

**MEETING MINUTES OF THE
FRANKLIN BOARD OF ZONING APPEALS
February 1, 2018**

The Franklin Board of Zoning Appeals held a regular meeting on Thursday, February 1, 2018, at 6:00 p.m. in the City Hall Boardroom.

Members present: Jonathan Langley
Joel Tomlin
Gillian Fischbach
Frank Jones

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 November 2, 2017, BZA Meeting

Election of Officers for 2018 – Chair and Vice-Chair

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)).

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).

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).

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).

Chair Jones called the February 1, 2018, meeting to order at 6:00 p.m.

Minutes from November 2, 2017 BZA Meeting

Mr. Langley made a motion to approve the November 2, 2017 minutes. Ms. Fischbach seconded the motion and the motion passed 4-0.

Election of Officers for 2018 – Chair and Vice-Chair

Ms. Fischbach moved to elect Mr. Jones as Chair and Mr. Caesar as Vice-Chair for the 2018 year. Mr. Tomlin seconded the motion and the motion passed 4-0.

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)).

Mr. Bryan stated the subject property is located on Coffenbury Ct, South of Ledgebrook Drive in the Stream Valley PUD Subdivision, Section 13, Lots 431-434. Mr. Bryan stated 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). Mr. Bryan stated 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. Mr. Bryan stated the LOMR-F approved by FEMA became effective on December 8, 2017 (FEMA Case No. 18-04-0503A). Mr. Bryan 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. Mr. Bryan stated 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.

Chair Jones requested to know if anyone wished to comment on this request.

Mr. Langley moved to close the public hearing. Ms. Fischbach seconded the motion and the motion passed 4-0.

Mr. Tomlin moved 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. Mr. Langley seconded the motion and the motion passed 4-0.

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).

Mr. Svoboda stated in your staff report you have the applicable zoning regulations that apply. Mr. Svoboda stated that the applicant is requesting an 8-foot encroachment into the required 25-foot rear yard setback to construct a 26-foot wide by 10-foot deep sunroom/porch addition located to the rear of 1213 Limerick Lane. Mr. Svoboda stated the property was originally platted as part of Section 7 of the McKays Mill PUD Subdivision in 2000. Mr. Svoboda stated 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. Mr. Svoboda stated 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. Mr. Svoboda stated the current Zoning Ordinance would permit a 5-foot rear yard setback if Traditional Standards were applied. Mr. Svoboda stated however, since the subject property is a lot of record, the platted setbacks supersede the existing standards. Mr. Svoboda stated the variance request is consistent with similar rear yard variance requests for screened porched additions granted by the Board.

Mr. Svoboda stated if the applicant were permitted to develop under Traditional Development Standards, the proposed addition would be in compliance with the Zoning Ordinance. Mr. Svoboda stated in order for the board to grant a variance that all three standards must be met and in your packet is an analysis of those three standards. 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. Mr. Svoboda stated the only place where the proposed addition can be located is to the rear of the existing dwelling over the existing concrete patio and 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. Mr. Svoboda stated 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. Mr. Svoboda stated 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 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 and 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. Mr. Svoboda stated 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.

Mr. Harris stated Mr. Svoboda covered everything.

Chair Jones requested to know if anyone wished to comment on this request.

Mr. Millin Walker, a neighbor whose property backs up to this property, spoke against this request.

Mr. Sant Raskia, 209 Limerick Lane, also spoke against the request.

Mr. Langley moved to close the public hearing. Ms. Fischbach seconded the motion and the motion passed 4-0.

Chair Jones requested to know if any other responses have been made on behalf of this request.

Mr. Svoboda stated no.

Mr. Tomlin moved 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. Mr. Langley seconded the motion 4-0.

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).

Mr. Svoboda stated in your packet you have the staff report showing where 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. Mr. Svoboda stated 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. Mr. Svoboda stated the property was originally platted with a 40-foot rear yard setback in 2001 and 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. Mr. Svoboda stated as with the previous property if 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. Mr. Svoboda stated all criteria must be met to grant the variance. Mr. Svoboda stated 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. Mr. Svoboda stated the subject property is an existing lot of record that was created prior to the adoption of the Zoning Ordinance. Mr. Svoboda stated 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. Mr. Svoboda stated the existing home was constructed within the required rear yard setback per the information submitted by the applicant. Mr. Svoboda stated 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. Mr. Svoboda stated the applicant indicated that the rear of the property slopes downwards towards existing drainage easements and culverts on/adjacent to the property and the existing slopes and drainage easements restricts the areas where additions and/or accessory structures can be constructed on the property. Mr. Svoboda stated the current Zoning Ordinance would permit a 5-foot rear yard setback if Traditional Standards were applied. Mr. Svoboda stated however, since the subject property is a lot of record, the platted setbacks supersede the existing standards. Mr. Svoboda stated 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. 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. Mr. Svoboda stated the only place where the proposed addition can be located is to the rear of the existing dwelling over the existing concrete patio and 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. Mr. Svoboda stated 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 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 and 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. Mr. Svoboda stated 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.

Mr. Johnson stated he had nothing to add to staff's recommendation. Mr. Johnson stated his property is not really adjacent to another property and the property behind him has a screened in porch.

Chair Jones requested to know if anyone wished to comment on this request and no one requested to speak.

Mr. Langley moved to close the public hearing. Ms. Fischbach seconded the motion and the motion passed 4-0.

Ms. Fischbach moved 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. Mr. Tomlin seconded the motion and the motion passed 4-0.

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).

Mr. Bryan stated the applicable standards for the Zoning Ordinance is the staff report. Mr. Bryan stated 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. Mr. Bryan stated 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. Mr. Bryan stated the property was originally platted with a 30-foot rear yard setback in 1980. Mr. Bryan stated 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. Mr. Bryan stated the applicant is proposing to construct a 15' x 37.5' addition to the rear of the existing dwelling. Mr. Bryan stated the lot the dwelling is situated on has a slanting rear property line that produces a unique rear setback line. Mr. Bryan stated the lot also contains an existing PUDE that cannot be built on. Mr. Bryan stated the proposed addition would encroach into the rear setback approximately 7.5'. Mr. Bryan stated 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. Mr. Bryan 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. Bryan stated 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. Mr. Bryan stated the encroachment to the rear setback would be minimal as the rear setback line deepens the further back the lot goes. Mr. Bryan stated 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. Mr. Bryan stated 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. Mr. Bryan stated 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. Mr. Bryan stated 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. Mr. Bryan stated 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 and 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. Mr. Bryan stated 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 met all three of the standards required for granting a variance.

Mr. Holz stated staff has done an excellent job on the report.

Chair Jones requested to know if anyone wished to comment on this request and no one requested to speak.

Mr. Langley moved to close the public hearing. Mr. Tomlin seconded the motion and the motion passed 4-0.

Chair Jones noted there were three notes in the packet in favor of this request.

Mr. Langley moved 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. Ms. Fischbach seconded the motion and the motion passed 4-0.

Other Business.

Adjourn.

With there being no further business, the meeting was adjourned at 6:26pm.

A handwritten signature in blue ink, reading "Fred Jones, Jr.", is written over a horizontal line.

Chair