

**MEETING MINUTES OF THE
FRANKLIN BOARD OF ZONING APPEALS
MARCH 5, 2020**

The Franklin Board of Zoning Appeals held a regular meeting on Thursday, March 5, 2020 at 6:00 p.m. in the City Hall Boardroom.

Members present: Frank Jones
Jeff Fleishour
Jonathan Langley
Gillian Fischbach
Joel Tomlin

Staff present: Kelly Dannenfels, Planning & Sustainability Department
Kelli Gibson, Planning & Sustainability Department
Bill Squires, Assistant City Attorney
Shanna McCoy, Building and Neighborhood Services Department
Lori Jarosz, Building and Neighborhood Services Department
Tom Marsh, Building and Neighborhood Services Department

The agenda read as follows:

Review and approval of Minutes from January 9, 2019, BZA Meeting

Mr. Langley moved to approve the meeting minutes for January 9, 2019. Mr. Tomlin seconded the motion and the motion carried 5-0.

Announcements

Chair Jones requested to know if there were any announcements.

Ms. Dannenfels stated she had two announcements. Ms. Dannenfels stated first the City has an adopted code of conduct for Public Meetings and it is based around six ideals as follows:

Policy, to focus on the subject matter never the person

Observe, follow these rules that comments will be directed through the Chair person, time limits may be established, no person shall approach a Board or Commission without permission of the Chair person, the Chair person can stop comment after time has expired, the Chair person can remove a commenter from the meeting if violation occurs,

Listen to understand not to reply,

Intention state your opinion in a concise manor,

Tolerate respectfully disagree and lastly

Educate Boards, Commissions and your neighbors with respect.

Ms. Dannenfels stated her second announcement is for the BZA members and stated they may have noticed in their packets that staff has updated the format and organization of the staff reports and agendas to match the other Boards and Commissions of the City for consistency.

Chair Jones stated he had an announcement and stated there was quite a crowd there and stated the bylaws say we only have seven minutes per side for any type of conversation for or against the item, but he was going to expand that to fifteen minutes per side.

Variance Request for a 13-foot Encroachment into the Required 40-foot Rear Yard Setback to Construct a Screened Porch on the Rear of the House Located at 593 Ploughmans Bend Drive (F.Z.O §3.5.5).

Ms. Gibson stated the applicant is requesting a variance for a 13-foot encroachment into the required 40-foot rear yard setback to construct a screened porch on the rear of the house located at 593 Ploughmans Bend Drive. Ms. Gibson stated the site is zoned R2 and is lot 34 in Section 11 of the Chestnut Bend Subdivision. Ms. Gibson stated both the R2 and final plat rear yard setbacks are 40 feet. Ms. Gibson stated the applicant requests to vary the required 40-foot rear yard setback by 13 feet to construct a screened porch on the rear of the dwelling located at 593 Ploughmans Bend Drive. Ms. Gibson stated the area located along the rear of the lot consists of Chestnut Bend Subdivision Open Space and includes a walking trail. Ms. Gibson stated the BZA approved a similar variance request to construct a screened porch at a neighboring property, 597 Ploughmans Bend Drive, at their November 2016 meeting. Ms. Gibson stated the BZA may authorize a variance only when the request has met all three criteria in accordance with F.Z.O §20.10.6 and State law. Ms. Gibson stated the staff has completed an analysis of the request in light of these criteria:

1. Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the Zoning Ordinance or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition, such a piece of property is not able to accommodate development as required under this Ordinance.

The subject property is lot 34 in Section 11 of the Chestnut Bend Subdivision and is typical in terms of dimensions and location. The applicant has indicated that the property is exceptional because the rear yard setback aligns with the rear facade of the home. Staff reviewed the recorded plat for the property as well as GIS and aerial data. The lot dimensions are standard for lots in the subdivision. Based on the subject property's typical size, shape, and topographic conditions, staff finds that there is not an extraordinary or exceptional situation pertaining strictly to the subject property and that the property does not meet the first criterion for a variance.

2. The strict application of any provision enacted under the Zoning Ordinance would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of the property.

Staff finds that the request to construct a screened porch reflects the desire of the applicant and does not represent an undue hardship on the property owner. Ultimately, the BZA must determine whether the inability to construct the screened porch on the subject property is a hardship or practical difficulty.

3. Such relief may be granted without substantial detriment to the public good and without substantially impairing the purpose and intent of the Zoning Ordinance.

Rear yard setback requirements are meant to preserve the integrity of required rear yards, which are intended to remain as open area located between the rear façade of a building and the rear boundary of a lot and extending from one side lot to the other side lot line. In accordance with Zoning Ordinance requirements, the applicant could construct an accessory structure that is not connected to the principal building that would provide a similar intended purpose as the currently proposed addition. Therefore, staff finds that granting this variance would impair the intent and purpose of the Zoning Ordinance and that the third criterion is not satisfied.

Ms. Gibson stated for the BZA to grant a variance, all three criteria must be met and based on the above reasoning staff recommends disapproval of the variance requested by the applicant because the applicant has not met any of the standards required for granting a variance. Ms. Gibson stated if the BZA chooses to grant relief as requested by the applicant, the BZA should clearly state the site-specific reasons for why the relief is being granted. Ms. Gibson stated Staff would recommend that a condition be placed on the approval to specify that the proposed addition cannot be enclosed in the future to add additional livable space to the principal building.

Mr. Rice stated he was here to represent the owners.

Chair requested to know if Mr. Rice had anything to add.

Mr. Rice stated yes, he did. Mr. Rice stated the rear of the setback does go up to the back of the house and there is nowhere to put the screened porch or any addition whatsoever. Mr. Rice stated they looked at other areas and you can't do it on the side that would encroach upon the neighbor, so we picked the backyard. There is nothing behind it and this is the only place to put one.

Mr. Rice stated they did get HOA approval and he had a letter stating that. Mr. Rice stated their next-door neighbors did a screened-in porch and stated he had pictures of that.

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

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

Mr. Langley moved to disapprove the variance request to vary the required 40-foot rear yard setback by 13 feet to construct a screened porch on the rear of the existing dwelling because the criteria for granting a variance have not been satisfied as described in the staff report. Mr. Tomlin seconded the motion.

Mr. Langley pointed out his motion pertains to the Zoning Ordinance in general because when approving variances, as staff pointed out well in the staff report, it is hard to distinguish this lot from other lots in the subdivision, so if we approve variances in this case and all over the City, it could have a huge impact on setbacks and rules on lots and where things end up across the City and this is his reason for his motion.

Chair Jones stated with the motion having been made and seconded the motion passes 5-0.

Appeal of Administrative Decision Regarding an Interpretation of the Floodway Fringe Overlay District Boundaries, based on a Letter of Map Amendment for the Properties Located at 574 and 580 Franklin Road (F.Z.O §4.3).

Ms. Gibson stated the applicant is requesting an Appeal of Administrative Decision to interpret the City's FFO boundaries for the properties located at 574 and 580 Franklin Road in the Branch Creek Crossing Subdivision. Ms. Gibson stated the request is based on the Letter of Map Amendment Determination document issued by FEMA on October 6th, 2017. Ms. Gibson stated the Zoning Ordinance states that the FFO boundaries shall coincide with the boundaries of the 100-year floodplain, excluding floodways, as adopted in Section 17.6, Floodplain Protection (F.Z.O. §4.3.2). Ms. Gibson stated the request is for the BZA to interpret the FFO boundary based on the LOMA.

Mr. Woods stated this was a LOMA approved in 2017 and we haven't come with a site plan for this property yet because we are building an office building. We have come in to see staff and had some discussions deciding the easiest thing to do was to go ahead and submit this to BZA so that the City's maps good be updated to coincide with that so that those two run parrell as we go through the site plan process, which was suggested by staff. Mr. Woods stated although they are not proposing any permanent structures inside the easement other than parking which is allowed within the FFO.

Mr. Bryant stated he had nothing really to add, but to just get the LOMA maps up to date.

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

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

Ms. Fischbach moved to approve the applicants request to interpret the FFO Boundary on the City of Franklin Zoning Map based on a letter of map amendment issued by FEMA on October 6, 2017 it is FEMA Case Number 17-04-6359A. Mr. Langley seconded the motion and the motion carried 5-0.

Appeal of Administrative Decision that Classified a Principal Use as Retail and Determined that it was Not Permitted in the Civic Institutional District, Located at 215 Granbury Street (F.Z.O §3.12 and §5.1.3).

A verbatim transcript was taken by a court reporter and is attached as part of the minutes.

Other Business.

No other business.

Adjourn.

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

Chair

THOMPSON
REPORTING

Amber A. Thompson, LCR, CCR
Court Reporter

(615)517-2802
amberthompson.lcr@gmail.com

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CITY OF FRANKLIN
BOARD OF ZONING

March 5, 2020,

Board Room, City Hall
109 Third Avenue South
Franklin, Tennessee

Reported by:
AMBER A. THOMPSON, LCR, CCR
2022 Cairns Drive East
Mt. Juliet, TN 37122
(615)517-2802

A P P E A R A N C E S
Members of the

Board:

MR. FRANK JONES, Chairman
MS. GILLIAN FISCHBACH
MR. JEFF FLEISHOUR
MS. JOEL TOMLIN
MS. JONATHAN LANGLEY

For the City of

Franklin:

MR. WILLIAM E. SQUIRES
Attorney at Law
City Of Franklin
109 Third Avenue South
Franklin, TN 37064
(615)550-6603

bill.squires@franklintn.gov Also

Present:

MS. KELLI GIBSON
MS. KELLY DANNENFELSER
MS. LORI JAROSZ
MS. SHANNA

MCCOY

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I N D E X

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3 CALL TO ORDER 4

4 MINUTES

Approval of the January 9, 2020 Minutes

4 5

ANNOUNCEMENTS 4

6

APPLICATIONS

7

1. Variance Request for a 13-foot 6

8 Encroachment into the Required 40-foot

Rear Yard Setback to Construct a

Screened 9 Porch on the Rear of the House

Located at 593 Ploughmans Bend Drive

(F.Z.O §3.5.5) 10

2. Appeal of Administrative Decision 14

11 Regarding an Interpretation of the Floodway

12 Fringe Overlay District Boundaries, Based

on a Letter of Map Amendment for the

13 Properties Located at 574 and 580 Franklin

Road (F.Z.O §4.3)

14 3. Appeal of Administrative Decision that

17

Classified a Principal Use as Retail and

15 Determined that it was Not Permitted in the

Civic Institutional District, Located at

16 215 Granbury Street (F.Z.O §3.12 and

§5.1.3)

17

ADJOURN 67

18

19

20 E X H I B I T S

21 Page

22 Exhibit No. 1 67

Agenda Packet

23

Exhibit No. 2 67

24 Documents from meeting

25

1 * * *

2

3 CHAIR JONES: At this time, I'd like to

4 call the Board of Zoning Appeals meeting for March to

5 order.

6 The first item on the agenda is reading of

7 the minutes.

8 MR. LANGLEY: If the Chair is ready to

9 entertain a motion, I move for approval of the

10 minutes.

11 CHAIR JONES: Motion has been made.

12 Do I hear a second?

13 MR. TOMLIN: Second.

14 CHAIR JONES: Motion has been made and

15 seconded.

16 All those in favor, say "aye."

17 THE BOARD: Aye.

18 CHAIR JONES: Those opposed, likewise.

19 At this time, our planning assistant

20 director has an announcement or two to make.

21 MS. DANNENFELSER: Thank you, Mr.

Chair.

22 I have two announcements from staff.

23 The first, since we have a full house, is

24 that the City has an adopted code of conduct for

25 public meetings, and it's based around six ideals:

1 Policy. Focus on the subject matter,
2 never the person.

3 Observe. Follow these rules: Comment
4 will be directed through the chairperson; time limits
5 may be established; no person shall approach a board
6 or commission without permission of the chairperson;
7 the chairperson can stop comment after time has
8 expired; the chairperson can remove the commenter from
9 the meeting if violation occurs.

10 Listen to understand, not to reply.

11 Intention. State your opinion in a
12 concise manner.

13 Tolerate. Respectfully disagree with
14 other's statements.

15 And, lastly, educate boards, commissions,
16 and your neighbors with respect.

17 The second announcement is for the BZA
18 members. You may have noticed in your packets that
19 staff has updated the format and organization of the 20
20 staff reports and agendas to match the other boards 21
21 and commissions of the City for consistency.

22 That's all. Thank you.

23 CHAIR JONES: I would also like to make an
24 announcement. We've got quite a crowd here. It's 25
25 great to see so many interested people.

1 The bylaws say that we have only seven
2 minutes per side for any type of conversation for or
3 against the item. As Chairman, I have the right to
4 expand that. I plan to expand that to 15 minutes
per 5 side.

6 Now, the presenter obviously will have as
7 long as they need to make the presentation for their
8 thing. And this is Item Number 3, it's the one that's
9 going to take us a little bit of time. So I see that
10 I have quite a bit more people that are to speak in
11 opposition than I do to speak for. So kindly remember
12 that you'll have only a 15-minute session to get your
13 thoughts out if you want to combine your time with
14 somebody else.

15 And that would be the announcement I'd
16 have. And I'll remind you again when we get to
that 17 point.

18 First item on the agenda is a request for
19 a 13-foot encroachment into the required 40-yard
20 foot -- 40-foot rear yard setback to construct a
21 screened porch on the rear of the house located at
593 22 Ploughmans Bend Drive.

23 Staff?

24 MS. GIBSON: Yes, Mr. Chairman. The
25 applicant is requesting a 13-foot encroachment into

1 the required 40-foot rear yard setback to construct a
2 screened porch on the rear of the dwelling located
at 3 593 Ploughmans Bend Drive.

4 The BZA may authorize a variance only
when 5 the request has met all three criteria in
accordance 6 with the zoning ordinance and state
law. 7 Staff has completed an analysis of the
8 request in light of these criteria.

9 Criterion 1. Where, by reason of
10 exceptional narrowness, shallowness, or shape of a
11 specific piece of property at the time of the
12 enactment of the zoning ordinance or by reason of
13 exceptional topographic conditions or other
14 extraordinary and exceptional circumstances, such
a
15 piece of property is not able to accommodate
16 development as required under this ordinance.

17 The subject property is Lot 34 in
18 Section 11 of the Chestnut Bend Subdivision and is
19 typical in terms of dimensions and location. The
20 applicant has indicated that the property is
21 exceptional because the rear yard setback aligns
with 22 the rear facade of the home.

23 Staff reviewed the recorded plat for the
24 property, as well as GIS and aerial data. The
lot
25 dimensions are standard for lots in the subdivision.

1 Based on the subject property's typical size, shape,
2 and typographic conditions, staff finds that there is
3 not an extraordinary or exceptional situation, and
the 4 property does not meet the first criteria of a 5
variance.

6 Criterion 2. The strict application of
7 any provision enacted under the zoning ordinance
would
8 result in peculiar and exceptional practical
9 difficulties to or exceptional or undue hardship upon
10 the owner of the property.

11 Staff finds that the request to construct
12 a screened porch reflects the desire of the applicant
13 and does not represent an undue hardship on the
14 property owner. Ultimately, the BZA must determine
15 whether the inability to construct the screened
porch 16 on the subject property is a hardship or a
practical 17 difficulty.

18 Criterion 3. Such relief may be granted
19 without substantial detriment to the public good and
20 without substantially impairing the purpose and intent
21 of the zoning ordinance.

22 Rear yard setback requirements are meant
23 to preserve the integrity of required rear yards,
24 which are intended to remain as open areas located
25 between the rear facade of a building and the rear

1 boundary of a lot. In accordance with the zoning
2 ordinance requirements, the applicant could construct
3 an accessory structure that is not connected to the
4 principal building that would provide a similar
5 intended purpose as the currently proposed addition.
6 Therefore, staff finds that granting this variance
7 would impair the intent and purpose of the
zoning 8 ordinance and that the third criterion is
not 9 satisfied.

10 For the BZA to grant a variance, all three
11 criteria must be met. Based upon the above
reasoning,
12 staff recommends disapproval of the variance
requested 13 by the applicant because the applicant has
not met any 14 of the standards for granting a variance.

15 If the BZA chooses to grant relief as
16 requested by the applicant, the BZA should clearly
17 state the site-specific reasons for why the relief is
18 being granted. Staff would recommend that a
condition
19 be placed on the approval to specify that the proposed
20 addition cannot be enclosed in the future to add
21 additional livable space to the principal dwelling.

22 Thank you.

23 CHAIR JONES: Thank you.

24 Is Mr. Rice or a representative of The
25 Porch Company here to speak on this matter?

1 MR. RICE: I am. Should I go there?

2 CHAIR JONES: Please come up and identify
3 yourself.

4 MR. RICE: I am Keith Rice with The Porch
5 Company. I am the contractor, if this gets
approved, 6 and representing the owners.

7 CHAIR JONES: Do you have anything to
add?

8 MR. RICE: Yeah. The rear of the
9 setback -- or the rear setback does go up to the back
10 of the house. There's nowhere, really, to put the
11 screened porch, or any addition whatsoever. We
looked 12 at other areas in the yard. You can't do it on
the 13 side; that would encroach upon neighbors.

14 We picked the backyard because there is
15 nothing behind it. There's no subdivisions. There's
16 a wastewater treatment plant. That's really the only
17 place we could determine to put one.

18 We did get HOA approval, or the owners
19 did. I have a letter for that. So they have approved
20 it; also, their next-door neighbors, to the screened
21 porch, and I have a Google, you know, Map picture
of 22 that.

23 And I guess that's it.

24 CHAIR JONES: Thank you, sir.

25 MR. RICE: Would you like the pictures or

1 the other information that I have?
 2 CHAIR JONES: If you would like to give
 3 them to the planning department, they can...
 4 MR. RICE: Would you like to say
 anything? 5 CHAIR JONES: Is there
 anyone else to 6 speak in favor of this matter?
 7 Are there enough for us all, or do we
 have 8 to look at them together?
 9 MS. DANNENFELSER: You can
 pass. 10 CHAIR JONES: Okay.
 Thank you. 11 Is anyone else here that
 would like to 12 speak in favor of this matter?
 13 Is there anyone here to speak in
 14 opposition to this matter?
 15 Has staff had any contact from neighbors
 16 or anything in favor or against this?
 17 MS. GIBSON: No, we have not.
 18 CHAIR JONES: Thank you.
 19 At this time, I'll close the public
 20 portion of the hearing for Item Number 1.
 21 Those in favor, say "aye" -- no.
 22 MR. LANGLEY: So I'll make a motion to
 -23 CHAIR JONES: Okay. Thank you.
 24 MR. LANGLEY: -- close the public
 portion 25 of the meeting.

1 CHAIR JONES: Appreciate that.
 2 MR. LANGLEY: Sure.
 3 CHAIR JONES: Motion has been made.
 4 Do I hear a second?
 5 MR. FLEISHOUR: Second.
 6 CHAIR JONES: Motion has been made and
 7 seconded.
 8 All those in favor, say "aye."
 9 THE BOARD: Aye.
 10 CHAIR JONES: All those opposed, likewise.
 11 Any discussion, Board?
 12 MR. LANGLEY: If the chairman is ready to
 13 entertain a motion, I'll make a motion -14
 CHAIR JONES: Make a motion.
 15 MR. LANGLEY: Okay. So I move to
 16 disapprove the variance request to vary the required
 17 40-foot rear yard setback by 13 feet to construct a
 18 screened porch on the rear of the existing dwelling
 19 because the criteria for granting a variance have not
 20 been satisfied on the staff report.
 21 Kind of going back through those criteria,
 22 Number 1, there's really no exceptional narrowness or
 23 shape or shallowness of the lot that's unique based on
 24 the rest of the subdivision; strict application of the
 25 zoning ordinance wouldn't present exceptional

1 practical difficulties; and, Number 3, it would
2 undermine the intent and purpose of the
zoning 3 ordinance given in Criteria 1 and 2.

4 CHAIR JONES: Motion has been made.

5 Do I hear a second?

6 MR. TOMLIN: Second.

7 CHAIR JONES: Motion has been made and
8 seconded.

9 At this time, I'll ask if there's any
10 discussion.

11 MR. LANGLEY: I think I'll point out, so
12 my motion, I guess -- and it really relates to the
13 zoning ordinance in general. So we're approving
14 variances, I think as staff pointed out well in the
15 document. The staff report that we're looking at,
16 there really is -- it's hard to distinguish this lot
17 from other lots in the subdivision. So if we approve
18 variances in this case, we could approve them all over
19 the city, which can have a huge impact on setbacks
and 20 building lots and where things end up across the
city.

21 So that's the reason for my motion.

22 That's my discussion, Frank.

23 UNIDENTIFIED SPEAKER: Our next-door
24 neighbors --

25 CHAIR JONES: I'm sorry, we've already

1 closed the public portion of it.

2 The motion's been made and duly seconded.

3 All those in favor, say "aye".

4 THE BOARD: Aye.

5 CHAIR JONES: All those opposed, likewise.

6 The vote was?

7 MS. FISCHBACH: I said aye.

8 CHAIR JONES: Aye. Okay.

9 MR. LANGLEY: Four to zero.

10 CHAIR JONES: Yes.

11 Item Number 2, appeal of administrative
12 decision regarding an interpretation of the fringe -13
floodway fringe overlay district boundaries, based on 14
a letter of map amendment to the properties located at 15
574 and 580 Franklin Road.

16 Staff?

17 MS. GIBSON: The applicant is requesting
18 an appeal of administrative decision to interpret the
19 City's FFO boundaries for the properties located at
20 574 and 580 Franklin Road in the Branch Creek Crossing
21 Subdivision. The request is based on the letter of
22 lap -- excuse me -- letter of map amendment
23 determination document issued by FEMA on October 6th,
24 2017.

25 The zoning ordinance states that the FFO

1 boundaries shall coincide with the boundaries of the
 2 100-year floodplain, excluding floodways, as adopted
 3 in Section 17.6, Floodplain Protection. This request
 4 is for the BZA to interpret the FFO boundary based
 on 5 the LOMA.

6 Thank you.

7 CHAIR JONES: Someone to discuss this
 8 matter?

9 MR. WOODS: Hi. My name is Daniel Woods
 10 with Great Tennessee Land Company, the owner of
 this 11 property. I'll be brief. I feel more like the 12
 opening act.

13 So this is, as Ms. Gibson said, this was a
 14 LOMA that was approved in 2017. And so we
 haven't 15 come in with our site plan for this property
 yet.

16 We're doing an office building. And we've come in and
 17 had some discussion with the staff. And the easiest
 18 thing to do was to go ahead and submit this to the BZA
 19 so that the City's maps could be updated to coincide
 20 with that so that those two run parallel. As we move
 21 forward into the site plan process, it will make
 22 things go a lot smoother, so that was a suggestion by
 23 staff, although we're not proposing anything in any
 24 permanent structures inside the easement other than
 25 parking, which is allowed within the FFO. So this is

1 really more of a clean up, so to speak.

2 CHAIR JONES: Thank you.

3 MR. WOODS: And then Matt Brian, the
 4 engineer, is here to answer questions as well.

5 CHAIR JONES: Thank you.

6 Do you have anything to add, Mr. Brian?

7 MR. BRIAN: Matt Brian with M2 Group. Not
 8 really. I think this was a LOMA that was issued by

9 FEMA. The maps just haven't -- the FEMA maps that are
 10 out there just haven't really caught up with all of
 11 the letters of map amendments, so we just wanted to
 12 get the FFO zoning overlay updated to reflect the 13
 LOMA.

14 CHAIR JONES: Thank you, sir.

15 Anyone else to speak on this matter? 16

The Chair will entertain a motion to close 17
 the public portion of the meeting of this hearing. 18

19 MR. LANGLEY: I move to close the public
 portion of the meeting.

20 CHAIR JONES: The motion has been made.

21 Do I hear a second?

22 MS. FISCHBACH: Second.

23 CHAIR JONES: Motion has been made and
 24 seconded.

25 All those in favor, say "aye."

1 THE BOARD: Aye.
2 CHAIR JONES: All those opposed, likewise.
3 MS. FISCHBACH: Mr. Chairman, I'd like to
4 make a motion, please.
5 CHAIR JONES: Then please do.
6 MS. FISCHBACH: I'd like to move to
7 approve the applicant's request to interpret the FFO
8 boundary on the City of Franklin's zoning map based on
9 a letter of map amendment issued by FEMA on October 6,
10 2017. It's FEMA Case Number 17-04-6359A. That's my
11 motion.
12 MR. LANGLEY: And I'll second that motion.
13 CHAIR JONES: Motion has been made and
14 seconded.
15 All those in favor, say "aye."
16 THE BOARD: Aye.
17 CHAIR JONES: Those opposed, likewise.
18 Thank you. Four to zero.
19 MR. WOODS: Thank you for your time and
20 for your service.
21 CHAIR JONES: Thank you.
22 Item Number 3. I'll remind everyone,
23 we're going to limit to 15-minute discussion by the
24 parties for and the parties against. The party that's
25 for will have a couple of minutes after that for a

1 rebuttal, if they so desire.
2 Thanks, everybody, for your cooperation.
3 It's really appreciated.
4 And Item Number 3 is an applicant seeking
5 an appeal of administrative decision, not a variance,
6 on a zoning certificate and use letter, issued by City
7 staff, making the determination that the proposed use
8 is retail and not permitted by the CI district. At a 9
public meeting and hearing, the Board of Appeals is -10
staff?
11 MR. SQUIRES: Thank you, Mr. Chair.
12 Bill Squires, assistant city attorney. I
13 know normally when staff presents, I don't normally
14 start things, but this matter is a little bit
15 different than some of the others you normally hear.
16 This is not a request for a variance. This is not a
17 request for interpretation of a map. This is
18 literally an appeal of an administrative decision by
19 the zoning administrator. And because of that, I
20 wanted to talk to you a little bit about the City's
21 position about your role in this matter.
22 Your role in this, because it's a direct
23 appeal of a decision made by the zoning administrator,
24 is quasi-judicial. That is to say you're sitting as
25 an appellate body. You're determining whether the

1 zoning administrator was correct or incorrect. It's 2 an
up-or-down vote, it's a yes or no.

3 If you decide to reverse the decision of
4 the zoning administrator, it goes back to her for
5 further consideration based on your input, any
6 guidance you provide while this matter is before you.

7 And your job, much like a court of
8 appeals, is to apply the facts to the law. And in
9 this case, the law is the zoning ordinance. I know
10 that sounds a little dramatic, facts to law, but it's
11 a little more simple than that, we really mean the 12
zoning ordinance when we say facts being applied to
13 the law.

14 What you're looking and listening for here
15 is evidence. You're listening and looking for factual
16 evidence, data, information, because those are the
17 things that Ms. McCoy, the zoning administrator,
18 considered. So you're listening for the same kind of
19 information to review and determine whether or not her
20 decision was correct.

21 So to be clear about this, there will be a
22 public hearing as part of this. But I want to make 23
sure you understand, because this is an appeal, it's a 24
slightly different animal than what you normally hear.
25 The role of the public comment is a little different

1 here. The Court of Appeals has addressed this in this
2 context very clearly about Boards of Zoning Appeals.

3 And before I go any further, I do want to
4 stop and say for anybody listening, we are the
5 government, we value our citizens and we value the
6 public. We want their input. We want to hear from
7 them.

8 But in terms of what you all can consider,
9 public opinion is not evidence. The Court of Appeals
10 has talked about that. And they said very clearly in
11 one case -- and I'm old so I forget things, so I wrote
12 it down, as some might do. And the Court of Appeals
13 talked about that in a case where public opinion was
14 very strong for and against a particular situation.
15 And the Court of Appeals said the question here,
16 however, is not about the neighbors' preferences. The
17 BZA cannot base its decisions on the opinions of
18 neighbors. Instead, the Court went on, it must make a
19 decision based on the evidence that is presented in
20 it.

21 The Court was even more clear about it a
22 little bit later as they talked further. And they
23 said the opinion of neighbors as to the future impact
24 of the development and use envisioned herein is not
25 proof of that impact, neither are their wishes whether

1 in favor or against the particular development and the
2 proposed changes.

3 So what the Court of Appeals was saying is
4 pretty clear. We want to hear from everybody,
5 absolutely, but what you all are to make your decision
6 based on is evidence, facts, data, information.

7 So we're not suggesting you should ignore
8 public speakers, by any means. We're happy
everybody

9 is here. I mean, I'm looking around, and that's a lot
10 of folks who are interested, and that's great to see
11 community involvement. But we are asking you to
12 follow the law about this and base your decision on
13 evidence.

14 I want to talk about something else, too.
15 Your decision, whatever you do tonight, should also
16 not be based on feelings for or against the applicant
17 and the type of work that they do. I know some may
18 view some of these types of proceedings as being in
19 favor of something or against something else. I feel
20 very comfortable saying to you that I believe everyone
21 in this room would agree that promoting opportunity,
22 giving assistance to, aid to persons with disabilities
23 is a just and a noble activity. I don't think anyone
24 would agree -- or disagree with that, and I think
25 that's to be applauded.

1 However, whether that's a good thing or a
2 bad thing is not the question before you tonight. The
3 question before you tonight is whether or not the
4 zoning administrator was correct in her determination.

5 So I guess you may be thinking, now that
6 I've rambled on for about ten years, what is it you
7 actually are to consider.

8 Well, what you're to consider are the
9 facts that are included and the evidence that you're
10 going to hear from the staff. When I'm done
11 speaking -- and I promise I will be done speaking in
12 just a moment -- I'm going to hand it over to
13 Ms. Gibson. She's going to give you a little
14 background, a little history of how we got
here.

15 After that, you're going to hear from the
16 zoning administrator that issued the letter, that's
17 Ms. McCoy. And what you're going to hear Ms.
McCoy
18 talk about, she's going to share with you how she
19 reached the conclusion she did so that you can 20
evaluate her analysis and determine if you agree with
21 it or disagree with it.

22 She's going to talk to you about how the
23 request for the determination first arrived to the
24 City. She felt like she needed some more information,
25 and she asked for that clarification from the

1 applicant. The applicant provided clarification and
2 was responsive to her, and she did her work from
3 there.

4 You're going to hear her talk about the
5 things she considered in making her decision.

You're
6 going to hear her talk about the information she had,
7 and that she looked at many, many definitions in the
8 zoning ordinance, trying to figure out what the best
9 application of the zoning ordinance was. What do
you 10 call this particular use, and how does it fit into
the 11 scheme of the zoning ordinance.

12 You're going to hear her talk about
13 considering the activities that the applicant said
14 they would be undertaking on the site. You'll hear
15 her talk about factual information, how many square
16 feet of the building are used for a particular thing,
17 how many square feet are used for a different thing,
18 and how training of employees might fit into that.

19 You're going to hear her talk about how
20 she considered the role of the public at the site. In
21 other words, how does the public interact with the
22 location, what's going on, how does the public
enter, 23 use, not use, not enter, interact at all with
the site 24 and the applicant themselves.

25 You're going to hear her talk about how

1 she considered analogous uses in the city, what
2 entities are like this, how have we viewed them in the
3 past, what should we do to remain consistent. In 4
particular, you'll hear discussion about Goodwill and 5
how they have been treated as a retail use.

6 You'll also hear that she considered a lot
7 of information for the use determination application.
8 She considered from many different perspectives and
9 several different angles. In other words, there was
10 not a straightforward analysis. She thought about it
11 pretty thoroughly and from several different ways.

12 The City's position is that Ms. McCoy's
13 determination is correct. We're requesting that you
14 uphold the determination of the zoning administrator,
15 that the use of this location, as proposed, would be 16
retail in nature, and, therefore, not allowed because 17
it's a civic institutional zone.

18 Unless you all have questions for me, I'm
19 going to turn it over to the remainder of the staff.
20 But I did want to present to you some information
21 about the nature of this proceeding, how it's a little
22 bit different from some of the others, what you're to 23
consider, and kind of how we got to where we are and 24
what you're to do from there.

25 CHAIR JONES: Thank you.

1 MR. SQUIRES: If no questions for me, I'll
 2 turn it over to Ms. Gibson.
 3 MS. GIBSON: Thank you.
 4 On January 31st of 2020, the applicant
 5 submitted a zoning certification determination letter
 6 request for the property located a 215 Granbury
 Street 7 to the building and neighborhood services
 department.
 8 The request stated that The Gear Foundation and Our
 9 Thrift Store intended to build a 16,280 square foot
 10 building on the site and indicated that educational,
 11 shopping, and retail activity would be conducted in
 12 the building.
 13 On February 5th, the building and
 14 neighborhood services department requested
 additional
 15 information regarding how much of the proposed floor
 16 area would be utilized for the uses indicated in the
 17 letter, including retail and sales floor area,
 18 dedicated training space floor area, and office space
 19 floor area.
 20 On February 7th, the applicant stated that
 21 the entire facility would be used for training, and
 22 that 11,000 square feet would be used for training
 and 23 retail, and 14,000 square feet would be used for
 24 training and processing.
 25 On February 10th, the zoning administrator

1 issued a zoning certification and use determination -
 -
 2 excuse me -- letter stating that the applicant's
 3 described use was determined to be retail, which is
 4 defined as an establishment primarily engaged in
 the 5 sale of goods and materials to the general
 public.
 6 The letter further stated that retail is not a
 7 permitted use in the civic institutional
 zoning 8 district.
 9 The applicant then applied for an appeal
 10 of administrative decision.
 11 So now I'll turn it over to Shanna McCoy,
 12 the zoning administrator, for her analysis.
 13 MS. McCOY: Thank you.
 14 Good evening. As stated, I determined
 15 that the use of Our Thrift Store is a retail use. I
 16 arrived at this determination after reviewing and
 17 considering several definitions in the zoning
 18 ordinance, including the definitions of a retail use;
 19 charitable, fraternal, or social organization; place
 20 of public assembly; and personal services.
 21 Retail use is defined as an establishment
 22 primarily engaged in the sale of goods and
 materials
 23 to the general public. Retail use is not permitted
 in 24 the civic institutional zoning district as either a
 25 principal use or an accessory use.

1 Charitable, fraternal, or social
2 organizations are defined as a facility for
3 administrative, meeting, or social purposes for a
4 private or nonprofit organization, primarily for use
5 by administrative personnel, members, and guests.
6 The Gear Foundation and Our Thrift Store
7 may be a 501(c)(3) organization, but the proposed use
8 of the structure does not fit that definition because
9 it is not proposed to be used primarily for
10 administrative, meeting, or social purposes. The 11
11 proposed use is retail, with some processing of goods 12
12 for retail sale and on-the-job training.
13 Place of public assembly is defined as an
14 institution or facility that congregations of people
15 regularly attend to participate in or hold meetings,
16 workshops, lectures, civic activities, religious
17 services, performances, and other similar activities,
18 including buildings or performance venues in which
19 such functions and activities are held.
20 Again, the proposed use does not -- of the
21 structure does not fit this definition because
22 congregations of people do not regularly attend Our
23 Thrift Store for meetings, workshops, lectures, civic
24 activities, religious services, or performance. 25
Personal service is defined as an

1 establishment that primarily engages in providing
2 services generally involving the care of the person
or
3 the person's possessions. The personal service
4 definition includes laundry, dry-cleaning, barber
5 shops, and similar places, but it also includes
6 informational and instructional services, which
the 7 applicant has suggested they provide to their
8 employees in the form of on-the-job training.
9 However, the personal service use is not permitted
in 10 a civic institutional zoning district.
11 I also considered the information provided
12 by the applicant in looking at these definitions. The
13 applicant indicated that 11,000 square feet of the
14 space will be used for retail and training, and
14,000 15 square feet will be used for processing and
training. 16 The processing, by the applicant's
own
17 statement, a large portion of the space is dedicated
18 to retail sales. The processing function is also in
19 support of the retail operation, because that 20
processing is the intake of the donated goods and
21 getting them ready to go out on to the retail floor.
22 Training may be taking place, but I did
23 not determine that that is the principal or accessory
24 use. First, most employers do provide on-the-job
25 training. But in this situation, the majority of the

1 floor space at the site will be taken up by retail
2 goods that are for sale or those goods being processed
3 to go to the sale floor.

4 I also considered what is the purpose or
5 reason for the public to visit the facility. They're 6
coming to shop. It's the same concept as Goodwill.
7 They are both nonprofits. They are both retail
8 establishments. If Goodwill requested a zoning
9 determination letter, they would be given the same 10
answer, that they would be advised to go into a zoning 11
district that allows for retail use.

12 The use determination is not about who is
13 working there and the mission of any organization. It
14 is strictly about the use of the facility. If you
15 take away retail from Our Thrift Store, you have only
16 uses that are also not permitted in the civic
17 institutional zoning district, even as accessory uses,
18 those being processing like in a warehouse or job
19 training.

20 The instructional services would be most
21 akin to the personal service use, which is also not
22 permitted in the civic institutional zoning district.
23 There's also the warehouse processing aspect of the
24 facility that is also not permitted in civic 25
institutional zoning districts.

1 In short, none of the proposed uses of the
2 facility are permitted within the civic
institutional 3 zoning district per Table 5.1.3 of
the City of 4 Franklin Zoning Ordinance.

5 In determining which was the principal
6 use, the retail use is the critical use that the other
7 uses are dependent on, and seem to be the best fit
of
8 all possible uses to consider. I determined the
9 principal use of the structure, therefore, to be
10 retail.

11 Thank you.

12 CHAIR JONES: Thank you.

13 At this time, I'll open the public portion
14 of the hearing. Now, I will ask the representative
15 that filed this to be the first to speak. You'll not 16
be included in the 15-minute time. And I don't know
17 who that is going to be.

18 Now I do.

19 Please identify yourself, sir.

20 MR. KRIKAC: Absolutely.

21 CHAIR JONES: Now, your time does not
22 count into the 15 minutes.

23 MR. KRIKAC: Thank you. But I will be
24 short, I promise.

25 CHAIR JONES: Thank you.

1 MR. KRIKAC: My name is Dave Krikac, and
2 I'm the founder of Our Thrift Store and The Gear
3 Foundation. Thank you for an opportunity to
speak 4 with y'all today.

5 And y'all.

6 Our Thrift Store, as we mentioned, our
7 mission is to provide individuals with disabilities
8 with work experience that will enable them to discover
9 and develop their unique capabilities and
potential 10 and to help them achieve the highest
degree of 11 independence and self-respect.

12 We are, as mentioned, a charitable
13 nonprofit organization. Our Thrift Store is a
14 501(c)(3) nonprofit charitable organization that
15 provides jobs and job training for young adults with
16 special needs. The store proceeds fund the payment
17 for their salaries, as well as all the overhead. We
18 have a retail component. The fact that Our Thrift
19 Store is primarily a nonprofit organization and
20 educational facility qualifies it, in our view,
under 21 the current civic institutional zoning.

22 Our present location, I'm sure you heard,
23 is going to be redeveloped, and our lease is now on a
24 month-to-month basis. We've been negotiating with
the
25 county the land at 215 Granbury to build a now

1 25,000-square-foot facility for our future, an
2 attractive, modern, clean facility that fits well in
3 the neighborhood. It gives us the needed space to
4 hire and train more special needs young adults. It
5 provides for 43 parking spaces. Our hours are Tuesday
6 through Saturday from 10:00 a.m. until 6:00 p.m. 7
We're closed on Sunday and Mondays. It shouldn't be 8
an impact.

9 The adjacent HUD development is strategic
10 for us because those are where our customers live. 11
The acceptance of our organization at 215 Granbury is 12
what we're asking for today.

13 It's important to point out that crime has
14 never been -- has been nonexistent in our 15 years
15 that we have operated. We do not run trucks to do
16 pickups and take donations. Our customers and our
17 followers bring those to us. I think we'll see more 18 in
FedEx trucks and these Amazon vans we see going in 19
and out.

20 The feedback from the majority of the
21 aldermen has been in favor for our fit into the civic
22 institutional zoning. Of the over 4,000 favorable
23 signed petitions that we've received, 1,004 are local
24 to our store, and 200 are within walking distance. I
25 won't have them speak today, but that's who's

1 represented in those petitions.

2 Something will be built on that land
3 eventually. It's not going to stay as an open lot.

4 Our Thrift Store is a job training program
5 for a segment of the population with nearly an
6 85-percent unemployment rate statewide. We provide
7 hope for special needs students who graduate from
8 Williamson County Schools. More than 75 of our
9 special needs job trainees have gone on to other
10 jobs outside our organization or are still actively
11 working at Our Thrift Store.

12 Our special needs young adults touch every
13 donated item that is brought into the store.
14 Throughout the entire operation, those donations are
15 processed, cleaned, organized, or sometimes not
16 used.

17 That's all a part of the job training. So when we
18 talk about the footprint of job training, it is the
19 entire facility. For that reason, we have 25 job
20 coaches working with 25 disabled young adults,
21 sometimes one on one. So to compare us to Goodwill
22 is probably not a good, accurate depiction of Our Thrift
23 Store.

24 We do have a retail component, there's no
25 question. That's how we fund our foundation. If you
remove that, then it's a sheltered workshop and

1 there's nothing to do without the donations.

2 For over 15 years, residents of Franklin
3 and Williamson County and our neighboring community
4 have supported Our Thrift Store by shopping, donating,
5 and volunteering. The less fortunate in Williamson
6 County have access to much needed clean, high-quality
7 items at a significantly lower cost, all within
8 walking distance of their homes. We have created jobs
9 in the Williamson County -- in Williamson County and
10 made a significant difference in the lives of our 11
11 special needs community members.

12 The Gear Foundation has partnered with
13 other local nonprofits, including Feed My Lambs, One
14 Generation Away, Feed Franklin First, Community
15 Housing Partners, End Slavery Tennessee, the 16
16 Williamson County Sheriff's Department, and local 17
17 churches.

18 Thank you, on behalf of Our Thrift Store,
19 for an opportunity -- and The Gear Foundation -- to
20 present our case.

21 CHAIR JONES: Thank you, sir.

22 MR. KRKAC: Thank you.

23 CHAIR JONES: Well, the 15 minutes will
24 start now for anyone that would like to come forward.
25 And please state your name clearly. And whoever wants

1 to come first, come ahead, those in favor.
2 MS. DANNENFELSER: Mr. Chair, would
you 3 clarify if this 15 minutes is in favor of or opposed
4 to?

5 CHAIR JONES: I did say in favor of. I
6 may have said it too low.

7 MS. BURGER: Good evening. I'm Alderman
8 Bev Burger from City of Franklin. And I have a lot of
9 notes here. And I've chosen to speak tonight
10 because -- well, there's a lot of things that have
11 been said tonight that are -- you know, we've been
12 briefed from the City in information that we have to
13 go by, and sometimes it gets very convoluted. But at
14 the same time, those things are there for a reason.

15 But your charge tonight, as we all talked
16 about before, is what is -- what does fit in this
17 zone. And so the question is: Does The Gear
18 Foundation fit in the CI zone?

19 And the facts -- we talked about
20 factual -- well, about facts, about data, about
21 evidence. And sometimes it's beyond a narrow scope
22 that seems apparent here, and that narrow scope
really
23 is retail. And I think it's beyond that. Because
24 their main mission, and everything they do, is
25 education and training. Without that -- without that,

1 there would be no retail.

2 The decision, I believe, is very narrow.
3 It's really looking -- and there is an elephant here,
4 and we're looking at the elephant. The elephant is
5 retail, with a flashing light, and it's hiding behind
6 the true function. It's out there. The true function
7 is actually hidden behind that elephant.

8 Goodwill does a lot of great things.
9 They're a good charitable organization. But The Gear
10 Foundation, their focus isn't charity; their focus is
11 education and training. And I know a lot of the
12 aldermen were shaking their heads when we were talking
13 about this, and we understand that so many of us are
14 in favor of this happening, but at the same time, it
15 is a decision, again, a legal decision, about does
16 this fit the zoning. And I'm very clear on that, and
17 I'm speaking here tonight for the clarity of the
18 function of The Gear Foundation being in a CI zone.

19 And the main mission, the function of
20 education and training -- to me, the retail is very
21 ancillary to this. We could talk about, you know,
22 what could go there. The Gear Foundation, we could
23 even talk about how they would design it, how they
24 will buffer it, how they will screen it, and
25 everything else. But that's, again, not why we're

1 here.

2 We're here to speak to this, and the 3
bottom line -- to speak to the bottom line of this, 4
and that is the zoning, does it fit in the CI zoning.
5 And because of this unique mission that they have --
6 it's extremely unique compared to a lot of other
7 organizations such as Goodwill and other such
missions
8 out there, this is very unique -- and everything they
9 do all day long, every reason that they even exist is
10 education and training that we believe belongs in a
CI 11 zone.

12 Thank you.

13 CHAIR JONES: Thank you.

14 Anyone else to speak in favor?

15 Sir, both of you can come forward.

16 MR. KLATT: Good evening. My name is Dan
17 Klatt. I happen to be a parent of one of the 18
employees, special needs employees of The Gear
19 Foundation. But that's not really why I'm here.

20 Based on what staff just told you, I think
21 your decision is probably already made and probably
22 pretty easy, because what we're asking for is not
23 permitted. The fact of the matter is, we need to step
24 up as a community and permit this organization to
25 continue to exist and to flourish.

1 They do not have deep pockets. They do
2 not have benefactors. They do not have the means to
3 go buy a lot on Hillsboro Road or Columbia Avenue. If
4 they did, that's what they would be doing.

5 The county mayor has offered a plot of
6 land that is county owned that happens to be in a CI
7 district. The county commission has still not
8 included it. So this is not a done deal, regardless
9 of what your decision is tonight.

10 What we're asking for is that: One, a
11 nonprofit be allowed to exist in a CI district, this
12 nonprofit; and, two, that you grant a retail be an
13 accessory -- an acceptable accessory use on this site
14 only, for this applicant only, for the duration of
15 whatever lease can be worked out with the county.
And 16 when that ends or The Gear Foundation ceases
to exist, 17 that would end.

18 This is not something we're asking in
19 perpetuity, forever. If they give a 15-year lease,
20 that's how long this would last. If it's a 25-year
21 lease, that is how long it would last. The fact is, a
22 dollar a year is a pretty good price, and that's
23 something that The Gear Foundation can function
24 within. So we're asking for -- I don't know, maybe
25 we're asking for the moon, but that's what we're

1 asking for.

2 Thanks.

3 CHAIR JONES: Thank you.

4 Yes, sir.

5 MR. OLIVER: Hello. My name is

Chad 6 Oliver (phonetic). I don't work at the thrift store.

7 I don't know anyone that works at the thrift store. I

8 didn't even know the owner until he walked up here to

9 state his case. All I know is that I shop there, I

10 live by it, and I see it, the people there and what it

11 does for the community. It helps the people that

work 12 there, and it helps the people that live close to it.

13 It does nothing but support it.

14 I do not -- I have no doubt that wherever

15 it goes, it will still support and change lives around

16 it. It's a -- like they said, it's a perfect training

17 ground for those who need it. It's also in walking

18 distance for those who need it, for those who don't

19 have cars and don't have transportation, who can't

20 work a far distance like most people that can drive

to

21 Nashville or across town to get what they need or to

22 work. It provides that for those who need it. So I

23 can't think of a better place or a more perfect

place 24 than in a community that needs it.

25 Thank you.

1 CHAIR JONES: Thank you.

2 Yes, ma'am.

3 MS. McLAUGHLIN: Hi. Can you hear me?

4 Hi. My name is Sharon McLaughlin, and I'm an

5 interpreter for the deaf and hard of hearing. And for

6 five years I worked in downtown Nashville, and my job

7 was to be a job coordinator. And I would go to

8 businesses and to organizations, to educational

9 places, and ask people to consider hiring the deaf

or 10 training the deaf. And I got, No, no, no, no,

can't, 11 can't, can't, can't, won't, won't, won't.

12 And I think it's wonderful that we have an

13 organization that is willing to train the people,

14 train them on site, and help them to have some kind of

15 skill that they can take out of the community, because

16 that happens rarely.

17 And I think Alderman Burger had a very

18 good point about this is a training center more than

19 it is retail. These people are training all day long

20 when they're there, and they just happen to be making

21 their money by selling the products. And if I

22 could've had anybody -- well, I had a few, but if I

23 could have had more people say yes to me, that would

24 have been much better. It was very disheartening to

25 have so many people and businesses always say, No,

I

1 won't.

2 Thank you.

3 CHAIR JONES: Thank you.

4 MS. WOOD: Hi. My name is Teresa Wood. I

5 live here in Franklin. And one of the things I've

6 done over the last ten years is I've volunteered for

7 several different community events and different

8 things in this town, and it's something that I've

9 grown to love. One of the things that I've also

known 10 is that we ask organizations that are of

charitable 11 contributions to find a funding source.

12 And I think that with this organization,

13 what I've seen is that they have taken a niche where

14 they knew they needed training, they needed

education

15 for a group of people that weren't getting what they

16 needed from our community, and they created that.

17 They looked around and they said, How can we create

18 the funding source. So what they did was they

created

19 the retail to help fund that, so that their niche of

20 people that they saw needed something could

21 actually be -- create an environment that they felt

22 like they could succeed and become part of our

23 community -- or more part of our community.

24 So one of the things I want you to keep in

25 mind, that even though us folks that go out there, we

1 have opportunities to get master's degrees, and we get

2 opportunities to go different places and do things,

3 they may not have that same opportunity. So taking

4 away something or pulling back something that could

5 actually create an environment that is self-funding to

6 keep creating a training center, an education for the

7 folks who may or may not get it, is something that we

8 want in our community, and we want them to be viable

9 people that are contributing back to our organizations

10 and our communities here in town.

11 CHAIR JONES: Thank you.

12 MR. McLAUGHLIN: My name is Tim

13 McLaughlin. I sat in on the work session when this

14 was presented to the aldermen, and I guess I come away

15 a little confused why staff has presented it with no

16 variance; that they have presented to you in such a

17 way that it has to be voted up and down based upon

18 what the administrator presented. I don't understand

19 that at all, because that's not what I understood at

20 the meeting.

21 The other thing is that I have to agree

22 with Ms. Burger, that the interpretation, with all

23 respect, was a very narrow interpretation. The

24 training that goes on there, anybody that walks

25 through that and looks at it, it's a training

1 function. There is a sales component to it, but these
 2 kids could not learn, and would not be able to go out
 3 and get the experience they need without this 4
 component. You can't -- you can't teach them to go
 5 out and sell items if they don't have the training.
 6 They can't sit in a classroom and pick it up. So this
 7 type of training is very, very unique to this
 8 organization. If you didn't have the sales
 component, 9 you couldn't have the training and these
 kids couldn't 10 achieve.

11 Thank you very much.

12 CHAIR JONES: Thank you. 13

I'd like to remind y'all that we have
 14 about six more minutes left in this
 portion.

15 MR. BUSIC: I'll only take one.

16 CHAIR JONES: Thank you.

17 MR. BUSIC: My name is Greg Basic
 18 (phonetic). My day job is I'm a retail analyst. My
 19 job is to figure out retail trends, what's going on,
 20 why malls are closing, why are places going
 down, 21 et cetera.

22 By the definition of what retail is, it's
 23 a for-profit business. Walmart is not in business to
 24 not make a profit. Lowe's is not in business, Home
 25 Depot is not in business to not make a profit. Okay.

1 So by the very nature of what this is -- the federal
 2 government doesn't even count this as a retail
 3 establishment because it is a 501(c)(3), so it's
 4 treated as something completely different.

5 When I look at the monthly retail trade
 6 numbers that come out, The Gear Foundation is not
 part

7 of those numbers in terms of whether retail is going
 8 up or down. So the case that this is primarily a
 9 retail establishment presupposes that a profit is
 10 meant to be made in the organization, and that's
 11 simply not the case here, and it's not a purpose for
 12 it, so the actual retail component is ancillary to the
 13 training.

14 We don't need more retail stores. That's
 15 why there are so many that are closing out there.
 16 What we need is more training programs and things
 for

17 physically and mentally handicapped kids in our
 18 organization, for the least of these throughout our
 19 communities, to give opportunities for a better
 20 future. We have haves and have-nots that have
 21 occurred in our economy there, and by very definition,
 22 these kids have been in the have-nots situation.

23 And so when I get back to the component
 of 24 this, what's the primary purpose of this, it is not
 25 retail. By any definition, it is not retail.

1 Although there is a retail component to it, the 2
 general purpose of this is for the training of those
 3 children and those kids.

4 Thank you.

5 CHAIR JONES: Thank you.

6 MR. DERBY: Good evening. My name is
 7 Robert Derby (phonetic), and I live on Magnolia
 8 (phonetic) Drive in Franklin. And I do have a child 9
 with Down syndrome, and she is not currently employed
 10 at Our Thrift Store.

11 I'm speaking tonight based off of previous
 12 discussion up to this point, and it strikes me that
 13 what's really needed here, as an earlier speaker said,
 14 is a variance. I think that the recommendation of the
 15 staff, they looked at the bylaws and came up with a --
 16 I mean the guidelines and came up with the
 17 recommendation. But I think it's clear that with this
 18 being an undeveloped property, and the current
 19 property owner is in favor of this establishment for
 20 this particular lot for this particular purpose, maybe
 21 what you -- the Board could immediately move to is
 a 22 motion for a variation for this location for this 23
 business.

24 Thank you.

25 CHAIR JONES: Thank you, sir.

1 Anyone else? You have about a minute or
 2 so left.

3 MR. SPRADLIN: Byron Spradlin here, a
 4 resident in Franklin for 25 years.

5 We are a government of the people, for the
 6 people, and by the people, and I do think that in this
 7 particular situation we'll come back to our wonderful
 8 staff's observations of the legalities.

9 But there are -- sometimes there's a
 10 larger question in consideration, as we think about
 11 the human flourishing and the dynamics of our
 12 community. The people don't serve the zoning laws;
 13 the zoning laws need to serve the people. And in this
 14 case where we have these dynamic realities of a
 15 marginalized group of people not cared for well by our
 16 community contributions, which are marvelous, 17
 sometimes we need to take back a bigger picture, as 18
 has been said.

19 I think it will come back to the issue of
 20 the legal dynamics here are such and such. But
 21 sometimes we may need to step back and think, perhaps
 22 those things need to be changed. And we do have in
 23 our arsenal of resources variances and those kinds of
 24 things. So I would think and encourage the panel to
 25 think largely about the human flourishing of our

1 community and how we provide those kinds of
2 dynamics,
3 particularly for people who are underserved, and yet
4 who need to be served in this way, in this great
5 community that we have in Franklin,
6 Tennessee.

7 Thank you.

8 CHAIR JONES: Thank you, sir.

9 MS. DANNENFELSER: Mr. Chairman, is the
10 time up?

11 CHAIR JONES: Yes.

12 MS. DANNENFELSER: Okay. We've had a
13 request from the police officer in the hall that --
14 there are a number of people out there who have filled
15 out cards to speak in opposition of, and so there is a
16 request to call them by name with the cards that you
17 have before you.

18 CHAIR JONES: These?

19 MS. DANNENFELSER: Yes.

20 CHAIR JONES: Okay.

21 UNIDENTIFIED SPEAKER: The people first
22 are on the bottom of the list.

23 CHAIR JONES: They're on the bottom?

24 UNIDENTIFIED SPEAKER: When we
25 filled it out, we put it in the tray, and everybody that
26 came subsequent stacked them on top.

UNIDENTIFIED SPEAKER: Can we split the

1 time between those in this room and those outside of
2 this room, or give some kind of split? Or could those
3 people come in the room and line up?

4 CHAIR JONES: The first speaker will be
5 Kevin Hyman.

6 MR. HYMAN: So my name is Kevin Hyman.
7 I've been a resident in Franklin for 40 years. My
8 family, my extended family, has four homes in
9 Battlefield Estates, which is the neighborhood that
10 this borders up against.

11 I'm a supporter of Our Thrift Store. I
12 have a moral conflict in opposition. I support
13 BrightStone. I support my church and the various
14 ministries of the underserved and my church, and I've
15 spent a good deal of my career developing software
16 for the reporting for the blind and dyslexic.

17 I want to draw back to a couple different
18 points. One is Battlefield Estates is the oldest
19 neighborhood in Franklin. A lot of people don't know
20 it's a neighborhood, but it is. I'm passionate about
21 it. I live there for a reason. I love the City of
22 Franklin. I love its development. I love how they've
23 protected certain areas. That's why I'm raising my
24 family there.

25 I do believe the output of Our Thrift

1 Store is a retail organization. On their IRS returns,
2 they proudly have done a million dollars in sales.

I 3 think it's beautiful work. It's classified on their
4 IRS return as miscellaneous store retailer.

5 On their website, they mention the great
6 work they do. In their fundraising section, they
7 mention that they train people with challenges to
8 operate in a retail store.

9 As I mentioned, I have a moral conflict in
10 opposition to it. I live in a neighborhood, as most
11 of us do, for a reason. The classification of what
12 this organization does is accurate. But we zone for
13 the output.

14 And what I mean by that is, if
15 hypothetically -- and if I can address another
16 organization -- the Boys & Girls Club of Tennessee
17 develop -- wanted to develop an archery range to
18 develop their -- you know, to further their mission
19 and to develop fellowship and character and
20 leadership, that would be noble, and that would be
a
21 good thing, but we wouldn't allow that archery range
22 in a certain -- in industrial. We wouldn't allow it
23 in a retail setting. We wouldn't allow it in a
24 neighborhood.

25 We don't allow a lot of things in

1 residential because of the output, because of what it 2
reflects, what it does to the neighborhood.

3 I will admittedly state I have no idea
4 what the options are for this organization. I don't
5 know if there's another location. I don't know their
6 hardships, I don't know their challenges, and I am
not 7 directly involved in it, and I understand that. And
8 I'm rooting for you.

9 I would call the Board back to the
10 Envision Franklin document, one of the documents
that
11 the City puts out. I think the City does an
12 unbelievable job making a beautiful city. And the
13 Envision Franklin document explicitly carves out this
14 area and says it should be protected from commercial
15 encroachment, retail, et cetera, et cetera, et cetera.

16 And at the end of the day, I will
17 admittedly say this is self-serving opposition. This
18 is where I put my life savings, this is where I'm 19
raising my family, and I wouldn't choose to do that in
20 what I see as a retail environment.

21 I am rooting for the organization, but I
22 wanted my notes known.

23 Thank you.

24 CHAIR JONES: Thank you.

25 Sarina Fordice.

1 MS. FORDICE: I, too, live in the
2 neighborhood in question. In fact, the proposed lot
3 is directly behind my house.

4 And I second everything that's been said
5 today. I'm a full supporter of the mission; it's an
6 amazing mission. But I think we need to circle back
7 to what the reason zoning is in place for, and it is
8 specifically in place to avoid situations like this,
9 where a retail store goes into an
10 inappropriately-zoned lot, surrounded, I might say, on
11 three sides by homes, in residential zoning.

12 I'm going to submit this. I know you know
13 the lot and the site. There was a mention that they
14 are serving their community, the HUD community.
15 And
16 there is a component of the HUD community that
17 backs

18 up to this lot, but there's also private residences
19 all around it. And so I would just like to -- if
20 people aren't aware of that, have them see
21 that.

22 The other thing that has been brought up
23 is the comparison to Goodwill, and the argument that
24 they are not Goodwill because they're a 501(c)(3)
25 nonprofit. And so, to that, I would like to read
26 Goodwill's statement on the giveit2Goodwill.org
27 webpage. Quote (as read:), Goodwill is a 501(c)(3)
28 nonprofit whose mission changes people's lives
29 through

1 education, training, and employment. Goodwill
2 annually assists thousands of people who are
3 struggling with disabilities and other barriers to
4 employment. Goodwill gives people opportunity to
5 reach their fullest potential through the power of
6 work.

7 The Goodwill thrift store is considered a
8 retail store, and appropriately, nationwide,
9 statewide, and throughout our city, is required to be
10 in a retail zone, for good reason.

11 The other thing that has been brought up
12 tonight by some of the speakers was the suggestion of
13 a variance. And I know they did not apply for a
14 variance here today; they applied for an appeal of
15 decision, which is different. But I would also like
16 to point out that they do not meet any of three
17 criteria published for granting a variance, which I
18 will read right here. I know it was read actually at
19 the beginning of the meeting already.

20 (As read:) There must be extraordinary or
21 exceptional situation or condition pertaining strictly
22 to the property considered. Strict application of the
23 ordinance would result in practical difficulties, too,
24 or undue hardship upon the owner of the property --
25 the county -- and the relief may be granted without

1 substantial detriment to the public good and
2 substantially impairing the intent and purpose of the 3
zoning ordinance.

4 So I would argue that the zoning ordinance
5 is there for a reason, and it should be respected.

6 One last thing, as far as, you know, how
7 much of their floor space they can use for retail,
8 that's a requirement for accessory use, which you
9 mentioned. And I just got some pictures of the inside
10 of the store so we can see how store-like it is or is
11 not in case people have not been there and have not
12 seen it. And I will pass those on, and I will give up 13
whatever time is left to whoever is next.

14 Thank you.

15 CHAIR JONES: I'm going to stop the clock
16 for a moment so you can bring anything that you think
17 is important for us to see up here.

18 I think we'll hold a little longer for our
19 board member to get back.

20 Thanks, everybody, for your patience.

21 Okay. The next speaker is Terrell 22

Thornhill.

23 MR. THORNHILL: Can I defer to someone
24 else?

25 CHAIR JONES: Pardon me?

1 MR. THORNHILL: Can I defer to someone 2
else?

3 CHAIR JONES: Yes, absolutely. We'll move
4 right along.

5 Brian Beathard.

6 MR. FORDICE: Oh, no. I'm sorry, he was
7 deferring to me. Is that allowed?

8 CHAIR JONES: Yes. Please identify
9 yourself.

10 MR. FORDICE: Yes. My name is Jim
11 Fordice, and I live in the neighborhood of 215
12 Granbury.

13 So first I want to say, I want to express
14 my whole-hearted support for the mission of Our Thrift
15 Store. Like I said, I live in the neighborhood, and I 16
speak for a lot of the adjacent neighbors and property 17
owners.

18 I also want to express my adamant
19 opposition to the placement of any store, of any kind,
20 in our neighborhood, or any neighborhood in Franklin.
21 I totally agree with the gentleman earlier, the people
22 don't serve zoning. Of course zoning serves the 23
people, by protecting the people, by keeping things in 24
their place.

25 We've heard much tonight about the thrift

1 store's mission, but this is not the board of mission
2 approval. This is the Board of Zoning Appeals. This
3 is a land use issue tonight. Zoning does not look at
4 mission and looks at function, or what an earlier
5 speaker called an output. And Our Thrift Store always
6 has, and currently does, function fully as a retail 7
store.

8 You stole a lot of my thunder earlier, but
9 the City staff correctly ruled that Our Thrift Store
10 is a retail store, and, therefore, could not be placed
11 on the land at 215 Granbury, which is zoned civic
12 institutional. Acceptable institutional uses include
13 hospitals, schools, gardens, sports facilities, parks,
14 and other entities, but never retail. And they define
15 retail as establishments primarily engaged in the sale
16 of goods and materials to the public.

17 So you now, tonight, are asked to consider
18 an appeal of this City decision. But the City made
19 the correct decision, and the legal decision, and the
20 decision that complies fully with the zoning
21 ordinance. The Franklin Zoning Ordinance states that
22 no decision shall be reversed by the Board unless 23
there is substantial evidence that that decision does 24
not comply with the zoning ordinance and state law. 25

 This decision is fully compliant. It is

1 Our Thrift Store's appeal that violates the zoning
2 ordinance. I believe you, therefore, cannot legally
3 reverse this decision.

4 In their 2017 IRS tax filing, as someone
5 mentioned, Our Thrift Store stated they made around a
6 million dollars in revenue, about 98 percent of that
7 was from retail sales. And, in fact, they
8 self-identified as a miscellaneous store retailer.
9 This is one of the IRS's retail codes.

10 The zoning ordinance forbids retail and
11 accessory retail on land zoned civic and
12 institutional. And for these reasons, I feel that the
13 Board must uphold the City's correct decision that Our
14 Thrift Store is a retail store, and, as such, cannot 15
be placed on civic institutional land.

16 This violates the zoning ordinance, and it
17 violates Envision Franklin. Envision Franklin is a
18 document meant to guide Franklin through its future
19 development, and Envision Franklin recommends that
20 this land be recreational.

21 So I urge the Board to uphold Envision
22 Franklin, to uphold your zoning ordinance.

23 Thank you for your attention.

24 CHAIR JONES: Thank you.

25 Brian Beathard.

1 MR. SQUIRES: Mr. Chair, if I may?

2 CHAIR JONES: Yes.

3 MR. SQUIRES: I don't mean to interrupt.

4 I wanted to be careful with time. I know you
5 indicated at the beginning of the meeting 15 minutes
6 allowed for each side. I'm not sure how many more
7 speakers you have in terms of cards, but I thought it
8 might be good to address how the remainder of this
9 time is going to be used if you have a lot of cards up
10 there.

11 CHAIR JONES: There's still several here.

12 **A couple of them were actually duplicates.**

13 MR. SQUIRES: Okay.

14 CHAIR JONES: So we've probably got
15 another ten minutes or so to go, taking the break
out. 16 Do you think -- do you have any 17
suggestions?

18 MR. SQUIRES: I don't. I think my main
19 point was just to point out to the remaining persons
20 who signed up to speak there may not be a lot of time
21 left. So when persons come up to speak, if they're
22 duplicating someone else's ideas or if they just want
23 to say, I agree with Ms. So-and-so, make those
options 24 available to them.

25 CHAIR JONES: Perfect.

1 MR. SQUIRES: I hate for time to run out
2 because someone used up quite a bit of the 15
minutes.

3 MR. BEATHARD: And in that same vein
4 Mr. Chair, if it's okay, one of my fellow -- my fellow
5 county commissioner, Sean Aiello, is here, and
I'd 6 like to defer my time to him as - 7

CHAIR JONES: Okay.

8 MR. BEATHARD: -- I think he's more
9 prepared to speak to this matter.

10 CHAIR JONES: Go right ahead.

11 MR. AIELLO: Thank you, Mr. Chair.

12 As stated by Commissioner Beathard, I am
13 Sean Aiello, a Williamson County commissioner
serving
14 District 11, along with Commissioner Beathard,
which 15 includes this property that's now here before
the 16 Board.

17 As this parcel is County owned, and as a
18 County commissioner, I would like to be able to
19 provide the Board with the County's position as to the
20 requested use, the facts presented, the intent of the
21 owner, Williamson County, as to its development, and
22 its opinion on this pending appeal, I find that I am
23 legally unable to do so. Although this board is in
24 possession of an owner affidavit, the County has no
25 position upon any of these matters because the
County

1 legislative body tasked with the exclusive duty and
2 authority to approve leases, dispose of or develop
3 property has not been considered, approved, or
even 4 voted on any resolution on the use or
allocation of 5 this particular parcel of land.

6 Within the past week, the County property
7 committee and budget committee have, for the first
8 time, been presented with a resolution to lease this
9 property to The Gear Foundation at the rate of a
10 dollar a year. Both committees, after consideration,
11 voted to defer and recommend deferment to the 12
commission on considering this lease request until May
13 of this year.

14 Should this board overturn the zoning
15 board's determination in this matter, there is no
16 indication from the County whether it would ultimately
17 approve a lease for its stated use as submitted by The
18 Gear Foundation. There simply has been no opinion
19 rendered by the County.

20 This hearing is not a referendum on Our
21 Thrift Store, its mission, or whether, as a community,
22 we want to support its continued existence and
23 services. A vote to uphold the Board of Zoning
24 Appeals ruling is not a vote to evict Our Thrift Store
25 from our community. As this board knows, the only

1 deliberation it is presented with resolving tonight is
2 whether the Board of Zoning committed clear error
in
3 its decision, that the property's principal use of
4 215 Granbury Street by Our Thrift Store was retail,
5 which is clearly not permitted use for property zoned
6 civic institutional under Franklin Zoning Ordinance
7 3.1.2 and 5.1.3. The stated use proposed does not
fit 8 under the clear guidelines of that particular zoning
9 ordinance.

10 As stated by the applicant, use of the
11 proposed building is both 100-percent
12 retail/processing and 100-percent training, which, in
13 effect, are all retail operations.

14 This is not the case of an 80-percent
15 school and 20-percent retail, which may be better
16 viewed as ancillary use and accepted by the Board.

17 Under both uses proposed by The Gear
18 Foundation, both retail and training, which is
defined

19 under the definitions of the zoning ordinance as
20 professional services, neither of those are
available 21 as either principal use or ancillary use
under the 22 current civic institutional zoning.

23 The specific guidance on this issue
24 explicitly stated under the Franklin Zoning
Ordinance

25 is applicable and was expertly articulated by the

1 staff here earlier tonight.
2 Since first becoming aware of the
3 impending lease termination of Our Thrift Store and
4 need for relocation in the past few weeks, both
5 myself, Commissioner Beathard, some City officials
and

6 private citizens have jumped into the search to try to
7 find a suitable property for this valuable
8 organization to be relocated after their lease is 9
terminated that would fit both with its need and with
10 existing zoning requirements.

11 I'm confident that giving additional time
12 and the care and generosity of our Williamson County
13 residents, we will find a solution for the continued
14 success of Our Thrift Store, and this will be found
15 without forcing a commercial enterprise into a
16 residential and civic institutionally zoned area over
17 the objection of both its residents, in violation of
18 existing City zoning ordinances, and contrary to the
19 vision and intent of Envision Franklin and all of the
20 good work it has achieved. That is simply not the
21 solution that's presented here tonight.

22 As a resident of Franklin, and a
23 representative of District 11, I'm asking the Board
to 24 uphold the Board of Zoning ruling and deny the
25 request.

1 Thank you.
2 CHAIR JONES: Thank you.
3 I have time for probably one short one.
4 Braton Machleit. I hope I said the last
5 name correctly.

6 UNIDENTIFIED SPEAKER: Lady? Is that it?
7 UNIDENTIFIED SPEAKER: No,
8 Braton. He's deferring to you apparently. Go
9 ahead.

10 MARILYN LEHEW: I just want to say,
11 this could be very positive. We have offered to start
12 money -- throw money in to find the perfect location
13 for the thrift store. I mean, GoFundMe. I get 14
goosebumps. I mean, they could find a much better 15
location. And that's all I have to say.

16 CHAIR JONES: Thank you.
17 MARILYN LEHEW: Let's start a fund 18
tonight. I wanted to put in \$2,000.

19 And this gal told me she'd put in a
20 thousand. Let's start a fund.

21 CHAIR JONES: Thank you very much for
your 22 generosity.

23 At this time -- at this time, the Chair
24 will entertain a motion to --

25 MS. STEELE: I'm a resident of Granbury

1 Street, and I would like to speak, if that's okay. I
 2 know we're on a time limit, but I actually live on
 3 Granbury Street, and I think I should have a vote --
 a
 4 say if nobody else does. Everybody else lives -
 5 CHAIR JONES: If I allow you a minute or
 6 so, can you handle it in that time?
 7 MS. STEELE: Thank you. I really do
 8 appreciate that.
 9 CHAIR JONES: Please identify yourself.
 10 MS. STEELE: I work in customer
 service. 11 You'd be surprised what you can say in
 12 three-and-a-half minutes, but I will.
 13 As I stated before, my name is Stephanie
 14 Steele, and I am a 62-year resident of
 Granbury 15 Street. I have seen a lot of things. I
 like my 16 neighborhood. I like the green space.
 17 I go in your store. Your people are nice.
 18 I applaud you. I work for Goodwill. We do the
 same 19 thing you do. We train our people in a retail
 store.
 20 I'm sorry, but your store is a retail store to me.
 21 That space up there at Granbury Street, it
 22 is zoned, and it's not zoned for a retail store. It 23
 does not belong there. It has nothing to do with the
 24 people, despite what your petition said.
 25 And with that petition that was put out,

1 we got a lot of negative feedback. We got talked
 2 about and nobody never knew anything. Number one, we
 3 do not fear -- we have not said it was crime. You've
 4 even got people out there that says, I go to the
 5 thrift store, do I look like a criminal. That is not
 6 us on Granbury Street.
 7 The whole area -- I've been there 62
 8 years, I've seen it change, I've seen it develop -- it
 9 used to be a high-crime area that nobody went into
 10 when it was night. It is a green space. It should
 11 stay a green space.
 12 I take my grandkids up there. We play in
 13 the field. That is what that should be. It is not a
 14 retail store, it's not zoned. The zoning board made
 15 the right decision, and it should not be reversed.
 16 And I'm asking you all not to reverse it.
 17 CHAIR JONES: Thank you very much. 18
 MS. STEELE: Because we can't -- we can't
 19 take what's going to happen.
 20 CHAIR JONES: At this time, the Chair will
 21 entertain a motion to close the public portion. 22
 MR. TOMLIN: I make a motion to close the 23
 public portion.
 24 CHAIR JONES: The motion has been made.
 25 Do I hear a second?

1 MR. FLEISHOUR: Second.
 2 CHAIR JONES: Motion has been made
 and 3 seconded.
 4 Those in favor, say "aye."
 5 THE BOARD: Aye.
 6 CHAIR JONES: Those opposed,
 likewise. 7 At this time -- at this time, the
 Chair 8 will entertain a motion.
 9 MR. LANGLEY: I'll make a motion to
 uphold
 10 the determination of the zoning administrator. I find
 11 that the primary use is retail, as determined in the
 12 zoning determination letter.
 13 CHAIR JONES: Thank you.
 14 Do I hear a second?
 15 MR. TOMLIN: Second.
 16 CHAIR JONES: Motion has been made
 and 17 seconded.
 18 THE REPORTER: Which one seconded?
 19 MS. FISCHBACH: You can give it to Joel.
 20 MR. TOMLIN: Doesn't matter to me.
 21 MS. FISCHBACH: Yeah, give it to Joel.
 22 CHAIR JONES: Is there any further 23
 discussion, any questions you would like to ask of 24
 staff?
 25 MR. LANGLEY: If I can just say a couple

1 words. So I made my motion. It's a difficult
 2 decision. And we're all here tonight -- I'm following
 3 the facts and the law. So it has nothing to do with
 4 the use or the intent of the nonprofit. I'm solely
 5 looking at the facts and the law, so that's where
 my 6 motion comes from.
 7 CHAIR JONES: I'd like to say thanks to
 8 everyone. I hope no one is -- we hope we do not
 fall
 9 out of favor with anyone in this room after the
 10 decision is made, and that it's your input that makes
 11 this city great. And I want to thank everyone for
 12 their courtesy and their kindness. And there are
 13 several avenues to explore, and don't stop
 exploring 14 until you get to where you want to be.
 15 Motion has been made and duly
 seconded. 16 All those in favor, say "aye."
 17 THE BOARD: Aye.
 18 CHAIR JONES: All those opposed,
 likewise.
 19 Five to zero.
 20 UNIDENTIFIED SPEAKER: Mr. Chair,
 may I 21 address -- may I address the crowd for a
 second?
 22 CHAIR JONES: Yes, please.
 23 UNIDENTIFIED SPEAKER: Guys, I go to
 24 Grace, I love The Gear Foundation. I live in my
 25 neighborhood that was a football field, practice

1 field, spot zoned in the '70s. But here's what the
2 deal is, this group of people, and this group of
3 people all want you to succeed. We need to get the
4 City to help us, like the County did, find a place
5 that works. There's got to be somewhere. We need to
6 all work together. Let's all get our heads together
7 and go from here and let's find a place to continue
8 that, to continue to support the Natchez area and
the 9 people, okay?

10 CHAIR JONES: Thank you very much,
sir. 11 The Chair will entertain a motion to
12 adjourn.

13 MS. FISCHBACH: I make a motion to
14 adjourn.

15 MR. LANGLEY: Second.

16 CHAIR JONES: Motion has been made and
17 seconded.

18 All those in favor, say "aye."

19 THE BOARD: Aye.

20 CHAIR JONES: We are adjourned.

21 (WHEREUPON, the proceedings were
adjourned

22 at 7:25 P.M.)

23 (WHEREUPON, Exhibit Number 1 and Exhibit
24 Number 2 were marked after the proceedings were
25 adjourned.)

1 REPORTER'S CERTIFICATE

2 STATE OF TENNESSEE
3 COUNTY OF WILSON

4 I, AMBER A. THOMPSON, Licensed Court
5 Reporter and Notary Public in the State of Tennessee,
6 hereby certify that I reported the foregoing CITY OF
7 FRANKLIN BOARD OF ZONING APPEALS by machine shorthand
8 to the best of my skills and abilities, and thereafter
9 the same was reduced to typewritten form by me.

10 I further certify that I am not related to
11 any of the parties named herein, nor their counsel,
12 and have no interest, financial or otherwise, in the
13 outcome of the proceedings.

14 I further certify that in order for this
15 document to be considered a true and correct copy, it
16 must bear my original signature, and that any
17 unauthorized reproduction in whole or in part and/or
18 transfer of this document is not authorized, will not
19 be considered authentic, and will be in violation of
20 Tennessee Code Annotated 39-14-149 Services.

21 

22 AMBER A. THOMPSON, LCR, CCR
23 Licensed Court Reporter 22
24 Certified Court Reporter and
25 Notary Public

State of Tennessee

My Commission Expires: 03/04/2024

LCR #289 - Expires: 06/30/2020



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