

**MINUTES
FARRAGUT BOARD OF ZONING APPEALS**

June 28, 2017

Present: Keith Alley, Ron Williams, Scott Meyer, Jennifer Collins, and Michael Wilson
Absent: None
Staff: Mark Shipley, Community Development Director
Adam Price, Building Inspector

Item 1. Approval of Minutes for the March 22, 2017 meeting

A motion was made by Williams to approve the minutes. The motion was seconded by Meyer. Motion passed 5-0.

Ayes: Alley, Williams, Meyer, Collins, and Wilson
Nays: None
Absent: None
Abstaining: None

Item 2. Public hearing on a request for an administrative review related to building height associated with an accessory structure constructed at 12604 Kingston Pike, Zoned C-1 (Daniel Feehan, Applicant)

The staff noted that this item involves a request for an appeal from a determination made by a building official and supported by the Community Development Director in relation to the application of permitted height for an accessory structure recently constructed at 12604 Kingston Pike.

In this particular case, the staff explained, the applicant constructed an accessory building after obtaining a permit from the Town. The building was constructed in accordance with the approved plans, which included adherence to the height requirements associated with accessory structures. Then, the grade around the rear portion of the structure was modified without any approvals from the Town and the modification created a height violation. Originally, the grade was fairly even around the structure and there were some steps contained behind a retaining wall that provided access to a lower level of the structure. The retaining wall and soil behind the wall were removed from the rear to provide a more open access to the lower portion of the structure. This meant that the building exceeded 15 feet from this rear elevation. The staff noted the applicant is now questioning the staffs' application of the height definition as it would apply to their accessory building.

The staff indicated that they would recommend to uphold the original plan approval and the staffs' application of the building height. This application of building height has been applied consistently to other accessory and principal structures. The staff explained that the applicant has provided no rationale for questioning the staffs' application of the building height and has simply enacted an unapproved modification for preference purposes. The modification that created the height issue were made without approval. An appeal concerning the application of the building height should have been made prior to the unapproved modification. The staff recommended that the grade be restored around the structure as originally approved and constructed and the area stabilized in a uniform evenly distributed stand of perennial grass or other plant material.

A long discussion ensued with the applicant and the staff being questioned about this matter. A motion was made by Wilson to uphold the staffs' application of permitted height and to follow the staffs' recommendation. The motion was seconded by Meyer and the motion passed 4-1.

Ayes:	Alley, Meyer, Collins, and Wilson
Nayes:	Williams
Absent:	None
Abstaining:	None

The meeting adjourned at 8:40.

Scott Meyer, Secretary

