

**MINUTES
FARRAGUT BOARD OF ZONING APPEALS**

July 27, 2011

7:00 p.m.

Present: Corky Ives, Cleve Porter, Keith Alley, and Louis LaMarche
Absent: None
Staff: Mark Shipley, Assistant Community Development Director

Item 1. Approval of Minutes for the June 22, 2011 meeting

A motion was made by LaMarche and seconded by Porter to approve the minutes as submitted. Motion passed 4-0.

Ayes: Alley, Porter, LaMarche, and Ives
Nays: None
Absent: None
Abstaining: None

Item 2. Election of Officers

Board members reviewed the officer positions separately. For the position of Chairman, a motion was made by Porter and seconded by LaMarche to nominate Ives as Chairman. Motion passed 4-0.

For the position of Vice-Chairman, a motion was made by Ives and seconded by LaMarche to nominate Porter as Vice-Chairman. Motion passed 4-0.

For the position of Secretary, a motion was made by Alley and seconded by Porter to nominate LaMarche as Secretary. Motion passed 4-0.

Item 3. Public hearing on a request for a special exception to replace an existing nonconforming use (a second dwelling unit) on the property at 209 N. Watt Road (zoned R-1) (Debra Wilkerson, applicant).

The staff reviewed this item and noted that it involves a request for the continuation of a nonconforming use on the property at 209 N. Watt Road (just south of the southern entrance to Mayor Bob Leonard Park off N. Watt Road). Specifically, the staff conveyed, this property has two (2) dwelling units. One is the applicant's and the other is her parent's. The property is zoned R-1 and within this zoning district only one (1) dwelling unit is permitted per lot. The nonconforming use of the property pre-dates the current requirements in the R-1 zoning district.

The staff indicated that the applicant is requesting to replace her double wide manufactured dwelling unit with a new double wide manufactured dwelling unit and thus continue the nonconforming use on this property.

The staff provided photographs that showed a significant amount of standing water around the foundation of the existing dwelling unit and that, as the applicant noted to the staff, a major reason for replacing the dwelling unit was to allow this area to be re-graded to correct this issue. The existing dwelling unit was not being re-used in part due to some deterioration around the foundation caused by the poor drainage.

The staff mentioned to the board that the possibility of subdividing the lot was considered. The property is 1.71 acres or 74,488 square feet and greatly exceeds the minimum lot size in the R-1 zoning district (where utility sewer is provided) which is 20,000 square feet. However, given the lot's width to depth dimensions and existing structures on the property it could not be subdivided without some variance from the subdivision regulations and zoning ordinance.

The staff felt that since this was essentially a nonconforming use issue, a better approach would be for the applicant to request a special exception for the continuation of the nonconforming use on this lot. Either way, the staff noted, the applicant's request would require a review from the board of zoning appeals.

The staff expressed support for efforts to correct the flooding on this property and, based on the evidence provided, did concur that this was largely a maintenance related request. If the drainage is not properly addressed, the applicant's current dwelling unit will likely continue to incur damage around the foundation and could become structurally compromised.

The dwelling unit is roughly 1,152 square feet (24 x 48) and the proposed replacement dwelling unit is 1,456 square feet (28 x 52). The staff noted that the applicant did not appear to be asking for a significantly larger dwelling unit and the proposed unit should easily be able to comply with required setbacks.

Though the staff did not offer a specific recommendation it was noted that if the special exception is approved for the continuation of the nonconforming use of this property, it be clear that the proposed structure would be no larger than 28 x 52 and that it would comply with all other

Town requirements (including coordinating the proposed grading with the appropriate Town staff). The staff indicated that it would also need to be pointed out that the property greatly exceeds the minimum lot size in the R-1 zoning district and that there is ample space for the replacement dwelling unit. Moreover, as the staff noted earlier, a major reason for the replacement dwelling unit was to correct flooding problems which have damaged the existing dwelling unit.

Debra Wilkerson was present as the applicant and she concurred with the staff's overview of this matter. A brief discussion ensued and a motion was made by LaMarche and seconded by Porter to approve the special exception subject to the size of the replacement dwelling unit not exceeding 28 x 52 and full compliance with all other Town requirements (including any grading related requirements). The motion also recognized that the reasons for granting the special exception were the following:

- 1) The property has ample space for the second dwelling unit;
- 2) All other Town requirements will be satisfied;
- 3) The proposed replacement dwelling is reasonable in size and does not compound the condition of nonconformity; and
- 4) The replacement of the existing dwelling unit was necessary mainly for maintenance related reasons and not the applicant's preferences.

The motion passed 4-0.

Ayes:	Alley, Porter, LaMarche, and Ives
Nayes:	None
Absent:	None
Abstaining:	None

Meeting adjourned at 7:33 p.m.

Louis LaMarche, Secretary