

**MEETING MINUTES OF THE
FRANKLIN BOARD OF ZONING APPEALS
July 5, 2018**

The Franklin Board of Zoning Appeals held a regular meeting on Thursday, July 5, 2018, at 6:00 p.m. in the City Hall Boardroom.

Members present: Jonathan Langley
 Joel Tomlin
 Gillian Fischbach
 Frank Jones
 Greg Caesar

Staff present: James Svoboda, Planning & Sustainability
 Misty Foy, Law Department

The agenda read as follows:

Review and approval of Minutes from April 5, 2018, BZA Meeting

Zoning Map Interpretation Request by Michael Story of HFR Design, Inc., 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 along Memorial Drive, the Highlands at Ladd Park PUD Subdivision, Section 36 (Lots 830-831, 832-840, & 844), be based on the Letter of Map Revision Based on Fill (LOMR-F) Determination issued by FEMA on May 16, 2018 (FEMA Case No. 18-04-4096A) (F.Z.O. § 2.2.4(1)(a) and F.Z.O. § 5.8.5(5)(c)(i)).

Zoning Map Interpretation Request by Michael Story of HFR Design, Inc., 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 along Memorial Drive, in the Highlands at Ladd Park PUD Subdivision, Section 41 (Lots 830-831, 832-840, & 844), be based on the Letter of Map Revision Based on Fill (LOMR-F) Determination issued by FEMA on May 23, 2018 (FEMA Case No. 18-04-4314A) (F.Z.O. § 2.2.4(1)(a) and F.Z.O. § 5.8.5(5)(c)(i)).

Variance Request by Ed Michael Puckett, for a 10-foot encroachment into the required 30-foot rear yard setback to construct a screened porch located at the rear of the existing dwelling at 372 Sims Lane (F.Z.O §3.3.3, Table 3-6).

Chair Jones called the meeting to order at 5:58 pm. Chair Jones requested to know if there were any non-agenda items.

Mr. Svoboda stated no.

Minutes from April 5, 2018, BZA Meeting

Mr. Caesar moved to approve the April 5, 2018 meeting minutes. Mr. Langley seconded the motion and the motion carried 5-0.

Zoning Map Interpretation Request by Michael Story of HFR Design, Inc., 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 along Memorial Drive, the Highlands at Ladd Park PUD Subdivision, Section 36 (Lots 830-831, 832-840, & 844), be based on the Letter of Map Revision Based on Fill (LOMR-F) Determination issued by FEMA on May 16, 2018 (FEMA Case No. 18-04-4096A) (F.Z.O. § 2.2.4(1)(a) and F.Z.O. § 5.8.5(5)(c)(i)).

Mr. Svoboda stated Mr. Story is requesting 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 along Memorial Drive, in the Highlands at Ladd Park PUD Subdivision, Section 36 (Lots 830-831, 832-840, & 844), be based on the Letter of Map Revision Based on Fill (LOMR-F) Determination issued by FEMA on May 16, 2018 (FEMA Case No. 18-04-4096A) (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 on Memorial Drive and Sandlin Court in the Highlands at Ladd Park PUD Subdivision, Section 36, Lots 830-831, 832-840, & 844. Mr. Svoboda 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. Svoboda stated the current FFO boundaries are based on the adopted FIRM Map Number 47187C0360F, effective September 29, 2006. FEMA issued a Letter of Map Revision Based on Fill (LOMR-F) Determination on May 16, 2018, updating the flood zone information and the location of the 100-year floodplain boundaries on the subject property. Mr. Svoboda stated the LOMR-F approved by FEMA became effective on May 16, 2019 (FEMA Case No. 18-04-4096A). 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 and 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 (LOMR-F) issued by FEMA on May 16, 2018 (FEMA Case No. 18-04-4096A), effective May 16, 2018.

Mr. Story stated he had no comments.

Chair Jones opened the public portion of the meeting and requested to know if anyone from the audience would like to speak on this item and no one requested to speak.

Mr. Caesar moved to close the public portion of the meeting. Mr. Langley seconded the motion and the motion carried 5-0.

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 in the Highlands at Ladd Park PUD Subdivision, Section 36 (Lots 830-831, 832-840, & 844), be based on the LOMR-F Determination approved by FEMA on May 16, 2018 (FEMA Case No. 18-04-4096A), effective May 16, 2018, because the

applicant has satisfied the Zoning Ordinance requirements for making the boundary line interpretation. Ms. Fischbach seconded the motion and the motion carried 5-0.

Zoning Map Interpretation Request by Michael Story of HFR Design, Inc., 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 along Memorial Drive, in the Highlands at Ladd Park PUD Subdivision, Section 41 (Lots 830-831, 832-840, & 844), be based on the Letter of Map Revision Based on Fill (LOMR-F) Determination issued by FEMA on May 23, 2018 (FEMA Case No. 18-04-4314A) (F.Z.O. § 2.2.4(1)(a) and F.Z.O. § 5.8.5(5)(c)(i)).

Mr. Svoboda stated Mr. Story is requesting 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 along Memorial Drive, in the Highlands at Ladd Park PUD Subdivision, Section 41 (Lots 805-813), be based on the Letter of Map Revision Based on Fill (LOMR-F) Determination issued by FEMA on May 23, 2018 (FEMA Case No. 18-04-4314A) (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 on Memorial Drive and Sandlin Court in the Highlands at Ladd Park PUD Subdivision, Section 41, Lots 805-813. Mr. Svoboda 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. Svoboda stated the current FFO boundaries are based on the adopted FIRM Map Number 47187C0360F, effective September 29, 2006. FEMA issued a Letter of Map Revision Based on Fill (LOMR-F) Determination on May 23, 2018, updating the flood zone information and the location of the 100-year floodplain boundaries on the subject property. Mr. Svoboda stated the LOMR-F approved by FEMA became effective on May 23, 2019 (FEMA Case No. 18-04-4314A). 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 and 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 (LOMR-F) issued by FEMA on May 23, 2018 (FEMA Case No. 18-04-4314A), effective May 23, 2018.

Mr. Story stated he had no comments.

Chair Jones opened the public portion of the meeting and requested to know if anyone from the audience would like to speak on this item and no one requested to speak.

Mr. Caesar moved to close the public portion of the meeting. Mr. Langley seconded the motion and the motion carried 5-0.

Ms. Fischbach moved to approve the request to interpret that the location of the boundary of the FFO Overlay District on the subject properties located in the Highlands at Ladd Park PUD Subdivision, Section 41 (Lots 805-813), be based on the LOMR-F Determination approved by FEMA on May 23, 2018 (FEMA Case No. 18-04-4314A), effective May 23, 2018, because the applicant has satisfied the Zoning Ordinance requirements for making the boundary line interpretation. Mr. Langley seconded the motion and the motion carried 5-0.

Variance Request by Ed Michael Puckett, for a 10-foot encroachment into the required 30-foot rear yard setback to construct a screened porch located at the rear of the existing dwelling at 372 Sims Lane (F.Z.O §3.3.3, Table 3-6).

Mr. Svoboda stated Mr. Puckett is requesting a 10-foot encroachment into the required 30-foot rear yard setback to construct a screened porch located at the rear of the existing dwelling at 372 Sims Lane (F.Z.O §3.3.3, Table 3-6). 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 current Zoning Ordinance. The property was originally platted as part of Section B of the Fieldstone Farms PUD Subdivision in 1993. The curvature of the cul-de-sac pushed back the buildable space for the lot. The proposed roof will be constructed along the rear wall of the existing dwelling and the applicant is requesting a 10-foot encroachment into the required 30-foot rear yard setback.
 - The shallowness of the lot as well as the location of an existing PUDE, restricts the areas where additions and/or accessory structures can be constructed on the property. Additionally, the curvature of the lot limits the buildable space at the rear of the property. The subject property backs up to defined open space and would not encroach into the public viewshed.
 - 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 shallowness of the buildable space as a result of the cul-de-sac and location of the PUDE, the only place where the proposed roof cover can be located is to the rear of the existing dwelling within the rear setback. 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 roof cover 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 proximity to the open space, 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 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.

Mr. Puckett had no additional comments.

Chair Jones opened the public portion of the meeting and requested to know if anyone from the audience would like to speak on this item and no one requested to speak.

Mr. Caesar moved to close the public portion of the meeting. Mr. Langley seconded the motion and the motion carried 5-0.

Mr. Caesar moved to approve the variance request to vary the required 30-foot rear yard setback by 10 feet which would result in a 20-foot rear yard setback to construct a roof over a portion of an existing concrete patio located at the rear of the existing dwelling located at 372 Sims Lane. Mr. Caesar stated the applicant has demonstrated that the standards for granting a variance due to the lot being uniquely shaped given there is a cul-de-sac in front of the lot and the strict application of this provision would result in exceptional difficulty of the homeowner and finally this relief could be granted without being a detriment to the public good or impair the intent and purpose of the Zoning Ordinance. Mr. Langley seconded the motion and the motion carried 5-0.

Other Business.

No other business.

Adjourn.

With there being no further business, the meeting was adjourned at 6:12 pm.



Chair