

- Watching the live stream through the City of Franklin Facebook and YouTube accounts.
- The public may call into the meeting by calling 1-312-626-6799; Meeting ID 93106614240 with password of 026079. Callers will be unmuted and given the opportunity to comment during the meeting at specific times.
- Limited viewing will also be available in the lobby of City Hall to watch the live video
- The public may email comments to planningintake@franklintn.gov to be provided in full to the BZA and included in the minutes but not read aloud in their entirety during the meeting. Comments will be accepted until noon the day of the meeting.

Review of Minutes from September 3, 2020, BZA Meeting

Mr. Fleishour moved to approve the meeting minutes from September 3, 2020. Ms. Fischbach seconded the motion and the motion carried 4-0.

Staff Announcements

Ms. Dannenfelsler stated there were a couple of staff announcements for the Board. Ms. Dannenfelsler stated that the Middle Tennessee section of the American Planning Association is going to be offering a free virtual training on Friday, November 13, 2020 from 8 am until noon. Ms. Dannenfelsler stated as required by state law, every BZA member must complete four hours of continuing education before the end of the year. Ms. Dannenfelsler stated please mark that date on your calendars and I have sent you an email about it. Ms. Dannenfelsler stated it would also be recorded so you can watch at a later time if that date doesn't work for you. Ms. Dannenfelsler stated let me know if you need additional information and we will be sending out registration details once we receive them. Ms. Dannenfelsler stated the second announcement is that we are going to continue with electronic meetings for the next few meeting dates as permitted by the State so next month we will be adjusting them slightly for a more hybrid approach and the plan will be to allow social distanced public comment in City Hall where the public may line up outside the Boardroom and be permitted to enter a few at a time to speak into the Boardroom podium computer that is connected to the Zoom meeting. Ms. Dannenfelsler stated comments will still be received by phone and email prior to the meeting as well. Ms. Dannenfelsler stated BZA members may continue to join the meetings by Zoom remotely or may choose to come to City Hall Boardroom where your usual seats are now separated by plexiglass for safety. Ms. Dannenfelsler requested to the Board that if they do plan to attend in person please notify staff ahead of time so that we can get the proper technology and if you have any questions about that to please let staff know.

Vice-Chair Langley requested to know if there were any citizen comments.

There were no comments.

Ms. Fischbach moved to close the public portion of the meeting. Mr. Tomlin seconded the motion and the motion carried 4-0.

Applications:

1. Appeal of Administrative Decision Regarding An Interpretation Of The Floodway Fringe Overlay District Boundaries, Based On A Federal Emergency Management Agency Letter Of Map Revision Based On Fill For The Property Located At 770 Jordan Road (F.Z.O §4.3).

Ms. Gibson stated the applicant is requesting an Appeal of Administrative Decision to interpret the City's FFO boundaries for the property located at 770 Jordan Road in the Ranco Farms Subdivision. Ms. Gibson stated the request is based on the Letter of Map Revision Based on Fill (LOMR-F) document issued by FEMA on October 25th, 2019. Ms. Gibson stated the Zoning Ordinance states that the FFO boundaries shall coincide with the boundaries of the 100-year floodplain, excluding floodways, as adopted in Section 17.6, Floodplain Protection. Ms. Gibson stated this request is for the BZA to interpret the FFO boundary based on the FEMA-approved floodplain boundary change as identified in the LOMR-F.

Mr. Wes Magill stated he was with Ragan-Smith and stated they are representing the owners of the Mallory Green Office Building and development at 770 Jordan Road. Mr. Magill stated that the site plan was originally approved in 2018 and as part of that there were some issues that occurred in the past with some mass grading in the late 90s and early 2000s but we are not sure of the exact date. Mr. Magill stated that part of this request is to fix some of the issues that occurred in the floodway and we have corrected those issues and worked closely with staff to come up with a solution and by doing so it modified the Floodway Fringe Overlay boundaries slightly. Mr. Magill stated that was approved by staff at the site plan level and constructed as as-built level and we confirmed that the construction does meet the as-builts and from there we submitted our LOMR-F request to FEMA which was subsequently approved. Mr. Magill stated today we are requesting the interpretation to tie a bow on all the hard work that has gone in the past few years in correcting that issue and I can answer any questions if you have them.

Vice-Chair Langley requested to know if there were any citizen comments.

There were no comments.

Mr. Fleishour moved to close the public comment portion. Ms. Fischbach seconded the motion and the motion carried 4-0.

Mr. Tomlin moved to approve based on the fact that it meets the conditions of the new map for FEMA. Ms. Fischbach seconded the motion. Vice-Chair Langley requested to know from staff if the BZA needed to specify the FEMA case number in the motion. Mr. Squires stated that the motion was fine the way it was worded. The motion carried 4-0.

2. Appeal of Administrative Decision That Determined That Animal Services Was Not A Permitted Home Occupation Use In A Residential District, Located At 105 Kings Gate Lane (F.Z.O §3.10 and §5.2.7.H).

Ms. Gibson stated on July 28, 2020, the applicant submitted a Zoning Certification/Determination Letter Request for the property located at 105 Kings Gate Ln. to the Building and Neighborhood Services Department. Ms. Gibson stated on August 6th, 2020, the Zoning Enforcement Officer issued a Zoning Certification/Determination Letter stating that the subject property was zoned PD-Planned District and listing the permitted home occupation uses in the PD-Planned District zoning district. Ms. Gibson stated the letter further stated that animal services is not a permitted home occupation in the PD-Planned District zoning district. Ms. Gibson stated indoor Animal Services is defined as a facility that regularly offers to the public indoor pet care services for companion animals, such as veterinary services, day care, overnight boarding, grooming, or training for a fee. Ms. Gibson stated the applicant then applied for an Appeal of Administrative Decision with the intent of allowing their home occupation use within the PD-Planned District zoning district. Ms. Gibson stated the BZA must determine whether or not there was an error in the determination made by the Building and Neighborhood Services official.

Ms. Gibson stated for the record staff received one letter in opposition to the item and the letter has been passed along to the BZA members and will be added to the minutes. Ms. Gibson stated she would turn the meeting over to Ms. Shanna McCoy, the Zoning Administrator.

Ms. McCoy stated BNS Zoning Enforcement Officer, Alex Bearden, received a zoning determination letter request for a home occupation from the applicant. Ms. McCoy stated the requested home occupation consisted of a dog grooming business. Ms. McCoy stated she and Mr. Bearden discussed the request and her determination as Zoning Administrator was that dog grooming is not an approvable home occupation per Section 5.2.7.H and Section 5.1.4.K of the Zoning Ordinance.

Ms. McCoy stated in considering the proposed use and exactly what that use would be considered, I looked at the specific Home Occupations that are permitted through the Accessory Use Chapter of the Zoning Ordinance, Section 5.2.7.H. Ms. McCoy stated there is not a use listed in the permitted home occupations in which dog grooming would apply. Ms. McCoy stated she then looked at the definition of Indoor Animal Services, which is defined as a facility that regularly offers to the public indoor pet care services for companion animals, such as veterinary services, day care, overnight boarding, grooming, or training for a fee. Ms. McCoy stated I determined this use to be Indoor Animal Services. Ms. McCoy stated Indoor Animal Services is not listed as a permitted use as a Home Occupation. Ms. McCoy stated per Section 5.1.4.K., the building footprint for Indoor Animal Services shall not be located within 200 feet of a property line of a residential lot. Ms. McCoy stated the principal use of Ms. Johnson's home is single-family residential and since there is a clearly defined definition and a specific use for dog grooming within the Indoor Animal Services use, the restriction would apply and as such does not meet the requirements for an approvable home occupation.

Vice-Chair Langley requested to hear from the applicant.

Ms. Johnson stated she was aware that there are a lot of not acceptable things to do in your house as for dog care, such as daycare and things like that, but I don't think that dog grooming would really affect the neighborhood at all. Ms. Johnson stated she noticed that human daycare was an acceptable home occupation and didn't think dog grooming is going to cause anymore traffic or anything like that. Ms. Johnson stated the dogs would not be free to be outside barking or

anything like that, so I really don't see a reason why it should not be accepted. Ms. Johnson stated it would be small dogs only so they wouldn't be there for very long. Ms. Johnson stated it was going to be a low volume, low stress, simple small business.

Vice-Chair Langley requested to know if there were any citizen comments.

There were no comments.

Ms. Fischbach moved to close the public comment. Mr. Tomlin seconded the motion and the motion carried 4-0.

Vice-Chair Langley stated he felt staff did a good job going through the facts of how they determined their decision through the Zoning Determination letter. Vice-Chair Langley requested to know if there were any factual questions from the board members.

Vice-Chair Langley stated he would entertain a motion.

Mr. Fleishour moved to uphold the determination of the Zoning Enforcement Officer. Mr. Fleishour stated that he was sure that she would run a wonderful grooming business but that unfortunately you are not the first nor will you be the last that has come and asked for a variance. Mr. Fleishour stated that's why we have all these groomers all over town that have borrowed money and built expensive places to take care of their business outside of the zoning that you live in. Mr. Fleishour stated I looked at your house and it's a beautiful house and I don't think there is anything wrong with what you're doing other than the fact that it's just not allowed. Mr. Tomlin seconded the motion and the motion carried 4-0.

Vice-Chair Langley stated he would echo what Jeff said and that in an appeal of administrative decision we are looking at what is in the Zoning Ordinance and what's permitted and what is not. Vice-Chair Langley stated that is the framework we are working from within.

Mr. Tomlin stated it is our job to interpret the Zoning Ordinance and that's what we are doing.

Other Business.

No other business.

Adjourn.

Vice-Chair Langley stated he would entertain a motion to adjourn. Mr. Fleishour moved to adjourn. Ms. Fischbach seconded the motion and the motion carried 4-0.

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

Chair