

**Meeting Minutes of the
Franklin Board of Zoning Appeals
April 7, 2022**

The Franklin Board of Zoning Appeals held a regular meeting on Thursday, April 7, 2022, at 6 p.m. In the City Hall Boardroom

Members Present: Jeff Fleishour
 Jonathan Langley
 Frank Jones
 Joel Tomlin

Staff Present: Lori Jarosz
 Bill Squires
 Victoria Hensley
 Kelly Dannenfelser

Chair Langley called the April 7, 2022, meeting to order at 6:02 p.m. Chair Langley proceeded to call the roll.

Chair Langley stated the meeting would begin with the approval of the March 3, 2022, meeting minutes.

Kelly Dannenfelser stated the staff has been working with a third-party transcription service and the March 3, 2022, minutes are verbatim. Ms. Dannenfelser stated that meeting minutes from this point forward would resemble the type of meeting minutes the board members have been accustomed to seeing.

Chair Langley asked if there was a motion to approve the March 3, 2022 meeting minutes.

Mr. Tomlin made the motion to approve the March 3, 2022 minutes, seconded by Frank Jones.

Chair Langley asked for a vote .

Vote: 4 ayes by Jeff Fleishour, Chair Langley, Frank Jones, and Joel Tomlin

Chair Langley stated he would recuse himself from item number one and Frank Jones would take over as chair for this item.

At this time, Mr. Jones introduced the first item on the agenda.

1. Variance Request For One Additional Drive Aisle and Two Rows Of Parking Bays For the Property Located At 1850 General George Patton Drive (F.Z.O. 7.4 – Frontage Types, Parking Frontage).

Staff Presentation: Victoria Hensley. Ms. Hensley reminded everyone that this request was deferred at the February 3, 2022, meeting due to the lack of a quorum and deferred at the March 3 meeting due to an absence. Ms. Hensley went on to say the building, constructed in 1997, is set back 500 feet from the roadway and sits 30 feet below eye level of the road. In

order to meet the parking requirements, the owner needs to provide adequate parking. The space behind the existing building does not provide adequate space for additional parking. Ms. Hensley stated that the staff reviewed the three criteria that would need to be met as indicated by state law for the variance request.

- 1) The first criteria related to the uniqueness of the property and topography. The building on this property is located near the rear of the parcel with a small parking lot behind the building. At the entrance off General George Patten Lane the property is much wider and narrows toward the back of the property where an easement exists close to the railroad tracks.
Ms. Hensley stated that the staff believes this property meets the requirement of uniqueness because the building is located 500 feet from the roadway on the narrow part of the property and is close to an easement.
- 2) The second criteria related to the strict application of the zoning ordinance causing a hardship upon the owner of the property. The owner cannot meet the minimum parking requirements because of the building location on the property. The owner has indicated that demolition of the existing building and rebuilding in a different area would be necessary, to provide space for adequate parking. The staff believes this creates a hardship on the owner, therefore the criteria has been met.
- 3) Criteria three stated that if relief can be granted without detriment to the public good or impairment to the zoning ordinance, then the requirement would be met. Ms. Hensley stated because the building is 500 feet away from the entrance of General George Patton Drive and sits 30 feet below the street level, the proposed new parking would not be a detriment to the public good. A buffer is created by the distance between General George Patton Drive and the grade changes in relationship to the new parking lot. Because of the extreme distance between the road and the proposed parking lot, the staff has determined this criterion has been met and it does not present a detrimental impact to the public or impairment of the zoning ordinance.

Ms. Hensley stated a public comment has been submitted, and a copy placed at everyone's seat, before the deadline. Ms. Hensley stated that she would be happy to answer any questions and finished by saying that the staff supports approval of the variance request.

Vice Chair Jones asked if anyone from the public would like to make a statement for or against the variance request.

Public Comment Speaker #1: Luke Bottorff (against the item) -

Luke Bottorff: Mr. Bottorff stated that he is an attorney in Williamson County and is before the board in an official capacity representing the homeowners of Brentwood Point 3 (across from property). Mr. Bottorff passed out documents to the board and the staff. Mr. Bottorff presented the concerns and comments of the homeowners in Brentwood Point regarding the 3 criteria of the zoning ordinance. Mr. Bottorff stated that the property under discussion is not unique in shape and more normal than most parcels in the area. He disputed the property owner's financial costs as an appropriate hardship as listed in the Franklin Zoning Ordinance 20.10. Mr. Bottorff went on to state that the detriment of the public good increases every weekend when large events are held at this property. Cars have been parked along General George Patton Drive on both sides of the street routinely since 2013 and in violation of Franklin

zoning ordinances. During weekend events, many event attendees have used parking spaces within the Franklin Point development. Homeowners of Brentwood Point have placed numerous calls to the Franklin Police Department to address safety concerns in the event of an emergency. Mr. Bottorff pointed out that the parking in the rear of the building has not been sufficiently used outside of major event weekends and regardless of parking availability, tenants will continue to push the limits of parking. Mr. Bottorff finished by requesting that the board reconsider the 3 criteria carefully when considering this variance request.

Vice Chair Jones asked if there was any other public comment on this variance request.

Public Comment Speaker #2: Alec Leaman (for the item)

Alec Leaman stated that Mr. Bottorff highlighted exactly the reasons why additional parking is needed for this property. Mr. Leaman stated that street parking would be eliminated with the addition of 200 organized parking spaces. Mr. Leaman also stated he was unaware of the parking in the Brentwood Point neighborhood, but further stated that the additional parking would eliminate overflow parking in Brentwood Point.

Mr. Fleishour asked Mr. Leaman if the addition of 200 organized parking spaces would be sufficient for large events. Mr. Leaman referred to a situation when the tenant combined a 4-day tournament into 2 days because of a forecasted flooding event. Outside of this type of situation, the additional 200 parking spaces should be more than adequate to meet the needs of large events.

Vice Chair Jones asked if Mr. Leaman had someone who would be responsible for the enforcement of parking restrictions during large events. Mr. Leaman stated that he informed the tenant that an employee must be designated to reinforce parking in designated parking areas. Mr. Leaman assured the board that if further measures needed to be taken to enforce the parking requirements, those measures would be taken.

Vice Chair Jones asked for other public comments, there was none.

Vice Chair Jones asked for a motion to close the public comment portion of Item number one.

Ms. Hensley stated that the applicant was present.

Mr. Fleishour asked if the staff was aware of the parking overflow problem at the time of the analysis of the request.

Ms. Hensley stated that the staff was not aware of the parking issues when the initial report was submitted.

Ms. Dannenfels clarified that the proposed parking plan would allow the property owners to meet the minimum parking requirements of the zoning ordinance, according to the use of the site. She further stated that the variance request for parking would align with the current zoning ordinance standards.

Vice Chair Jones followed up by saying that the goal for this property would be to meet the minimum parking standards of the ordinance, avoiding the unstructured parking situations presented earlier.

Applicant Presentation

Gary O'Brien, the applicant, introduced himself to the board. He stated he is the engineer of the project and the person who created the drawings that will be submitted to the city for approval at the site plan stage. Mr. O'Brien confirmed that the goal of the project is to create a parking area that meets the minimum requirements of the zoning ordinance making the property compliant with the City of Franklin. Mr. O'Brien stated that the site plan includes a landscaping component, based on the City of Franklin guidelines, around the parking area to buffer head lights from the surrounding properties and neighborhoods.

Vice Chair Jones asked if anyone would like to make a motion.

Mr. Tomlin made a motion to approve the variance request because it meets the criteria, seconded by Jeff Fleishour.

Vote: 3 ayes by Jeff Fleishour, Frank Jones, and Joel Tomlin

As previously noted, Jonathan Langley recused himself from the discussion and vote on this item. Frank Jones, Vice-Chair, presided as chair for this item.

Chair Langley resumed his duties presiding over the next item on the agenda.

- 2) Variance Request To Reduce the Minimum Garage Setback For A Side Loading Garage From 3 Feet to 0 Feet Behind the Front Facade and Front Door For the Property Located At 137 Stream Valley Blvd. (F.Z.O. 6.3 – House, Side-Loading Garages Facing Interior Lot Lines, Garage Setback).

Staff Presentation: Ms. Hensley stated the applicant is requesting the variance because the proposed 3rd garage, part of a larger remodeling project, would be even with the front door of the house with a 0-foot setback. The home on Stream Valley Blvd is zoned planned district or PD. Ms. Hensley stated the staff evaluated the request based on the 3 criteria established by state law.

- 1) Most lots in this area are 100 feet long and 100 feet plus wide. The property under consideration for the variance request is 110 by 90 feet which would accommodate development. The staff determined that this property does not have a uniqueness in size or shape and does not meet the requirement for the first criteria.
- 2) Ms. Hensley stated that the applicant suggested that the setback requirement would create a need for a 7-foot garage door. The property site has an existing 2 car garage that meets the zoning requirements of the 3-foot setback. Ms. Hensley suggested that an area at the back of the property, at the end of the driveway would provide space for a detached one car garage that would meet the zoning ordinance requirement of a 3-foot setback. Ms. Hensley went on to say that the property does not meet the criteria number two, of undue hardship on the owner.
- 3) The applicant provided the staff with photos of adjacent homes and homes in the neighborhood. Ms. Hensley presented examples of neighboring homes that have side loading garages that are even (0 set back) with the front door or in front of the front door.

The applicant suggested that the garage would be set back from the front porch, once the remodel was completed. It was determined by staff that the proposed plan by the applicant does not impair the current zoning ordinances and does not present a detriment to the public interest and that criteria for number three has been met.

Ms. Hensley stated that the staff does not recommend the requested variance be granted because the three criteria have not been met.

Chair Langley asked if the applicant would come forward to the podium and state his/her name and address.

Applicant: Samuel Santos, 137 Stream Valley Blvd. Mr. Santos stated, with respect to criteria number 2, that he and his wife are in their 60's and would prefer an adjacent garage as opposed to a detached garage at the end of the driveway. Mr. Santos also pointed out that the area, at the end of the driveway, is an area for utilities. Mr. Santos stated concerns that the detached garage would block sunlight in the utility room, kitchen and bonus room of the main house. Mr. Santos went on to point out that his rationale for this request was that many of the neighboring homes did not have the 3-foot setback. He stated he understood that new zoning ordinances are required but in comparison to most of the homes in the neighborhood, a zero setback for a side loading garage would blend in or compliment the community. Mr. Santos further stated that, without the addition of the front porch, the actual setback of the side loading garage would be 4 feet.

Chair Langley opened the floor for public comment, there was none.

Chair Langley asked for a motion to close the public comment portion.

A motion to close the public comment was made by Frank Jones, seconded by Joel Tomlin.

Mr. Jones asked Chair Langley for discussion on the topic. Chair Langley confirmed discussion but asked that the discussion be limited to factual information.

Mr. Jones asked the staff to estimate the percentage of homes that have garages that are in line with the front door or exceed past the front door.

Ms. Hensley stated that most of the homes do have side loading garages that are equal to the setback of the front door or exceed the front door.

Mr. Santos commented that he observed 2 out of 40 homes in the neighborhood that have the 3-foot setback.

Chair Langley asked if there were any other questions for the board, there were none.

Chair Langley asked if there was a motion on this request.

A motion to approve the variance request was made by Jeff Fleishour, seconded by Joel Tomlin.

Chair Langley stated that this request is unique and, in his eyes, clearly meets the first criteria because the majority of the homes in the area do not have a 3-foot setback.

Chair Langley asked for those in favor to say "aye" and those opposed to say "no."

Votes: 4 ayes by Jeff Fleishour, Jonathan Langley, Frank Jones, and Joel Tomlin.

- 3) Variance Request for 13 parking spaces to be located closer to Franklin Road than the existing parking areas between the front facade and the street (net reduction of 17 spaces), and Variance Request for 60 parking spaces to be located closer to Liberty Pike than the existing parking areas between the front facade and the street (net increase of 24 spaces) For the Property Located at 230 Franklin Rd. (F.Z.O. 7.5 – Landscape Frontage).

Staff Presentation: Ms. Hensley stated this is a 2-part request and began by stating that the property, better known as, the Factory, has multiple buildings, tenants and various uses. The current zoning standards state that parking cannot be closer to the street than the facade of the principal building unless vehicles parallel park. The existing parking located along Liberty Pike and Franklin Road are in front of the facade and are noncompliant with the zoning requirements. Ms. Hensley stated that currently there are 917 parking spaces. The applicant would like to create parking closer to Franklin Road and Liberty Pike. The applicant did not conduct a parking study initially but has submitted a parking memo as part of the development plan revision requiring a total of 915 parking spaces. According to the plan submitted to the staff, there would be a net reduction of 7 spaces on Franklin Road and a net increase of 22 spaces along the Liberty Pike parking area. The parking total would be 932 spaces which would be 17 over the required parking spaces. Ms. Hensley stated the applicants proposed parking revision would address design flaws around the Factory property. The applicant suggested that the plan would provide greater pedestrian access and safety, especially for individuals with disabilities. Ms. Henley explained that the applicant's proposal included improvements to landscaping and the removal of a retaining wall between the existing parking area and Liberty Pike.

Ms. Hensley stated that the staff analyzed each variance request individually regarding the 3 criteria for variance requests that must be met by state law.

Ms. Hensley began with the proposed parking changes for the parking lot in front of the principal building adjacent to Franklin Road.

- 1) Ms. Hensley stated that the Factory Buildings, historically known as Dortch Stove Works, built in 1928, present uniqueness because of the building design and layout. Most of the parking spaces are located along the side of the historical buildings or in the back of the Factory property. Ms. Hensley noted that The Factory, in 1997, was placed on the National Registry of Historic Places. This designation adds to the uniqueness and exceptional nature of the buildings and property and for these reasons, the staff has determined that the first criteria has been met.
- 2) Because the Factory has the distinction of being listed on the National Register of Historic Places, a hardship for the owners and developers would exist limiting the improvements to traffic flow, parking spaces/location and pedestrian walkways. Strict application of the zoning ordinance would present difficulties to the applicant because of the loss of parking spaces and the inability to improve safety for pedestrians and automobiles. Ms. Hensley stated that because of the hardship to the owner and the exceptional nature of the buildings and property, the staff determined that criteria number two has been met.
- 3) Ms. Hensley stated that the proposal does not increase the number of non-compliant parking slots along the Franklin Road parking area and does improve pedestrian access,

safety and traffic flow. Ms. Hensley further stated that granting the variance request would not present a detriment to the public and the zoning ordinance would not be impaired. Therefore, the staff believes the third criteria has been met.

Based on the analysis, the staff recommends approval of the variance of the 13 additional parking spaces to be located closer to Franklin Road than the existing parking area at 230 Franklin Road.

Ms. Hensley presented the second part of the variance request that proposes an additional 60 parking spaces along Liberty Pike that would be closer to the street than the existing parking areas (net increase of 24 spaces).

- 1) Regarding the uniqueness of the buildings and property, Ms. Hensley referenced the design and layout of the historical Dortch Stove Works factory and the listing in the National Registry of Historical Places, as an exceptional component of the property. For these reasons, the staff determined the first criteria has been met.
- 2) Ms. Hensley stated that strict application of the zoning ordinances would create a hardship for the owner of the site by not allowing improvements to traffic flow, parking availability and pedestrian access. The strict requirements of the zoning ordinance paired with the historical exceptionality of the property, would not allow parking beside the buildings. Ms. Hensley stated that the strict application of the zoning ordinance would not allow the owner to make reasonable improvements to the parking or traffic structure around the property. Therefore, Ms. Hensley stated, the staff believes the second criteria has been met.
- 3) Ms. Hensley stated that the third criteria would be met if relief can be granted without determinant to the public good or impairment to the zoning ordinance. The plan includes an increase in parking spaces in front of the main building and in closer proximity to Liberty Pike. The plan exceeds the recommended parking spaces. The staff does not believe the third criteria has been met because of the increase in parking spaces and the location of parking area closer to Liberty Pike.

Ms. Hensley stated the staff recommends denial of the variance request that would add 60 additional parking spaces to the frontage area adjacent to Liberty Pike (net increase of 24 spaces), because the three criteria have not been met.

Applicant Presentation by Greg Gamble of Gamble Design Collaborative. Mr. Gamble stated he represents the new owners of the Factory, Holladay Properties. Mr. Gamble began by discussing the proposed pedestrian access from the Factory connecting to the Harlinsdale Park walkway to downtown Franklin (under construction). Currently, there is no access from the Factory parking area to the new walkway/trail (once completed) into downtown Franklin. One of the goals of the project is to create a pedestrian friendly walkways and pedestrian friendly parking around the Factory that provides better access to businesses inside the Factory. Mr. Gamble also discussed a landscape master plan that would comply with the landscaping zoning regulations. Specifically, Mr. Gamble discussed the use of larger landscape islands (1 for every 10 parking spaces) to create green space and to provide a break in the parking lot and a hedgerow surrounding the parking areas to filter and buffer automobile headlights. Compliance with the landscape zoning requirements, Mr. Gamble stated, causes a net reduction of 17 parking spaces along the Franklin Road parking area. Mr. Gamble stated there are 917 parking spaces available at the Factory. After a parking study was completed, the study indicated that 915 spaces are needed. Mr. Gamble explained that the combined parking spaces for the Franklin Road Frontage area and the

Liberty Pike area is 288 parking spaces. Mr. Gamble stated that they propose an additional 15 parking spaces for a total of 303 spaces, improvements to the landscape design that comply with landscape zoning requirements and improvements in pedestrian access and connections. Other specifics of the proposal include reorganization of perpendicular parking spaces to parallel parking spaces to increase safety for pedestrians and automobiles. Further, Mr. Gamble explained the proposed revision and reorganization of the parking and traffic flow during the Saturday morning Farmer's Market. The reorganization will free up additional parking spaces and will provide a better flow between the Farmer's Market and businesses inside the Factory. Mr. Gamble stated that when the site plan is submitted to the planning staff, the final number of parking spaces will be listed. Mr. Gamble discussed a few incidental areas of the property that would be addressed including landscaping around a dumpster and landscaping around MoJo's Taco that could result in a loss of parking spaces.

Mr. Jones stated that the plan appears to be more compliant with the zoning regulations.

Mr. Gamble replied stating that the proposal brings the areas of landscaping design, pedestrian access/safety and accessibility for individuals with disabilities into compliance with the 2020 ordinances.

Ms. Dannenfelsler followed up the compliance discussion by stating that some components of the proposal are compliant with the zoning ordinance, but the proposed parking areas are more out of compliance with the zoning ordinance because the proposed location of the parking spaces is closer to the road than the current parking areas.

Ms. Dannenfelsler also stated her concerns about the number of parking spaces presented by Mr. Gamble compared to the number of parking spaces on the actual application received by the staff. Ms. Dannenfelsler stated that the proposed number of parking spaces exceeds the zoning requirements with an increase of 22 spaces along the Liberty Pike parking area and a decrease of 7 spaces on the Franklin Road parking area. As a result, the staff did not recommend approval of the variance request.

Chair Langley asked if the applicant could speak factually about the requested parking spaces.

Mr. Gamble stated that the proposed number of parking spaces for the parking area along Franklin Road is a net decrease of 17 spaces. The proposed parking space along the Liberty Pike side is a net increase of 24 spaces. There are 6 parking spaces by Mafiaozza's that are not part of the variance request that account for the additional parking spaces.

Chair Langley asked if the staff was concerned about the incorrect number of parking spaces listed on the caption when it was advertised to the public.

Ms. Dannenfelsler read the caption received by the staff.

Mr. Gamble confirmed the proposed parking requested is closer to Franklin Road than what currently exists and is out of compliance. The same would be true for the parking along Liberty Pike.

Chair Langley asked for advice from the legal department about the published caption listing incorrect proposed parking spaces.

Mr. Squires stated that preferably the numbers on a published caption would match exactly. He further stated that clerical errors and misunderstandings occasionally occur. In this situation, Mr. Squires stated that the concern is more about the location of the parking spaces (closer to the road) than the specific number of parking spaces. Mr. Squires went on to say that the applicant provided the net increase or decrease in parking spaces to explain that the purpose of the plan was not to increase parking spaces unnecessarily. Mr. Squires also stated that if the numbers change it would not be a noticing problem. He pointed out that the parking spaces ended up matching, once clarification was made by the applicant.

Chair Langley asked if the staff was comfortable with the final parking space numbers. Ms. Dannenfelser stated the staff comfortable with the number of parking spaces.

Chair Langley stated that public comments were welcomed at this time.

Public Comment Speaker: Paul Lebovitz stated he lives on the corner of Franklin Road and Liberty Pike.

Mr. Lebovitz asked if the current hedge screen between the parking area and Liberty Pike would be removed and, if so, would a new mature hedge screen be planted? He stated his concern was about visualization and how things will look and not about the number of parking spaces.

Mr. Gamble stated that much of the landscaping at the Factory is overgrown, but trees that could be saved, for example- the group magnolia trees on the property, would be treated and would remain on the property, if possible.

Mr. Jones asked if there would be a hedge screen along Liberty Pike.

Mr. Gamble explained that a hedge screen is a requirement by the landscape zoning ordinance.

Chair Langley asked for a motion to close the public comment portion. The motion was made by Joel Tomlin, seconded by Jeff Fleishour.

A motion to approve the Franklin Road variance was made Joel Tomlin, seconded by Frank Jones
Votes: 4 ayes by Jeff Fleishour, Jonathan Langley, Frank Jones, and Joel Tomlin

A motion to approve the Liberty Pike variance was made by Joel Tomlin, seconded Frank Jones
Votes: 4 ayes by Jeff Fleishour, Jonathan Langley, Frank Jones, and Joel Tomlin

Chair Langley asked for a motion to adjourn the April 7, 2022, BZA meeting.

A motion was made by Joel Tomlin, seconded by Jeff Fleishour.

Chair Langley declared The Board of Zoning Appeals Meeting adjourned at 7:07 p.m.


