

**MEETING MINUTES OF THE
FRANKLIN BOARD OF ZONING APPEALS
November 7, 2019**

The Franklin Board of Zoning Appeals held a regular meeting on Thursday, November 7, 2019 at 6:00 p.m. in the City Hall Boardroom.

Members present: Frank Jones
 Gillian Fischbach
 Jonathan Langley

Staff present: Kelly Dannenfelser, Planning & Sustainability Department
 Joey Bryan, Planning & Sustainability Department
 Bill Squire, Assistant City Attorney
 Lori Jarosz, Building and Neighborhood Services Department
 Shanna McCoy, Building and Neighborhood Services Department

The agenda read as follows:

Review and approval of Minutes from September 5, 2019, BZA Meeting

Announcements

Administrative Appeal by Gary Luffman, for the construction of three non-conforming single-family dwellings in R-2 Zoning at 139 and 141 Old Liberty Pike (F.Z.O §3.2.3, Table 3-2, §4.3).

Chair Jones called the meeting to order at 6:00 pm.

Minutes from September 5, 2019, BZA Meeting

Mr. Langley moved to approve the September 5, 2019, meeting minutes. Ms. Fischbach seconded the motion and the motion carried 3-0.

Announcements:

Chair Jones requested to know if there were any non-agenda items.

Ms. Dannenfelser introduced Kelli Gibson to the Board. Ms. Gibson was recently hired as a Planner and Ms. Dannenfelser stated that one of her duties would be taking over the staff liaison position for the Board of Zoning Appeals. Chair Jones welcomed Ms. Gibson on behalf of the Board.

Administrative Appeal by Gary Luffman, for the construction of three non-conforming single-family dwellings in R-2 Zoning at 139 and 141 Old Liberty Pike (F.Z.O §3.2.3, Table 3-2, §4.3).

Mr. Bryan stated Mr. Gary Luffman was asking for an Administrative Appeal for the construction of three non-conforming single-family dwellings in R-2 Zoning at 139 and 141 Old Liberty Pike (F.Z.O §3.2.3, Table 3-2, §4.3).

Mr. Bryan presented the Board with a summary of the events that led to the administrative appeal. Former Zoning Administrator Molly Pike provided the applicant with a letter stating her determination that if the existing structures on the property, an existing duplex and a single-family structure on one R-2 zoned lot were removed, then the only new structures permitted must be in accordance with the permitted uses and structures in the R-2 district. As such the applicant would not be able to construct three single-family dwellings on the property, maintaining the existing dwelling count. Mr. Bryan stated that the applicant then appealed the decision to the Board of Zoning Appeals. Mr. Bryan added that because the City has already made a determination in the matter, there is no formal staff report accompanying the item materials.

Mr. Luffman stated it was his understanding that the property would not lose the nonconformity allowing him to construct three single-family dwellings. Mr. Luffman went through a list of points citing how by not increasing the number of dwelling units, the nonconformity would not be affected.

Chair Jones asked the audience if anyone would like to speak in favor of the item. No one spoke. He then asked if all the audience members were opposed to the item. About a dozen audience members indicated they were against. He asked if the neighbors had a spokesperson who would like to speak for them.

Mr. Lloyd Crockett at 166 Franklin Road spoke against the item.

Mr. Steve Brugman at 203 Old Liberty Pike spoke against the item.

Ms. Fischbach moved to close the Public Hearing portion. Mr. Langley seconded the motion and the motion carried 3-0.

Mr. Langley asked staff for clarification on what specifically the Board was to review as Mr. Luffman had many questions in his formal appeal letter.

Mr. Squires responded by stating the Board was only making a decision on whether they agreed with staff's determination of the nonconforming status. Ms. McCoy gave some background on Staff's determination. Mr. Squires added that going from two to three structures would increase the degree of nonconformity.

Ms. Fischbach asked staff to comment on if their decision would remain with the property or if the applicant would have a chance to appeal the decision in the future.

Chair Jones followed with a question for staff as to whether this decision would be valid for a year or does it end once the new Ordinance is adopted.

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Ms. Dannenfelsler clarified that the applicant submitted the request under the current City Zoning Ordinance. The proposed Zoning Ordinance, that is currently under review by the Board of Mayor and Aldermen, treats the nonconformity differently. Ms. Dannenfelsler further stated that under the new Zoning Ordinance, if approved as drafted, the applicant could re-construct a duplex and an accessory dwelling, but it would have to follow accessory dwelling regulations including the parcel being owner occupied.

Ms. Dannenfelsler stated the applicant could come back to staff for a determination once the new Zoning Ordinance has been approved and is in effect.

Chair Jones asked staff what the timeframe was for the adoption of the new Ordinance.

Ms. Dannenfelsler stated that the draft Ordinance had gone before the Planning Commission in October, and was scheduled to be before the Board of Mayor and Aldermen on November 12 for Work Session and 1st Reading, November 26 for 2nd Reading, and December 10 for 3rd and Final Reading, with an effective date of December 30, 2019.

Mr. Langley moved to uphold staff's decision. Ms. Fischbach seconded the motion.

Ms. Fischbach moved to amend the motion to include that the request would increase the degree of nonconformity. Mr. Langley seconded the amendment and it passed 3-0.

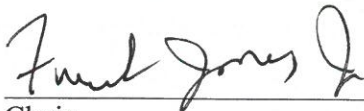
With the main motion having been made and seconded, the motion carried 3-0.

Other Business.

No other business.

Adjourn.

With there being no further business, the meeting was adjourned at 6:36.



Chair