

**FRANKLIN HISTORIC ZONING COMMISSION  
MINUTES  
JULY 13, 2020**

The Franklin Historic Zoning Commission its regular scheduled meeting on Monday, July 13, 2020, at 5:00 pm in the City Hall Boardroom at 109 Third Avenue South.

Members Present: Kelly Baker-Hefley  
Susan Besser  
Jeff Carson  
Mike Hathaway  
Brian Laster  
Ken Scalf  
Mary Pearce  
Jim Roberts  
Lisa Marquardt

Staff Present: Amanda Rose, Planning & Sustainability Department  
Kelly Dannenfelser, Planning & Sustainability Department  
Kelli Gibson, Planning & Sustainability Department  
Maricruz Fincher, Law Department  
Robert Mott, Communications Department

**Call to Order**

Chair Roberts called the July 13, 2020, meeting to order at 5:05 pm.

**RESOLUTION 2020-120**

Consideration of Resolution 2020-120, “A Resolution Declaring That The Historic Zoning Commission Shall Meet On July 13, 2020, And Conduct Its Essential Business By Electronic Means Rather Than Being Required To Gather A Quorum Of The Members Physically Present In The Same Location Because It Is Necessary To Protect The Health, Safety, And Welfare of Tennesseans In Light Of The COVID-19 Outbreak”

Ms. Baker-Hefley moved to approve Resolution 2020-120. Mr. Scalf seconded the motion, and the motion carried 9-0.

Chair Roberts read a statement letting the public know how they may access the meeting and make comments, and it states as follows:

To prevent the spread of COVID-19 and to protect the health, safety, and welfare of City of Franklin officials, staff, and citizens, the Historic Zoning Commission will restrict physical access in the meeting room to a small number of staff members due to current limitations on public gatherings. Accommodations have been made to ensure that the public is still able to participate in the meeting. The public may participate in the following ways:

- Watch the meeting on FranklinTV or the City of Franklin website.
- Watch the live stream through the City of Franklin Facebook and YouTube accounts.

- Call 615-550-8434 to listen to the meeting. Callers will be unmuted and given an opportunity to ask questions during the meeting at specific times.
- Limited viewing will be available in the lobby of City Hall to watch the live video.
- The public may email questions to [planningintake@franklintn.gov](mailto:planningintake@franklintn.gov) to be read aloud during the meeting. Comments will be accepted up to one hour prior to the meeting.
- Share your official comment with the agenda item specified in the comment section of the Facebook or YouTube live videos.

**Minutes: June 8, 2020**

Ms. Pearce moved to approve the June 8, 2020 minutes. Mr. Carson seconded the motion, and the motion passed 9-0.

**Consideration of Requests to place non-agenda emergency items on the agenda.**

No Requests.

**Citizens Comments on Items Not on the Agenda**

**Open for Franklin citizens to be heard on items not included on this Agenda. As provided by law, the Historic Zoning Commission shall make no decisions or consideration of action of citizen comments, except to refer the matter to the Planning Director for administrative consideration, or to schedule the matter for Historic Zoning Commission consideration at a later date.**

No one requested to speak.

**Item 1:**

**Consideration of Fencing at 203 2nd Ave. S.; Dianne Christian, Applicant.**

Ms. Gibson stated the applicants are requesting a Certificate of Appropriateness (COA) for the construction of primary yard fencing at 203 2nd Ave. S. Ms. Gibson stated 8’ of fencing will be an extension of existing side yard fencing into the primary yard and perpendicular to the sidewalk located in front of the property. Ms. Gibson stated proposed style and materials will be 3’ cedar plank picket fencing, which is consistent with the existing fencing on the property. Ms. Gibson stated the *Guidelines* state that wooden picket fences are the most common fencing material for the primary yard and that primary yard fencing should not exceed 3’ in height (p. 58, #4 and p. 59, #10). Ms. Gibson stated that staff has consulted with Building and Neighborhood Services, and the proposed fencing as shown does not encroach into the right-of-way. Ms. Gibson stated the material, style, and location of the fencing is consistent with the *Guidelines*. Ms. Gibson stated it is recommended that the Historic Zoning Commission approve the proposed fencing as follows:

1. The application must meet all the requirements of the Building & Neighborhood Services Department, and any changes must be returned to the Historic Zoning Commission for review and approval.

Mr. Christian stated as proposed it is a short fence, there was some landscape bushes that died, and we are just trying to make it look aesthetic.

Chair Roberts requested to know if any citizens wished to comment on this item, and no one requested to speak.

Mr. Laster moved to approve a Certificate of Appropriateness for the proposed fencing. Mr. Carson seconded the motion.

Ms. Pearce requested to know if there would be a post like in the picture.

Mr. Christian stated yes, there would be a 6x6 post on each end with a post cap.

The motion carried 9-0.

**Item 2:**

**Consideration of Alterations (Porch) at 1028 Benelli Park Ct.; Jim Poole, Applicant.**

Ms. Gibson stated the applicants are requesting a Certificate of Appropriateness (COA) for the alteration of an existing porch at 1028 Benelli Park Ct. Ms. Gibson stated the project consists of adding seven decorative brackets to the existing front porch columns. Ms. Gibson stated the brackets will be composed of the same material as the porch columns. Ms. Gibson stated the *Guidelines* state that architectural features that are not original to historic porches should not be added and that buildings should not be historicized by adding inappropriate architectural ornamentation (p.48, #3 and p. 79, # 17). Ms. Gibson stated the intent of these standards is to preserve and maintain historic architectural features and avoid the imitation of a different period of significance. Ms. Gibson stated that as the subject property is an infill house built in 2015 and a non-contributing building to the Boyd Mill Avenue Historic District, the proposed alteration would not be inappropriate and would not be an attempt to historicize the house. Ms. Gibson stated the proposed alteration is not a replication of a design seen on a neighboring property and the alteration would not have a negative impact on the character of the street or district. Ms. Gibson stated the *Guidelines* also state that porch elements should be composed of wood, brick or metal (p.79, #8). The proposed alteration conforms to the *Guidelines*. Ms. Gibson stated it is recommended that the Historic Zoning Commission approve the proposed porch alteration as follows:

1. The application must meet all the requirements of the Building & Neighborhood Services Department, and any changes must be returned to the Historic Zoning Commission for review and approval.

Mr. Poole stated they felt the porch needed a little something decorative, his brother is an architect and came up with this drawing, and they really liked it.

Chair Roberts requested to know if any citizens wished to comment on this item, and no one requested to speak.

Ms. Marquardt moved to approve a Certificate of Appropriateness for the proposed porch alteration on project #7289. Mr. Scalf seconded the motion, and the motion carried 9-0.

**Item 3:**

**Consideration of New Construction at 440 Boyd Mill Ave.; William Shea, Applicant.**

Ms. Rose stated the applicant is requesting a Certificate of Appropriateness for the construction of a 1-1/2-story principal structure with attached side-loaded garage at 44 Boyd Mill Ave. Ms. Rose stated the applicant appeared before the Design Review Committee to discuss the proposal at its April 20, 2020 and May 18, 2020 meetings.

Ms. Rose stated the Boyd Mill Avenue Historic District consists of a diverse collection of one and two-story Colonial Revival, Folk Victorian, and Bungalow residences that were constructed in the early through mid-20<sup>th</sup> century. Ms. Rose stated there are a couple of mid-century ranch styles as well. Ms. Rose stated infill construction on the northern side of the street has reinforced the setback rhythm of the historic residences. Ms. Rose stated driveways are generally in the side yards. Ms. Rose stated the *Guidelines* recommend that new construction is designed to be compatible in massing, height, proportions, scale, size, and architectural features of adjacent buildings and that new construction complement rather than detract from the character of the historic district (p.66, #4). Ms. Rose stated driveways should follow historic patterns and should be located along rear or side elevations and should be landscaped to mitigate impacts on the district's historic character (p.77, #6). Ms. Rose stated further, the *Guidelines* state that landscaping should not conceal or obscure the primary elevation (p.70, #10).

Ms. Rose stated the subject property is located along the northern side of the street and features a typical frontage width, with the rear yard much wider than the front. Ms. Rose stated the applicant is proposing to site a residence near the rear of the property, 287' from of the street. Ms. Rose stated most of the front setbacks along the northern side of the street, with the historic district, range from 60'-80' (Exhibit 2). Ms. Rose stated a couple of deeper lots, at 418 and 512 Boyd Mill Ave., have approximate 130'-140' front yard setbacks. Ms. Rose stated 444 Boyd Mill Ave., the property to the immediate left of the subject property, has an approximate 110' front yard setback (Exhibit 3). Ms. Rose stated the *Guidelines* recommend that one reinforce and maintain existing setbacks of adjacent structures (p.67, #9). Ms. Rose stated at 287' from the street, the proposal is approximately twice the depth from the street than the other residences within the historic district along the block face. The proposed placement interrupts the rhythm of placement along the street and thus detracts from its historic character.

Ms. Rose stated the size of the proposed structure, at a 6741-sq. ft. footprint, is larger than the adjacent building sizes. Ms. Rose stated the *Guidelines* recommend that new construction is designed to be compatible in size with adjacent buildings. Ms. Rose stated due to the proposed siting of the building on the property—with the access to the right and the attached garage to the left—the applicant is proposing to construct the driveway across the front of the residence. Ms. Rose stated the *Guidelines* recommend that driveways should follow historic patterns and should be located along rear or side elevations, as seen in the Boyd Mill Avenue Historic District. Ms. Rose stated as such, the proposal is not consistent the recommendations.

Ms. Rose stated the proposed scale of 1 1/2 stories is appropriate for the Boyd Mill Avenue Historic District. Ms. Rose stated the massing of the proposal, however, is not consistent with the context of the district. Ms. Rose stated the residence is proposed as four different masses—a main principal form, two gabled “wings” to that principal form, and a 38'-5”-wide side-loaded garage and connector. Ms. Rose stated at 140' in width, however, the proposed residence presents much more mass than that found elsewhere along the streetscape. Ms. Rose stated the width of the residences on the southern side of Boyd Mill Ave., within the designated historic district, range from approximately 30'-60', with the narrower massing to the east. Ms. Rose stated on the northern side, the widths of the residences range from approximately 40'-70', with the narrower massing to the east. One notable exception is Magnolia Hall, the estate property at 600 Boyd Mill Ave., which measures approximately 120' in width (Exhibit 4).

Ms. Rose stated the proposed structure cannot be sited to meet the recommended *Guidelines* for the reinforcement and maintenance of existing setbacks of adjacent structures due to its incompatible massing. Ms. Rose stated a portion of the massing incompatibility is due to the proposal to attach a garage to the left side of the structure, which is visible from vantages from street view. Ms. Rose stated the *Guidelines* recommend that “in areas where historic garages are generally detached, new garages

should appear to be detached. Ms. Rose stated attached garages should be designed in such a way that they are located at traditional locations behind the rear plane of the main form of the house or otherwise not be visible from the street” (p.68, #22). Ms. Rose stated as noted by the *Guidelines*, landscaping should not conceal or obscure the primary elevation (p.70, #10), so the use of trees to limit the visibility of the attached garage, as discussed at the May Design Review Committee meeting, is not recommended. Ms. Rose stated while the relocation of the attached garage would not mitigate the massing incompatibility in its entirety, the Boyd Mill Avenue Historic District features more detached accessory structures than attached garages, so it would be most appropriate to detach the proposed garage and relocate it behind the main plane of the residence. Ms. Rose stated an alternative placement of an attached garage further behind and to the rear of the principal form would also meet the intent of the *Guidelines*, so as not to be visible from street views.

Ms. Rose stated the height of the proposal, at 29’, appears to be mostly consistent with the *Guidelines*. Ms. Rose stated heights range along the northern side of the street from approximately 15’ to approximately 32’.

Ms. Rose stated the materials of the proposed new construction are listed as cementitious lap siding of a 7” reveal, board-and-batten siding and standing seam metal roofing for the attached garage, stone wainscoting, architectural-grade asphalt shingles, and rubber membrane roofing on the rear porch. Stone and window specifications have not been provided. Ms. Rose stated lap siding should be consistent with that on the principal and adjacent historic buildings (p.83, #5). Ms. Rose stated the use of 7” lap reveal is mostly consistent with the *Guidelines*, as there are examples of Colonial Revival styles on the street that feature wider lap reveals while there are a couple of examples of a wider lap reveal on the street (Exhibit 2 & Exhibit 5). Ms. Rose stated the secondary proposed siding material, board-and-batten siding, is not typical for the historic homes in the neighborhood, but it has been approved for infill construction on the street.

Ms. Rose stated the proportion and rhythm of window openings are consistent with the *Guidelines*, which recommend maintenance of the rhythm and spacing of window and door openings of adjacent structures (p.68, #17).

Ms. Rose stated it is recommended that the Historic Zoning Commission deny the proposed new construction with the following:

1. The *Guidelines* recommend that one reinforce and maintain existing setbacks of adjacent structures (p.67, #9). At 287’ from the street, the proposal is approximately twice the depth from the street than the other residences within the historic district along the block face. The proposed placement interrupts the rhythm of placement along the street and thus detracts from its historic character.
2. The size of the proposed structure, at a 6741-sq. ft. footprint, is larger than the adjacent building sizes. The *Guidelines* recommend that new construction is designed to be compatible in size with adjacent buildings.
3. The massing of the proposal is not consistent with the context of the district. The proposed structure cannot be sited to meet the recommended *Guidelines* for the reinforcement and maintenance of existing setbacks of adjacent structures due to its incompatible massing.
4. The proposed attached garage is visible from street vantage, as demonstrated by the applicant. The *Guidelines* recommend that “in areas where historic garages are generally detached, new garages should appear to be detached” but that “attached garages should be designed in such a way that they are located at traditional locations behind the rear plane of the main form of the house or otherwise not be visible from the street” (p.68, #22).

5. Due to the proposed siting of the building on the property—with the access to the right and the attached garage to the left—the applicant is proposing to construct the driveway across the front of the residence. The *Guidelines* recommend that driveways should follow historic patterns and should be located along rear or side elevations, as seen in the Boyd Mill Avenue Historic District. As such, the proposal is not consistent the recommendations.
6. If issued a COA, the applicant must provide a sample of the proposed stone to the Preservation Planner or the HZC for consideration and approval in light of the *Guidelines* prior to issuance of a building permit.
7. If issued a COA, the windows must have historic profile and dimension and consist of either wood or a composite material with the appearance of wood. The window specifications must be approved by the Preservation Planner or the HZC prior to issuance of a building permit.

Mr. Shea stated they have been to DRC a couple of times now and the property itself is atypical and we intentionally moved the house to where it is to take advantage of the lot. Mr. Shea stated in general, he doesn't disagree with a lot of staff's comments, but he feels we have all come to terms with the fact that Boyd Mill is extremely varied, this lot is atypically large, and a lot of factors went into the placement of the garage and some of the things staff mentioned, specifically the house being twice as deep as other houses and the property is way larger than most of the properties on Boyd Mill.

Mr. Shea requested Ms. Rose to project the contextual aerial he submitted.

Mr. Shea stated on the southeast corner of Boyd Mill there are a couple of cottages, 15-20 feet off the road, you then have moving westward Franklin Manor Apartment complex, and left of that are three new construction houses, and past that is a mid-century ranch house, and past that there are some cottages, and then you come to our subject property. Mr. Shea suggested looking at the collection of photos and stated in the upper center and lower center are our lots. Mr. Shea stated the lower center photograph is the proposed view from the street, which will have heavy landscape and behind a stone wall. Mr. Shea stated that there may be some confusion in light of one of staff's comments and explained that there is an image that states, "existing garage," and that it belongs to someone else's existing lot, that is lower. Mr. Shea explained that he believed that stating that the garage is visibly is questionable. Mr. Shea stated at the first DRC meeting, we did a handful things by shifting the garage, lowered the house, take out part of the wall, and minimal trees to preserve the streetscape that is there. Mr. Shea stated there are clusters of pattern on Boyd Mill but that it is varied. Mr. Shea stated by pushing the house back, we are preserving what is there. Mr. Shea stated they do not want to crowd the other house. Mr. Shea stated the placement of the home is to be respectful of what is there. Mr. Shea stated at last month's meeting, we pushed the garage back further to show the existing homes. Mr. Shea stated the house is wider than most houses, but the lot is large and deep. Mr. Shea stated his clients are trying to be sensitive to the other homes and property. Mr. Shea stated at the last DRC, he felt people were starting to understand the reasoning.

Chair Roberts requested to know if any citizens wished to comment on this item, and no one requested to speak.

Ms. Baker-Hefley moved to approve Project 7290. Mr. Laster seconded the motion.

Ms. Besser stated Ms. Baker-Hefley will have to state a reason for making a motion against the *Guidelines*.

Ms. Baker-Hefley stated with each process, we have to kind of balance the public private rights versus the public benefit, and with the variations that exist in this overlay and the setbacks and also being buried, it

is just really difficult for her to understand how a person could enjoy the property rights on this particular property because of its awkward size and deep lot. Ms. Baker-Hefley stated that this makes her question whether or not we are receiving the public benefit to create that imbalance with the private enjoyment.

Mr. Laster stated he is seconding the motion because when he looks at the Vandalia Development and the Franklin Cottage Apartments—noting that our board green-lighted Vandalia Cottages—and when he sees the subject property, it is so far off the road that he does agree with the architect that they are not cramming a house between two existing homes.

Ms. Besser stated this house is coming across as a house that would be in a modern-day development and in her estimation, it is not sensitive to the context of the neighborhood and the massing is not sympathetic to the context.

Ms. Pearce stated she appreciates they are going to do a remarkable house on a beautiful piece of unique property but that she doesn't feel like this is the best solution to it fitting in with the neighborhood. Ms. Pearce stated there have been changes in the Envision Franklin Plan that call for some compatibility to size and larger lot size, so Vandalia Cottages would not be approved under the new Plan, and she thinks having the house sitting at an angle is not a good thing either. Ms. Pearce stated she feels there is a way to make something better and she will not be supporting the application as submitted.

Ms. Rose explained the Vandalia Cottages project was a planned unit development approved for density purposes by the Board of Mayor and Alderman, so that wasn't a by-right approval for density. Ms. Rose stated a by-right approval would be if there was a lot size proposed for a subdivision that was met without having to request a rezoning in order to achieve it.

Mr. Carson requested to know if the massing question is an issue of its context within the street or if it is based on the percentage that we try to stay within based on the lot size.

Ms. Rose stated if Mr. Carson was talking about the maximum lot coverage, then certainly the lot size, but not so in this case due to the large lot. Ms. Rose explained about the width and mass of the project.

Ms. Marquardt stated the driveway is really long and asked if it would be reviewed by Building and Neighborhood Services.

Ms. Rose stated due to the curb cut, it will need to be reviewed by Building and Neighborhood Services, but that she feels this would work. Ms. Rose stated material would be something we need to decide on and understand what is being used.

Ms. Marquardt stated she hasn't seen anywhere or anything that resembles such an unusual driveway but understands you have to be able to get back there. Ms. Marquardt stated she would also echo what Ms. Besser stated.

Mr. Shea stated the material for the driveway is either a gravel or an asphalt material. Mr. Shea stated Magnolia Hall has a driveway that goes in all sorts of ways and that while he knows this isn't Magnolia Hall, we do need a way to get back there. Mr. Shea stated this is an atypical lot.

Ms. Baker-Hefley stated she sees that there really isn't another way to access the property except through Boyd Mill.

Ms. Rose stated the only access is Boyd Mill.

Ms. Baker-Hefley stated that if the garage could be detached and put in the back, it would solve a lot of problems but because of all the variations discussed that she feels comfortable with this one.

Mr. Laster stated that he noticed from the street view there is a historic rock wall in front of this property and asked if the drive need to breach that wall or if there is an opening already.

Chair Roberts stated it looks like on the second picture, the drive looks like it would come in on the right side and avoid the rock wall and asked Mr. Shea if that was true.

Mr. Shea stated they would have to breach the rock wall and wants to do as little damaging as possible to the wall.

Ms. Rose stated she is not sure how historic that rock wall is but knows the property to the immediate left built a lot of that wall when they did renovations to their property years ago.

Ms. Pearce requested to know why the house is sitting at an angle.

Mr. Shea stated that could be an optical illusion and that the house is exactly parallel to Boyd Mill Avenue.

Mr. Scalf requested to know if this is a common situation that we could see again or if this unique.

Ms. Rose stated this is a lot of record for a few years.

Ms. Dannenfelsler stated that the lot was created within the last few years by the property owner on the adjacent lot to the west.

Ms. Rose explained minimum lot width requirements. Ms. Rose stated that she is not sure that this type situation would not happen often in historic district.

Ms. Dannenfelsler that it is not common but may happen.

Mr. Carson stated the bulk of the massing is the garage and asked Mr. Shea to address any other suggestions to address staff's concerns for the garage.

Mr. Shea stated they are fighting this idea and explains if detached, the overall width gets wider, and he explained the materials were changed. Mr. Shea stated it could be detached, yes, but it would make it wider, and in lieu for doing that, we kept it connected with a glass-and-metal connector to divorce that from a run-on from the house.

Mr. Carson asked for staff comments.

Ms. Rose stated she regularly recommends detached garages or garages that have the appearance of being detached, per *Guidelines*, but in this case, even though she respects what the applicant has provided, she does not feel that this application has a garage that has the appearance of being detached. Ms. Rose stated that in providing a justification in light of the *Guidelines* and trying to meet the intent of them as best as possible, she believes that it would be best to try to push the form of the garage further back or to detached it.



Mr. Shea explained they are trying to be sensitive to the topography and sensitive to the canopy of the property, and this is a very unique situation.

Mr. Laster stated if the scale and massing were closer to the street, he could not support that and so it seems like whoever has this property must do something different toward the back of the property. Mr. Laster stated that this is the only reason he is supporting this.

With the main motion having been made to approve the motion carried 5-4, with Ms. Besser, Ms. Marquardt, Ms. Pearce, and Chair Roberts voting no.

**Other Business.**

Ms. Rose mentioned DRC is Monday and there are nine items currently.

**Adjourn.**

With no further business, the meeting was adjourned at 6:21 p.m.

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**Acting Secretary**