

**MINUTES
FARRAGUT BOARD OF ZONING APPEALS**

July 22, 2015

7:00 p.m.

Present: Keith Alley, Jesse Boling, Louis LaMarche, Corky Ives, and Ron Williams
Absent: None
Staff: Mark Shipley, Community Development Director

Item 1. Approval of Minutes for the February 25, 2015 meeting

A motion was made by LaMarche to approve the minutes. The motion was seconded by Williams. Motion passed 3-0-2 with Board members Ives and Boling abstaining since they did not attend the February 25, 2015 meeting.

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

Item 2. Public hearing on a request for a setback and buffer strip width variance for the property located to the west of Village Veterinary and to the east of the former Phillips 66 on Kingston Pike, Parcel 131, Tax Map 142, Zoned O-1 and OS-P (Craig Allen, Applicant).

The staff reviewed this request and noted that in an effort to try to save some of the larger trees on the property, the applicant is asking for the ability to have a flexible buffer strip (which would also affect the setback line for structures) that would be close to ninety (90) feet in width on the western portion of the property but only twenty (20) feet in width along the eastern property line abutting the school property. Based on its current zoning (Office O-1) and the fact that the school property is zoned General Single-Family Residential (R-2), the property is required to have a 25 foot buffer strip. The applicant, however, is pursuing a rezoning of the property that would provide for the development of a mixed use town center and a zoning designation of Town Center District (TCD). In the TCD District, the buffer strip is to be 35 feet in width when the abutting property is zoned residential. There is also a 40 foot peripheral setback for all structures, excluding signs and fences. The applicant is proposing in their very preliminary concept design a parking garage within what would be 15 feet of the 35 foot buffer and 20 feet within the peripheral setback.

The staff noted that the western portion of the property does have mature tree covered areas worthy of protection. The staff indicated that they would strongly support increasing the buffer along this portion of the property. In fact, the staff noted that they would encourage the applicant to re-visit whether additional measures could be taken that would lessen the footprint of the parking areas and afford even greater protection. The TCD is intended to preserve environmentally sensitive areas, which would include mature tree covered areas, and capitalize on these as public gathering spaces. Having a large undisturbed area along the western portion of the property could also provide a natural and visually appealing transition into the outdoor classroom property and encourage some interaction between the two.

In terms of the applicant's request for a 20 foot buffer strip (and, in this case, peripheral setback line) along the eastern property line, their position was that it would provide for the development to shift to the east which would create greater protection of the more quality tree covered areas. The applicant also noted that, even though the property is zoned R-2, the property to the east is a school and not a residential development and the 35 foot buffer strip would be less critical in such a setting. And, the 20 foot buffer strip would be heavily planted and any existing non-invasive tree cover in this area would be preserved.

The staff indicated again that in the concept plan related to the rezoning a parking structure is proposed along both the eastern and western property lines. In considering setback relief which would permit the parking structure to be situated approximately 20 feet inside the peripheral setback line, a question for the board would be whether the applicant has made every effort to lessen the extent of the variance or are they simply trying to place more improvements on the property than is appropriate. The staff said that they would agree with the points made by the applicant but would like to see a smaller footprint of parking which could provide for both enhanced protection of the environmentally sensitive area along the western property line and nullify or lessen further the variance requested along the eastern property line.

The staff explained that if a variance were approved in relation to the buffer strip and peripheral setback, that it would be based on the desire to provide a significantly larger buffer (around 90+ feet vs. 35 feet) than would be required along the western property line. There is also the unusual context of an adjacent property that is zoned residential but developed as a use that is non-residential. The staff recommended that if a

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reduced buffer is granted along the eastern property line the buffer be planted, at a minimum, to the specifications of a 35 foot wide buffer per 100 linear feet of buffer strip width. This would provide for a more-dense planting to offset any reduction in buffer strip width. The plant material for this more-dense planting would need to be coordinated with the Town staff and approved as part of the landscape plan for the Town Center project. Existing non-invasive tree cover in this area would be preserved.

A long discussion ensued. Craig Allen was present as the applicant. Though the board understood the logic of the requested variance there was concern about this satisfying the parameters for granting a variance as provided for in the Tennessee Code Annotated. As a result, a motion was made by Alley to deny the variance request. The motion was seconded by LaMarche. Motion passed unanimously.

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

Meeting adjourned at 8:27 p.m. to a training session on the powers and procedures of the board of zoning appeals.

Louis LaMarche, Secretary

A handwritten signature in cursive script, appearing to read "Louis LaMarche", written over a horizontal line.