

**MEETING MINUTES OF THE
FRANKLIN BOARD OF ZONING APPEALS
June 3, 2021**

The Franklin Board of Zoning Appeals held a regular meeting on Thursday, June 3, 2021 at 6:00 p.m. in the City Hall Boardroom.

Members present: Jonathan Langley
 Jeff Fleishour
 Frank Jones

Staff present: Emily Hunter, Planning & Sustainability Department
 Eric Conner, Planning & Sustainability Department
 Bill Squires, Law Department
 Lori Jarosz, Building and Neighborhood Services Department

The agenda read as follows:

Call to Order:

Chair Langley called the June 3, 2021 meeting to order at 6:00 pm. Chair Langley stated he would be taking a roll call and proceeded to do so. Mr. Joel Tomlin and Ms. Fischbach were absent.

Announcements:

Ms. Hunter stated it was nice to see everyone and there were no announcements.

Review of Minutes from May 6, 2021, BZA Meetings

Mr. Jones moved to approve the May 6, 2021 meeting minutes. Mr. Fleishour seconded the motion and the motion carried 3-0.

Public Comment

There was no Public Comment.

Mr. Fleishour moved to close the Public Comment portion. Mr. Jones seconded the motion and the motion carried 3-0.

Applications:

- 1. Variance Request To Allow More Than The Maximum Number Of Retaining Walls On A Site, Allow For A Taller Than Allowable Retaining Wall Within A Front Yard, Allow For A Taller Than Allowable Retaining Wall Within A Rear Yard For The Property Located At 204 King David's Court (FZO §13.2.4).**

Mr. Conner stated this is a Variance request for a 15-acre parcel located at 204 King David's Ct within the Avalon Subdivision, and the applicant is requesting three Variances necessary to construct the designed home on the parcel. Mr. Conner stated the Variances required are for maximum height of retaining walls in the front and rear yards of the home, and more than the maximum allowed number of retaining walls on a residential site. Mr. Conner stated Staff has reviewed these requests for the three required criteria as established by State law; the first of which requires uniqueness in shape of or topography of the lot in question, or some other extraordinary and exceptional situation which prevents the Zoning Ordinance to be followed as written. Mr. Conner stated Staff found that there are exceptional topographical conditions on the site that necessitate increased height in retaining walls, as well as an additional number of retaining walls in order to build a home on the developable area.

Mr. Conner stated the second criteria requires that exceptional practical difficulties or undue hardship occur if the Zoning Ordinance were to be followed, staff believes that there are significant practical difficulties in the development of this site due to exceptional topography, and the applicant has designed a home that does not encroach in the 20% slopes that dominate the site. Mr. Conner stated in doing so, additional retaining wall allowances for height and quantity are needed, and therefore staff believes the criteria is met.

Mr. Conner stated the final criteria requires that relief may be granted without substantial detriment to the public good or without impairing the purpose of the Zoning Ordinance, staff does not believe that these requests would be detrimental to the public good, nor would it impair the purpose of the Zoning Ordinance. Mr. Conner stated residential retaining wall requirements are in place to prevent a residential site from being dominated by retaining walls, resulting in aesthetic concerns for the neighborhood; due to the location on a heavily wooded hilltop and the size of the parcel, there would be no direct conflict with this intent.

Mr. Conner stated because all three of the criteria are met for all three of the Applicants' requests, staff recommends approval of all requests associated with this item, and I'm happy to answer any questions that you have.

Chair Langley requested to know if the applicant would like to speak.

Mr. Barnett stated he has been working City Staff for a few months now trying to accommodate not only the Zoning Ordinance but also that fine balance the owners are hoping to do. Mr. Barnett stated he had some handouts to pass around and stated they provide a little more information on what they are trying to do.

Ms. Hunter passed out the handouts.

Mr. Barnett stated he had the handout and some display items to be shown.

Mr. Conner displayed the items.

Mr. Barnett stated the last sheet of the handout gives you an overview of the property. Mr. Barnett stated it may be good to know he is the architect of the Avalon HOA and has been since 2004. Mr.

Barnett stated this particular piece of property is a 15-acre piece of property and is surrounded by an additional 15 acres of common area. Mr. Barnett stated it is not visible and will show no impact to the community whatsoever. Mr. Barnett stated there is only 15,000 square feet of buildable area on the property. Mr. Barnett stated they must reduce everything to fit in that small space. Mr. Barnett requested Mr. Conner display on the big screen the positioning of the property.

Mr. Conner displayed the property.

Mr. Barnett stated on the third page in your submittal packet, it shows the homeowners have graciously allowed for a basement garage and explained there is only one access onto this property. Mr. Barnett explained the gray areas on the screen and stated they are areas of 20% or greater slope. Mr. Barnett explained why the retaining wall was needed and stated it was due to the slope for the basement garage. Mr. Barnett stated on the rear of the property is terrace and swimming pool area and because the Zoning Ordinance states no retaining wall can be in excess of six feet in height, we had to terrace so we have two retaining walls terraced and that gives us over the allowable number. Mr. Barnett stated the whole of this design is to not encroach into the 20% areas.

Mr. Jones requested to know if they knew there were colluvial soils in that area and there will have to be some deep footings.

Mr. Barnett stated they have soil reports that were prepared by the previous owner that show solid bedrock.

Mr. Jones stated good.

Chair Langley requested to know if there were any citizen comments and there were none.

Chair Langley requested to know if there were any other comments received and Mr. Conner stated there were none.

Mr. Jones moved to close the public comment. Mr. Fleishour seconded the motion and the motion carried 3-0.

Mr. Jones moved to approve the item due to the topographical shallowness of the lot, item 2 would be met due to it creating a hardship to the property owner and relief can be granted without any detriment to the Zoning Ordinance. Mr. Fleishour seconded the motion and the motion carried 3-0.

2. Variance Request To Encroach Up To 7 Feet Into a Required Side Yard Setback For The Property Located At 116 Wembly Court (FZO §3.5.5).

Mr. Conner thanked the Chair and stated this is a Variance request for a residential parcel located at 116 Wembly Ct within the Royal Oaks Subdivision, and the applicant is requesting a Variance to encroach up to 7 feet into the 10-foot side yard setback requirements in order to construct an open-walled carport attached to the west side of the existing residence. Mr. Conner stated Staff

has reviewed these requests for the three required criteria as established by State law; the first of which requires uniqueness in shape of or topography of the lot in question, or some other extraordinary and exceptional situation which prevents the Zoning Ordinance to be followed as written. Mr. Conner stated Staff found that there are no exceptional topographical conditions or uniqueness of shape on the site that do not allow development as required by the Zoning Ordinance, therefore staff believes this criterion is not met.

Mr. Conner stated the second criterion requires that exceptional practical difficulties or undue hardship occur if the Zoning Ordinance were to be followed, staff believes that there are significant practical difficulties due to the necessary location in order to meet the side setback. Mr. Conner stated to meet the setback requirements with a carport of this size, it would need to be moved further back on the site, which would require the removal of an existing fence and a large tree; additionally, this move back would create additional impervious surface and therefore increase water runoff on the site. Mr. Conner stated however, the design and width of the proposed carport allows for 11 feet per vehicle, for a total of 22 feet. City of Franklin requires a minimum of 9 feet on parking spaces, and 10 feet per vehicles on indoor garages; because the applicant is requesting to build a carport that exceeds parking width standards, staff views this as a self-imposed hardship because a 20-foot wide carport would not require a Variance. Mr. Conner stated Staff defers to the Board as to whether this this criterion is met.

Mr. Conner stated the final criteria requires that relief may be granted without substantial detriment to the public good or without impairing the purpose of the Zoning Ordinance, staff does not believe that this request would be detrimental to the public good, nor would it impair the purpose of the Zoning Ordinance. Mr. Conner stated the Zoning Ordinance establishes setbacks to prevent large massing blocks of structures, and to protect structures, citizens, and property values. Mr. Conner stated due to the open nature of the carport, and its location over the existing driveway, staff does not find a direct conflict with the intent of the Zoning Ordinance. Mr. Conner because of this, staff believes this criterion is met.

Mr. Conner stated Staff did receive a call from a member of the public with questions about the project, as well as concerns regarding potential change in water runoff caused by new roofline, and potential fire spread due to proximity to the property line.

Mr. Conner stated because all three of the criteria are not met for the Applicants' request, staff recommends disapproval of this item, and I'm happy to answer any questions that you have.

Chair Langley requested the layout be pulled up on screen.

Mr. Johnson stated they were applying for this variance because they want to be able to protect their vehicles and explained currently they are unable to park in their garage because structurally the way the garage was designed it has two steel posts in the middle of it which do not allow the vehicles in and due to the shape of the lot we can't make the turn into the side load garage. Mr. Johnson stated they do not want to exceed any width taken up by the existing driveway and the carport would be constructed on top of the existing driveway. Mr. Johnson stated he could see where drainage could become an issue and has spoken to his neighbor about it and stated he would be putting gutters and downspouts, which would be piped to his back property line as a solution.

Mr. Johnson stated they would not be increasing any water runoff but in fact be decreasing the water runoff of his neighbor's sideyard.

Mr. Jones requested to know from Mr. Johnson why it could not work with two 10-foot parking areas.

Mr. Johnson stated the reason they went out to the 22-feet is because they wanted to cover the existing driveway space and explained 22-feet gets them to the narrowness portion of the driveway and again due to the angle of how the driveway approaches he wanted to give them as much space as possible to be able to fit both vehicles in.

Chair Langley requested to know if there were any citizen comments and no one requested to speak.

Mr. Jones moved to close the public comment portion. Mr. Fleishour seconded the motion and the motion carried 3-0.

Mr. Fleishour requested to know if the applicant had submitted 20 x 20 would it have been considered by staff.

Mr. Conner explained the Zoning Ordinance allows an encroachment of 5-feet into a sideyard setback and this would be up to 7-feet in the front and 4-feet in the rear and so the front encroaches 2-ft more than allowed.

Mr. Jones stated so if there was a 10 ft. stall on both sides it would not need a variance.

Mr. Conner stated that is correct, if the carport was 20-feet wide it would meet the Zoning Ordinance because the Zoning Ordinance allows it to encroach 5-feet into the side yard setback. Mr. Conner stated as it is designed now with eleven-foot stalls it would encroach seven feet in the front.

Mr. Jones stated a disapproval does not prevent him from building a 20-foot carport there.

Mr. Conner stated that is correct.

Chair Langley requested to know if Mr. Johnson would like to speak anymore.

Mr. Johnson explained that he would not know how to pipe the down spouts if they did not go all the way to the edge of the driveway because he wanted to protect the drainage on the side.

Mr. Johnson stated if they have to go the 20-foot wide route would the depth at that point be in question.

Mr. Conner stated the depth currently as applied and designed for would meet the Zoning Ordinance.

Discussion ensued on whether to defer or not.

Mr. Fleishour moved to disapprove the variance request. Mr. Jones seconded the motion and the motion carried 3-0.

3. Variance Request To Encroach Up To 8 Feet Into a Required Front Yard Setback For The Property Located At 4030 Natures Landing Drive (2017 FZO §3.3.1 (4))

Mr. Conner stated this is a Variance request for a residential parcel located at 4030 Natures Landing Drive within the Natures Landing Subdivision, and the applicant is requesting a Variance to encroach up to 8 feet into the 40-foot front yard setback requirements in order to construct a front porch as shown in the included designs.

Mr. Conner stated Staff has reviewed these requests for the three required criteria as established by State law; the first of which requires uniqueness in shape of or topography of the lot in question, or some other extraordinary and exceptional situation which prevents the Zoning Ordinance to be followed as written. Mr. Conner stated Staff found that there are no exceptional topographical conditions and the shape of the site is rather unique and triangular, however this does not create exceptional situation or condition in which the property cannot accommodate development; as the applicant has shown in submitted designs, the porch can be built 2 feet shorter to meet the Zoning Ordinance. Mr. Conner stated because the property can accommodate development as required by the Zoning Ordinance, staff believes this criterion is not met.

Mr. Conner stated the second criterion requires that exceptional practical difficulties or undue hardship occur if the Zoning Ordinance were to be followed, staff does not believe that there is any hardship upon the owner of the property related to this request that is not self-imposed. Mr. Conner stated the house is currently being designed and can be designed in a way that meets the Zoning Ordinance, the owner also has the opportunity for a 6-foot deep front porch without needing a Variance; therefore, staff does not believe there is any hardship associated with this request and therefore this criterion is not met.

Mr. Conner stated the final criteria requires that relief may be granted without substantial detriment to the public good or without impairing the purpose of the Zoning Ordinance, staff does not believe that this request would be detrimental to the public good, as a 2-foot encroachment in a 40 foot setback is minimal, however this request does impair the intent of the Zoning Ordinance. Mr. Conner stated the applicant is seeking relief from standards for a self-imposed hardship caused by design and should be designed in a way to meet the Zoning Ordinance. Mr. Conner stated however, because the applicant is requesting only a 2-foot additional encroachment, and the criterion specifies a “substantial” impairment, staff does believe that this criterion is met.

Mr. Conner stated because two of the three of the criteria are not met for the Applicants’ request, staff recommends disapproval of this item, and I’m happy to answer any questions that you have.

Chair Langley requested to know if the applicant would like to speak.

Ms. Reynolds stated the design is done and permits have been pulled and they are grading on site to put in foundation. Ms. Reynolds stated they showed the City the front porch at six-feet that does not have a roof and explained it would be a raised patio with a seat wall around it and then makes the actual space to walk smaller and that is why we wanted eight-feet to have more room. Ms. Reynolds stated difficulties on the site are the grade from the front to the back drops seventeen-feet in topography and it is at the end of a cul-de-sac at a triangle shape in the back and there is a TVA easement so the buildable space is small. Ms. Reynolds stated it borders on the Harpeth River and is at the end of a cul-de-sac and does not align with any other homes.

Chair Langley requested to know if there were any citizen comments and no one requested to speak.

Mr. Jones moved to close the public comment portion. Mr. Fleishour seconded the motion and the motion carried 3-0.

Mr. Jones requested to know from staff what they considered the front yard from the rendering of the plat.

Mr. Conner stated the Zoning Ordinance defines front yard as anything in the front façade of the home.

Mr. Jones stated he could see two front yards and disagrees with staff about the irregularity of the lot.

Chair Langley stated he noted staff and applicant mentioned R2 zoning district of the new and old Zoning Ordinances and requested staff explain.

Mr. Conner stated to clarify a state law was established in 2015 for vesting rights of developments that requires them to be reviewed under the Zoning Ordinance in place at the time of the development. Mr. Conner stated the 2017 Zoning Ordinance was in place when Nature's Landing was given its rights to develop, and therefore it must be used for this application.

Mr. Fleishour moved to approve the variance request based on it being a porch with no roof and being at the end of the cul-de-sac it doesn't encroach or impede in any manner. Mr. Jones seconded the motion.

Mr. Jones stated there are a number of factors to make an irregular lot and see no detriment to the public good.

Chair Langley stated he does agree with fellow board members.

The motion was approved 3-0.

4. Variance Request To Encroach Up To 10 Feet Into a Required Rear Yard Setback For The Property Located At 3122 Bush Street (FZO §3.10.7).

Mr. Conner thanked the Chair and stated this is a Variance request for a residential parcel located at 3122 Bush Street, and the applicant is requesting a Variance to encroach up to 10 feet into the 30-foot rear yard setback requirements in order to enclose an existing back porch.

Mr. Conner stated Staff has reviewed these requests for the three required criteria as established by State law; the first of which requires uniqueness in shape of or topography of the lot in question, or some other extraordinary and exceptional situation which prevents the Zoning Ordinance to be followed as written. Mr. Conner stated Staff found that there is an exceptional situation due to the large drainage easement located behind the parcel; the easement behind the property varies from 20 feet to 35 feet wide, forcing the rear parcel line forward to accommodate. Mr. Conner stated the lots on the opposite side of drainage easement are significantly deeper than the parcels on the western side, creating a unique situation and conditions causing this criterion to be met for the applicant's request.

Mr. Conner stated the second criterion requires that exceptional practical difficulties or undue hardship occur if the Zoning Ordinance were to be followed, staff does believe that strict application of the ordinance would create practical difficulties because it prevents the homeowners from making alterations or changes, such as the proposed vertical construction, due to the existing porch extending 4 additional feet into the setback than allowed by the Ordinance and therefore, staff believes this criterion is met.

Mr. Conner stated the final criteria requires that relief may be granted without substantial detriment to the public good or without impairing the purpose of the Zoning Ordinance, staff does not believe that this request would be detrimental to the public good, nor would it be detrimental to the purpose of the Zoning Ordinance. Mr. Conner stated setbacks are established in order to prevent buildings from being constructed too close to public and other private property and due to the large rear easement and the desire to construct vertically rather than extend further into the setback, staff believes this criterion is met.

Mr. Conner stated because staff believes that all of the criteria are met for the Applicants' request, staff recommends approval of this item, and I'm happy to answer any questions that you have.

Chair Langley requested to know if the applicant wished to speak.

Ms. Stevens stated they would not be changing the footprint of the deck, just screening it in and adding a roof.

Chair Langley requested to know if there were any citizen comments and no one requested to speak.

Mr. Jones moved to close the public portion for comment. Mr. Fleishour seconded the motion and the motion carried 3-0.

Chair Langley stated he would entertain a motion.

Mr. Jones moved to approve the variance request because it met all three criteria to grant a variance. Mr. Fleishour seconded the motion and the motion carried 3-0.

5. Variance Request To Allow More Than The Maximum Number Of Retaining Walls On A Site, Allow For A Taller Than Allowable Retaining Wall Within A Front Yard, Allow For A Taller Than Allowable Retaining Wall Within A Side/Rear Yard, The Required Setback Of A Side-Facing Garage From Front House Façade, and To Allow For A Larger Than Maximum Allowable Slope For A Driveway For The Property Located At 601 Prince Valiant Ct. (FZO §13.2.4, §6.3, and §4.4.6.D).

Chair Langley stated since there are multiple requests, we will take Requests 1-3 first and then move on to Request 4 and then to Request 5 individually.

Chair Langley turned the floor over to Mr. Conner for staff report.

Mr. Conner thanked the Chair and stated this is a Variance request for a 2.05-acre parcel located at 601 Prince Valiant Ct within the Avalon Subdivision, and the applicant is requesting a total of five Variances necessary to construct the designed home on the parcel. Mr. Conner stated the Variances required are for maximum height of retaining walls in the front and rear yards of the home, more than the maximum allowed number of retaining walls on a residential site, side-loading garage setback requirements, and maximum slope permitted on a driveway. Mr. Conner stated these requests were reviewed, and staff recommendations are for the three retaining walls variance requests together, and the 4th and 5th requests independently.

Mr. Conner stated Staff has reviewed these requests for the three required criteria as established by State law; the first of which requires uniqueness in shape of or topography of the lot in question, or some other extraordinary and exceptional situation which prevents the Zoning Ordinance to be followed as written. Mr. Conner stated Staff found that there are exceptional topographical conditions on the site that necessitate increased height in retaining walls, as well as an additional number of retaining walls in order to build a home on the developable area.

Mr. Conner stated the second criteria requires that exceptional practical difficulties or undue hardship occur if the Zoning Ordinance were to be followed, staff believes that there are significant practical difficulties in the development of this site due to exceptional topography, and the applicant has designed a home that does not encroach in the 20% slopes across the site. In doing so, additional retaining wall allowances for height and quantity are needed, and therefore staff believes this criterion is met.

Mr. Conner stated the final criteria requires that relief may be granted without substantial detriment to the public good or without impairing the purpose of the Zoning Ordinance, staff does not believe that these requests would be detrimental to the public good, nor would it impair the purpose of the Zoning Ordinance. Mr. Conner stated residential retaining wall requirements are in place to prevent a residential site from being dominated by retaining walls, resulting in aesthetic concerns

for the neighborhood; due to the location on a heavily wood hilltop and the size of the parcel, there would be no direct conflict with this intent.

Mr. Conner stated because all three of the criteria are met for the Applicants' requests numbers 1-3, staff recommends approval of requests 1-3 of this item, and I'm happy to answer any questions that you have.

Mr. Baker stated what they are trying to do with the walls and heights is keep the house closer to the street so that do reduce the number in height and of the walls. Mr. Baker stated that six-foot maximum height requirement means we will have to tier walls the further back we go. Mr. Baker stated this would also increase the number of retaining walls along the driveway in the front of the property as well. Mr. Baker stated so ultimately what we are trying to accomplish with the walls is to reduce the number of walls by increasing the height of the walls. Mr. Baker stated

Chair Langley requested the exhibits be pulled up on the screen.

Mr. Baker stated one of the ways we ended up with the layout we did is on the left side of the house you can see one the natural drainage swells that comes down from the property hillside we have positioned the house to the right of that swell and by doing that and locating house where we did on the hillside we are trying to preserve some of that natural drainage. Mr. Baker stated right now they are able to divert the water around the house and around the retaining walls to that drainage ditch and preserve that portion of the lot. Mr. Baker stated with the driveway slopes the way they are we are able to have only three retaining walls in the front and one in the back of the house. Mr. Baker stated if we have to decrease the slope of the driveway it would push the house further back up the hill and cause us to have higher walls in the front to support the driveway and taller tiered walls behind the house.

Chair Langley requested to know if there were any citizens who wished to speak, and no one requested to speak.

Chair Langley stated he would entertain a motion to close the public hearing.

Mr. Jones moved to close the public comments. Mr. Fleishour seconded the motion and the motion carried 3-0.

Mr. Jones move to approve items 1-3 based on staff's recommendations and the three criteria for granting a variance has been met. Mr. Fleishour seconded the motion and the motion carried 3-0.

Request 4:

Mr. Conner stated Staff has reviewed this request for the three required criteria as established by State law; the first of which requires uniqueness in shape of or topography of the lot in question, or some other extraordinary and exceptional situation which prevents the Zoning Ordinance to be followed as written. Mr. Conner stated Staff found that there are exceptional topographical conditions on the site, however staff believes that the topography of the site does not create a situation in which the Zoning Ordinance cannot be met. Mr. Conner stated the design and overall

size of the home create the situation in which the garage needs to be in front of the front façade of the home. Because of this, staff finds that this criterion is not met for this request.

Mr. Conner stated the second criteria requires that exceptional practical difficulties or undue hardship occur if the Zoning Ordinance were to be followed, staff believes that there is no hardship upon the owner, despite there being other houses in the neighborhood with garages of similar design. Mr. Conner stated if the house were to be designed to be smaller within the buildable area, a garage that meets the Zoning Ordinance could be built. Mr. Conner stated Staff believes this criterion is not met for this request.

Mr. Conner stated the final criteria requires that relief may be granted without substantial detriment to the public good or without impairing the purpose of the Zoning Ordinance, staff does not believe that this request would be detrimental to the public good, nor would it impair the purpose of the Zoning Ordinance. Mr. Conner stated due to the proportionate size of the home, the design of the home, and its location atop a wooded hilltop, there would be no direct conflict with the intent of the Zoning Ordinance. Mr. Conner stated Staff believes that this criterion is met for this request.

Mr. Conner stated because all two of the three of the criteria are not met for the Applicants' request, staff recommends disapproval of request 4 of this item, and I'm happy to answer any questions that you have.

Mr. Baker stated this one caught me off guard. Mr. Baker stated the garage is seven feet behind the most forward position of the house but is in front of the front door. Mr. Baker stated pdf page 63 shows the layout. Mr. Baker went over the rooms of the house and stated the there is a study on the left that makes it the most forward feature of the house and then there are stairs up to a covered porch that sits behind the front façade of the garage. Mr. Baker stated his request in this one is to approve this since it is behind the most forward feature of the house and it is not inconsistent with a lot of the other designs in Avalon. Mr. Baker stated there are several homes near this house where the forward feature of the house is the garage.

Chair Langley stated there are two garages on the home correct.

Mr. Baker stated yes there are two, two car garages that kind of make a motor court or courtyard.

Chair Langley requested to know from staff if both the garages are affected.

Mr. Conner stated that was correct both would be considered side yard facing garages.

Mr. Baker stated if this doesn't pass he would go back to the architect and have the front door redesigned instead of adjusting where the garages are because it would change a lot. Mr. Baker stated he did not want to change the front door and referenced page A301 and explained moving the front door forward would cause the applicant to redesign the front of the house.

Chair Langley requested to know if there were any citizens who wished to speak, and no one requested to speak.

Mr. Jones moved to close the public comments. Mr. Fleishour seconded the motion and the motion carried 3-0.

Mr. Jones requested to know about the three-foot front façade setback from staff.

Mr. Conner stated side facing garages are required to be three feet behind the front façade and the front door of the home. Mr. Conner stated the way it is currently designed the garages are more than three feet in front of the front façade, so it meets half of what is required. Mr. Conner states in order to rectify that, either the garages would need to be moved back or the door should be moved forward.

Mr. Fleishour asked if this changed at the end of 2019 as well.

Mrs. Wright explained the three-foot setback did not change, but behind the front door language was added to the new Zoning Ordinance and it will be impactful across the City but a lot of newer construction homes had deeply recessed entries where you could not even see the front door from the street and then you had the garage much further front facing. Mrs. Wright stated obviously the width of this proposed home is different in scale than we normally see.

Mr. Fleishour stated given how some of the houses are so close together I can see why the Zoning application was put into place, but this a little different.

Mr. Baker asked that because a previous application request was based on the criteria from when the neighborhood was designed would that apply here as well.

Mr. Conner explained that when that state law went into place in 2015 it did not establish rules for retroactivity, so anything done prior to that is reviewed according to the current Zoning Ordinance.

Mr. Jones stated this is a very isolated subdivision with no through traffic.

Mr. Fleishour MOTION to approve variance request 4 to allow for a side facing garage to extend beyond the three foot required setback from the front facade. Mr. Jones seconded the motion.

Chair Langley stated that for him, he looked at the two garages approved and three requests for retaining walls as related and explained they are clearly meeting the first criteria of topography.

Mr. Conner requested the motion be clarified to specify either seven feet behind the front façade of the home or nine in front of the front door of the home, so it matches the application.

Chair Langley stated so the motion should be nine feet in front of the front door.

Ms. Wright stated the motion could be done either way.

Mr. Jones stated the issue is the front door correct.

Ms. Wright stated the front door is located nine feet behind the front of the garage and that is the issue.

Chair Langley requested to know if Mr. Fleishour would like to amend his motion.

Mr. Fleishour moved to approve the Variance request number 4 allowing the front door to be nine feet behind the front façade of the garage. Mr. Jones seconded the motion and the motion carried 3-0

Request 5-

Mr. Conner stated Staff has reviewed this request for the three required criteria as established by State law; the first of which requires uniqueness in shape of or topography of the lot in question, or some other extraordinary and exceptional situation which prevents the Zoning Ordinance to be followed as written. Mr. Conner stated Staff found that there are exceptional topographical conditions on the site which require an increased driveway grade to access the developable area. Mr. Conner stated as the applicant indicated in their letter, the increased driveway grade allows them to place the home in a location that ultimately requires fewer retaining walls and less disturbance of the hilltop. Mr. Conner stated because of this, staff finds that this criterion is met for this request.

Mr. Conner stated the second criteria requires that exceptional practical difficulties or undue hardship occur if the Zoning Ordinance were to be followed, staff believes that exceptional practical difficulties exist in relation to this request. Mr. Conner stated if the home were located further back in the site in a place where the 14% maximum grade can be met, the applicant would be requesting a Variance for 7 retaining walls instead of 4, and therefore resulting in practical difficulties designing the site in a manner that drains property. Mr. Conner stated Staff finds that this criterion is met for this request.

Mr. Conner stated the final criteria requires that relief may be granted without substantial detriment to the public good or without impairing the purpose of the Zoning Ordinance, staff does not believe that this request would be detrimental to the public good, nor would it impair the purpose of the Zoning Ordinance. Mr. Conner stated due to the limitations of the site caused by the topography, staff believes that there is no direct conflict with the intent of the zoning ordinance. Mr. Conner stated Staff believes that this criterion is met for this request and because all of the three of the criteria are met for the Applicants' request, staff recommends approval of request 5 of this item, with condition that the driveway shall be designed to ensure emergency access can be provided, subject to Franklin Fire Department approval, and I'm happy to answer any questions that you have.

Mr. Baker stated we have discussed this some already with increasing the slope for the driveway from fourteen to a max of sixteen and a half which allows the house on the lot and reduces the number of retaining walls.

Chair Langley requested to know if there were any citizens who wished to speak, and no one requested to speak.

Mr. Jones moved to close the public comments. Mr. Fleishour seconded the motion and the motion carried 3-0.

Mr. Jones moved to approve request number five maximum allowable driveway slope based on staff analysis reasonable narrowness, shallowness shape of specific piece of property at time of acting Zoning Ordinance and topographical conditions, strict application would result in exceptional practical difficulties and undo hardship on the owner of the property and relief is not detrimental to the public good, nor would it impair the purpose of the Zoning Ordinance and the driveway shall be designed to ensure emergency access can be provided, subject to Franklin Fire Department approval, Mr. Fleishour seconded the motion and the motion carried 3-0.

Other Business.

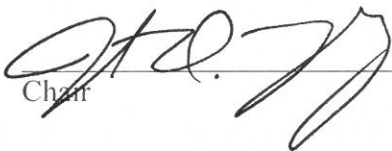
No other business.

Adjourn.

Chair Langley stated he would entertain a motion to adjourn.

Mr. Fleishour moved to adjourn. Mr. Jones seconded the motion and the motion carried 3-0.

With there being no further business, the meeting was adjourned at 7:25.


Chair