

**MINUTES
FARRAGUT BOARD OF ZONING APPEALS**

November 30, 2011

7:00 p.m.

Present: Corky Ives, Cleve Porter, Keith Alley, and Louis LaMarche
Absent: Ron Williams
Staff: Mark Shipley, Assistant Community Development Director
Tom Hale, Town Attorney

Item 1. Approval of Minutes for the July 27, 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: Williams
Abstaining: None

Item 2. Public hearing on a request for a front yard setback variance for a retaining wall at 11421 Turkey Creek Road (Terry Brown and Becky Maclin-Brown, Applicant).

Town attorney, Tom Hale, reviewed this matter. It was noted that the board postponed action on this item when it was originally considered in April 2011 because the wall in question was partly within the Town's right of way and it was questionable as to whether the BZA had the authority to authorize a third party to maintain such a structure in this location. It was likely something that would have to be considered by the Farragut Board of Mayor and Aldermen (FBMA) since they have dominion over the Town rights of ways.

Consequently, this item was taken to the FBMA where they reviewed this matter at their meeting on October 27, 2011. The FBMA voted to authorize the encroachment of the retaining wall in the Town's right of way, provided the applicant agreed to comply with Conditions A and B noted in the Town Administrator's "Report to the Board of Mayor and Aldermen" (**Exhibit A**). These conditions mainly dealt with safety, liability, and the cost of removing the wall in the event that improvements were proposed in the right of way that would affect or be affected by the wall.

Though the applicant was in agreement with these conditions, it was felt by the Town Attorney that, in the interest of avoiding any argument, this

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matter would also need to be sent back to the BZA for a variance request from the ten (10) foot front yard setback requirement provided for in the zoning ordinance.

A fairly long discussion ensued. Steve Irving (applicant's attorney), Terry Brown (applicant), and Al Adams (contractor) were present. Mr. Irving re-iterated that the applicant was fine with all of the conditions that were included in Exhibit A. A motion was made by Porter to approve the variance request because the slope and shape of the portion of the property on the south side of Turkey Creek Road was such that the land would be unusable without a retaining wall. The action by the FBMA also had addressed concerns expressed by board members when this item was presented to the BZA in April of 2011.

The motion was seconded by LaMarche and passed 4-0.

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

Meeting adjourned at 7:52 p.m.

Louis LaMarche, Secretary