

**MEETING MINUTES OF THE
FRANKLIN BOARD OF ZONING APPEALS
April 2, 2020**

The Franklin Board of Zoning Appeals held a regular meeting on Thursday, April 2, 2020 at 6:00 p.m. in the City Hall Boardroom.

Members present: Frank Jones
 Jeff Fleishour
 Jonathan Langley
 Gillian Fischbach

Staff present:

Emily Hunter Wright, Planning & Sustainability Department
Kelly Dannenfeler, Planning & Sustainability Department
Kelli Gibson, Planning & Sustainability Department
Bill Squires, Assistant City Attorney
Tom Marsh, Building and Neighborhood Services Department

The agenda read as follows:

Call to Order:

Vice-Chair Langley called the meeting to order at 6:00 pm and noted this meeting is via video and will be taking roll call votes and would be calling on each of your names as we go through items. Vice-Chair Langley stated he would like to entertain a motion to add a non-agenda item to be entitled "Resolution 2020-33", declaring remote BZA meeting due to COVID-19.

Ms. Fischbach moved to add the non-agenda item, Mr. Fleishour seconded the motion and the motion carried 4-0.

Vice-Chair Langley stated he would entertain a motion to adopt Resolution 2020-33.

Ms. Fischbach made the motion to approve. Mr. Fleishour seconded the motion and the motion carried 4-0.

Announcements:

Vice-Chair Langley read aloud the following for how the public could participate in this meeting: To prevent the spread of COVID-19 and to protect the health, safety, and welfare of City of Franklin officials, staff, and citizens, the Board of Zoning Appeals 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 by:

- Watching the live stream through the City of Franklin Facebook and YouTube accounts.

- Watching the meeting on Franklin TV or the City of Franklin website.
- Calling 1-312-626-6799 to listen to the meeting.
- Meeting ID 430 399 1941
- Limited viewing will also be available in the lobby of City Hall to watch the live video. The public may be allowed to enter the Board Room one at a time during the public comment periods of the meeting.
- To provide public comment on an agenda item during the meeting:
- Share comment on an agenda item in the comment section of the Facebook or YouTube live videos.
- If participating via Zoom, those who call in will be unmuted when comment is requested during a public comment portion of the meeting. This will be when you provide public comment for the record.
- Email your comment to planningintake@franklintn.gov.
- For any public comments on agenda items, you must indicate your name and address for the record.
- City YouTube: www.youtube.com/user/CityOfFranklin
- City Facebook Live: www.facebook.com/CityOfFranklin
- City website: On the top of the main page at www.franklintn.gov

Review of Minutes from March 5, 2020, BZA Meeting

Vice Chair Langley stated staff had some amendments to add to the minutes

Ms. Gibson stated the first amendment should be under the third item and state: A verbatim transcript was taken by a court reporter and is attached as part of the minutes.

Ms. Gibson stated the second should change “Unidentified Speaker” to Marilyn Lehew on p. 62 of the Item 3 transcript.

Vice Chair Langley stated he would entertain a motion.

Mr. Jones moved to approve the minutes with the staff recommended amendments. Ms. Fischbach seconded the motion and the motion carried 4-0.

Vice Chair Langley stated he would entertain a motion to open public comments.

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

With no other comments Ms. Fischbach moved to close the public portion of the meeting. Mr. Jones seconded the motion and the motion carried 4-0.

Applications:

1. Variance Request To Reduce The Minimum Parking Requirement From 11 Spaces To 9 Spaces, To Permit One Parallel Parking Space Along The Driveway Within The Yard Frontage, And To Waive An Internal Sidewalk Requirement Between The Building And Adjacent Parking Spaces For The Property Located At 1419 West Main Street (F.Z.O §10.1.6, §7.3, and §9.6.2).

Ms. Gibson stated the site is located at the corner of W. Main Street and Hill Street and zoned CC. Ms. Gibson stated the current building was constructed ca. 1955 and has been used as a church. Ms. Gibson stated there is no dedicated parking on the site and users have historically parked on the grass. Ms. Gibson stated the property owner would like to convert the use to quick service restaurant for Halfway Market. Ms. Gibson stated when a new use is proposed for a site, the new use must meet the parking requirements per the Zoning Ordinance. Ms. Gibson stated this includes the number of paved, demarcated spaces, parking location, and site requirements such as sidewalks. Ms. Gibson stated the applicant submitted a conceptual layout that illustrates the challenges of providing parking on the site. Ms. Gibson stated the staff analysis is based on the conceptual layout; however, the conceptual layout is not considered for approval as part of this variance request. Ms. Gibson stated all three components of this variance request are interrelated, so they have been evaluated together. Ms. Gibson stated the Zoning Ordinance requires 11 parking spaces for this use type based on the proposed number of restaurant seats. Ms. Gibson stated the Zoning Ordinance regulates frontages, which describe the area located between the building and the street and regulate parking location on a property. Ms. Gibson stated the Zoning Ordinance requires 7-foot sidewalks abutting parking spaces and 8-foot sidewalks abutting civic buildings. Ms. Gibson stated the applicant requests to reduce the minimum parking requirement from 11 spaces to 9 spaces, to permit one parallel parking space along the driveway within the yard frontage, and to waive an internal sidewalk requirement between the building and adjacent parking spaces for the property located at 1419 West Main Street.

The subject property is lot 1 in the Green Acres Subdivision and is narrow, but not exceptionally so, in terms of shape. The property is typical in size and location compared to other lots in the subdivision. The applicant stated that due to Urban Landscape Frontage Requirements, only a small portion of the lot could be developed for parking. Upon reviewing the case, staff concluded that the Yard Frontage type, not the Urban Landscape Frontage type, was most applicable to this request. Yard Frontage is a typical frontage type for civic buildings, allows for driveways, and is permitted in the CC district. Staff reviewed GIS and aerial data and found that the existing building is long and narrow and does not leave space to accommodate parking as required by the Zoning Ordinance. The placement of one parallel space along the driveway within the yard frontage would allow the applicant to come closer to meeting the parking requirements and the proposed parking reduction is minor in nature. There is not adequate width to be able to provide the sidewalk between the building and internal parallel parking spaces. Any variances approved by the BZA will apply only to the stated requests and will not approve the proposed site layout. The fact that there is no parking on the property combined with the shape of lot and the building footprint and location creates exceptional circumstances that do not permit development under the Zoning Ordinance. Due to these reasons, staff finds that the property does meet the first criterion for a variance.

Staff finds that due to the constraints of the lot, there is no alternative location to place parking. The proposed plan attempts to meet the parking requirements as much as possible without placing parking directly in front of the building. The appearance of the proposed parking would be more in line with a driveway and not front yard parking, as only one parking space would encroach into the front yard of the building. The applicant stated that due to site restrictions, the existing building would have to be torn down to provide adequate parking per the City's regulations. Staff finds that having to demolish a portion of the building amounts to a hardship or practical difficulty and the property meets the second criterion for a variance.

The proposed use is in line with the goals of Envision Franklin, which encourages an eclectic mix of land uses, such as neighborhood retail and restaurants, that provide important services to surrounding neighborhoods. Additionally, the proposed use is permitted in the zoning district. Permitting the development of the lot would allow the building to be utilized and the preservation of the building helps to maintain the character of the corridor.

The proposed plan achieves as much parking on site as possible while also maintaining the intent of yard frontage. There is not enough space to accommodate the required sidewalk along the internal parallel spaces, but sidewalks would be located along the streets surrounding the perimeter of the lot. The applicant will likely be able to meet most parking needs with this minor reduction in the number of required spaces. Staff finds that granting this variance would not result in detriment to the public good or impair the intent and purpose of the Zoning Ordinance and that the third criterion is satisfied.

Ms. Gibson stated that staff recommends approval of the variance based on the criteria that authorize a variance to be established.

Mr. Gamble stated if you look to the first page provided to you and explained it used to be a church and would require 36 parking spaces today if it was still a church, but we are asking for a change of use for a quick use restaurant that would require 11 parking spaces. Mr. Gamble projected images explaining they would provide a one-way drive aisle that would come off Main Street that would go behind the building and exit off Hill Drive. Mr. Gamble stated their plan would provide a sidewalk along the front of building, along Main Street and Hill Drive. A projected picture was shown.

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

Public comment consisted of a call-in comment from Alderman Brandy Blanton speaking in favor of the item.

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

Mr. Jones moved to approve the variance request to reduce the minimum parking requirement from 11 spaces to 9 spaces, to permit one parallel parking space along the driveway within the yard frontage, and to waive an internal sidewalk requirement between the building and adjacent

parking spaces because the criteria for granting a variance have been satisfied as described in the staff report. Mr. Fleishour seconded the motion and the motion carried 4-0.

Other Business.

No other business.

Adjourn.

With there being no further business, the meeting was adjourned at 6:27.



Chair

