

FARRAGUT BOARD OF ZONING APPEALS AGENDA

Farragut Town Hall
November 28, 2018
7:00 p.m.

1. Approval of Minutes for the October 24, 2018 meeting
2. Public hearing on a request for a special exception to consider the use of the Concord United Methodist Church property at 11020 Roane Drive as multi-use (church/agricultural), 12.13 Acres, Zoned R-2 (Wade Ragan, Applicant)
3. Public hearing on a request for a setback variance of ten (10) feet from the rear property line associated with an accessory building under construction at Concord United Methodist Church at 11020 Roane Drive, 12.13 Acres, Zoned R-2 (Wade Ragan, Applicant)

It is the policy of the Town of Farragut not to discriminate on the basis of race, color, national origin, age, sex, or disability pursuant to Title VI of the Civil Rights Act of 1964, Public Law 93-112 and 101-336 in its hiring, employment practices and programs. To request accommodations due to disabilities, please call 865966-7057 in advance of the meeting.

**MINUTES
FARRAGUT BOARD OF ZONING APPEALS**

October 24, 2018

Present: Keith Alley, Jennifer Collins, Scott Meyer, Michael Wilson, and Jim Holladay
Absent: None
Staff: Mark Shipley, Community Development Director

Item 1. Approval of Minutes for the July 25, 2018 meeting

A motion was made by Meyer to approve the minutes. The motion was seconded by Collins and the motion passed 3-0-2.

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

Item 2. Election of Officers

A motion was made by Meyer to nominate Alley for the position of Chairman. The motion was seconded by Collins and the motion passed unanimously with Alley abstaining.

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

A motion was made by Collins to nominate Wilson for the position of Vice-Chairman. The motion was seconded by Meyer and the motion passed unanimously with Wilson abstaining.

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

A motion was made by Meyer to nominate Collins for the position of Secretary. The motion was seconded by Wilson and the motion passed unanimously with Collins abstaining.

Ayes: Meyer, Wilson, Holladay, and Alley
Nayes: None
Absent: None

Abstaining: Collins

- Item 3. Public hearing on a request for a variance from the Town's Sign Ordinance and the Farragut Zoning Ordinance to permit a second "pre-menu" board sign for a Starbucks drive-thru located at 101 S. Campbell Station Road (Farragut Gateway Development), 2.217 Acres, Zoned C-1 and located in the Mixed-Use Town Center planning area (Valley Signs and Surveys, LLC, Applicant)**

The staff noted that this variance involved a request for a 12 square foot pre-menu board sign for the Starbucks under construction at 101 S. Campbell Station Road. Staff indicated that this sign was not provided for in either the Zoning Ordinance or the Sign Ordinance and was denied by the Visual Resources Review Board.

Staff noted that the applicant was permitted, at the September VRRB meeting, a 36 square foot menu board sign which is provided for in the Zoning Ordinance. Staff indicated that, if desired, the applicant may wish to pursue an amendment to the text of the Zoning Ordinance to have the adopted language revisited to provide for a pre-menu board sign. The Board of Zoning Appeals, however, would not have the authority to approve a sign that is not provided for. Staff recommended denial of the variance request.

After a discussion, a motion was made by Meyer to deny the variance request because the Board does not have the authority to approve a sign that is not otherwise permitted, the applicant is permitted a 36 square foot menu board sign, and the order board is not essential to the operation of the drive-thru. Motion was seconded by Wilson and motion passed unanimously.

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

- Item 4. Public hearing on a request for a variance from the Town's Sign Ordinance to permit a "thank you / exit only" sign for a Starbucks drive-thru located at 101 S. Campbell Station Road (Farragut Gateway Development), 2.217 Acres, Zoned C-1 and located in the Mixed-Use Town Center planning area (Valley Signs and Surveys, LLC, Applicant)**

Staff noted that this variance was for an additional parking lot directional sign. The Sign Ordinance provides for one directional parking sign per entry/exit to a parking lot and the VRRB approved these two (2) directional signs (1 per access point) at their meeting in September. However, at their meeting in October, the VRRB denied the applicant's request for a third directional sign since it is not permitted in the Sign Ordinance.

Like the previous agenda item, because the sign requested in this variance is otherwise not permitted in this chapter (the Sign Ordinance), it constitutes a sign that cannot be allowed through a variance approval. Staff noted that the applicant has the right to request a text amendment and pursue their request through the legislative process. However, a variance would not be an option for this request. Staff recommended denial of the requested variance.

A motion was made by Meyer to deny the variance request because the sign is not provided for and the Board cannot allow such a sign through a variance process. The Sign Ordinance also provides for regulatory signage that the applicant could use to address traffic flow concerns. Motion was seconded by Collins and motion passed unanimously.

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

Item 5. Public hearing on a request for a variance from the Town's Sign Ordinance to permit a Starbucks "drive-thru directional" sign in the parking lot serving their facility located at 101 S. Campbell Station Road (Farragut Gateway Development), 2.217 Acres, Zoned C-1 and located in the Mixed-Use Town Center planning area (Valley Signs and Surveys, LLC, Applicant)

Staff reviewed this item and indicated that it was identical to the previous request and recommended denial. A motion was made by Wilson to deny the variance because the sign is not provided for and the Board cannot allow such a sign through a variance process. The Sign Ordinance also provides for regulatory signage that the applicant could use to address traffic flow concerns. Motion was seconded by Meyer and motion passed unanimously.

Ayes: Alley, Collins, Wilson, Meyer, and Holladay

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Nayes: None
Absent: None
Abstaining: None

- Item 6. Public hearing on a request for a variance from the Town's Sign Ordinance to permit a second Starbucks "drive-thru directional" sign in the parking lot serving their facility located at 101 S. Campbell Station Road (Farragut Gateway Development), 2.217 Acres, Zoned C-1 and located in the Mixed-Use Town Center planning area (Valley Signs and Surveys, LLC, Applicant)**

Staff reviewed this item and indicated that it was identical to the previous two requests and recommended denial. A motion was made by Wilson to deny the variance because the sign is not provided for and the Board cannot allow such a sign through a variance process. The Sign Ordinance also provides for regulatory signage that the applicant could use to address traffic flow concerns. Motion was seconded by Meyer and motion passed unanimously.

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

The meeting adjourned at 7:56 p.m.

Jennifer Collins, Secretary _____

FARRAGUT BOARD OF ZONING APPEALS

November 28, 2018 Meeting - Staff Recommendations

- 3. Public hearing on a request for a special exception to consider the use of the Concord United Methodist Church property at 11020 Roane Drive as multi-use (church/agricultural), 12.13 Acres, Zoned R-2 (Wade Ragan, Applicant)**

This request was withdrawn at the request of the applicant.

- 4. Public hearing on a request for a setback variance of ten (10) feet from the rear property line associated with an accessory building under construction at Concord United Methodist Church at 11020 Roane Drive, 12.13 Acres, Zoned R-2 (Wade Ragan, Applicant)**

The Concord United Methodist Church is situated within the Thornton Heights Subdivision and is zoned General Single-Family Residential (R-2). In most of the Town's residential zoning districts, schools, churches, and other places of worship are permitted uses. However, since these uses have physical characteristics (e.g. parking lots, lighting, playgrounds, buildings larger in scale than homes, etc.) that are not typical for residential uses, they are subject to development criteria (**Exhibit A**) that are designed to protect nearby residents. For example, around the periphery of such uses, there is a requirement for a 25-foot planted buffer strip. There are also building and structure setback requirements that are greater than would be typical for residential uses. The R-2 Zoning District requires accessory structures for schools and churches to be set back at least thirty (30) feet from the side and rear property lines.

A few weeks ago, as part of an Eagle Scout project, the applicant began construction on a detached storage shed (**Exhibit B**) as an accessory structure to house materials and supplies related to the community garden on the western portion of the church's property. A building inspector noticed the shed under construction and initiated a meeting on site on October 31 to review the status. It was discovered that the 12x16 structure was less than 200 square feet and would not need a building permit from the perspective of building code compliance. The shed would, however, need to meet any applicable zoning requirements, such as setbacks, size, and height.

Staff determined from measurements in the field and from reviewing the plat of record for Concord Methodist, that the shed, at its nearest point to the closest side/rear property line, would be 20 feet (**Exhibit C**). To the immediate east of the shed is an existing building (**Exhibit D**) that predates the zoning requirements and is approximately 18 feet from the same side/rear property line. The applicant had thought that, since their shed would be a little further from the property line than the existing building, that there would be no issues with setbacks (**Exhibit E**).

After discovering that the shed (which is largely complete) would not comply with setbacks, the applicant is now asking for a variance of ten (10) feet from the side/rear property line setback requirement for accessory structures to allow the structure in question to remain in its current configuration (**Exhibit F**). Though staff understands how the applicant may have thought that the setbacks were not an issue, the need for a variance could have been avoided if the applicant had verified setbacks and any other applicable requirements with the Town prior to initiating construction. Since the shed can be constructed/modified to meet required setbacks, staff could not support the variance request.

E. *Height regulations.*

1. No principal building shall exceed 2½ stories, or 35 feet in height, except as provided for elsewhere in this ordinance or the [Farragut] Municipal Code; and
2. No accessory structure shall exceed 15 feet in height, except as provided for elsewhere in this ordinance or the [Farragut] Municipal Code.

F. *Off-street parking.* As regulated in Chapter 4.
(Ord. No. 86-16, 4-1986; Ord. of 2-2006; Ord. No. 12-03, § 3, 2-23-2012)

Sec. VI. General single-family residential district (R-2).

A. *General description.* It is the intent of this zone to provide for the development of moderate density single-family uses in areas suited for such development. These areas should be free from severe natural environmental limitations and provide access to a street which meets the minimum design standards established in the Farragut Subdivision Regulations.

B. *Permitted uses and structures.*

1. Detached single-family dwellings.
2. Recreational facilities and open space which are developed as an integral part of the residential development provided the following development criteria are met:
 - a. The maximum coverage for the total building area shall not exceed 35 percent and the total lot coverage shall not exceed 60 percent;
 - b. A site plan and landscape plan shall be submitted as regulated in Chapter 4; and
 - c. That all non-building structures, except for arbors, are setback a minimum of 20 feet from all front property lines and ten feet from all side and rear property lines. Arbors shall be setback a minimum of ten feet from all property lines.
- * 3. Schools, public and private, and churches and other places of worship provided the following development criteria are met:
 - a. Access shall be directly to a street having a designated classification of local collector or greater, or a local street which is not interior to a subdivision. The street on which the school or church accesses must meet the minimum design standards established in the Farragut Subdivision Regulations.
 - b. There shall be a minimum lot size of five acres.
 - c. There shall be a buffer strip which meets the following minimum development criteria:
 - * 1) The buffer strip shall be a minimum of 25 feet in width on all side and rear property lines;
 - 2) Existing, mature vegetation shall be preserved and incorporated into the buffer strip;
 - 3) No grading shall occur in the buffer strip; and
 - 4) Detention basins, measured from top-of-slope to top-of-slope, and associated structures shall not be located within any buffer strips.

- d. The following setback requirements are met:
- 1) *Front yard.* All buildings and structures, excluding signs, shall be set back from the nearest point of any right-of-way no less than 50 feet. For the purposes of this ordinance, the interstate highway right-of-way shall be considered a side or rear lot line.
 - 2) *Side and rear yards.*
 - a) All buildings shall be set back a minimum of 50 feet. Setbacks shall be measured from the nearest point of any property line; and
 - b) All accessory structures, excluding signs and fences, shall be set back a minimum of 30 feet. Setbacks shall be measured from the nearest point of any property line.
- e. The maximum coverage for the total building area shall not exceed 35 percent and the total lot coverage shall not exceed 60 percent.
- f. A site plan and landscape plan shall be submitted as regulated in Chapter 4.
4. Public buildings provided all area and height regulations established in the C-1 General Commercial District are met and that a site plan and landscape plan shall be submitted as regulated in Chapter 4.
5. Public or private golf course provided the following development criteria are met:
- a. Access shall be directly to a street having a designated classification of local collector or greater, or a local street which is not interior to a subdivision. The street on which the facility accesses must meet the minimum design standards established in the Farragut Subdivision Regulations; and
 - b. A site plan and landscape plan shall be submitted as regulated in Chapter 4.
6. Agricultural crops, but not nursery sales or the raising of farm animals or poultry, provided there is a minimum lot size of five acres.
7. Agricultural accessory uses and structures, provided there is a minimum lot size of five acres.
8. Accessory uses and structures.
9. Customary Home Occupations as regulated in Chapter 4.
10. Cemeteries and historical monuments.
11. Signs as regulated in the [Farragut] Municipal Code.
12. Utility uses.
- C. *Minimum development requirements.*
1. The development shall conserve, in so far as practical, natural and manmade features on the site, including, but not limited to, trees, historic features, and wetlands.

Exhibit B



Exhibit C

Scale $1'' = 60'$

12' 16' storage shed

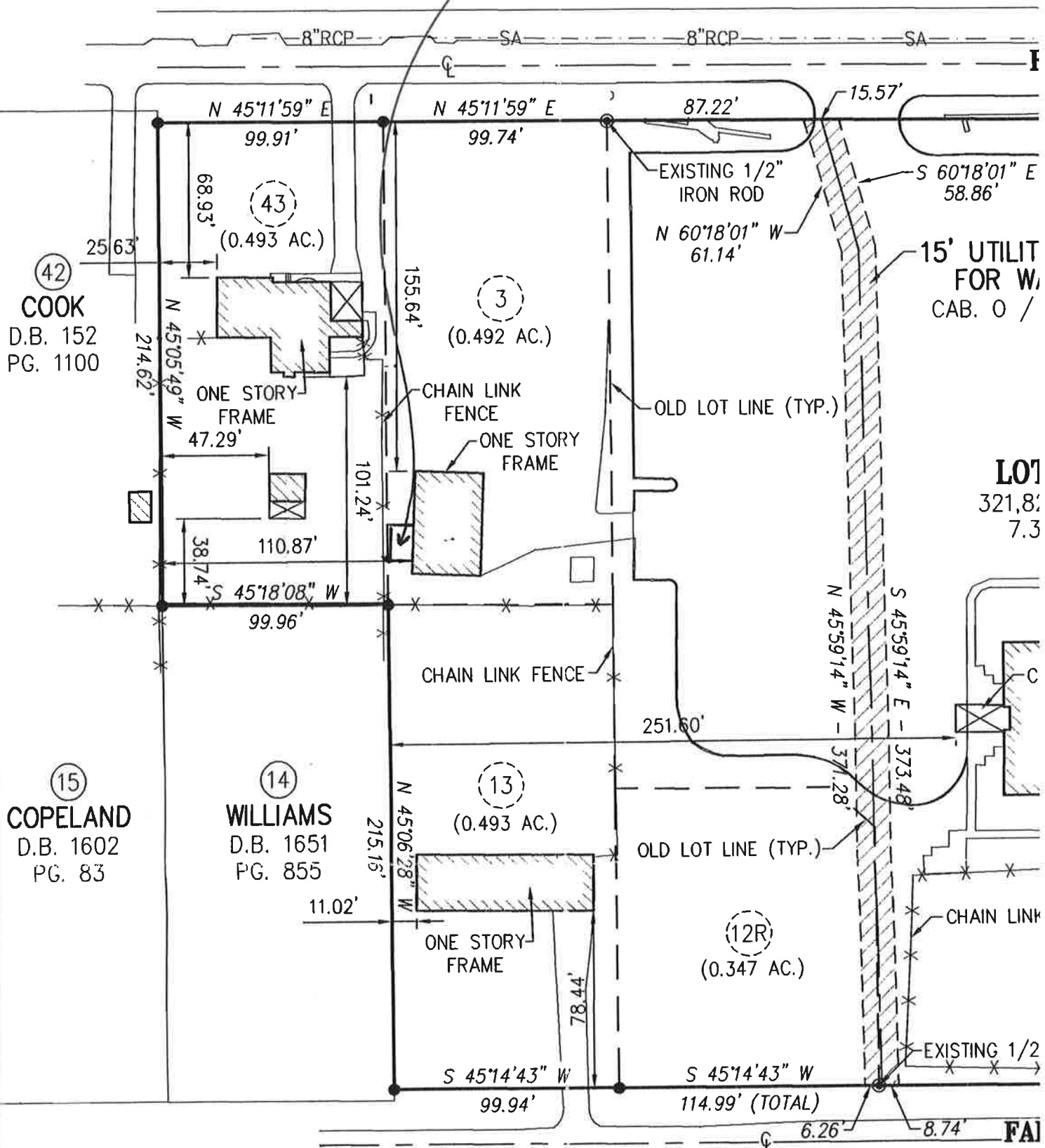


Exhibit D



Exhibit E





-  = New Shed
-  = Agricultural Land

Exhibit F

RECEIVED BOARD OF ZONING APPEALS APPLICATION
TOWN OF FARRAGUT, TENNESSEE

NOV 12 2018

Town of Farragut

FOR OFFICE USE ONLY

Fee Paid: \$100

APPLICANT NAME: Wade Logan on behalf of Concord United Methodist
Address: 330 Rockwell Farm Rd City/State/Zip: Farragut, TN 37934
Phone Number: 888-210-9379 Fax Number: E-mail: WadeLogan@gmail.com

DESCRIPTION OF PROPERTY (Attach Map of Property):

Name of Owner: Concord United Methodist
Address: 11070 Range Dr.
Phone #: 888-966-6728 Fax #: E-mail: cumc@concordumc.com
Parcel(s) No.: 143HC02501 Tax Map No.: 143 Size of Tract: 12.13 Acres
Zoning District: R2 Subdivision:

NATURE OF APPEAL (Check One):

☐ Administrative Review ☒ Variance* - State number of feet requesting: 10 Feet
☐ Special Exception ☐ Map Interpretation

Reason/Justification (attach any additional supporting materials): Asking for a 10 Feet reduction in setback from back property line of adjacent property of 11045 Farr Drive. Corners of current structure are 20' x 23'. Adjacent property owner has no issue with location of structure. R2 includes agriculture use with 5' setbacks versus 30' for churches.

IF REQUESTING A VARIANCE, APPLICANT HAS BURDEN OF SHOWING:

- (1) That the granting of the permit will not be contrary to the public interest.
- (2) That the literal enforcement of the ordinance would deprive the applicant any reasonable use of the land.
- (3) That by granting the permit contrary to the provisions of the ordinance, the spirit of the ordinance will be observed.
- (4) That by granting the permit, substantial justice will be done.

* Variances shall be granted only where special circumstances or conditions exist, such as exceptional narrowness, topography, or siting that without a variance would render the property unusable.

I HEREBY CERTIFY THAT THE ABOVE INFORMATION IS ACCURATE AND COMPLETE AND I AM THE APPLICANT OR THE LEGAL REPRESENTATIVE OF THE APPLICANT.

Wade Logan

NAME (SIGNATURE)

11-11-18

DATE

BZA ACTION TAKEN:

Approved: Denied: Date: Conditions: