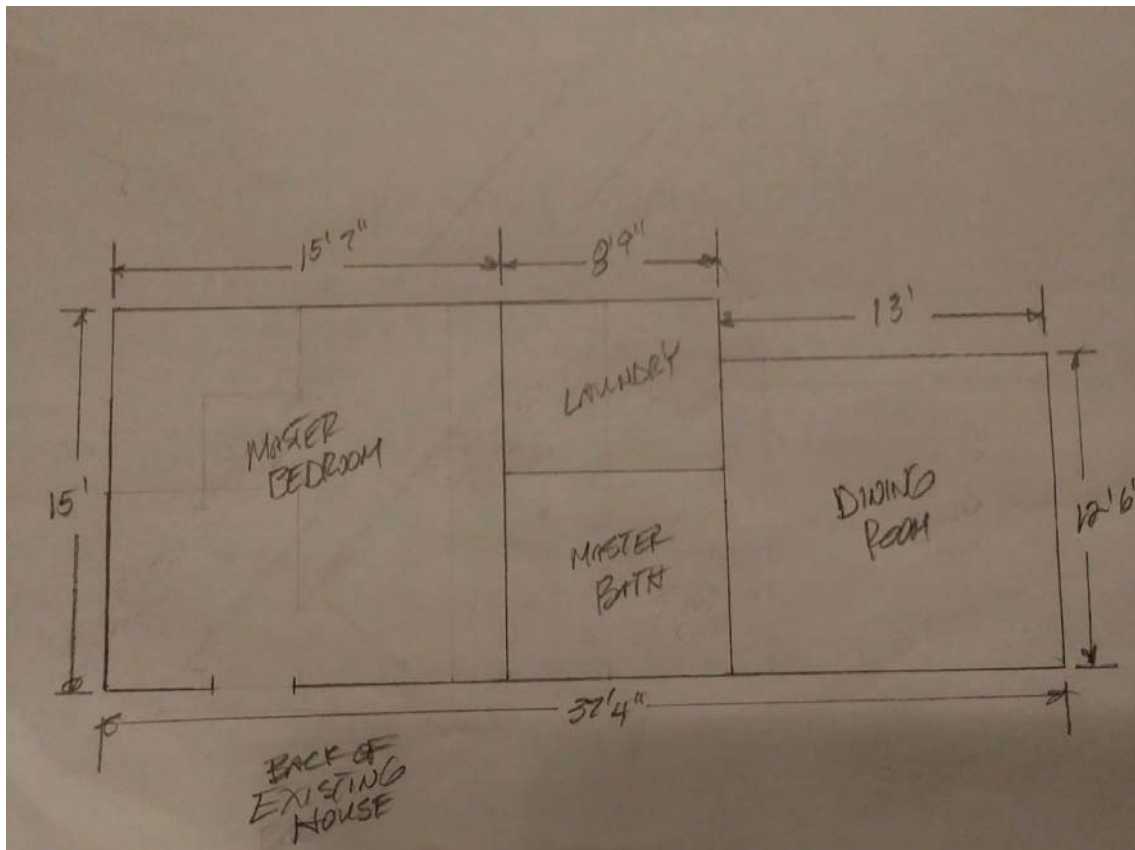
**Page 2 - Drawing #1 - Proposed Plan**

**Page 3 - Drawing #2 - Survey with Proposed Plan**

**Page 4-5 - Notification Letter**

**Page 6-7 - Justification Letter**

Drawing #1 - Proposed Plan





## Variance Request Notification Letter

**January 8, 2018**

### **PUBLIC NOTICE:**

This letter is written to provide public notice for a Variance request for the property located at 517 Shadycrest Lane, Franklin, TN which will be heard by the Board of Zoning Appeals on February 1, 2018, at 6 p.m. in the City Hall Board Room. Please see the information below for more details.

### **Applicant:**

Chris and Kaci Holz, 517 Shadycrest Lane, Franklin, Tennessee, 37064, (615) 613-2875

### **Application Type:**

Variance request – 7' 6" encroachment into the required 25 foot rear-yard setback.

### **Date, Time, and Place of Public Meeting:**

February 1, 2018 at 6 p.m. in the City Hall Board Room, 109 3rd Avenue South, Franklin, Tennessee, 37064.

### **Subject Property:**

517 Shadycrest Lane, Franklin, Tennessee, 37064 in the Maplewood Subdivision

### **Nature and Scope of the Application Request:**

This is a Variance request to build an addition to the home on the property that will include a master bedroom and bathroom, laundry room, and dining room.

### **Where to View the Application:**

This application may be viewed in the Planning and Sustainability Department, 109 3rd Avenue South, Franklin, Tennessee, 37064.

### **Where the Public Can Be Heard:**

The public may appear at the public meeting on February 1, 2018 at 6 p.m. to be heard, or submit written comments with respect to the application. Written comments may be directed to the City of Franklin Planning and Sustainability Department, 109 3rd Avenue South, Franklin, TN, 37064.

## **Variance Request Justification Letter**

**517 Shadycrest Lane  
Franklin, TN 37064**

**January 8, 2018**

**Board of Zoning Appeals, Franklin, TN**

We respectfully request a hearing by the Board of Zoning Appeals for a 7' 6" variance from the 30 feet rear-yard setback for the construction of a 15'-0" x 38'-4" addition to the existing house at the above address. The grounds on which we submit this request are as follows:

- We believe the request is justified due to the exceptional narrowness, shallowness, and shape of the property. We have provided a survey outlining the unique shape of the lot.
- The strict application of the Zoning Ordinance would result in practical difficulties and undue hardship based on the unique shape of the lot. Other property owners in the neighborhood are able to construct additions without building into the required 30 foot setback due to a more regular shaped lot.
- The variance could be granted without substantial detriment to the public good. We have approached our neighbors (adjoining and adjacent properties) and have included their consent and support for the addition to our home. We believe that the relief could be granted without impairing the intent and purpose of the Zoning Ordinance.
- This addition will add property value by increasing the square footage of the home, making it comparable to other homes in the neighborhood and community. After living in this home in Maplewood for the past 8 years, we are committed to remaining and raising our family here. This home addition would allow us to continue to reside in the only home we've known in Franklin.

Because of the unique situation in which we find ourselves, we respectfully request that you consider allowing us a variance to encroach into the setback area to allow us a home addition.

Thank you for considering our variance request.

Sincerely,

Chris and Kaci Holz

**PROPERTY SURVEY FOR:**  
CHRISTOPHER A HOLZ AND  
KACIM HOLZ.

**PROPERTY ADDRESS:**  
517 SHADYCREST LANE  
FRANKLIN, WILLIAMSON COUNTY, TN.

**PARCEL ID:**  
0791 "A" 037.00

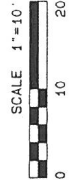
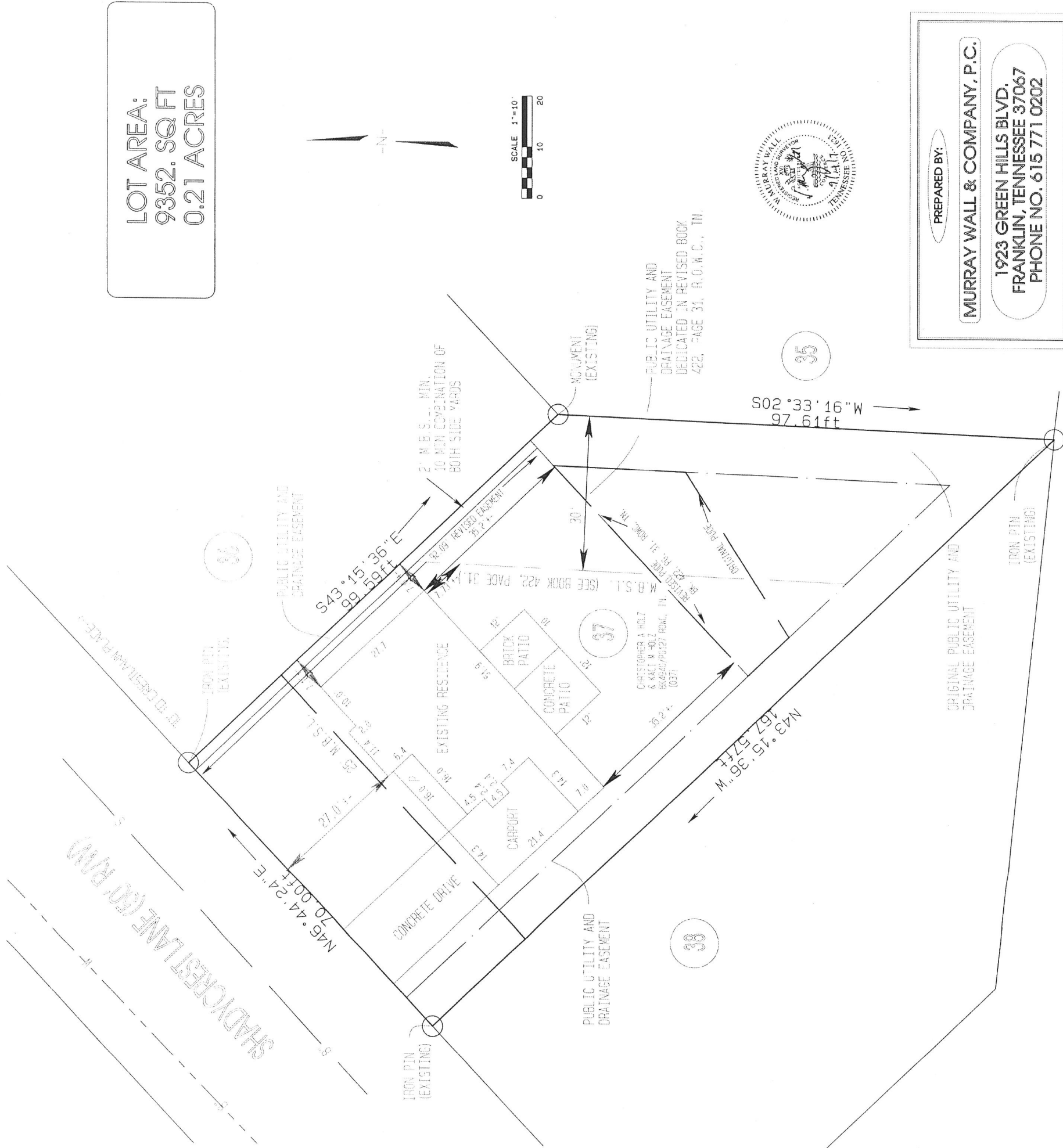
**PROPERTY INFORMATION:**

BEING LOT 37,  
PLAN OF SEC ONE, REV ONE MAPLEWOOD OF RECORD  
IN PLAT BOOK 8, PAGE 13,  
AS AMENDED IN BOOK 422, PAGE 31, R.O.W.C., TN,  
DESCRIBED IN BOOK 4940, PAGE 127 R.O.W.C., TN.

**MISCELLANEOUS NOTES**

1. THIS SURVEY MEETS OR EXCEEDS THE REQUIREMENTS OF A CATEGORY I URBAN AND SUBDIVISION LAND SURVEY, AS PER THE STANDARD OF PRACTICE, AS REVISED AND ADOPTED BY THE BOARD OF EXAMINERS FOR LAND SURVEYORS STATE OF TENNESSEE.
2. THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS GREATER THAN 1:10,000 OR DOES NOT EXCEED 1/10 OF A FOOT OF POSITIONAL ERROR AT ANY CORNER.
3. BEARING SYSTEM DERIVED FROM THE PLAT OF RECORD.
4. NUMBERS SHOWN THUS (00) PERTAIN TO PROPERTY TAX MAP NUMBER.
5. IN TENNESSEE IT IS A REQUIREMENT OF THE "UNDERGROUND UTILITY DAMAGE PREVENT ACT", THAT ANYONE WHO ENGAGES IN EXCAVATION MUST NOTIFY ALL KNOWN UTILITY OWNER(S). TENNESSEE ONE CALL 811.  
\*UTILITIES NOT CHECKED.  
THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. ABOVE GRADE AND UNDERGROUND UTILITIES SHOWN WERE TAKEN FROM VISIBLE APPURTENANCES AT THE SUBJECT SITE. INFORMATION MADE AVAILABLE BY THE RESPECTIVE UTILITY AND/OR PLAT(S) OF RECORD, OR OTHER SOURCES AS NOTED HEREON. THE SURVEYOR MAKES NO GUARANTEE(S) THAT THE UNDERGROUND UTILITIES SHOWN HEREON COMPRISE ALL SUCH UTILITIES ON THE TRACT OR PARCEL, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES ARE IN THE EXACT LOCATION AS INDICATED. THESE SHOWN SHOULD BE DONE SO WITH THESE CIRCUMSTANCES CONSIDERED, DETAILED VERIFICATION OF EXISTENCE, LOCATION AND DEPTH SHOULD BE MADE PRIOR TO ANY DECISION RELATIVE THERETO IS MADE. AVAILABILITY AND COST OF SERVICE SHOULD BE CONFIRMED WITH THE APPROPRIATE UTILITY COMPANY.
6. PROPERTY SUBJECT TO ANY AND ALL FINDINGS OF A CURRENT AND ACCURATE TITLE SEARCH, NO TITLE REPORT FURNISHED TO THIS SURVEYOR PRIOR TO SURVEY.

LOT AREA:  
9352.50 SQ FT  
0.21 ACRES



PREPARED BY:

MURRAY WALL & COMPANY, P.C.

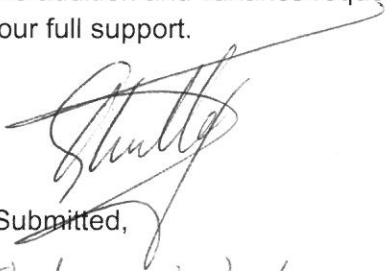
1923 GREEN HILLS BLVD.  
FRANKLIN, TENNESSEE 37067  
PHONE NO. 615 771 0202

DATE: SEPTEMBER 14, 2017 -- FILE NO. 8021-17

January 6, 2018

City of Franklin  
Board of Zoning Appeals  
Department of Planning and Sustainability

My name is STEPHEN HARTZEL and I/we are residents and/or homeowners in the Maplewood Subdivision in Franklin, Tennessee. Please accept this letter of support for the variance request for the property located at 517 Shadycrest Lane, Franklin, TN, submitted by the homeowners, Chris and Kaci Holz. I/we live beside and/or adjacent to 517 Shadycrest Lane and are supportive of the home addition being requested. I/we have no objections to the proposed home addition and variance request that is being requested and offer this letter to demonstrate our full support.



Respectfully Submitted,

521 Shadycrest LN.

January 6, 2018

City of Franklin  
Board of Zoning Appeals  
Department of Planning and Sustainability

My name is Valene L Kane and I/we are residents and/or homeowners in the Maplewood Subdivision in Franklin, Tennessee. Please accept this letter of support for the variance request for the property located at 517 Shadycrest Lane, Franklin, TN, submitted by the homeowners, Chris and Kaci Holz. I/we live beside and/or adjacent to 517 Shadycrest Lane and are supportive of the home addition being requested. I/we have no objections to the proposed home addition and variance request that is being requested and offer this letter to demonstrate our full support.

Respectfully Submitted,

Valene Kane  
203 Crestlawn Pl.  
Franklin, TN 37064  
615 856-4120



January 6, 2018

City of Franklin  
Board of Zoning Appeals  
Department of Planning and Sustainability

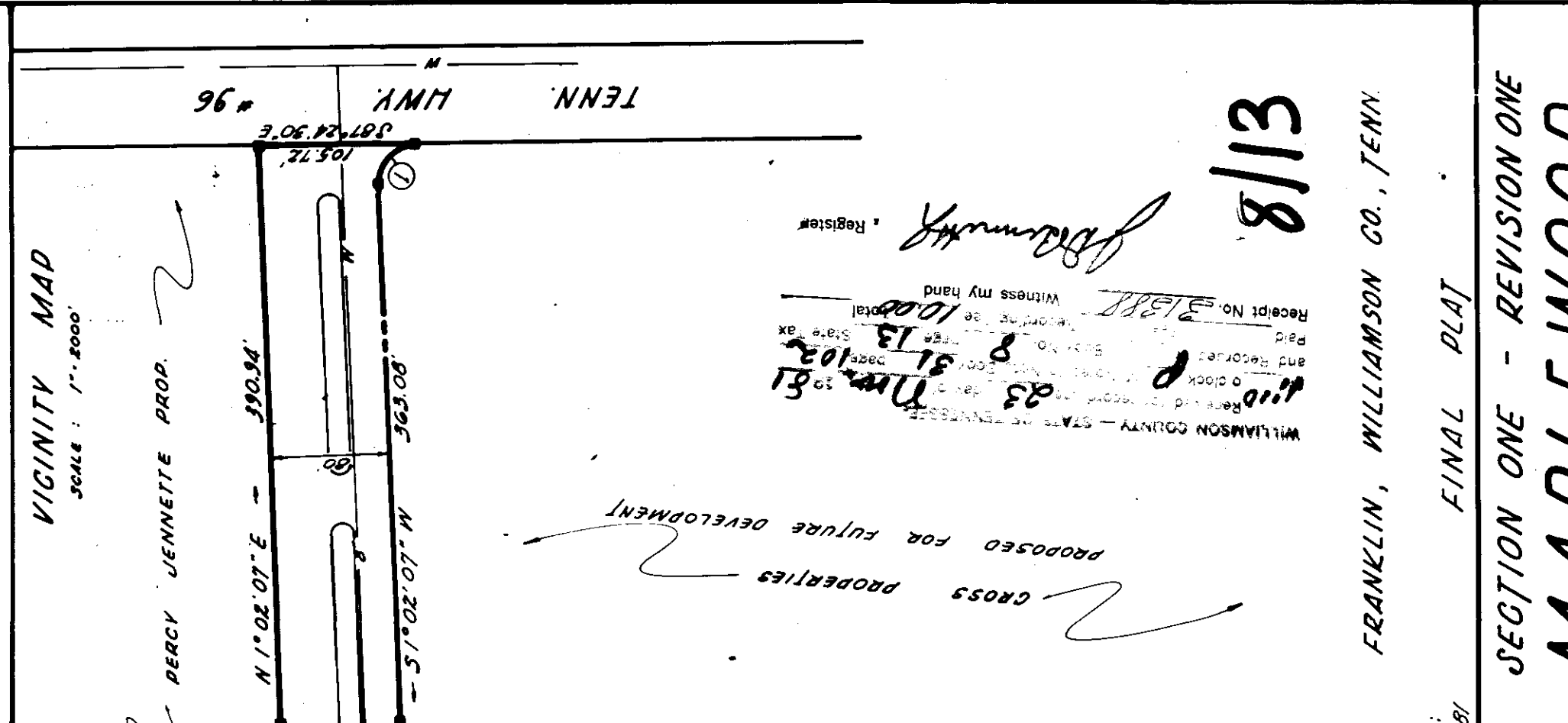
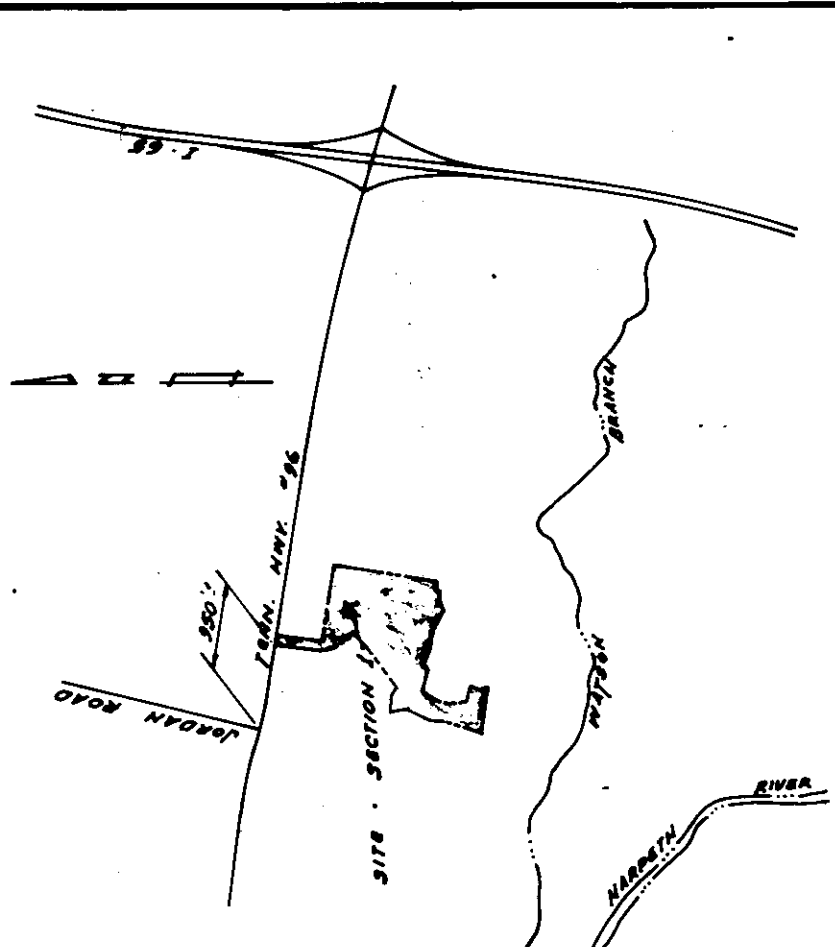
My name is James Harner and I/we are residents and/or homeowners in the Maplewood Subdivision in Franklin, Tennessee. Please accept this letter of support for the variance request for the property located at 517 Shadycrest Lane, Franklin, TN, submitted by the homeowners, Chris and Kaci Holz. I/we live beside and/or adjacent to 517 Shadycrest Lane and are supportive of the home addition being requested. I/we have no objections to the proposed home addition and variance request that is being requested and offer this letter to demonstrate our full support.

Respectfully Submitted,

*James Harner*  
517 Shadycrest Ln  
Franklin TN, 37064

**NOTES:**

1. Dedication of Common Area:  
Gross Properties in recording this Plat of Maplewood has designated certain areas of land as open space intended for the use by the homeowners in Maplewood for recreation and other related activities.
2. Common open space will also serve any subsequent sections in the subdivision.
3. Homeowners Restrictions are hereby made a part of this plat.
4. Mortgagee - Mr. & Mrs. Percy Jennette
5. Side yard requirements - Minimum 2' - Combination of both side yards - 10 Min.
6. Rear yard requirements - 20' Minimum if adjoins open space - 30' Min. elsewhere
7. Indicates concrete monuments 4" x 4" x 30"
8. I Indicates Iron Pins
9. Post Office has been provided with a copy of the overall preliminary plan of Maplewood.



**CURVE DATA**

CURVE #	RADIUS	TANGENT	LENGTH
1	91'33.23"	25.00'	39.95'
2	58'06.33"	301.81'	306.07'
3	58'06.33"	285.41'	289.46'
4	4'12.36"	589.33'	21.66'
5	6'04.07"	639.33'	34.08'
6	99'36.12"	25.00'	29.59'
7	82'17.17"	25.00'	21.84'
8	90'35.40"	25.00'	25.26'
9	89'33.35"	25.00'	24.97'
10	90'00"	60.00'	60.00'
11	44'56.04"	589.33'	243.71'
12	45'27.19"	554.56'	267.80'
13	34'28.43"	604.56'	172.08'
14	96'06.46"	25.00'	27.82'
15	2'37.07"	522.16'	11.93'
16	36'50.19"	547.16'	182.22'
17	18'06.51"	487.16'	79.25'
18	21'08.46"	50.00'	23.62'
19	45'34.23"	50.00'	21.00'
20	5'21.45"	487.16'	16.84'
21	18'16.59"	285.41'	45.93'
22			91.07'

NOTE:  
THE RECORDING OF THIS PLAT VOIDS, VACATES & SUPERSEDES THE RECORDING OF MAPLEWOOD, SECTION ONE AS OF RECORD IN BOOK 7, PAGE 208, R.O.W.C., TENN.



REGISTERS OFFICE  
(STATE OF TENNESSEE) WILLIAMSON COUNTY  
Received for record the \_\_\_\_\_ any of \_\_\_\_\_  
19\_\_ at \_\_\_\_\_ o'clock, M. Noted in Note Book \_\_\_\_\_  
page \_\_\_\_\_ and recorded in \_\_\_\_\_ Book No. \_\_\_\_\_  
Done \_\_\_\_\_ at \_\_\_\_\_ Tenn. this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_  
WITNESS MY HAND JIMMIE D. BENNETT JR. REGISTER

CERTIFICATE OF OWNERSHIP AND DEDICATION  
I, WE HEREBY CERTIFY THAT WE ARE THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AS EVIDENCED IN THE RECORDS OF THE REGISTER'S OFFICE OF WILLIAMSON COUNTY, TENNESSEE, AND THAT WE HEREBY AGREE TO THE PLAN OF SUBDIVISION WITH RESTRICTIONS AND EASEMENTS THEREON AS SHOWN ON THE PLAT AND TO ALL OTHER RESTRICTIONS, EASEMENTS, AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED ON THE PLAT.

Cross Properties  
J. W. Anderson  
J. W. Anderson

CERTIFICATE OF ACCURACY  
I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORDS OF THE REGISTER'S OFFICE OF WILLIAMSON COUNTY, TENNESSEE, AND THAT THE MONUMENTS HAVE BEEN PLACED AS SHOWN ON THE PLAT.

W. J. Anderson  
W. J. Anderson

CERTIFICATE OF THE APPROVAL OF STREETS AND UTILITIES  
I HEREBY CERTIFY THAT THE STREETS AND UTILITIES SHOWN ON THE PLAT HAVE BEEN LAYED OUT IN ACCORDANCE WITH THE CITY OF FRANKLIN, TENNESSEE, AND THAT THE MONUMENTS HAVE BEEN PLACED AS SHOWN ON THE PLAT.

J. W. Anderson  
J. W. Anderson

CERTIFICATE OF THE APPROVAL OF WATER AND SEWERAGE SYSTEMS  
I HEREBY CERTIFY THAT THE WATER SUPPLY AND SEWERAGE SYSTEMS SHOWN ON THE PLAT HAVE BEEN LAYED OUT IN ACCORDANCE WITH THE CITY OF FRANKLIN, TENNESSEE, AND THAT THE MONUMENTS HAVE BEEN PLACED AS SHOWN ON THE PLAT.

J. W. Anderson  
J. W. Anderson

CERTIFICATE OF APPROVAL FOR RECORDING  
I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FILED IN THE REGISTER'S OFFICE OF WILLIAMSON COUNTY, TENNESSEE, AND THAT THE MONUMENTS HAVE BEEN PLACED AS SHOWN ON THE PLAT.

J. W. Anderson  
J. W. Anderson

DATE: 9-22-81

FRANKLIN, WILLIAMSON CO., TENN.  
FINAL PLAT  
SECTION ONE - REVISION ONE  
**MAPLEWOOD**  
FRANKLIN MUNICIPAL PLANNING COMMISSION  
TOTAL ACRES 29.72  
ACRES NEW ROAD 5.18  
FEET OF NEW ROAD 472'  
OWNER CROSS PROPERTIES  
SURVEYOR ANDERSON, BELK & ASSOC.  
CIVIL DISTRICT 3  
CLOSURE ERROR 1:14,159  
SCALE 1" = 100'  
8/13





















517 SHADYCREST LANE  
 REAR YARD VARIANCE REQUEST  
 TAX MAP 079I, GROUP A, PARCEL 037.00  
 BOARD OF ZONING APPEALS  
 2/1/18

Shadycrest Ln

Site

Jennette Pl

**517 Shadycrest Lane**

- |   |   |
|---|---|
|  517 Shadycrest Lane                    |  SD-R Specific Development-Residential |
|  AG Agricultural District               |  SD-X Specific Development-Variety     |
|  ER Estate Residential                  |  OR Office Residential District        |
|  R-1 Residential District               |  GO General Office District            |
|  R-2 Residential District               |  CC Central Commercial District        |
|  R-3 Residential District               |  NC Neighborhood Commercial District   |
|  R-6 Residential District               |  GC General Commercial District        |
|  RM-10 Attached 10 Residential District |  LI Light Industrial District          |
|  RM-15 Attached 15 Residential District |  HI Heavy Industrial District          |
|  RM-20 Attached 20 Residential District |  CI Civic and Institutional District   |



0 55 110 220 Feet

This map was created by the Franklin Planning Department. It was compiled from the most authentic information available. The City is not responsible for any errors or omissions contained herein. All data and materials (c) copyright 2016. All rights reserved.