

**MINUTES
FARRAGUT BOARD OF ZONING APPEALS**

November 28, 2012

7:00 p.m.

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

Item 1. Approval of Minutes for the October 24, 2012 meeting

The minutes were reviewed and board member LaMarche noted that the minutes needed to reflect that he abstained from voting on the Connie Westerman item because he knew Ms. Westerman and had been a customer of hers. Board member Porter moved to approve the minutes subject to the correction noted by LaMarche. The motion was seconded by Alley. 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 variance from the requirement in Chapter 4, Section XIV., B., of the *Farragut Zoning Ordinance* for a lot to have a minimum of twenty-five (25) feet of frontage on a public road in order to permit a building to be erected on such lot. Parcel 1.11, Tax Map 143A, zoned C-1, 1.38 acres (Bobbie Congleton, Applicant).

The staff provided an overview of this item and noted that it involved a variance request from the requirement in Chapter 4, Section XIV., B., of the *Farragut Zoning Ordinance* which states that for a lot to be buildable it must have public road frontage of at least twenty-five (25) feet. The staff explained that the lot in question, Lot 5R2R, is an existing lot that was originally platted in 1993. The lot does not have public road frontage but, based on the original subdivision plat, was intended to be buildable.

The staff indicated that since the creation of this lot pre-dates the current staff and there is no planning commission or board of zoning appeals record of why this was platted as such, the applicant was left with two options. They could try to acquire the needed public road frontage from an adjacent property or request a variance. The applicant made an effort to purchase a sliver of land from the owner of Lot 6 in order to front for at

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least 25 feet on either Roane Drive or Towne Road. This offer was rejected by the owner of Lot 6.

Consequently, the staff noted that the only remaining remedy was to request a variance. The staff indicated that, based on the evidence associated with this item, they would support this variance request. Lot 5R2R is a lot of record that was intended to be buildable and that was approved through the Town. The applicant has also in recent weeks made an effort to address the road access issue to the greatest extent possible by acquiring an access easement from the adjacent Capital Bank property. By doing so, Lot 5R2R will have a legal means of accessing a public road.

The staff's recommendation to support this variance request was subject to the plat associated with the access easement being recorded. A short discussion ensued. Chris Sharp and others were present on behalf of the applicant. A motion was made by Porter to support the staff's recommendation that the variance be approved subject to the plat being recorded. The motion was seconded by Alley. Motion passed 3-0-1 (LaMarche abstained since he was a personal friend of the applicant (Dr. Brown)).

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

Meeting adjourned at 7:18 p.m.

Louis LaMarche, Secretary