

**MINUTES
FARRAGUT BOARD OF ZONING APPEALS**

August 27, 2014

7:00 p.m.

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

Item 1. Approval of Minutes for the April 21, 2014 meeting

A motion was made by Porter to approve the minutes. The motion was seconded by Williams. Motion passed 4-0.

Ayes: Alley, Williams, Ives, and Porter
Nays: None
Absent: LaMarche
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 to nominate Ives. Motion was seconded by Alley. Motion passed 3-0-1 (Ives abstained).

For the position of Vice-Chairman, a motion was made by Porter to nominate Alley. Motion was seconded by Williams. Motion passed 3-0-1 (Alley abstained).

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

Item 3. Public hearing on a request for a setback variance related to an accessory structure at 333 Wardley Road (Cathryn Chipley, Applicant).

The staff noted that this item involved a request for a setback variance to permit a storage shed that has been constructed along the rear property line at 333 Wardley Road to remain in place.

The staff provided the background associated with this request and indicated that the storage building was well within required setbacks

FBZA Minutes
August 27, 2014
Page 2

(within one foot of the property line) and was situated in a drainage, utility, and construction easement. Specifically, it was noted that, in its current location, the shed was in violation of Chapter 3, Section VI., D. 3. c. of the Farragut Zoning Ordinance which requires that, in the R-2 Zoning District, all accessory structures, excluding fences, shall be set back a minimum of five (5) feet from the rear property line. The shed was also in violation of Chapter 4, Section I. A. of the Farragut Zoning Ordinance. Since this lot in Stonecrest is on the periphery of this subdivision, there is a platted ten (10) foot drainage, utility and construction easement along the rear property line. In accordance with Section I. A., "no accessory structure, excluding fences, detention basin structures, and retaining walls, shall be placed within any utility, drainage, or construction easement."

The staff recommended to deny the requested variance because the shed has been constructed without a permit and could be moved to another portion of the yard that would meet required setbacks. The fact that this would create an expense and inconvenience for the owner is not justification for granting relief. Again, if a building permit had been applied for prior to construction this would have been avoided and the building would have been constructed in a compliant location.

The staff noted that to grant relief for a structure that has been constructed without a permit and that severely violates required setbacks would do harm to the town's ability to enforce its zoning ordinance.

Cathryn Chipley was present to review her request. After a lengthy discussion, a motion was made by Alley to deny the variance for the reasons outlined by staff. The motion was seconded by Williams and the motion passed unanimously.

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

Meeting adjourned at 7:48 p.m. and the staff then conducted a training session on the Comprehensive Land Use Plan as it relates to the Mixed Use Town Center.

Louis LaMarche, Secretary

