

**PUBLIC NOTICE**  
**FRANKLIN BOARD OF ZONING APPEALS**  
**JULY 11, 2019**

**AGENDA**

Notice is hereby given that the Franklin Board of Zoning Appeals will hold a regularly scheduled meeting on Thursday, July 11, 2019, at 6:00 p.m. in the City Hall Board Room, 109 Third Avenue South, Franklin, Tennessee. Additional information can be found at [www.franklintn.gov/planning](http://www.franklintn.gov/planning). The purpose of the meeting will be to consider matters brought to the attention of the Board and will include the following:

**Call to Order**

**Review and approval of Minutes from June 6, 2019, BZA Meeting**

**Announcements**

**Items to be heard by the Board**

1. **Variance Request** by JD Pritchett, for a 2-foot encroachment into the required 5-foot rear yard setback for accessory structures to construct a detached garage at the rear of the lot located at 1365 Columbia Avenue (F.Z.O §3.3.4, Table 3-8).
2. **Variance Request** by Joannie Walker, for a 12-foot encroachment into the required 30-foot rear yard setback to construct a covered patio at the rear of the existing dwelling located at 121 Pebble View Drive (F.Z.O §3.3.3, Table 3-6).
3. **Variance Request** by Don Burke, to increase the maximum lot width for traditional development standards for detached residential lots by 35-feet for the property located at 424 South Margin Street. (F.Z.O §3.3.4, Table 3-8).

**Other Business**

**Adjourn**

*Anyone requesting accommodations due to disabilities should contact the Human Resources Department at (615) 791-3216, at least 24 hours prior to the meeting.*

**MEETING MINUTES OF THE  
FRANKLIN BOARD OF ZONING APPEALS  
JUNE 6, 2019**

The Franklin Board of Zoning Appeals held a regular meeting on Thursday, June 6, 2019 at 6:00 p.m. in the City Hall Boardroom.

Members present: Gillian Fischbach  
Frank Jones  
Joel Tomlin  
Greg Caesar  
Jonathan Langley

Staff present: Kelly Dannenfels, Planning & Sustainability  
Joey Bryan, Planning & Sustainability  
Tiffani Pope, Staff Attorney  
Bill Squire, Assistant City Attorney  
Shanna McCoy, BNS Department

The agenda read as follows:

**Review and approval of Minutes from May 2, 2019, BZA Meeting**

**Announcements**

**Variance Request** by Garrett Johnson, for an 8-foot encroachment into the required 20-foot rear yard setback to construct a covered porch at the rear of the existing dwelling located at 209 Lyle Court (F.Z.O §3.3.3, Table 3-6).

**Variance Request** by Josh & Sharon Davis, to alter the flood plain regulations for finished floor elevation for a new rear addition to the existing dwelling located at 709 Fair Street (F.Z.O §5.8.5(5)(ii)).

Vice-Chair Caesar called the meeting to order at 6:00 pm.

**Minutes from May 2, 2019, BZA Meeting**

Mr. Caesar moved to approve the May 2, 2019, meeting minutes. Mr. Tomlin seconded the motion and the motion carried 5-0.

**Announcements:**

Chair Jones requested to know if there were any non-agenda items.

Mr. Bryan stated no, there were no non-agenda items.

**Variance Request by Garrett Johnson, for an 8-foot encroachment into the required 20-foot rear yard setback to construct a covered porch at the rear of the existing dwelling located at 209 Lyle Court (F.Z.O §3.3.3, Table 3-6).**

Mr. Bryan stated the applicant is requesting an 8-foot encroachment into the required 20-foot rear yard setback to construct a screened porch at the rear of the dwelling located at 209 Lyle Ct. Mr. Bryan stated the subject property is Lot 52 in the Henley Subdivision, Section 1, and is a lot of record that was created in 2006 prior to the adoption of the current Zoning Ordinance. Mr. Bryan stated the property is currently zoned R-2 – Detached Residential 2 District, Central Franklin Character Area Overlay District - Special Area 4 (MECO-4), and designated for Conventional Development Standards. Mr. Bryan stated the Table 3-6 establishes the Site Development Standards for Conventional Areas and has a footnote that stipulates that “for lots in recorded subdivisions or approved PUDs, the setbacks and lot sizes, maximum densities, and primary façade widths shown in this table shall not apply, and the requirements shown on the final plat, the approved PUD, or conditions on existing lots shall govern.” Mr. Bryan stated the required 80-foot rear yard setback requirement established on the recorded plat is consistent with the setback for sides of the property that fronts an arterial as stipulated in Tables 3-6. Mr. Bryan stated however, the Building & Neighborhood Services Department has classified this as a rear yard and will be referred to and reviewed as such in this report. Mr. Bryan stated the applicant is proposing to construct a 13’ x 30’ screened porch to the rear of the existing dwelling. Mr. Bryan stated the proposed roof cover would encroach into the rear setback approximately 8’. Mr. Bryan stated the lot is not a standard shape. Mr. Bryan stated the rear property line angles down from right to left limiting buildable areas. Mr. Bryan stated the lot also contains an existing 10’ PUDE that cannot be built on. Mr. Bryan stated the location of an existing PUDE, restricts the areas where additions and/or accessory structures can be constructed on the property. Mr. Bryan stated the Variance process is intended to provide limited relief from the requirements of the Zoning Ordinance in those cases where the strict application of a particular requirement will create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed under the Ordinance. Mr. Bryan stated it is not intended that Variances be granted merely to remove inconveniences or financial burdens that the requirements of the Zoning Ordinance may impose of property owners in general. Variances are intended to address extraordinary, exceptional, or unique situations that were not caused by the applicant’s act or omission. Mr. Bryan stated the BZA may authorize, upon an appeal relating to the property, a Variance from such strict application of the Zoning Ordinance so as to relieve such difficulties or hardship only in accordance with the following three standards. Mr. Bryan stated in order to grant the Variance Request, the BZA must determine that the applicant has demonstrated that all three standards required to grant the variance have been satisfied. Mr. Bryan stated the following is an analysis of the requested variances as they relate to the variance standards and approval criteria described above:

1. Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of this ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property is not able to accommodate development as required under this ordinance.
2. The strict application of any provision enacted under this ordinance would result in peculiar and exceptional practical difficulties to or exception or undue hardship upon the owner of such property.

3. Relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning map and this ordinance.

Mr. Bryan stated in order for the BZA to grant a variance, the applicant must have demonstrated that all three of the standards required to grant a variance have been satisfied and based on the analysis presented, staff recommends approval of the variance requested by the applicant because the applicant has met all three of the standards required for granting a variance.

Mr. Johnson stated they agreed with staff and would be happy to answer any questions.

Chair Jones requested to know if anyone from the audience wished to speak on this item and no one asked to speak.

Mr. Langley moved to close the public portion of the meeting. Mr. Tomlin seconded the motion and the motion carried 5-0.

Mr. Caesar moved to approve the variance request to vary the required 20-foot rear yard setback by 8 feet to construct a covered patio addition located at the rear of the existing dwelling located at 209 Lyle Ct. because the applicant has demonstrated that the standards for granting a variance have been satisfied as described in the staff report. Mr. Langley seconded the motion and the motion carried 5-0.

**Variance Request by Josh & Sharon Davis, to alter the flood plain regulations for finished floor elevation for a new rear addition to the existing dwelling located at 709 Fair Street (F.Z.O §5.8.5(5)(ii)).**

Mr. Bryan stated the applicants are requesting a variance from the required lowest floor elevation for new construction from three feet above the Base Flood Elevation (BFE) for the property located at 709 Fair Street. Mr. Bryan stated the property is located entirely within the Floodway Fringe Overlay (FFO). Mr. Bryan stated the applicants intend to construct an addition, measuring 12' x 28,' to the rear of the existing dwelling. Mr. Bryan stated the subject property was created prior to the adoption of the current Zoning Ordinance. Mr. Bryan stated the property is currently zoned R-3 – Detached Residential 3 District, Central Franklin Character Area Overlay District - Special Area 3 (CFCO-3), and designated for Traditional Development Standards. Mr. Bryan stated the subject property is within the Hincheyville National Register Historic District and within the local Historic Preservation Overlay. Mr. Bryan stated the home was constructed ca. 1935. Mr. Bryan stated the Zoning Ordinance allows for variances for floodplain protection regulations to be granted by the BZA for established historic properties. Mr. Bryan stated the applicants are requesting the variance to protect the historic character and design of the structure as designated in Section 5.8.5(5)(ii) of the Zoning Ordinance. Mr. Bryan stated the applicants appeared before the Historic Zoning Commission at the May 13, 2019 meeting where the plans for the proposed rear addition were approved as they kept the historical character and design of the historic principal structure. Mr. Bryan stated the City of Franklin Preservation Planner Amanda Rose has supplied a memo summarizing the Historic Zoning process as well as the HZC's recommendation of approval to the members of the BZA. Mr. Bryan stated the Variance process is intended to provide limited relief from the requirements of the Zoning Ordinance in those cases where the strict

application of a particular requirement will create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed under the Ordinance. Mr. Bryan stated it is not intended that Variances be granted merely to remove inconveniences or financial burdens that the requirements of the Zoning Ordinance may impose of property owners in general. Mr. Bryan stated the variances are intended to address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission. Mr. Bryan stated in order to grant the Variance Request, the BZA must determine that the applicant has demonstrated that all three standards required to grant the variance have been satisfied. Mr. Bryan stated the following is an analysis of the requested variances as they relate to the variance standards and approval criteria described above:

1. Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of this ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property is not able to accommodate development as required under this ordinance.
  - The subject property is an existing lot of record that was created prior to the adoption of the current Zoning Ordinance. The applicants are proposing to construct a 283 sq. ft. addition to the rear of the existing dwelling. The applicants are requesting a variance to construct the addition at BFE.
  - The home has been designated as historic by both the Federal Department of the Interior as well as the City of Franklin. The lot is within the Hincheyville National Register District as well as the local Hincheyville Historic District. As such, any proposed alterations to the exterior of the home must be reviewed and approved by the Historic Zoning Commission.
  - The entirety of the lot is within the FFO that adds additional regulations and requirements for new construction.
  - Variances from floodplain protection regulations may be granted by the BZA for homes and structures designated as historic in order to protect the historic character and design of the community.
  - If the rear addition were to be constructed at the required three feet above BFE, it would create an incohesive internal layout of the home and not be compatible with the historic design and character of the existing historic dwelling.
  - Staff finds that the conditions on the lot create a unique, exceptional, or extraordinary situation about the subject property that would prevent the applicant from complying with the requirements of the Zoning Ordinance if Conventional Development Standards were applied.
2. The strict application of any provision enacted under this ordinance would result in peculiar and exceptional practical difficulties to or exception or undue hardship upon the owner of such property.
  - The location of the FFO adds additional requirements and regulations of how additions can be constructed to existing dwellings. The regulation of having new construction be a minimum of three feet above BFE would hinder the historic character and design of the existing dwelling. The strict application of the Zoning Ordinance provisions would result in an exceptional hardship on the owner of the property. Ultimately, the Board must determine whether the inability to construct the proposed roof cover encroaching into the required rear yard is a hardship or practical difficulty.
3. Relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning map and this ordinance.

- The final standard the Board must consider is whether the requested relief granted would be a detriment to the public good or impair the intent and purpose of the Zoning Ordinance. The Historic Zoning Commission has recommended that the elevation of the new addition be constructed to 14 inches above the existing finished floor elevation and has approved the architectural elevations at that floor elevation as it would not hinder the historical character or design of the existing dwelling, thereby maintaining the integrity of the Hincheyville Historic District. Based on the recommendation of the HZC and the analysis of the conditions of the lot, staff believes that granting the proposed variance would not be detrimental to the public good and would not impair the intent or purpose of the Zoning Ordinance.

Mr. Bryan stated in order for the BZA to grant a variance, the applicant must have demonstrated that all three of the standards required to grant a variance have been satisfied and based on the analysis presented above, staff recommends approval of the variance requested by the applicant because the applicant has met all three of the standards required for granting a variance.

Mr. Davis stated they would be happy to answer any questions.

Chair Jones requested to know if anyone from the audience wished to speak on this item and no one asked to speak.

Mr. Tomlin moved to close the public portion of this meeting. Ms. Fischbach seconded the motion and the motion carried 5-0.

Mr. Tomlin moved to approve the variance request to adjust the finished floor elevation for new construction in the floodplain by 36 inches to construct an addition located at the rear of the existing dwelling located at 709 Fair St. because the applicant has demonstrated that the standards for granting a variance have been satisfied as described in the staff report. Ms. Fischbach seconded the motion.

Mr. Caesar stated he had an issue with the third requirement.

Chair Jones stated this area has been there a long time.

Mr. Caesar stated he wanted clarity.

Mr. Langley requested staff give a little history and process pertaining to the Historic Districts and flood plain.

Mr. Bryan stated the Historic Commission mainly looks at architectural elevations and aesthetics of any additions, alterations etc. Mr. Bryan stated with the additional flood plain regulations the applicant appeared before the Design Review Committee before going to the Historic Zoning Commission for review and approval and actually two or three options were given to the Historic Zoning Commission for review. Mr. Bryan stated Ms. Rose, the Preservation Planner, was here to help answer questions. Mr. Bryan stated Historic Zoning Commission approved 14-inches. Mr. Bryan stated Ms. Rose could provide more information.

Mr. Caesar stated he wasn't as interested in the historic aspect, but the floodplain.

Ms. Rose stated the 14-inches was proposed by the applicant to meet the regulation as much as possible and the 14-inch is above the base elevation for that property and explained.

Ms. McCoy, the Floodplain Administrator and explained this has been discussed with the state FIP coordinator and they have no issues with how this is presented, especially with the lot being located in the local Historic District.

Discussion ensued on the floodplain standards.

With the motion having been made and seconded the motion carried 5-0.

**Other Business.**

No other business

**Adjourn.**

With there being no further business, the meeting was adjourned at 6:20.

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Chair



(a) Appeal of Administrative Decisions

To hear and decide appeals of administrative decisions where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the Codes Department or other administrative official in carrying out or enforcing any provision of this ordinance, and for interpretation of the zoning map pursuant to Subsection 2.4.6, Appeal of Administrative Decisions.

(b) Variances

To hear and decide applications for variance from the terms of this ordinance where:

- (i) By reason of exceptional narrowness, shallowness, or shape of a specific piece of property which, at the time of adoption of this ordinance, was a lot of record, or where, by reason of exceptional topographic conditions or other extraordinary or exceptional situation or condition of a piece of property; and
- (ii) The strict application of the provisions of this ordinance would result in practical difficulties to, or undue hardship upon, the owner of a piece of property; and
- (iii) Relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance.

In granting a Variance, the BZA may attach conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purposes of this ordinance pursuant to Subsection 2.4.5, Variances.

**CHAPTER 2.4.5  
VARIANCES**

**(1) Purpose and Scope**

The Variance process is intended to provide limited relief from the requirements of this ordinance in those cases where strict application of a particular requirement will create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this ordinance. It is not intended that Variances be granted merely to remove inconveniences or financial burdens that the requirements of this ordinance may impose of property owners in general. Variances are intended to address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.

\* \* \*

**(4) Approval Criteria**

The BZA may authorize, upon an appeal relating to the property, a Variance from such strict application so as to relieve such difficulties or hardship only in accordance with the following criteria:

- (a) Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of this ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property is not able to accommodate development as required under this ordinance; and
- (b) The strict application of any provision enacted under this ordinance would result in peculiar and exceptional practical difficulties to or exception or undue hardship upon the owner of such property; and
- (c) Such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning map and this ordinance.
- (d) In granting Variances, the BZA shall have no power to take action that has the effect of allowing a use in contravention of the applicable base or overlay district or which in any other way changes the applicable district. Any action that has in effect changed the district shall be deemed to be a violation of powers of this subsection and shall be of no force and effect.
- (e) The fact that a site or development does not conform to this ordinance prior to the consideration of a Variance application may not be used as a basis for the granting of a Variance.

**(5) Effect of a Variance**

- (a) The issuance of a Variance shall authorize only the particular variation that is approved in the Variance.
- (b) A Variance, including any conditions, shall run with the land and shall not be affected by a change in ownership.

**(6) Subsequent Development**

Development authorized by the Variance shall not be carried out until the applicant has secured all other approvals required by this ordinance or any other applicable ordinances or regulations. A Variance shall not ensure that the development feature approved as a Variance shall receive subsequent approval for other applications for

development approval unless the relevant and applicable portions of this ordinance or other applicable provisions are met.

**(7) Time Limit**

- (a) Unless otherwise specified in the Variance, an application for a Building Permit shall be applied for and approved within one year of the date of the Variance approval; otherwise the Variance shall become invalid. Permitted timeframes do not change with successive owners.
- (b) Upon written request, one extension of six months may be granted by the Codes Department if the applicant can show good cause.
- (c) The decision of the Codes Department as to what constitutes substantial compliance with the time limit or applicable conditions for a Variance shall be final.

**(8) Amendment**

A Variance may be amended, extended, or modified only in accordance with the procedures and standards established for its original approval. A request for a change in the conditions of approval of a Variance shall be considered an amendment and subject to the full review procedure set forth in this subsection.

**CHAPTER 3.3  
SITE DEVELOPMENT STANDARDS**

**3.3.1 Measurements, Computations, and Exceptions**

**(1) Distance Measurements**

Unless otherwise expressly stated, distances specified in this ordinance are to be measured as the length of an imaginary straight line joining those points.

**(2) Lot-Area Measurements**

**(a) Lot-Area Measurements**

The area of a lot includes the total horizontal surface area within the lot's boundaries.

**(b) Reductions in Lot Area Prohibited**

No lot shall be reduced in area so that lot area per dwelling unit, lot width, required yards, building area, setbacks, or other requirements of this ordinance are not maintained. Actions by governmental agencies, such as road widening, shall not be considered as reductions.

**(3) Lot Measurements**

**(a) Lot Width**

Lot width is the distance between the side lot lines measured at the point of the Front Yard Setback line.

**(b) Lot Frontage**

Lot frontage is the length of the front lot line measured at the street.

**(4) Setbacks, Yards, and Height**

**(a) Measurements**

Setbacks refer to the unobstructed, unoccupied open area between the furthestmost projection of a structure and the property line of the lot on which the structure is located. Setbacks shall be unobstructed from the ground to the sky except as otherwise expressly allowed in Subsection 3.3.1(4)(b), Permitted Encroachments into Required Setbacks.

**(b) Permitted Encroachments into Required Setbacks**

(i) The following features may be located within required setbacks to the extent indicated:

- A.) Sidewalks and landscape;
- B.) Accessory uses and structures as allowed in Section 4.1, Accessory Uses and Structures;
- C.) Fences and walls as allowed in Section 5.6, Fences and Walls; and
- D.) Off-Street Parking, as allowed in Section 5.9, Off-Street Parking and Loading.

(ii) Appurtenances are permitted to encroach into a required front or rear yard setback up to six feet and within side yards up to five feet from the property line provided a minimum of ten feet between buildings is maintained.

**(c) Yards Required for Buildings**

A yard or other open area required about a building shall not be included as part of a yard or other open space for another building.

**(d) Front Yard Setback**

**(i) Front Yard Setback and Streets**

The yard fronting a street shall be considered to be a front yard and shall meet the minimum front yard setback.

**(ii) Measurement**

The front yard setback shall extend the full width of the lot and shall be measured from the street right-of-way line.

**(iii) Double Frontage Lot**

A double frontage lot shall provide a front yard setback on both streets. The remaining yards shall meet the side yard setback requirements.

**(iv) Corner Lot**

A corner lot shall provide a front yard setback on all streets. The remaining yards shall meet the side yard setback requirements.

**(v) Cul-de-Sac or Curved-Street Lot**

For a cul-de-sac lot or a lot abutting a curved street, the front yard setback shall follow the curve of the front property line.

**(e) Side Yard Setback**

The side yard setback shall extend from the required front yard setback line to the required rear yard setback line and shall be measured from the side lot line. If no street or rear yard setback is required, the setback shall extend the full depth of the lot.

**(f) Rear Yard Setback**

The rear yard setback shall extend the full width of the lot and shall be measured from the rear lot line.

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### 3.3.3 Site Development Standards for Traditional Areas

- (1) Table 3-8 establishes the site developments standards, by building type, for development within traditional areas established pursuant to Section 5.1, Traditional and Conventional Area Standards Distinguished, and for development within the R-6, OR, and CC Districts.
- (2) All applicable development shall comply with the standards established within this subsection unless otherwise expressly stated, or unless a different standard is required by an applicable overlay district.

**TABLE 3-8 SITE DEVELOPMENT STANDARDS FOR TRADITIONAL AREAS [1], [2], [3]**

Standard	Residential Detached (Street Loaded)	Residential Detached (Alley Loaded)	Residential Attached	Mixed-Use	Nonresidential
Front Yard and Side Street Setback [4] [5] [6] [7]	10-30 feet	10-30 feet	0 or 5-25 feet	0–15 feet	0-20 feet
Side Yard Setback [8] [12]	5 feet	5 feet	[9] [13]	0-5 feet	0 feet
Rear Yard Setback [8]	5 feet	5 feet	5 feet	0 feet	0 feet
Main Body/Primary Facade Width (Maximum) [10]	50 feet	50 feet			
Minimum Lot Size	4,000 square feet	2,100 square feet			
Minimum Lot Width [5] [6] [11]	40-85 feet	30-70 feet			
Minimum Lot Frontage [5] [14]	40 feet	30 feet			

**NOTES:**

- [1] For lots in recorded subdivisions or approved PUDs, the setbacks and lot sizes, maximum densities, and primary façade widths shown in this table shall not apply, and the requirements shown on the final plat, the approved PUD, or conditions on existing lots shall govern.
- [2] Numbers shown as a range indicate a minimum and maximum (Example: 10-30). Shaded cells indicate that no requirement exists.
- [3] Unified developments may establish interior lot lines as necessary, provided that the bulk requirements of the outer boundaries of the development shall be retained as specified in this table.
- [4] For mixed-use and single-use nonresidential building types developed according to the traditional standards, the front building setback shall be measured from the back edge of the sidewalk, not the right-of-way line.
- [5] Larger or smaller setbacks, lot widths, lot frontages and lot sizes, beyond the range presented in this table, are permitted in cases where topographical or natural constraints exist, or where a particular design approach warrants a different setback, subject to Subsection 2.4.2, Planned Unit Developments.
- [6] In cases where a transitional feature is required, the minimum setback and lot width shall be in accordance with Subsection 5.3.4, Transitional Features.
- [7] The minimum setback from Mack Hatcher Parkway shall be 80 feet, and the minimum setback from Interstate 65 shall be 100 feet.
- [8] Where an immediately adjacent existing building is set back less than the minimum required side or rear yard, the minimum side or rear yard requirement shall instead be the same as the immediately adjacent developed building, but not less than five feet. Buildings shall maintain a minimum spacing of ten feet.
- [9] Minimum of zero feet each side, minimum ten feet between buildings.
- [10] Side or rear wings designed in accordance with Subsection 5.3.9 are exempt from the maximum width.
- [11] Corner lots may be up to 15 feet wider to accommodate porches or other architectural feature facing the street, and the maximum lot size shall not apply.
- [12] Appurtenances are permitted to encroach into a required front or rear yard setback up to six feet and within side yards up to five feet from the property line provided a minimum of ten feet between buildings is maintained.
- [13] Internal side setbacks shall be determined by the City of Franklin Building Code and or the City of Franklin Fire Code.
- [14] The minimum lot frontage width shall be required to be maintained to the front yard setback line, at which point the minimum lot width shall apply. However, the minimum lot frontage requirement shall not apply to lots located on the turning radius of a cul-de-sac.

**CHAPTER 4.1  
ACCESSORY USES AND STRUCTURES**

**4.1.2 General Standards and Limitations for Accessory Uses**

Except for accessory structures exempted in Subsection 4.1.3, Exemptions for Accessory Uses in the AG District, accessory uses or structures shall:

- (6) Be located at least five feet from all lot lines and ten feet from any other structures (except fences or walls) on adjacent properties; the required separation from structures on the same property shall be governed by the applicable building code;

**CHAPTER 8.3  
DEFINITIONS AND USE CLASSIFICATIONS**

**Addition (to an existing building)**

Any walled and roofed expansion to the perimeter of a building that is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition that is connected by a firewall or is separated by an independent perimeter load-bearing wall shall be considered “new construction”.

**Appurtenance**

The visible, functional, or ornamental objects accessory to, and part of a building, such as chimneys, decks, stoops, steps, porches, bay windows, roof overhangs, awnings, and similar features.

**Porch**

A projection from an outside wall of a dwelling that is covered by a roof and/or sidewalls (other than the sides of the building to which the porch is attached) for the purpose of providing shade or shelter from the elements.

**Yard**

An open space that lies between the principal or accessory structure and the nearest property line and which is unoccupied and unobstructed from the ground upward except as permitted in this ordinance.

**Yard, Rear**

An open, unoccupied space on a lot, except for accessory structures as herein permitted, extending across the rear of the lot from one side lot line to the other side lot line.

**Yard, Required**

The space between a lot line and the principal building within which no structure shall be permitted, except as authorized in this ordinance.

**Background Information/Description of Variance Request**

The applicant is requesting a 2-foot encroachment into the required 5-foot rear yard setback for accessory structures to construct a detached garage at the rear of the existing lot located at 1365 Columbia Avenue. The subject property is Lot 1 in the Gist Street Subdivision, and is a lot of record that was created in 2016. The property is currently zoned SD-R – Specific Development-Residential, Central Franklin Character Area Overlay District - Special Area 7 (CFCO-7), and designated for Traditional Development Standards.

Table 3-8 establishes the Site Development Standards for Traditional Areas. It has a footnote that stipulates that “for lots in recorded subdivisions or approved PUDs, the setbacks and lot sizes, maximum densities, and primary façade widths shown in this table shall not apply, and the requirements shown on the final plat, the approved PUD, or conditions on existing lots shall govern.”

**Approval Criteria for Variances**

The Variance process is intended to provide limited relief from the requirements of the Zoning Ordinance in those cases where the strict application of a particular requirement will create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed under the Ordinance. It is not intended that Variances

be granted merely to remove inconveniences or financial burdens that the requirements of the Zoning Ordinance may impose of property owners in general. Variances are intended to address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.

The BZA may authorize, upon an appeal relating to the property, a Variance from such strict application of the Zoning Ordinance so as to relieve such difficulties or hardship only in accordance with the following three standards (FZA §§ 2.2.4 (b) and 2.4.5):

1. Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of this ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property is not able to accommodate development as required under this ordinance; and
2. The strict application of any provision enacted under this ordinance would result in peculiar and exceptional practical difficulties to or exception or undue hardship upon the owner of such property; and
3. Relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning map and this ordinance.

In order to grant the Variance Request, the BZA must determine that the applicant has demonstrated that all three standards required to grant the variance have been satisfied.

#### **Analysis of Approval Criteria for Variances**

The following is an analysis of the requested variances as they relate to the variance standards and approval criteria described above:

1. Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of this ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property is not able to accommodate development as required under this ordinance.
  - The subject property was platted as Lot 1 of the Gist Street Subdivision in 2016. The property is narrow as compared to other lots along the same block face. The proposed detached garage will be constructed at the rear of the lot and the applicant is requesting a 2-foot encroachment into the required 5-foot rear yard setback for accessory structures.
  - A rear addition to the principal structure was constructed prior to the current property owner that limits the buildable space for both future additions and accessory structures. However, there does appear to be enough room to construct the detached garage and still meet the setback requirements defined by the Zoning Ordinance.
  - Neighboring lots do have accessory structures within 5 feet or on the property line. However, based on the age of the platted lots and dwellings, these structures were more than likely constructed prior to the adoption of the current Zoning Ordinance.
  - Staff finds that the conditions on the lot as described by the applicant does not create a unique, exceptional, or extraordinary situations about the subject property that would prevent the applicant from complying with the requirements of the Zoning Ordinance if Traditional Development Standards were applied.
2. The strict application of any provision enacted under this ordinance would result in peculiar and exceptional practical difficulties to or exception or undue hardship upon the owner of such property.
  - Detached garages are limited to be located behind the principal structure as governed by the regulations of the Zoning Ordinance. The applicant cites the need for a garage in the proposed location for safety means so the property owner would not have to back onto Columbia Avenue in high volume traffic. After reviewing the plans, Staff finds that a side facing garage could be constructed 5-feet off the rear property line and still have enough space for a vehicle turn-around, so a driver would not have to back onto Columbia Avenue. The strict application of the Zoning Ordinance provisions requiring conformance with the Traditional Development Standards would not result in an exceptional hardship on the owner of the

property. Ultimately, the Board must determine whether the request to construct a detached garage within the required setback is a hardship or practical difficulty.

3. Relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning map and this ordinance.
  - The final standard the Board must consider is whether the requested relief granted would be a detriment to the public good or impair the intent and purpose of the Zoning Ordinance. The Zoning Ordinance also dictates that accessory buildings must maintain 10 feet of distance from neighboring structures on adjacent lots. The proposed layout would place the building 8 feet from the neighboring structure at 101 Gist St. Therefore, staff believes that granting the proposed variance could be detrimental to the public good and would impair the intent or purpose of the Zoning Ordinance.

#### **Staff Recommendation**

In order for the BZA to grant a variance, the applicant must have demonstrated that all three of the standards required to grant a variance have been satisfied. Based on the analysis presented above, staff recommends disapproval of the variance requested by the applicant because the applicant has not met the three standards required for granting a variance.

#### **Motion for Variance Requests**

**Move to deny the variance request to vary the required 5-foot rear yard setback by 2 feet to construct a detached garage located at 1365 Columbia Avenue because the applicant has not demonstrated that the standards for granting a variance have been satisfied as described in the staff report.**

May 30, 2018

Justification Letter

Drew Tully

1365 Columbia, Ave 37064

To Whom It May Concern:

(1 )Due of the constraints of the footprint of the existing building, it is not conducive to build an attached garage. Also, it has a large front set back which pushes the main house towards the back of the property. The property currently does not have a garage and to be able to build one where access, turnaround, back in and out is feasible (As Columbia ave has high traffic and you cannot safely back out), we need to build as close to the property lines on the east and south side as possible. Also, having the garage detached would allow the homeowner to have some usable yard when exiting the rear of the back porch.

(2) The hardship falls in being able to build a garage in a position to allow for turnaround of their vehicle. Any single family resident should have the opportunity to have sheltered parking. As well as providing an area for a guest to be able to park and turn around. Allowing the requested location of the garage would allow the homeowners as well as their guest to safely turn around and exit onto the busy traffic area of Columbia Ave, as oppose to if it was on a side street in the city where. Placing the garage at the 3ft setback mark also give the homeowner an opportunity for an accessible yard.

(3) Allowing us the 3 ft setback would not pose any substantial detriment to the public. The property along the back has a garage within a similar set back and it has no windows and doors that would have the view impeded by our garage.

Thank you for your consideration.

JD Pritchett

Owners Representative

And owner of

Pritchett and Co, LLC

General Contractors

1004 Greenland Drive

Franklin, TN 37069

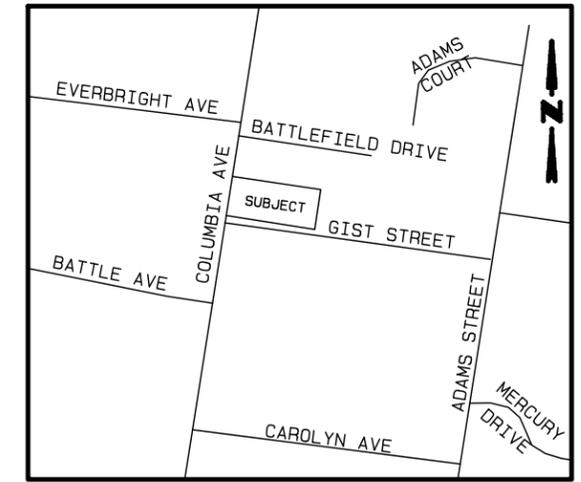
615-406-2363



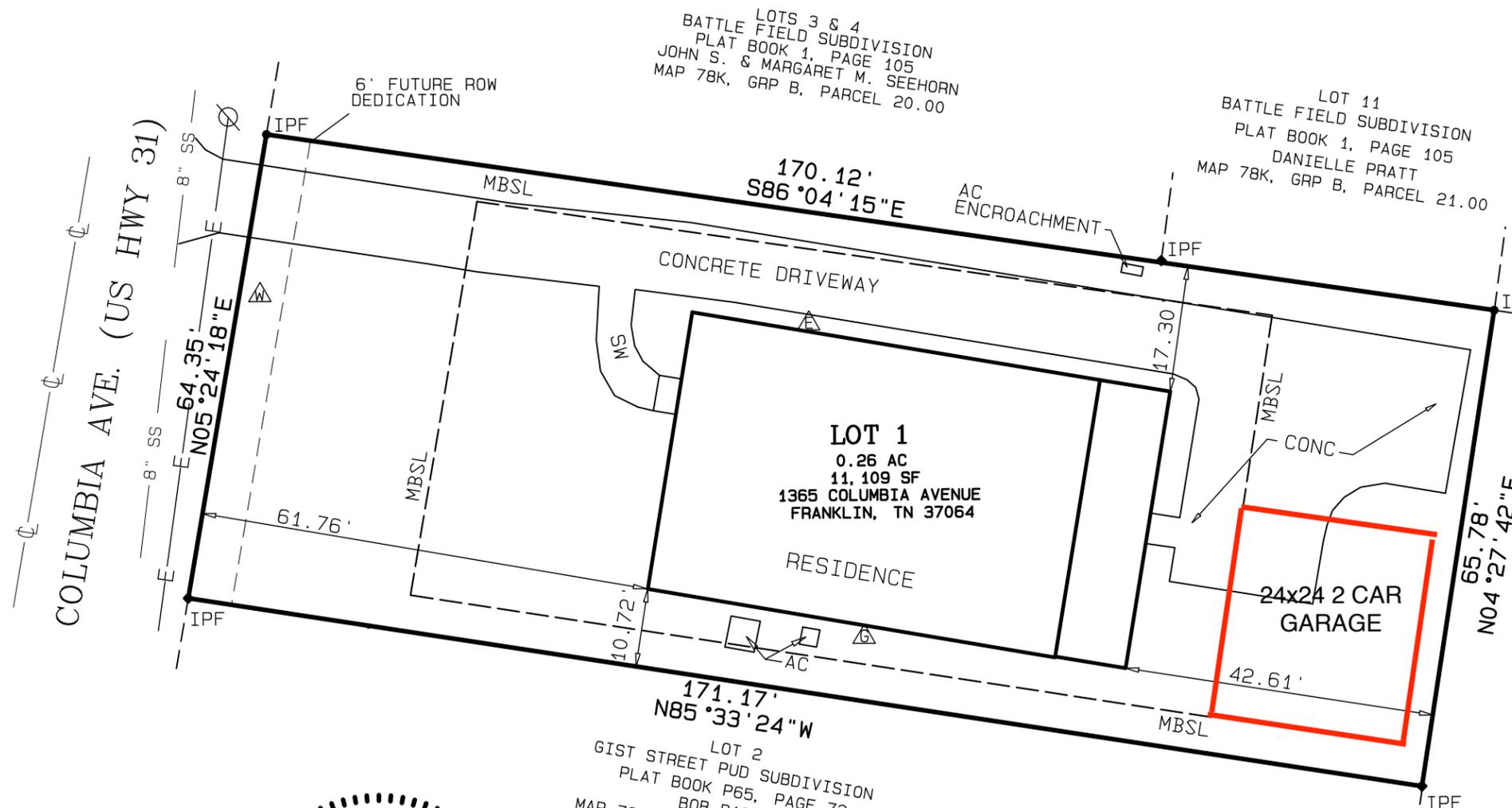
NOTES

1. Bearings are based on record of deed.
2. This surveyor has not physically located the underground utilities. Above grade and underground utilities were taken from visible appurtenances at the site, public records and maps made by others. Therefore, reliance upon type, size, and location of utilities should be done with these circumstances considered. Utility details should be obtained from proper authorities before any relative decision is made.
3. No title report was furnished to the surveyor. This survey is subject to the findings of an accurate title search.

LEGEND	
●	IRON PIN FOUND
○	IRON PIN SET
△	CALCULATED POINT
⊕	WATER METER
⊖	ELECTRIC METER
⊙	GAS METER
⊗	UTILITY POLE



VICINITY MAP (NOT TO SCALE)



LOT 11  
BATTLE FIELD SUBDIVISION  
PLAT BOOK 1, PAGE 105  
DANIELLE PRATT  
MAP 78K, GRP B, PARCEL 21.00

LOT 3  
GIST STREET PUD SUBDIVISION  
PLAT BOOK P65, PAGE 72  
ZACHARY H & AMY A WILSON  
MAP 78K, GRP B, PARCEL 19.03

AS-BUILT BOUNDARY SURVEY

LOT 1  
GIST STREET PUD SUBDIVISION  
PLAT BOOK P65, PAGE 72

TAX MAP 78K, GRP B, PARCEL 19.01  
OWNER: ANDREW J & REBECCA L TULLY  
DEED BOOK 7571, PAGE 268  
9TH CIVIL DISTRICT  
CITY OF FRANKLIN,  
WILLIAMSON COUNTY, TENNESSEE

04/19/2019

ARROWHEAD SURVEY  
4151 OLD HILLSBORO RD  
FRANKLIN, TN 37064  
615-599-7347

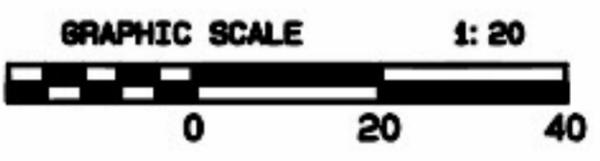


4-19-2019

SURVEYOR'S CERTIFICATE

I hereby certify that this is a Category 1 survey, that the ratio of precision of the unadjusted survey is better than 1: 1500, and is in compliance with the current "Tennessee Standards of Practice for Land Surveying".

*J. Mark Cantrell*  
J. MARK CANTRELL, TN PLS# 1859



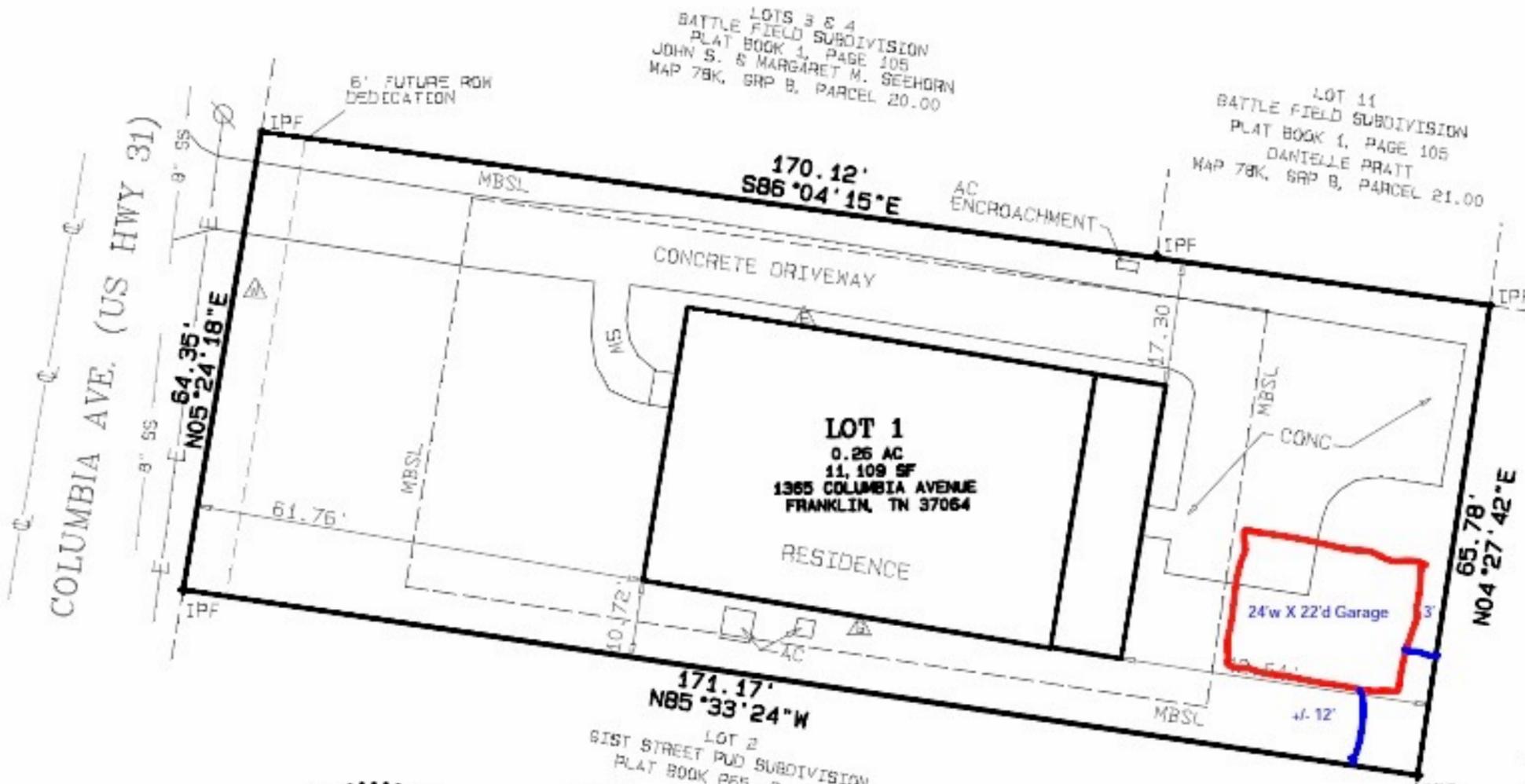
**NOTES**

1. Swearings are based on record of deed.
2. This surveyor has not physically located the underground utilities. Above grade and underground utilities were taken from visible appurtenances at the site, public records and maps made by others. Therefore, reliance upon type, size, and location of utilities should be done with these circumstances considered. Utility details should be obtained from proper authorities before any relative decision is made.
3. No title report was furnished to the surveyor. This survey is subject to the findings of an accurate title search.

LEGEND	
•	IRON PIN FOUND
○	IRON PIN SET
△	CALCULATED POINT
⊕	WATER METER
⊖	ELECTRIC METER
⊗	GAS METER
⊘	UTILITY POLE



VICINITY MAP  
(NOT TO SCALE)



LOTS 3 & 4  
BATTLE FIELD SUBDIVISION  
PLAT BOOK 1, PAGE 105  
JOHN S. & MARGARET M. SEEHORN  
MAP 78K, GRP B, PARCEL 20.00

LOT 11  
BATTLE FIELD SUBDIVISION  
PLAT BOOK 1, PAGE 105  
DANIELLE PRATT  
MAP 78K, GRP B, PARCEL 21.00

LOT 12  
BATTLE FIELD SUBDIVISION  
PLAT BOOK 1, PAGE 105  
BETTY J. HUGHES  
MAP 78K, GRP B, PARCEL 22.00

LOT 3  
GIST STREET PUD SUBDIVISION  
PLAT BOOK P65, PAGE 72  
ZACHARY H & AMY A WILSON  
MAP 78K, GRP B, PARCEL 19.03

LOT 2  
GIST STREET PUD SUBDIVISION  
PLAT BOOK P65, PAGE 72  
BOB BASS  
MAP 78K, GRP B, PARCEL 19.00

**AS-BUILT  
BOUNDARY SURVEY**

**LOT 1**  
**GIST STREET PUD SUBDIVISION**  
**PLAT BOOK P65, PAGE 72**  
**TAX MAP 78K, GRP B, PARCEL 19.01**  
**OWNER: ANDREW J & REBECCA L TULLY**  
**DEED BOOK 7571, PAGE 268**  
**9TH CIVIL DISTRICT**  
**CITY OF FRANKLIN,**  
**WILLIAMSON COUNTY, TENNESSEE**

04/19/2019

**ARROWHEAD SURVEY**  
4151 OLD HILLSBORO RD  
FRANKLIN, TN 37064  
615-599-7347



4-19-2019

**SURVEYOR'S CERTIFICATE**

I hereby certify that this is a Category 1 survey, that the ratio of precision of the unadjusted survey is better than 1:1500, and is in compliance with the current "Tennessee Standards of Practice for Land Surveying".

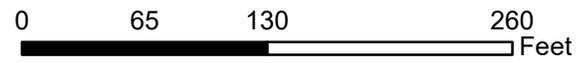
*J. Mark Cantrell*  
J. MARK CANTRELL, TN PLS# 1859

1365 Columbia Avenue  
 Rear Setback Variance Request  
 TAX MAP 078K B, PARCEL 19.01  
 BOARD OF ZONING APPEALS  
 7/11/19



**1365 Columbia Ave. Rear Setback Variance Request**

- |  |                                       |
|--|---------------------------------------|
| 1365 Columbia Ave                      | SD-R Specific Development-Residential |
| AG Agricultural District               | SD-X Specific Development-Variety     |
| ER Estate Residential                  | OR Office Residential District        |
| R-1 Residential District               | GO General Office District            |
| R-2 Residential District               | CC Central Commercial District        |
| R-3 Residential District               | NC Neighborhood Commercial District   |
| R-6 Residential District               | GC General Commercial District        |
| RM-10 Attached 10 Residential District | LI Light Industrial District          |
| RM-15 Attached 15 Residential District | HI Heavy Industrial District          |
| RM-20 Attached 20 Residential District | CI Civic and Institutional District   |



This map was created by the Franklin Planning Department. It was compiled from the most authentic information available. The City is not responsible for any errors or omissions contained hereon. All data and materials (c) copyright 2016. All rights reserved.



(a) Appeal of Administrative Decisions

To hear and decide appeals of administrative decisions where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the Codes Department or other administrative official in carrying out or enforcing any provision of this ordinance, and for interpretation of the zoning map pursuant to Subsection 2.4.6, Appeal of Administrative Decisions.

(b) Variances

To hear and decide applications for variance from the terms of this ordinance where:

- (i) By reason of exceptional narrowness, shallowness, or shape of a specific piece of property which, at the time of adoption of this ordinance, was a lot of record, or where, by reason of exceptional topographic conditions or other extraordinary or exceptional situation or condition of a piece of property; and
- (ii) The strict application of the provisions of this ordinance would result in practical difficulties to, or undue hardship upon, the owner of a piece of property; and
- (iii) Relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance.

In granting a Variance, the BZA may attach conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purposes of this ordinance pursuant to Subsection 2.4.5, Variances.

**CHAPTER 2.4.5  
VARIANCES**

**(1) Purpose and Scope**

The Variance process is intended to provide limited relief from the requirements of this ordinance in those cases where strict application of a particular requirement will create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this ordinance. It is not intended that Variances be granted merely to remove inconveniences or financial burdens that the requirements of this ordinance may impose of property owners in general. Variances are intended to address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.

\* \* \*

**(4) Approval Criteria**

The BZA may authorize, upon an appeal relating to the property, a Variance from such strict application so as to relieve such difficulties or hardship only in accordance with the following criteria:

- (a) Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of this ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property is not able to accommodate development as required under this ordinance; and
- (b) The strict application of any provision enacted under this ordinance would result in peculiar and exceptional practical difficulties to or exception or undue hardship upon the owner of such property; and
- (c) Such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning map and this ordinance.
- (d) In granting Variances, the BZA shall have no power to take action that has the effect of allowing a use in contravention of the applicable base or overlay district or which in any other way changes the applicable district. Any action that has in effect changed the district shall be deemed to be a violation of powers of this subsection and shall be of no force and effect.
- (e) The fact that a site or development does not conform to this ordinance prior to the consideration of a Variance application may not be used as a basis for the granting of a Variance.

**(5) Effect of a Variance**

- (a) The issuance of a Variance shall authorize only the particular variation that is approved in the Variance.
- (b) A Variance, including any conditions, shall run with the land and shall not be affected by a change in ownership.

**(6) Subsequent Development**

Development authorized by the Variance shall not be carried out until the applicant has secured all other approvals required by this ordinance or any other applicable ordinances or regulations. A Variance shall not ensure that the development feature approved as a Variance shall receive subsequent approval for other applications for

development approval unless the relevant and applicable portions of this ordinance or other applicable provisions are met.

**(7) Time Limit**

- (a) Unless otherwise specified in the Variance, an application for a Building Permit shall be applied for and approved within one year of the date of the Variance approval; otherwise the Variance shall become invalid. Permitted timeframes do not change with successive owners.
- (b) Upon written request, one extension of six months may be granted by the Codes Department if the applicant can show good cause.
- (c) The decision of the Codes Department as to what constitutes substantial compliance with the time limit or applicable conditions for a Variance shall be final.

**(8) Amendment**

A Variance may be amended, extended, or modified only in accordance with the procedures and standards established for its original approval. A request for a change in the conditions of approval of a Variance shall be considered an amendment and subject to the full review procedure set forth in this subsection.

**CHAPTER 3.3  
SITE DEVELOPMENT STANDARDS**

**3.3.1 Measurements, Computations, and Exceptions**

**(1) Distance Measurements**

Unless otherwise expressly stated, distances specified in this ordinance are to be measured as the length of an imaginary straight line joining those points.

**(2) Lot-Area Measurements**

**(a) Lot-Area Measurements**

The area of a lot includes the total horizontal surface area within the lot's boundaries.

**(b) Reductions in Lot Area Prohibited**

No lot shall be reduced in area so that lot area per dwelling unit, lot width, required yards, building area, setbacks, or other requirements of this ordinance are not maintained. Actions by governmental agencies, such as road widening, shall not be considered as reductions.

**(3) Lot Measurements**

**(a) Lot Width**

Lot width is the distance between the side lot lines measured at the point of the Front Yard Setback line.

**(b) Lot Frontage**

Lot frontage is the length of the front lot line measured at the street.

**(4) Setbacks, Yards, and Height**

**(a) Measurements**

Setbacks refer to the unobstructed, unoccupied open area between the furthestmost projection of a structure and the property line of the lot on which the structure is located. Setbacks shall be unobstructed from the ground to the sky except as otherwise expressly allowed in Subsection 3.3.1(4)(b), Permitted Encroachments into Required Setbacks.

**(b) Permitted Encroachments into Required Setbacks**

(i) The following features may be located within required setbacks to the extent indicated:

- A.) Sidewalks and landscape;
- B.) Accessory uses and structures as allowed in Section 4.1, Accessory Uses and Structures;
- C.) Fences and walls as allowed in Section 5.6, Fences and Walls; and
- D.) Off-Street Parking, as allowed in Section 5.9, Off-Street Parking and Loading.

(ii) Appurtenances are permitted to encroach into a required front or rear yard setback up to six feet and within side yards up to five feet from the property line provided a minimum of ten feet between buildings is maintained.

**(c) Yards Required for Buildings**

A yard or other open area required about a building shall not be included as part of a yard or other open space for another building.

**(d) Front Yard Setback**

**(i) Front Yard Setback and Streets**

The yard fronting a street shall be considered to be a front yard and shall meet the minimum front yard setback.

**(ii) Measurement**

The front yard setback shall extend the full width of the lot and shall be measured from the street right-of-way line.

**(iii) Double Frontage Lot**

A double frontage lot shall provide a front yard setback on both streets. The remaining yards shall meet the side yard setback requirements.

**(iv) Corner Lot**

A corner lot shall provide a front yard setback on all streets. The remaining yards shall meet the side yard setback requirements.

**(v) Cul-de-Sac or Curved-Street Lot**

For a cul-de-sac lot or a lot abutting a curved street, the front yard setback shall follow the curve of the front property line.

**(e) Side Yard Setback**

The side yard setback shall extend from the required front yard setback line to the required rear yard setback line and shall be measured from the side lot line. If no street or rear yard setback is required, the setback shall extend the full depth of the lot.

**(f) Rear Yard Setback**

The rear yard setback shall extend the full width of the lot and shall be measured from the rear lot line.

\*\*\*

### 3.3.3 Site Development Standards for Conventional Areas

- (1) Tables 3-6 and 3-7 establish the site development standards, by building type, for development within conventional areas established pursuant to Section 5.1, Traditional and Conventional Area Standards Distinguished.
- (2) All applicable development shall comply with the standards established within this subsection unless otherwise expressly stated, or unless a different standard is required by an applicable overlay district.

**TABLE 3-6: SITE DEVELOPMENT STANDARDS FOR RESIDENTIAL BUILDING TYPES IN CONVENTIONAL AREAS [1], [2], [3], [10]**

Standard		AG	ER	R-1	R-2	R-3	R-6	SD-R	SD-X	RM-10	RM-15	RM-20	
Residential Detached (Street Loaded)	Front Yard and Side Street Setback (feet) [4] [5]	Local	100	75	60	40	25	25	30[9]	30[9]			
		Collector	150	100	90	75	60	35	40[9]	40[9]			
		Arterial/ Mack Hatcher	225	150	125	100	80	45	50[9]	50[9]			
	Side Yard Setback (feet) [6] [11]		50	35	25	[7]	[8]	[8]	[8][9]	[8][9]			
	Rear Yard Setback (feet)[6]		100	65	50	40	30	25	30[9]	30[9]			
	Minimum Lot Size (square feet)		1 per 15 acres	45,000	30,000	15,000	9,000	5,000	5,000[9]	5,000[9]			
	Minimum Lot Width (feet)		200	150	100	75	60	50	50[9]	50[9]			
	Minimum Lot Frontage (feet) [12]		160	120	80	60	48	40	40[9]	40[9]			

**NOTES:**

- [1] For lots in recorded subdivisions or approved PUDs, the setbacks, lot sizes, and maximum densities shown in this table shall not apply, and the requirements shown on the Final Plat or approved PUD shall govern.
- [2] Unified developments may establish interior lot lines as necessary, provided that the bulk requirements along the outer boundaries of the development shall be retained as specified in this table.
- [3] Shaded cells indicate that no requirement exists.
- [4] Where the average front yard for existing buildings on the same block face is more than or less than the minimum required front yard, the minimum front yard shall instead be within 25 percent of the average front yard for existing buildings on the same block face.
- [5] In cases where a transitional feature is required, the minimum setback shall be in accordance with Subsection 5.3.4, Transitional Features.
- [6] Where an immediately adjacent existing building is set back less than the minimum required side or rear yard, the minimum side or rear yard requirement shall instead be the same as the immediately adjacent developed building, but not less than five feet. Buildings shall maintain a minimum spacing of ten feet.
- [7] Minimum of eight feet each side, minimum of 20 feet between dwellings.
- [8] Minimum of five feet each side, minimum 12 feet between dwellings.
- [9] Larger or smaller setbacks, lot widths, lot frontages and lot sizes, beyond the range presented in this table, are permitted in cases where topographical or natural constraints exist, or where a particular design approach warrants a different setback subject to Subsection 2.4.2, Planned Unit Developments.
- [10] Appurtenances may encroach into a side-yard provided they maintain a minimum setback of five feet from the property line and ten feet from principal structures on adjacent lots.
- [11] For unified developments, internal side setback shall be determined by the applicable Building and Fire Codes as adopted by the City of Franklin.
- [12] The minimum lot frontage width shall be required to be maintained to the front yard setback line, at which point the minimum lot width shall apply. However, the minimum lot frontage requirement shall not apply to lots located on the turning radius of a cul-de-sac.

**CHAPTER 8.3**  
**DEFINITIONS AND USE CLASSIFICATIONS**

**Addition (to an existing building)**

Any walled and roofed expansion to the perimeter of a building that is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition that is connected by a firewall or is separated by an independent perimeter load-bearing wall shall be considered “new construction”.

**Appurtenance**

The visible, functional, or ornamental objects accessory to, and part of a building, such as chimneys, decks, stoops, steps, porches, bay windows, roof overhangs, awnings, and similar features.

**Porch**

A projection from an outside wall of a dwelling that is covered by a roof and/or sidewalls (other than the sides of the building to which the porch is attached) for the purpose of providing shade or shelter from the elements.

**Yard**

An open space that lies between the principal or accessory structure and the nearest property line and which is unoccupied and unobstructed from the ground upward except as permitted in this ordinance.

**Yard, Rear**

An open, unoccupied space on a lot, except for accessory structures as herein permitted, extending across the rear of the lot from one side lot line to the other side lot line.

**Yard, Required**

The space between a lot line and the principal building within which no structure shall be permitted, except as authorized in this ordinance.

**Background Information/Description of Variance Request**

The applicant is requesting a 12-foot encroachment into the required 30-foot rear yard setback to construct a covered patio at the rear of the dwelling located at 121 Pebble View Drive. The subject property is Lot 4 in the Cobblestone Court Subdivision, and is a lot of record that was created in 1981 prior to the adoption of the current Zoning Ordinance. The property is currently zoned R-2 – Detached Residential 2 District, Central Franklin Character Area Overlay District - Special Area 4 (MECO-4), and designated for Conventional Development Standards.

Table 3-6 establishes the Site Development Standards for Conventional Areas and has a footnote that stipulates that “for lots in recorded subdivisions or approved PUDs, the setbacks and lot sizes, maximum densities, and primary façade widths shown in this table shall not apply, and the requirements shown on the final plat, the approved PUD, or conditions on existing lots shall govern.” The required 80-foot rear yard setback requirement established on the recorded plat is consistent with the setback for sides of the property that fronts an arterial as stipulated in Tables 3-6. However, the Building & Neighborhood Services Department has classified this as a rear yard and will be referred to and reviewed as such in this report.

The applicant is proposing to construct an approx. 240 sq. ft. covered patio to the rear of the existing dwelling. The proposed roof cover would encroach into the rear setback approximately 12'. The lot is not a standard shape. The rear cul-de-sac and side property line angles down from right to left pushing the back the front and side setback line and limiting buildable areas. Additionally the previous construction of a rear addition further limited where a covered back patio can be located. The lot also contains an existing 20' PUDE that cannot be built on. The location of an existing PUDE, restricts the areas where additions and/or accessory structures can be constructed on the property.

### **Approval Criteria for Variances**

The Variance process is intended to provide limited relief from the requirements of the Zoning Ordinance in those cases where the strict application of a particular requirement will create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed under the Ordinance. It is not intended that Variances be granted merely to remove inconveniences or financial burdens that the requirements of the Zoning Ordinance may impose of property owners in general. Variances are intended to address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.

The BZA may authorize, upon an appeal relating to the property, a Variance from such strict application of the Zoning Ordinance so as to relieve such difficulties or hardship only in accordance with the following three standards (FZA §§ 2.2.4 (b) and 2.4.5):

1. Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of this ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property is not able to accommodate development as required under this ordinance; and
2. The strict application of any provision enacted under this ordinance would result in peculiar and exceptional practical difficulties to or exception or undue hardship upon the owner of such property; and
3. Relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning map and this ordinance.

In order to grant the Variance Request, the BZA must determine that the applicant has demonstrated that all three standards required to grant the variance have been satisfied.

### **Analysis of Approval Criteria for Variances**

The following is an analysis of the requested variances as they relate to the variance standards and approval criteria described above:

1. Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of this ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property is not able to accommodate development as required under this ordinance.
  - The subject property is an existing lot of record that was created prior to the adoption of the current Zoning Ordinance. The property was originally platted as part of the Cobblestone Court Subdivision in 1981. The proposed covered patio will be constructed at the rear of the existing dwelling. The applicant is requesting an 12-foot encroachment into the required 30-foot rear yard setback.
  - The shape the lot is not typical of the subdivision. The shape of the property, specifically the angled side property line and curved nature of the front setback to accommodate the cul-de-sac, limits where rear covered patios can be constructed. Additionally, the location of a 20' PUDE limits the buildable area of the lot.
  - The patio does encroach approx. 2 to 3 feet into the existing PUDE. City staff has reviewed the plans and determined that the structure is not a hinderance to any existing utility lines.
  - The lot backs up to a public road along the rear property lines.
  - Staff finds that the conditions on the lot create a unique, exceptional, or extraordinary situation about the subject property that would prevent the applicant from complying with the requirements of the Zoning Ordinance if Conventional Development Standards were applied.
2. The strict application of any provision enacted under this ordinance would result in peculiar and exceptional practical difficulties to or exception or undue hardship upon the owner of such property.
  - Staff reviewed the recorded plat for the property as well as GIS and aerial data for the property. The proposed rear yard location would appear to have the least impact on the surrounding properties and nearby residents. The setback with the additional landscape buffer severely limits the area where additions can be constructed. The strict application of the Zoning Ordinance provisions requiring

conformance with the platted setback would result in an exceptional hardship on the owner of the property. Ultimately, the Board must determine whether the inability to construct the proposed covered patio is a hardship or practical difficulty.

3. Relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning map and this ordinance.
  - The final standard the Board must consider is whether the requested relief granted would be a detriment to the public good or impair the intent and purpose of the Zoning Ordinance. Based on the analysis of the conditions of the lot and the approvals of similar requests, staff believes that granting the proposed variance would not be detrimental to the public good and would not impair the intent or purpose of the Zoning Ordinance.

**Staff Recommendation**

In order for the BZA to grant a variance, the applicant must have demonstrated that all three of the standards required to grant a variance have been satisfied. Based on the analysis presented above, staff recommends approval of the variance requested by the applicant because the applicant has met all three of the standards required for granting a variance.

**Motion for Variance Requests**

**Move to approve the variance request to vary the required 30-foot rear yard setback by 12 feet to construct a covered patio addition located at the rear of the existing dwelling located at 121 Pebble View Drive because the applicant has demonstrated that the standards for granting a variance have been satisfied as described in the staff report.**

June 10, 2019

Franklin Board of Zoning Appeals

Department of Planning and Sustainability

Dear Franklin Zoning Committee,

I am petitioning your committee to approve the continued building of a pergola at 121 Pebble View Dr. My home, which my late husband and I bought in 2009, is in Cobblestone Court subdivision. There is no HOA in this subdivision. My home was built in 1986 and the original design was a U-shaped house with the outdoor area in the center of the U. At some point prior to our purchasing the home, an addition was built which eliminated the outdoor space. This addition also took one corner at the back of the home within feet right to the 30 ft setback of the property.

In April of this year, I hired a man recommended by a neighbor, to build an outdoor stone patio and pergola (open air structure). A couple of weeks later the project was stopped due to no permit with City of Franklin. I applied for the permit and it was denied for encroachment reasons.

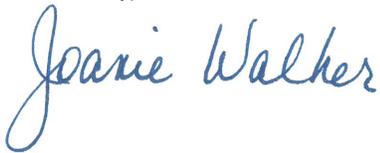
I am asking that due to the following reasons, you grant a variance that allows the building of the pergola to resume.

- The property sits between two streets. Front of property is on Pebble View Dr. The property backs up to Ralston Lane. The driveway is also off of Ralston Lane.
- Odd shaped property lines/lot.
- Lot is somewhat pie shaped but has a sharp angle on one side. The widest side of the pie is at the backyard which is at Ralston Lane.
- The house was built at an angle on the property and additional square footage was added at some point. This addition took the corner of the home right up to the 30 ft required setback.
- Home meets setback requirements from the front, which is a quiet cul-de-sac.
- Home meets setback requirements from neighbors on each side.
- Considering setbacks on all side of the house, the backyard is the best place to build an outdoor living area.
- The property backs up to Ralston Lane which is a three lane thoroughfare between Liberty Pike & HWY 96/Murfreesboro Road.
- A local engineer provided letter stating that the concrete pad meets requirements to hold the structure.
- The pergola does not have a roof, only open slats. That along with the concrete pad, make the structure secure.
- As it stands currently, home has no outdoor seating area at all.

At this point in time, the concrete has been poured, natural stone has been put down on top of it, and more than half of the pergola is finished. There are several beams that have yet to be wrapped with cedar, and the ceiling fan and post lighting needs to be put in place. The build is 12 ft at its furthest point into the 30ft required setback.

Finally, the pergola structure does not interfere or impede any surrounding properties or traffic on the thoroughfare. All housing that is in close proximity to the pergola can only view the structure from their backyards. The pergola is well designed with beautiful lighting and would not be an eyesore by any stretch. I am requesting that your committee grant a variance that permits us to build 12ft into the 30ft setback. Thank you for reviewing and considering my request.

Sincerely,



Joanie Walker



*Garman Engineering Company, LLC dba GEC*

---

May 20, 2019

Joanie Walker  
121 Pebble View Dr.  
Franklin, TN 37064

Re: Structural Observations of Existing Slab  
Residence, 121 Pebble View Dr., TN

Dear Mrs. Walker:

As requested, Geoffrey Burdine, Project Manager of GEC was at the above listed address on May 17, 2019, to observe the existing slab for pergola construction at the rear of the residence. The purpose of the site visit was to observe the subgrade conditions, and slab dimensions and reinforcement to confirm compliance with the structural requirements of the applicable building codes. Our evaluation and recommendations were based on visual observations and probing with a hand-pushed steel rod.

The slab was nominal 6-inches thick at structural columns supporting pergola framing. Steel reinforcement was detected with hand-held conductivity meter. A clean gravel base was observed by probing using a hand-pushed steel probe. The subgrade consisted of stiff silty clay having penetrometer readings of 2.0 tsf.

Based on our observations, the slab construction for supporting the pergola construction is compliant with the structural requirements of the applicable codes in the 2018 IRC and City of Franklin IRC ordinance. Please call me if you have questions.

Garman Engineering Company, LLC



Keith Michael Garman, PhD, PE, PG

**From:** bperkinst@aol.com  
**Sent:** Monday, June 10, 2019 8:34 AM  
**To:** walkergjoanie@gmail.com; c\_prince@princesfences.com  
**Cc:** info@princesfences.com  
**Subject:** Re: Survey drawing-Walker J

*This was in regard to a survey that was done prior to replacing a privacy fence.*



The original scope of work was a "stake" survey. This only involves coming to the site to establish the property corners. A boundary/lot survey with a drawing only includes the stake survey, then all the improvements on the property have to be located including streets, visible utilities, etc. and brought back to the office for processing. A drawing is then generated from autocad. Since the original scope of work was just a stake survey, none of the location was done. That means another trip to the site has to be made. A boundary/lot survey cost range is \$900-\$1500 depending on the size of the property and how much there is to locate. The fee that has already been paid will be included so probably another \$500-\$600 should cover it in this case.

Thanks,  
Billy

-----Original Message-----

**From:** Joanie Walker <[walkergjoanie@gmail.com](mailto:walkergjoanie@gmail.com)>  
**To:** c\_prince <[c\\_prince@princesfences.com](mailto:c_prince@princesfences.com)>  
**Cc:** info <[info@princesfences.com](mailto:info@princesfences.com)>; bperkinst <[bperkinst@aol.com](mailto:bperkinst@aol.com)>  
**Sent:** Wed, Jun 5, 2019 11:38 am  
**Subject:** Re: Survey drawing-Walker J

Thanks, Chuck, for sending the email to Billy.

Billy,  
The City of Franklin has put a stop build on a pergola I am having built. To move forward with codes department, they are requiring a survey. Please let me know the cost for the survey. Thanks!  
Joanie Walker  
[Joanie.Walker@princesfences.com](mailto:Joanie.Walker@princesfences.com)  
[121.Pebble.View.Dr.](mailto:Joanie.Walker@princesfences.com)  
[Franklin.TN.37064](mailto:Joanie.Walker@princesfences.com)

Sent from my iPhone

On Jun 5, 2019, at 11:19 AM, [c\\_prince@princesfences.com](mailto:c_prince@princesfences.com) wrote:

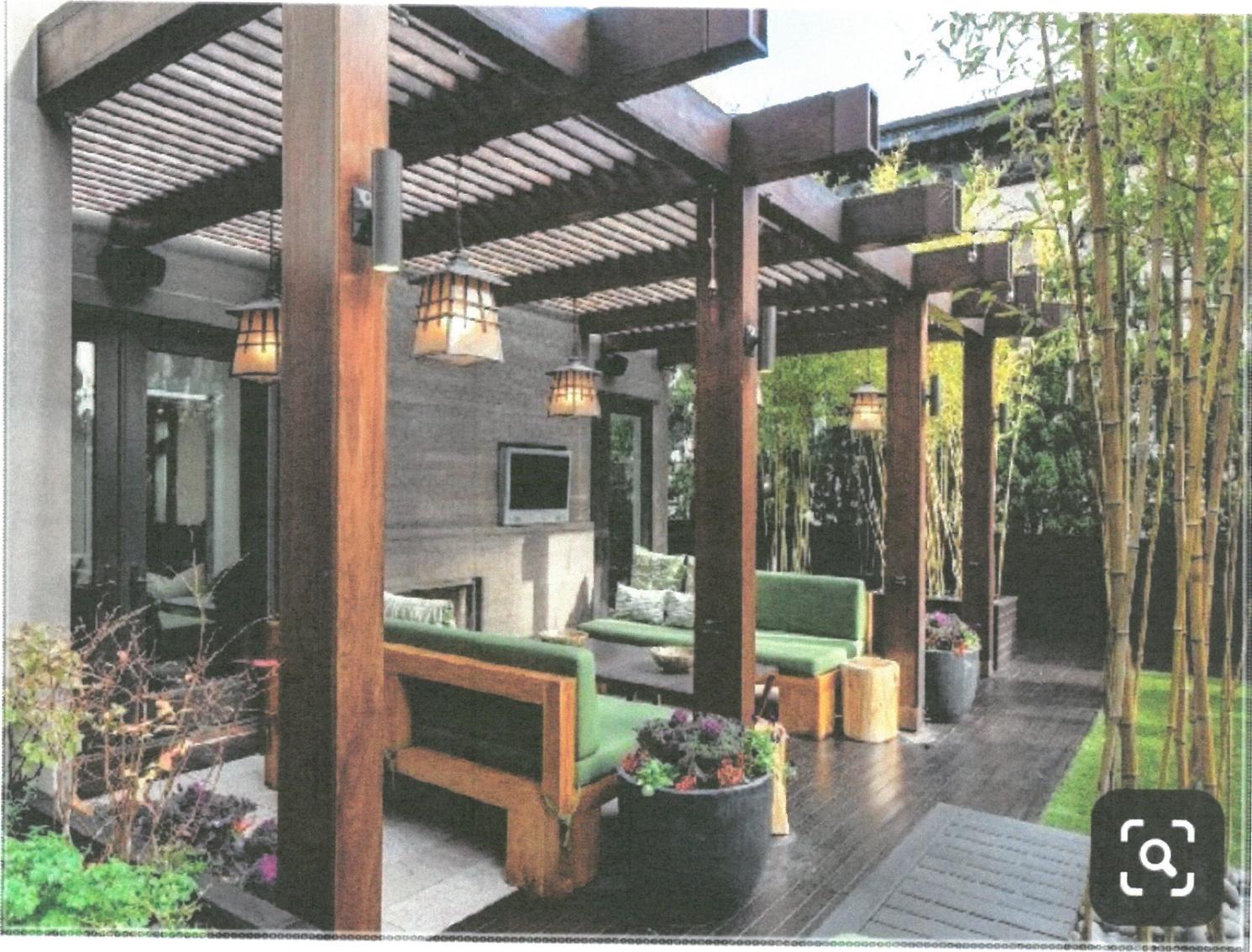
Hey Everyone!

To make things more simple, we will step away and let you guys work directly with each other.

Thanks,

**Chuck Prince, CEO & Founder**  
[\(615\) 975-9075](tel:(615)975-9075) Cell  
[\(615\) 360-6136](tel:(615)360-6136) Office  
[www.princesfences.com](http://www.princesfences.com)

<untitled>



*Finished pergola*





PEBBLE VIEW DRIVE

R = 50.00'

66.71'

35.00'

N56°51'52"E  
66.04'

Min. Setback  
Line

N62°47'45"W  
133.09'

10.00'

42.83'

HOUSE PLAN  
No. 2549

Mirror Imaged

50.66'

75.00'

10.00'

70.83'

Driveway

15.00'

30'

20.00'

112.00'

S 01° 54' 00" W

RALSTON LANE

20' Esm't. & Planting  
Screen

3

5

4

FROM RESIDENCE  
SITE PLANS

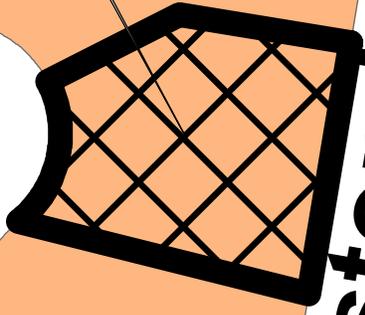
REVISIONS: 11.1.86 P.R.P.  
1.5.87 F.E.P.

121 Pebble View Drive  
 Rear Setback Variance Request  
 TAX MAP 078E F, PARCEL 4.00  
 BOARD OF ZONING APPEALS  
 7/11/19

Site

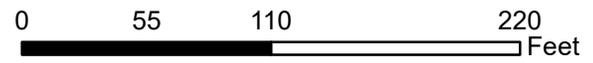
Pebble View Dr

Ralston Ln  
 Glenbrook Dr



**121 Pebble View Dr. Rear Setback Variance Request**

- |  |                                       |
|--|---------------------------------------|
| 121 Pebble View Drive                  | SD-R Specific Development-Residential |
| AG Agricultural District               | SD-X Specific Development-Variety     |
| ER Estate Residential                  | OR Office Residential District        |
| R-1 Residential District               | GO General Office District            |
| R-2 Residential District               | CC Central Commercial District        |
| R-3 Residential District               | NC Neighborhood Commercial District   |
| R-6 Residential District               | GC General Commercial District        |
| RM-10 Attached 10 Residential District | LI Light Industrial District          |
| RM-15 Attached 15 Residential District | HI Heavy Industrial District          |
| RM-20 Attached 20 Residential District | CI Civic and Institutional District   |



This map was created by the Franklin Planning Department. It was compiled from the most authentic information available. The City is not responsible for any errors or omissions contained hereon. All data and materials (c) copyright 2016. All rights reserved.

**Item 3**  
**Variance Request**  
BZA 7/11/19  
COF #7011

**Variance Request** by Don Burke, to increase the maximum lot width for traditional development standards for detached residential lots by 35-feet for the property located at 424 South Margin Street. (F.Z.O §3.3.4, Table 3-8).

<b>Summary of Action Taken (To be completed after item is heard)</b>	
The Board of Zoning Appeals has reviewed and discussed this item, and has taken the following action:	
_____	Granted the variance because the statutory standards to be granted a variance were established.
_____	Denied the variance because one or more of the statutory standards required to be granted a variance were not established.
_____	Upheld staff's decision in the administrative review process.
_____	Overtured staff's decision in the administrative review process.
_____	Deferred the item.
_____	Conditions of approval: _____ _____
_____	_____
BZA Chair	BZA Recording Secretary
_____	_____
Applicant Acknowledgement	Date

**Exhibits**

1. Staff Report and Analysis
2. BZA Application Materials and Supporting documentation
3. Location Map

**Vicinity Zoning**

Site: R-3 – Detached Residential 3 District  
North: R-3 – Detached Residential 3 District  
South: R-3 – Detached Residential 3 District  
East: R-3 – Detached Residential 3 District  
West: R-3 – Detached Residential 3 District

**Vicinity Land Use**

Site: Single Family Residential  
North: Single Family Residential  
South: Civic/Institutional  
East: Single Family Residential  
West: Single Family Residential

**Applicable Zoning Ordinance Regulations**

**CHAPTER 2.2.4**  
**BOARD OF ZONING APPEALS (BZA)**

\* \* \*

(1) **Powers and Duties**

The BZA shall have the following powers and duties under this ordinance:

(a) Appeal of Administrative Decisions

To hear and decide appeals of administrative decisions where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the Codes Department or other administrative official in carrying out or enforcing any provision of this ordinance, and for interpretation of the zoning map pursuant to Subsection 2.4.6, Appeal of Administrative Decisions.

(b) Variances

To hear and decide applications for variance from the terms of this ordinance where:

- (i) By reason of exceptional narrowness, shallowness, or shape of a specific piece of property which, at the time of adoption of this ordinance, was a lot of record, or where, by reason of exceptional topographic conditions or other extraordinary or exceptional situation or condition of a piece of property; and
- (ii) The strict application of the provisions of this ordinance would result in practical difficulties to, or undue hardship upon, the owner of a piece of property; and
- (iii) Relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance.

In granting a Variance, the BZA may attach conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purposes of this ordinance pursuant to Subsection 2.4.5, Variances.

**CHAPTER 2.4.5  
VARIANCES**

**(1) Purpose and Scope**

The Variance process is intended to provide limited relief from the requirements of this ordinance in those cases where strict application of a particular requirement will create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this ordinance. It is not intended that Variances be granted merely to remove inconveniences or financial burdens that the requirements of this ordinance may impose of property owners in general. Variances are intended to address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.

\* \* \*

**(4) Approval Criteria**

The BZA may authorize, upon an appeal relating to the property, a Variance from such strict application so as to relieve such difficulties or hardship only in accordance with the following criteria:

- (a) Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of this ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property is not able to accommodate development as required under this ordinance; and
- (b) The strict application of any provision enacted under this ordinance would result in peculiar and exceptional practical difficulties to or exception or undue hardship upon the owner of such property; and
- (c) Such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning map and this ordinance.
- (d) In granting Variances, the BZA shall have no power to take action that has the effect of allowing a use in contravention of the applicable base or overlay district or which in any other way changes the applicable district. Any action that has in effect changed the district shall be deemed to be a violation of powers of this subsection and shall be of no force and effect.
- (e) The fact that a site or development does not conform to this ordinance prior to the consideration of a Variance application may not be used as a basis for the granting of a Variance.

**(5) Effect of a Variance**

- (a) The issuance of a Variance shall authorize only the particular variation that is approved in the Variance.
- (b) A Variance, including any conditions, shall run with the land and shall not be affected by a change in ownership.

**(6) Subsequent Development**

Development authorized by the Variance shall not be carried out until the applicant has secured all other approvals required by this ordinance or any other applicable ordinances or regulations. A Variance shall not ensure that the development feature approved as a Variance shall receive subsequent approval for other applications for

development approval unless the relevant and applicable portions of this ordinance or other applicable provisions are met.

**(7) Time Limit**

- (a) Unless otherwise specified in the Variance, an application for a Building Permit shall be applied for and approved within one year of the date of the Variance approval; otherwise the Variance shall become invalid. Permitted timeframes do not change with successive owners.
- (b) Upon written request, one extension of six months may be granted by the Codes Department if the applicant can show good cause.
- (c) The decision of the Codes Department as to what constitutes substantial compliance with the time limit or applicable conditions for a Variance shall be final.

**(8) Amendment**

A Variance may be amended, extended, or modified only in accordance with the procedures and standards established for its original approval. A request for a change in the conditions of approval of a Variance shall be considered an amendment and subject to the full review procedure set forth in this subsection.

**CHAPTER 3.3  
SITE DEVELOPMENT STANDARDS**

**3.3.1 Measurements, Computations, and Exceptions**

**(1) Distance Measurements**

Unless otherwise expressly stated, distances specified in this ordinance are to be measured as the length of an imaginary straight line joining those points.

**(2) Lot-Area Measurements**

**(a) Lot-Area Measurements**

The area of a lot includes the total horizontal surface area within the lot's boundaries.

**(b) Reductions in Lot Area Prohibited**

No lot shall be reduced in area so that lot area per dwelling unit, lot width, required yards, building area, setbacks, or other requirements of this ordinance are not maintained. Actions by governmental agencies, such as road widening, shall not be considered as reductions.

**(3) Lot Measurements**

**(a) Lot Width**

Lot width is the distance between the side lot lines measured at the point of the Front Yard Setback line.

**(b) Lot Frontage**

Lot frontage is the length of the front lot line measured at the street.

\*\*\*

### 3.3.4 Site Development Standards for Traditional Areas

- (1) Table 3-8 establishes the site developments standards, by building type, for development within traditional areas established pursuant to Section 5.1, Traditional and Conventional Area Standards Distinguished, and for development within the R-6, OR, and CC Districts.
- (2) All applicable development shall comply with the standards established within this subsection unless otherwise expressly stated, or unless a different standard is required by an applicable overlay district.

**TABLE 3-8 SITE DEVELOPMENT STANDARDS FOR TRADITIONAL AREAS [1], [2], [3]**

Standard	Residential Detached (Street Loaded)	Residential Detached (Alley Loaded)	Residential Attached	Mixed-Use	Nonresidential
Front Yard and Side Street Setback [4] [5] [6] [7]	10-30 feet	10-30 feet	0 or 5-25 feet	0–15 feet	0-20 feet
Side Yard Setback [8] [12]	5 feet	5 feet	[9] [13]	0-5 feet	0 feet
Rear Yard Setback [8]	5 feet	5 feet	5 feet	0 feet	0 feet
Main Body/Primary Facade Width (Maximum) [10]	50 feet	50 feet			
Minimum Lot Size	4,000 square feet	2,100 square feet			
Minimum Lot Width [5] [6] [11]	40-85 feet	30-70 feet			
Minimum Lot Frontage [5] [14]	40 feet	30 feet			

**NOTES:**

- [1] For lots in recorded subdivisions or approved PUDs, the setbacks and lot sizes, maximum densities, and primary façade widths shown in this table shall not apply, and the requirements shown on the final plat, the approved PUD, or conditions on existing lots shall govern.
- [2] Numbers shown as a range indicate a minimum and maximum (Example: 10-30). Shaded cells indicate that no requirement exists.
- [3] Unified developments may establish interior lot lines as necessary, provided that the bulk requirements of the outer boundaries of the development shall be retained as specified in this table.
- [4] For mixed-use and single-use nonresidential building types developed according to the traditional standards, the front building setback shall be measured from the back edge of the sidewalk, not the right-of-way line.
- [5] Larger or smaller setbacks, lot widths, lot frontages and lot sizes, beyond the range presented in this table, are permitted in cases where topographical or natural constraints exist, or where a particular design approach warrants a different setback, subject to Subsection 2.4.2, Planned Unit Developments.
- [6] In cases where a transitional feature is required, the minimum setback and lot width shall be in accordance with Subsection 5.3.4, Transitional Features.
- [7] The minimum setback from Mack Hatcher Parkway shall be 80 feet, and the minimum setback from Interstate 65 shall be 100 feet.
- [8] Where an immediately adjacent existing building is set back less than the minimum required side or rear yard, the minimum side or rear yard requirement shall instead be the same as the immediately adjacent developed building, but not less than five feet. Buildings shall maintain a minimum spacing of ten feet.
- [9] Minimum of zero feet each side, minimum ten feet between buildings.
- [10] Side or rear wings designed in accordance with Subsection 5.3.9 are exempt from the maximum width.
- [11] Corner lots may be up to 15 feet wider to accommodate porches or other architectural feature facing the street, and the maximum lot size shall not apply.
- [12] Appurtenances are permitted to encroach into a required front or rear yard setback up to six feet and within side yards up to five feet from the property line provided a minimum of ten feet between buildings is maintained.
- [13] Internal side setbacks shall be determined by the City of Franklin Building Code and or the City of Franklin Fire Code.
- [14] The minimum lot frontage width shall be required to be maintained to the front yard setback line, at which point the minimum lot width shall apply. However, the minimum lot frontage requirement shall not apply to lots located on the turning radius of a cul-de-sac.

**CHAPTER 8.3  
DEFINITIONS AND USE CLASSIFICATIONS**

**Addition (to an existing building)**

Any walled and roofed expansion to the perimeter of a building that is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition that is connected by a firewall or is separated by an independent perimeter load-bearing wall shall be considered “new construction”.

**Appurtenance**

The visible, functional, or ornamental objects accessory to, and part of a building, such as chimneys, decks, stoops, steps, porches, bay windows, roof overhangs, awnings, and similar features.

**Porch**

A projection from an outside wall of a dwelling that is covered by a roof and/or sidewalls (other than the sides of the building to which the porch is attached) for the purpose of providing shade or shelter from the elements.

**Yard**

An open space that lies between the principal or accessory structure and the nearest property line and which is unoccupied and unobstructed from the ground upward except as permitted in this ordinance.

**Yard, Rear**

An open, unoccupied space on a lot, except for accessory structures as herein permitted, extending across the rear of the lot from one side lot line to the other side lot line.

**Yard, Required**

The space between a lot line and the principal building within which no structure shall be permitted, except as authorized in this ordinance.

**Background Information/Description of Variance Request**

The applicant is requesting to vary the 85-foot maximum lot width for traditional development standards by 35 feet to consolidate two lots into one lot that is currently one parcel. The property at 424 S. Margin St. was originally platted in 1931 as Lots 6 & 7 of the City Park Subdivision, each with a 60-foot lot width. The property owner wishes to construct an addition onto the existing dwelling over the existing lot line between Lots 6 & 7. The City does not allow for new buildings or additions to be constructed over lot lines. Consolidating the properties would create a lot width of approximately 120 feet. The property is currently zoned R-3 – Detached Residential 3 District, Central Franklin Character Area Overlay District - Special Area 2 (CFCO-2) and designated for Traditional Development Standards.

Table 3-8 establishes the Site Development Standards for Traditional Areas. The table has a footnote that stipulates that “for lots in recorded subdivisions or approved PUDs, the setbacks and lot sizes, maximum densities, and primary façade widths shown in this table shall not apply, and the requirements shown on the final plat, the approved PUD, or conditions on existing lots shall govern.”

**Approval Criteria for Variances**

The Variance process is intended to provide limited relief from the requirements of the Zoning Ordinance in those cases where the strict application of a particular requirement will create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed under the Ordinance. It is not intended that Variances be granted merely to remove inconveniences or financial burdens that the requirements of the Zoning Ordinance may impose of property owners in general. Variances are intended to address extraordinary, exceptional, or unique situations that were not caused by the applicant’s act or omission.

The BZA may authorize, upon an appeal relating to the property, a Variance from such strict application of the Zoning Ordinance so as to relieve such difficulties or hardship only in accordance with the following three standards (FZA §§ 2.2.4 (b) and 2.4.5):

1. Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of this ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property is not able to accommodate development as required under this ordinance; and
2. The strict application of any provision enacted under this ordinance would result in peculiar and exceptional practical difficulties to or exception or undue hardship upon the owner of such property; and
3. Relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning map and this ordinance.

In order to grant the Variance Request, the BZA must determine that the applicant has demonstrated that all three standards required to grant the variance have been satisfied.

### **Analysis of Approval Criteria for Variances**

The following is an analysis of the requested variances as they relate to the variance standards and approval criteria described above:

1. Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of this ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property is not able to accommodate development as required under this ordinance.
  - The subject property is an existing lot of record. The property at 424 S Margin Street was created in 1931 as part of the City Park Subdivision prior to the adoption of the current Zoning Ordinance. The property is a standard lot in terms of size, shape, dimensions and setbacks. The property owner wishes to construct a rear addition on the existing dwelling over the lot line, which not allowed by current codes. It appears the two lots were purchased together and only one principal dwelling was ever constructed on the property. However, the lots were never formally consolidated through a recorded plat.
  - The close-proximity to the intersection of South Margin Street, Lewisburg Avenue, and 5<sup>th</sup> Ave South makes it extremely difficult to back out of the driveway into oncoming traffic. The proposed addition allows for enough room to turn a vehicle so it is facing the public streets for safes ingress and egress.
  - If a house were to be constructed on Lot 6, an additional curb cut would be needed adding to the already busy intersection of South Margin Street, Lewisburg Avenue, and 5<sup>th</sup> Ave South
  - The property has had the appearance of one lot since originally purchased in the 1930s.
  - Adjusting the lot lines would maintain the established context of the street and no additional single-family dwellings could be constructed through this proposal. 3
  - Staff finds that the conditions on the lot as described by the applicant, create a unique, exceptional, or extraordinary situations about the subject property that would prevent the applicant from complying with the requirements of the Zoning Ordinance.
2. The strict application of any provision enacted under this ordinance would result in peculiar and exceptional practical difficulties to or exception or undue hardship upon the owner of such property.
  - The current conditions at 424 S. Margin Street, primarily its close proximity to the intersection of South Margin Street, Lewisburg Avenue, and 5<sup>th</sup> Ave South limits where new construction can be built and still maintain a safety for both the property owner and other drivers. The strict application of the Zoning Ordinance provisions requiring conformance with the maximum lot width as defined in the Traditional Development Standards would result in an exceptional hardship on the owner of the property. Ultimately, the Board must determine whether the request to construct modify the maximum lot width is a hardship or practical difficulty.

3. Relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning map and this ordinance.
  - The final standard the Board must consider is whether the requested relief granted would be a detriment to the public good or impair the intent and purpose of the Zoning Ordinance. The proposed lot width would maintain the established context and pattern of the street. Based on the proximity to the intersection of South Margin Street, Lewisburg Avenue, and 5<sup>th</sup> Ave South and the proposed continuation of the established character of the street, staff believes that granting the proposed variance would not be detrimental to the public good and would not impair the intent or purpose of the Zoning Ordinance.

**Project Consideration**

As a project consideration, the current draft of the new City of Franklin Zoning Ordinance eliminates maximum lots widths for residential lots. The new Zoning Ordinance is available to view by the public for feedback and has not gone before Planning Commission the Board of Mayor and Aldermen for review or approval.

**Staff Recommendation**

In order for the BZA to grant a variance, the applicant must have demonstrated that all three of the standards required to grant a variance have been satisfied. Based on the analysis presented above, staff recommends approval of the variance requested by the applicant because the applicant has met all three of the standards required for granting a variance.

**Motion for Variance Requests**

**Move to approve the variance request to vary the required 85-foot maximum lot width by 35 feet to shift the to consolidate the lots at 424 South Margin Street because the applicant has demonstrated that the standards for granting a variance have been satisfied as described in the staff report.**

June 10th, 2019

Justification Letter for the request of a variance at 424 S. Margin St. to combine lots 6 and 7 varying the current maximum lot width for traditional standards by approximately 35' for a total lot frontage of approximately 120'

- (1) Lot 6 of the 2 properties eastern boundary line is located 60' from a major intersection making vehicular access for a future potential developed property difficult.
- (2) The combination of these lots would limit the access curb cut near the intersection to the existing located on the eastern side of lot 7. Because of these issues we feel this creates a hardship on the property.
- (3) The property has existed in it's current configuration and use since the construction of the existing home in the 1930's. It is not believed to be impairing the intent and purpose of the Zoning Ordinance currently. Combining the lots will insure a continuance of the current collective memory and appearance of the site. Additionally, it is understood that the maximum lot width standard is slated to be removed from the next adopted Zoning Ordinance.



**HERITAGE  
FOUNDATION**  
WILLIAMSON COUNTY, TN

June 21, 2019

Joseph Bryan  
City Planner  
109 3<sup>rd</sup> Avenue, South  
Suite 133  
Franklin, TN 37064

Re: 424 South Margin Street Rezoning

Mr. Byran:

As CEO of the Heritage Foundation of Williamson County, I am writing this letter to express our support of Sondra Morris' request to rezone the two lots located at 424 South Margin Street, Franklin, TN 37064 into one lot.

This property is directly across the street from Franklin Grove, the former O'More campus purchased by the Heritage Foundation.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Bari Beasley

**HISTORY. PRESERVATION. COMMUNITY.**

June 10th, 2019

## PUBLIC NOTICE

This letter is written to provide public notice for a Variance request for the property located at 424 S. Margin St., Franklin, Tn. Which will be heard by the Board of Zoning Appeals on July 11<sup>th</sup>, 2019 at 6 p.m. in the City Hall Board Room. Please see the information for more details.

**Applicant:**

Sondra Morris, 424 S. Margin St. Franklin, Tn. 37064, (615) 289-0232

**Application Type:**

Variance Request – to vary the maximum lot width for traditional standards by 35'

**Date, Time, and Place of Public Meeting:**

July 11<sup>th</sup>, 2019 at 6 p.m. in the City Hall Board Room, 109 3<sup>rd</sup> Avenue South, Franklin, Tn. 37064

**Subject Property:**

424 S. Margin St., Franklin, Tn. 37064

**Nature and Scope of the Application Request:**

This is a variance request to combine two existing lots (lots 6-7) at 424 S. Margin St. into a single lot. The current traditional design standards limit lot widths to 85'. Combining Lots 6 and 7 will make the lots frontage width 120' triggering this variance request to vary the maximum lot width by approximately 35'

**Where to View the Application:**

This application may be viewed in the Planning and Sustainability Department, 109 3<sup>rd</sup> Avenue South, Franklin, Tn. 37064

**Where the Public Can Be Heard:**

The public may appear at the public meeting on July 11<sup>th</sup>, 2019 at 6 p.m. to be heard or submit written comments with respect to the application. Written comments may be directed to the City of Franklin Planning and Sustainability Department, 109 3<sup>rd</sup> Avenue South, Franklin, Tn. 37064

Gentlemen:  
As the owner of the properties ~~on~~ both the western and northern borders of these lots, I have no objection to these proposals.

  
W.L. Haralson  
6/24/19

CANTON  
←  
CONFEDERATE  
CEMETERY





S Marquiss



© 2014 Sports

A BOUNDARY SURVEY OF THE R N MOORE PROPERTY  
 LOCATED IN THE 9TH CIVIL DISTRICT OF  
 FRANKLIN, WILLIAMSON COUNTY, TENNESSEE  
 AUGUST 7TH, 2018

**B2L LAND SURVEYORS**  
 LICENSED IN TN, KY, & AL  
 1198 OLD PINNACLE RD. JOELTON, TN 37080  
 PHONE: (615) 212-5703 E-MAIL: b2ltps@gmail.com

THE SURVEYORS LIABILITY FOR THIS DOCUMENT SHALL BE LIMITED TO THE ORIGINAL PURCHASER AND DOES NOT EXTEND TO ANY UNNAMED PERSON OR ENTITIES WITHOUT AN EXPRESSED RE-CERTIFICATION BY THE SURVEYOR WHOSE NAME APPEARS UPON THIS SURVEY.



I hereby certify that this is a Category I survey as defined by the Standards of Practice as adopted by the Tennessee State Board of Examiners for Land Surveyors, and the ratio of precision of unadjusted error is greater than 1:10,000 as shown hereon.

SURVEYOR  
 JEFFREY A. LEOPARD, RLS 2415

GENERAL NOTES:

- 1.) BEARINGS BASED ON TENNESSEE STATE PLANE COORDINATE SYSTEM CALCULATED FROM GPS OBSERVATIONS.
- 2.) NO TITLE REPORT FURNISHED TO THIS SURVEYOR, THEREFORE THIS SURVEY IS SUBJECT TO THE FINDINGS OF AN ACCURATE TITLE SEARCH.
- 3.) ALL DISTANCES MEASURED WITH E.D.M. EQUIPMENT, AND ARE ADJUSTED FOR TEMPERATURE.
- 4.) THE PROPERTY SHOWN ON THIS PLAT IS SUBJECT TO ALL COVENANTS, RIGHT-OF-WAYS, EASEMENTS, ZONING, AND RESTRICTIONS OF RECORD WHETHER IMPLIED OR OF RECORD.
- 5.) THIS DOCUMENT MUST BE COMPARED TO THE ORIGINAL HARD COPY ISSUED AT THE SURVEY DATE WITH ITS ORIGINAL SEAL TO INSURE THE ACCURACY OF THE INFORMATION AND NO RELIANCE SHOULD BE MADE ON A DOCUMENT TRANSMITTED BY COMPUTER OR OTHER ELECTRONIC MEANS UNLESS FIRST COMPARED TO THE ORIGINAL SEALED DOCUMENT ISSUED AT THE TIME OF THE SURVEY.
- 6.) BEARINGS AND DISTANCES SHOWN TAKE PRECEDENCE OVER SCALE.
- 7.) HORIZONTAL DATUM NAD83.
- 8.) PROPERTY CURRENTLY ZONED: N/A
- 9.) SUBSURFACE AND ENVIRONMENTAL CONDITIONS HAVE NOT BEEN EXAMINED OR CONSIDERED AS PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OF FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THE TRACT.

HEREON DEPICTION IS SUBJECT TO "FEDERAL COPYRIGHT LAWS" ANY USE OF SAME WITHOUT THE EXPRESS WRITTEN PERMISSION OF B2L HOME AND PROPERTY SOLUTIONS IS PROHIBITED

REVISION TABLE

1.	-	-
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ORDERED BY: SONDR MORRIS

PROPERTY ADDRESS: 424 S. MARGIN ST. FRANKLIN, TN 37064

OWNER: R N MOORE  
 424 S. MARGIN ST.  
 FRANKLIN, TENNESSEE 37064

DEED REFERENCE: N/A  
 PLAT REFERENCE: N/A  
 TAX MAP ID: 10308006800  
 DAVIDSON COUNTY TENNESSEE

DRAWING SCALE: 1"= 30'

PROJ. # 0891

DRAWN BY: JL

DATE: 8-8-18

CHECKED BY: CB

DATE: 8-8-18

FIELD CREW: JL/BB

DATE: 8-7-18

LINE	BEARING	DISTANCE
L1	N 60°04'08" E	120.05'
L2	S 29°27'01" E	125.11'
L3	S 60°04'08" W	60.00'
L4	S 61°18'45" W	60.18'
L5	N 29°23'22" W	123.80'

IVIE HARALSON JR REVOCABLE LIVING TRUST  
 WILLIAM L HARALSON LIVING TRUST  
 078C 040.00  
 DB 6340 PG 393

WILLIAM L HARALSON LIVING TRUST  
 078C 039.00  
 DB 6340 PG 393

TOTAL LOT AREA  
 14987.20 Sq. Feet  
 0.34 Acres

APSHALT DRIVE ENCROACHES OVER 8' RIGHT-OF-WAY AND INTO NEIGHBORS LINE

APSHALT DRIVE ENCROACHES OVER 8' RIGHT-OF-WAY AND INTO NEIGHBORS LINE

APSHALT DRIVE ENCROACHES OVER 8' RIGHT-OF-WAY AND INTO NEIGHBORS LINE

LEGEND

These standard symbols will be found in the drawing.

- ⊗ MAGNETIC NAIL (SET)
- IRON PIN (FOUND)
- IRON PIN (SET)
- IRON PIPE
- ⊙ POWER POLE

THIS SURVEY WAS COMPLETED TO THE MINIMUM STANDARDS AS REGULATED UNDER THE AUTHORITY OF SECTION 0820-3-.07 OF THE TENNESSEE LAND SURVEYORS LAWS AND REGULATIONS, 2000 EDITION.

NOTE: THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED ON THE CERTIFICATION HEREON. SAID CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESSED RECERTIFICATION BY THE SURVEYOR NAMING SAID.

NOTE: HEREON PROPERTY IS SUBJECT TO THE RESTRICTIONS AND REGULATIONS SET FORTH BY THE FRANKLIN/WILLIAMSON COUNTY REGIONAL PLANNING COMMISSION.

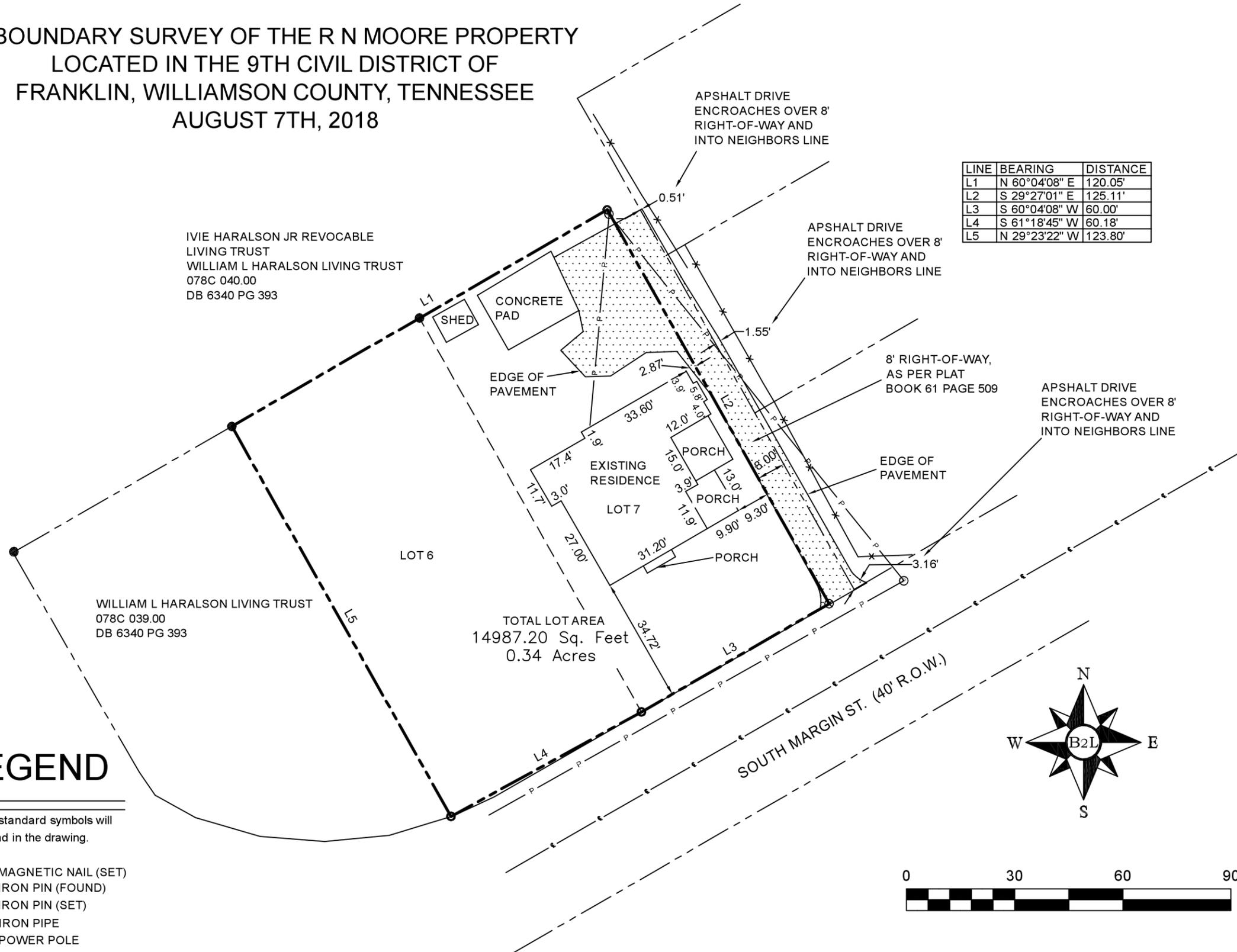
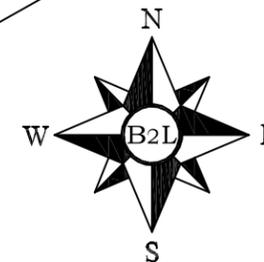
NOTE: CONTACT PROPER AUTHORITIES BEFORE CONSTRUCTING NEAR UTILITY LINES FOR PROPER EASEMENT WIDTHS & RESTRICTIONS.

NOTE: THE CERTIFICATION AS PROVIDED ON THIS SURVEY, IS PURELY A STATEMENT OF PROFESSIONAL OPINION BASED ON KNOWLEDGE, INFORMATION AND BELIEF, BASED ON EXISTING FIELD EVIDENCE AND DOCUMENTARY EVIDENCE PROVIDED BY OTHERS.

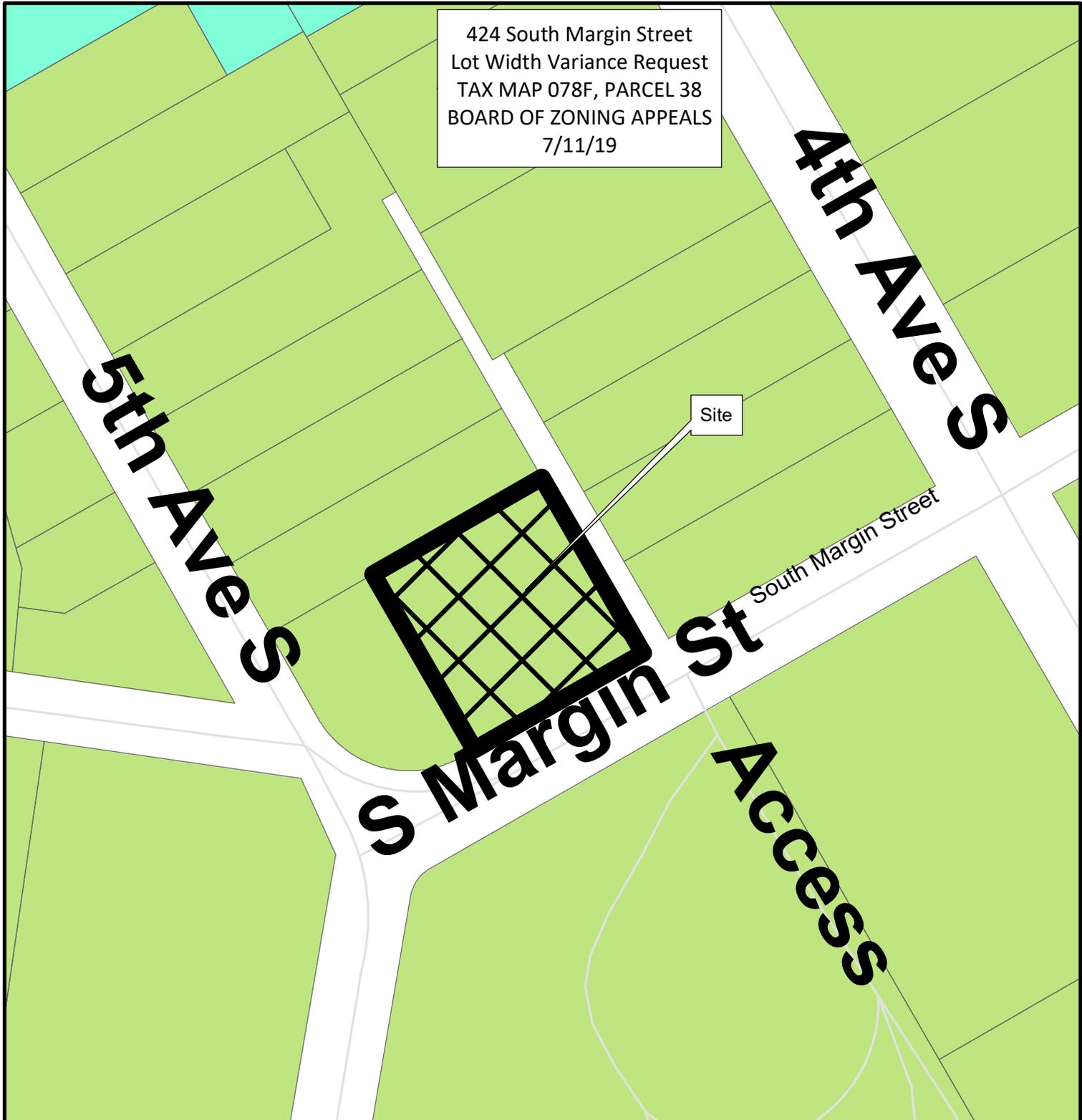
NOTE: THE CERTIFICATION IS NOT AN EXPRESSED OR IMPLIED WARRANTY OR GUARANTEE.

NOTE: THIS SURVEY WAS PREPARED FROM CURRENT DEEDS AND PLATS OF RECORD AND DOES NOT REPRESENT A TITLE SEARCH OR A GUARANTEE OF TITLE, AND IS SUBJECT TO ANY STATE OF FACTS A CURRENT AND ACCURATE SEARCH MAY REVEAL.

NO LIABILITY WILL BE ACCEPTED BEYOND THAT OF THE FOUR (4) YEAR STATUTE OF LIMITATIONS (T.C.A. 28-3-114 & T.C.A. 28-3-202) ORIGINATING FROM THE FIELD DATE SHOWN HEREON.

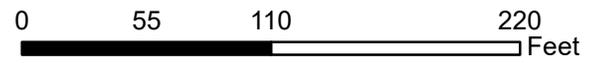


424 South Margin Street  
 Lot Width Variance Request  
 TAX MAP 078F, PARCEL 38  
 BOARD OF ZONING APPEALS  
 7/11/19



**424 South Margin Street Lot Width Variance Request**

- |  |                                       |
|--|---------------------------------------|
| 424 S Margin St.                       | SD-R Specific Development-Residential |
| AG Agricultural District               | SD-X Specific Development-Variety     |
| ER Estate Residential                  | OR Office Residential District        |
| R-1 Residential District               | GO General Office District            |
| R-2 Residential District               | CC Central Commercial District        |
| R-3 Residential District               | NC Neighborhood Commercial District   |
| R-6 Residential District               | GC General Commercial District        |
| RM-10 Attached 10 Residential District | LI Light Industrial District          |
| RM-15 Attached 15 Residential District | HI Heavy Industrial District          |
| RM-20 Attached 20 Residential District | CI Civic and Institutional District   |



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