

**MINUTES
FARRAGUT BOARD OF ZONING APPEALS**

June 26, 2013

7:00 p.m.

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

Item 1. Approval of Minutes for the May 22, 2013 meeting

Board member LaMarche moved to approve the minutes as submitted. The motion was seconded by Williams. Motion passed 3-0-1 (Porter abstained since he was not at the May 22 meeting).

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

Item 2. Public hearing on a request for a variance from the *Farragut Municipal Code*, Title 14, Chapter 4., *Sinkhole Ordinance*, Section 14-407 to fill below the sinkhole lip elevation on Lot 54, an open space lot in the Split Rail Farm Subdivision off Everett Road. Zoned R1 and OSR, (Split Rail Farm, applicant).

The staff reviewed this item and noted that it involves a request for a variance from the requirement to not fill within a sinkhole as governed by Section 14-407 of the *Farragut Sinkhole Ordinance*. The staff provided a detailed review of this matter and recommended to follow the planning commission's designation of Lot 54 as an open space lot to be left undisturbed and to deny the request to fill the sinkhole on Lot 54. The specific reasons for the staffs' recommendation were as follows:

- 1) Filling an environmentally sensitive feature that is on an open space lot in an open space residential zoning district is clearly inconsistent with the purpose of designating open space and protecting environmentally sensitive areas that are part of an open space residential subdivision. If the request herein were approved, why would it not also be acceptable to fill the sinkholes in Bridgemoor, Sheffield, and/or the Cottages at Pryse Farm? As has been discussed during past training sessions on sinkholes, disturbing sinkholes increases the likelihood of a new sinkhole opening up within the immediate area;

- 2) The sinkhole in its current condition is not unattractive. Nor does it appear to be unstable or hazardous. It is simply a gentle depression with a grassed cover that has been surrounded by a roundabout for several years. In terms of aesthetics, there are plant material options that could be considered and that would leave the sinkhole itself undisturbed; and
- 3) Approving a variance in this case would be an inappropriate application of variances in general. The developer knew about the sinkhole and that it was an open space lot when the property was purchased. In fact, the developer has obtained re-approval from the planning commission for two different concept plans and two different preliminary plats which did not change any previous approvals as they relate to Lot 54.

Matt Varney, Robert Campbell, and Ray Foust were present as the applicant. The applicant representatives presented their request and responded to the staff's comments. A long discussion ensued and a motion was made by Alley to deny the capping and filling of the sinkhole but to permit the relatively minor encroachment into the sinkhole lip elevation solely to allow for the construction of a no more than five (5) foot wide mountable apron to replace the broken up extruded curb around the roundabout. The motion also allowed for the removal of construction debris that had been dumped in the sinkhole and for the approval to landscape the sinkhole (e.g. with native wildflowers) only in a manner that would not alter the contours within the sinkhole lip elevation. This motion was subject to approval from TDEC. The motion was seconded by Williams. Motion passed unanimously.

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

Meeting adjourned at 9:00 p.m.

Louis LaMarche, Secretary _____