



# BOARD OF ZONING APPEALS

## Application and Checklist

### Department of Planning and Sustainability

1. **Applicants shall contact the Department of Planning and Sustainability to schedule a pre-application conference and to pay the review fee, according to the appeal being made: Variance \$300.00 or Administrative Appeal \$250.00. The pre-application conference must be completed prior to the deadline date.** Applicants will be advised of the details of the Board of Zoning Appeals procedures and requirements. It shall be the responsibility of the applicant to become familiar with the regulations, policies, and procedures of the City of Franklin. At the pre-application conference, the applicant shall designate one contact person to work with the Department of Planning and Sustainability for the duration of the project.
  
2. Contact the Franklin Department of Planning and Sustainability:  
109 Third Avenue South, P.O. Box 305  
Franklin, TN 37065-0305  
Staff Contact: Joseph Bryan: [joseph.bryan@franklintn.gov](mailto:joseph.bryan@franklintn.gov)  
Telephone: (615) 791-3212  
Fax: (615) 791-3257
  
3. Applicants shall provide the following information:  
**Staff will determine during the pre-application meeting whether paper copies will need to be submitted.**
  - a. Submit the required application materials and Ownership Affidavit using the [Electronic Plan Review Submittal Process](#).
  - b. The length of the boundaries of the lot measured to the nearest foot. Locations, square footages, and exterior dimensions, measured from outside wall to outside wall, of all existing and proposed buildings and structures. A plot plan may satisfy this requirement.
  - c. A Justification Letter requesting a hearing by the Board of Zoning Appeals which shall state fully the grounds for the request, and all the facts upon which the applicant is relying, and shall address the following issues:
    - (1) The request is justified by either or both of the following: (i) the property is exceptional due to narrowness, shallowness, or shape of the property or (ii) the property contains exceptional topographic conditions or other extraordinary or exceptional situations or conditions;
    - (2) The strict application of the Zoning Ordinance would result in practical difficulties to or undue hardship upon the owner of the property (e.g. Why is your situation--not of personal or financial nature--not generally applicable to other properties throughout the City); and

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

- f. The applicant shall provide a copy of the notification letter to be sent by 1<sup>st</sup> Class Mail to property owners within 500 feet of the property, which must be approved by the Department of Planning and Sustainability prior to being sent. The Property Owner Notification Affidavit shall be completed and submitted to the Department of Planning and Sustainability prior to the request being added to the agenda.
- g. Submit applicable drawings, illustrations, and so forth, to accompany the request.
- h. The applicant shall provide any additional information as determined by the Department of Planning and Sustainability that will be necessary to obtain a review by the Department of Planning and Sustainability and/or by the Board of Zoning Appeals.

4. Submit the final request to the Department of Planning and Sustainability according to the following deadline and meeting date schedule.

| <b>Submittal Deadline</b> | <b>Public Notice mailed, Affidavit submitted to Planning</b> | <b>Packets completed</b> | <b>BZA Meeting</b>     |
|---------------------------|--|--------------------------|------------------------|
| <b>Monday @ noon</b>      | <b>15 days prior to meeting</b>                              | <b>Wednesday by noon</b> | <b>Thursday at 6pm</b> |
| 12/10/2018                | 12/19/2018   | 12/28/2018               | 1/3/2019               |
| 1/14/2019                 | 1/23/2019  | 1/30/2019                | 2/7/2019               |
| 2/11/2019                 | 2/20/2019  | 2/27/2019                | 3/7/2019               |
| 3/11/2019                 | 3/20/2019  | 3/27/2019                | 4/4/2019               |
| 4/8/2019                  | 4/17/2019  | 4/24/2019                | 5/2/2019               |
| 5/13/2019                 | 5/22/2019  | 5/28/2019                | 6/6/2019               |
| 6/10/2019                 | 6/19/2019  | 6/26/2019                | 7/11/2019**            |
| 7/8/2019                  | 7/17/2019  | 7/24/2019                | 8/1/2019               |
| 8/12/2019                 | 8/21/2019  | 8/28/2019                | 9/5/2019               |
| 9/9/2019                  | 9/18/2019  | 9/25/2019                | 10/3/2019              |
| 10/14/2019                | 10/23/2019   | 10/30/2019               | 11/7/2019              |
| 11/11/2019                | 11/20/2019   | 11/27/2019               | 12/5/2019              |
| 12/9/2019                 | 12/18/2019   | 12/26/2019               | 1/2/2020               |

\*Meeting date subject to change.

\*\*Meeting date adjusted for City Holiday

If items are submitted for this agenda, the meeting date will be set by action of the Board.

5. **Applicant shall provide proof of mailed notification to property owners within 500 feet of the property.** Upon payment of fees, the Department of Planning and Sustainability shall provide the list of all property owner mailing addresses within the 500 feet of the property. The applicant shall provide proof of the notification, through Property Owner Notification Affidavit. Failure to send notification letters or to provide proof of notification shall result in an **automatic removal** of the item from the BZA Agenda for failure to meet Section 2.3.8(4)(a) of the *Franklin Zoning Ordinance*.
  
6. **Administrative Appeal Applications** – Applicants wishing to submit an application requesting an Administrative Appeal shall submit a Justification Letter requesting a hearing by the Board of Zoning Appeals which shall state fully the grounds for the request, all of the facts upon which the applicant is relying, and any exhibits supporting the request for an Administrative Appeal.

# Example Notification Letter

October [ ], 20 [ ]

## **PUBLIC NOTICE**

This letter is written to provide public notice for a Variance request for the property located at 123 Anystreet, Franklin, TN which will be heard by the Board of Zoning Appeals on November [ ], 20 [ ], at 6 p.m. in the City Hall Board Room. Please see the information below for more details.

### **Applicant:**

Jane and Joe Citizen, 123 Anystreet, Franklin, Tennessee, 37064, (615) 123-4567

### **Application Type:**

Variance request – [ ] foot encroachment into the required 25 foot rear-yard setback.

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

November [ ], 20 [ ] at 6 p.m. in the City Hall Board Room, 109 3<sup>rd</sup> Avenue South, Franklin, Tennessee, 37064.

### **Subject Property:**

123 Anystreet, Franklin, Tennessee, 37064 in the Whispering Willows Subdivision

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

This is a Variance request to \_\_\_\_\_ More details can be given here...

### **Where to View the Application:**

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

### **Where the Public Can Be Heard:**

The public may appear at the public meeting on November [ ], 20 [ ] 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.

# OWNER AFFIDAVIT

## City of Franklin, Tennessee

We/I \_\_\_\_\_

(Please print Name/Names in Full)

being duly sworn, depose and say(s) that (I am)/(we are) the owner(s) of the property described as:

\_\_\_\_\_  
(Property Parcel/Tax ID Number)

and located at:

\_\_\_\_\_  
(Street Address)

am fully aware of the request for development approval in the City of Franklin, Tennessee. Furthermore, (I)/ (we) hereby appoint

\_\_\_\_\_ (Please  
print Name/Names in Full)

to act as my/our authorized agent on my/our behalf on all matters pertaining to the processing and obtaining the application with the exception of legal documents for recording purposes.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Property Owner Mailing Address

\_\_\_\_\_  
City, State & Zip

Subscribed and sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires:\_\_\_\_\_

# PUBLIC NOTICE AFFIDAVIT

## City of Franklin, Tennessee

We/I \_\_\_\_\_  
(Please print Name/Names in Full)

being duly sworn, depose and say(s) that (I am)/(we are), acting as the authorized agent on all matters pertaining to the processing of the development application for the property described as:

\_\_\_\_\_  
(Property Parcel/Tax ID Number)

and located at:

\_\_\_\_\_  
(Street Address)

have/has provided a mailed notice in accordance with section 2.3.8 of the Franklin Zoning Ordinance, which included the following:

1. The address or location of the property subject to the submittal;
2. A brief description of the property (e.g., legal description, nearby streets and intersections);
3. Date, time, and location of the public meeting or hearing; Nature, scope, and purpose of submittal;
4. Information on where the public can view the application and where they may be heard;
5. Information on where the public can submit written comments.

\_\_\_\_\_  
Signature

Subscribed and sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires:\_\_\_\_\_