

**MINUTES
FARRAGUT BOARD OF ZONING APPEALS**

April 24, 2013

7:00 p.m.

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

Item 1. Approval of Minutes for the November 28, 2012 meeting

Board member LaMarche moved to approve the minutes as submitted. The motion was seconded by Alley. Motion passed 3-0.

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

Item 2. Public hearing on a request for a variance to construct pedestrian facilities from the proposed Way Station Trail access to the south property line, as required in Chapter 4 of the *Farragut Zoning Ordinance*, Section XXII., A., in association with a site plan review for the 4-story financial center proposed on Parcel 63, Tax Map 151, located on the southwest corner of Kingston Pike and Way Station Trail in the Renaissance development. 2.547 acres, zoned BD-4 (Myers Bros. Holding/Knick Myers, applicant).

The staff reviewed this item and recommended approval of the requested variance for topographic reasons. The roughly 40 foot sidewalk section in question would cross a tributary of the Little Turkey Creek and without widening the bridge there is not enough room to construct a sidewalk and provide any area for a grass strip to separate the pedestrian from a motorist. In addition, even if the bridge were widened, a sidewalk terminating at the property line would not likely be extended on this side of Way Station Trail. There are more houseslots, landscaping and, in general, constraints on this side of the road. More space, less topographic issues, and fewer constraints are present on the east side of Way Station Trail and any sidewalk that may be extended up into the main portion of the Old Stage Hills Subdivision would likely occur on this side of the road.

Knick Myers, Noah Myers, and Mark Bailik (project engineer) were present as the applicant's. Board members reviewed the exhibits related to

this item and asked some questions of the applicants. After a very brief discussion, a motion was made by LaMarche to support the variance request for the topographic related reasons outlined by the staff. Motion was seconded by Alley. Motion passed unanimously.

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

Item 3. Public hearing on a request for a variance from the setback requirement associated with retaining walls, as provided for in Chapter 4, Section I., of the *Farragut Zoning Ordinance*, in relation to a proposed 4-story financial center proposed on Parcel 63, Tax Map 151, located on the southwest corner of Kingston Pike and Way Station Trail in the Renaissance development. 2.547 acres, zoned BD-4 (Myers Bros. Holding/Knick Myers, applicant).

The staff reviewed this item and recommended approval of the requested variance. The staff explained that this recommendation was based on the fact that the presence of the retaining wall within the required ten (10) foot setback from the Way Station Trail right of way would provide more protection for the aquatic buffer than if no retaining wall were proposed. The staff explained that moving the Way Station Trail access further to the north was also not recommended due to vehicle stacking distances off Kingston Pike and because the access proposed would line up with the Weigel's access to the east. Thus, in the staffs' view, given the locational constraints of the access, there was a topographic justification for the variance associated with the retaining wall in question.

Board members discussed this and reviewed the exhibits related to this matter. A motion was made by LaMarche to follow the staff's recommendation. The motion was seconded by Alley. Motion passed unanimously.

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

Louis LaMarche, Secretary _____