



FARRAGUT BOARD OF ZONING APPEALS AGENDA

December 13, 2023
7:00 p.m.

Farragut Town Hall
Board Room

1. Approval of minutes for the April 27, 2022, meeting.
2. Election of officers.
3. Public hearing on a request for a home occupation permit (interpretation/use-on-review) for a home recording business at 456 Chapel Grove Lane, Chapel Grove Development, zoned Attached Single-Family Residential District (R-4), Ms. Betty Howard, Applicant.

**11408 MUNICIPAL CENTER DRIVE | FARRAGUT, TN 37934 | 865.966.7057 |
WWW.TOWNOFFARRAGUT.ORG**

It is the policy of the Town of Farragut not to discriminate on the basis of race, color, natural origin, gender, gender identity, sexual orientation, age, religion, disability or veteran status 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 865-966-7057 in advance of the meeting

**MINUTES
FARRAGUT BOARD OF ZONING APPEALS**

April 27, 2022

Present: Keith Alley, Jim Holladay, Jeff Devlin, and John Hoffman
Absent: Scott Meyer
Staff: Mark Shipley, Community Development Director

Item 1. Approval of Minutes for the March 23, 2022, meeting

A motion was made by Devlin to approve the minutes as submitted. The motion was seconded by Holladay and the motion passed 4-0.

Ayes: Holladay, Hoffman, Alley, and Devlin
Nays: None
Absent: Meyer
Abstaining: None

Item 2. Public hearing on a request for a special exception for an expansion to a nonconforming building for the Light of the World Baptist Church at 12430 Union Road, Zoned R-1 (Light of the World Baptist Church, Applicant).

Staff reviewed this item and noted that it involves a request for approval of an expansion to a nonconforming building at 12430 Union Road. The desired addition would be roughly 1,200 square feet per floor for a basement and main floor. The existing building is roughly 6,000 square feet and was constructed before 1900. The building abuts a cemetery to the south owned by Union Cumberland Presbyterian Church. The building sits off Union Road well over 200 feet and there is a large open area between the building and Union Road with a circular drive that provides two access points onto Union Road.

Given its age, the building does not currently meet setback or building and fire code requirements. The setback for this type building in the R-1 Zoning District is 50 feet from the side and rear property lines. The existing building is 17.44 feet from the nearest property line, which is to the south abutting the cemetery. The proposed addition would place the nearest portion of the building 6.67 feet from the south property line abutting the cemetery.

The staff noted that their understanding was that the building has been used as a church throughout its existence. The applicant is also a church and the desired addition would notably provide for ADA compliant restrooms which the building does not currently have. It would also provide for a foyer or greeting area and site related updates, including a formalized parking lot and enhanced fire suppression capacity with the

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addition of a fire hydrant along Union Road. The basement portion of the addition would also include two open spaces and an additional storage space.

The staff noted that since the building is an existing nonconforming building, the request to expand the building must be presented to the Farragut Board of Zoning Appeals for a special exception approval. As provided for in the Farragut Municipal Code, Appendix A – Zoning, Chapter 4, Section XVII. A.,2., *Expansion permitted as special exception*, nonconforming buildings and structures may be permitted to expand provided that the board determines that there is reasonable space for their expansion and that the expansion does not compound their condition of being nonconforming.

Though the desired addition does compound the building's condition of being nonconforming, the context is unique in that the expansion would be toward a cemetery where the existing land use is not likely to change. There are no dwelling units near the expansion and, as noted above, the existing building is over 200 feet from Union Road. Expansion on the other side of the building would be significantly more challenging due to topography and the desire to include handicap accessible restrooms on the first floor. The overall site, though only 1.6 acres, is mostly open. The percentage of the lot that would be covered by the building, including the desired addition, would be around 11%. The maximum permitted building coverage is 35%. The percentage of the lot covered in buildings and other hard surfaces, including the desired addition, would be around 40%. The maximum permitted total lot coverage is 60%.

Given the context (the adjacent cemetery and the building's configuration and site topography), the age of the existing building, and the remaining undeveloped space on the property, the staff recommended approval of the special exception.

A motion was made by Hoffman to approve the special exception for the reasons noted by the staff. The motion was seconded by Holladay and the motion passed 4-0.

Ayes: Devlin, Holladay, Hoffman, and Alley
Nays: None
Absent: Meyer
Abstaining: None

The meeting was adjourned at 7:35 p.m.
John Hoffman, Secretary _____

FARRAGUT BOARD OF ZONING APPEALS

December 13, 2023, Meeting - Staff Recommendations

- 1. Public hearing on a request for a home occupation permit (interpretation/use-on-review) for a home recording business at 456 Chapel Grove Lane, Chapel Grove Development, Zoned Attached Single-Family Residential District (R-4), Ms. Betty Howard, Applicant.**

This item involves a request for a home occupation permit to operate a home recording business for personal and limited client business purposes at 456 Chapel Grove Lane. The Town's Zoning Ordinance addresses home occupations in Chapter 4, Section VI (see attached Exhibit A). These regulations spell out a number of development criteria that have to be met by all home occupations, and a list of occupations that are permitted to operate as home occupations if the criteria are met. The list of occupations includes, under item 10, a provision for "other similar occupations as determined by the Board of Zoning Appeals." The applicant is requesting review and approval of her proposed home occupation under this provision.

The applicant's description of the proposed home occupation in her online request for review states the following:

"I want to start a small home recording business for personal and limited business purposes. With a max number of 4 or less people to record in a sound proofed room of my home, either using a whisper room. which will prevent noise and disturbance in the neighborhood or have a professional to come in and soundproof the room. These recordings will be scheduled to prevent accumulated traffic and clients will park in our drive way and not on the street, which is not required per HOA management."

The Board will need to determine if the proposed home occupation would be similar enough to the other listed home occupations in the ordinance to permit its operation, assuming all of the standard required development criteria are met. In this case, Subsection C. of the home occupation provisions (See Exhibit A) lists "Artist, photographer, sculptor, graphic artist, wood worker, writer, or author". From the staff's perspective, professionally recording music would seem to involve an artistic pursuit involving equipment and would be similar to that of a photographer. It is the staff's understanding that such recording involves more than simply running a machine. There is mixing, combining, and adjusting the sound in order to create an artistic project. Subsection C. also lists "Craftsperson" as a permitted occupation, which is broadly defined in Merriam-Websters Dictionary as "(1) a person who practices a trade or handicraft as a job, or 2) a person who is skilled in a craft." Again, while the permitted craftsperson occupational category has customarily been thought of as related to "arts and crafts" related activities, it would seem that someone engaged in recording musicians could be considered as similar given the general definition of a craftsperson.

As noted above, all permitted customary home occupations must meet and maintain conformance with a number of development criteria (see Exhibit A, part B.). The Town's actual Home Occupation Permit Form requires applicants to certify that the criteria will be met. This is the standard permitting process for all home occupations and will apply to this proposed use if the Board finds that it is similar and permissible. In this case the applicant's description of the proposed business (above) provides additional information regarding several of the criteria. Specifically, traffic generation, parking, and noise. Of particular note is the installation/use of sound proofing, which as explained to staff by the applicant, would be required for the actual recording process, and not just as a means of complying with the Town's requirements. There is an active Homeowners Association (HOA) in Chapel Grove, and the applicant is also working through their rules and review process (see Exhibit B). The Town does not enforce individual HOA development covenants and restrictions. These are private agreements that operate independently and do not affect the Town's Zoning. Given the stated nature and scope of the proposed home recording studio, and the associated sound proofing, the staff can support a determination that is similar to other permitted home occupations and can be permitted provided all associated development criteria are met.

Sec. VI. Customary home occupations.

It is the intent of this section to establish the permitting process and the development criteria for Customary Home Occupations.

- A. Application/permit process.
 - 1. Applicants shall submit a completed Customary Home Occupation Application and the required fee to the town hall;
 - 2. Town staff shall review the application for conformance with the requirements and approve or deny the application within 15 working days of submittal. If the application is denied, the applicant may appeal staff's decision to the Farragut Board of Zoning Appeals (BZA); and
 - 3. The approved application shall represent the permit and shall constitute a contract agreement.

- B. All Customary Home Occupations shall comply with the following development criteria:
 - 1. Home occupations shall be undertaken by the residents of the dwelling unit;
 - 2. No more than one person other than members of the family residing on the premises shall be engaged in such occupation;
 - 3. The space devoted to the home occupation shall not exceed 20 percent of the gross floor area of the principal building;
 - 4. No alteration to any building shall indicate from the exterior that the building is being used for other than residential purposes;
 - 5. No articles, materials, goods, or equipment indicative of the home occupation shall be visible from any public street, or adjacent properties. Outdoor sales and storage is prohibited;
 - 6. No traffic shall be generated by the home occupation in greater volume than would normally be expected in a residential neighborhood. Off-street parking shall be provided;
 - 7. The proposed uses shall not increase noise, vibration, glare, fumes, odors, or electrical interference;
 - 8. Where applicable, recognized professional licenses and required permits of the occupant(s) trade or trades which are practiced shall be obtained and maintained as valid; and
 - 9. Dwelling units and accessory buildings shall not be used as a primary or incidental storage facility for a business, industry, commercial, or agricultural activity conducted elsewhere.

- C. The following occupations are permitted as customary Home Occupations:
 - 1. Artist, photographer, sculptor, graphic artist, wood worker, writer, or author;
 - 2. Craftsperson;
 - 3. Dressmaker, milliner, seamstress, tailor, baker, or interior decorator;
 - 4. Personal services such as masseuse, manicurist, cosmetologist, hair dresser, and barber;
 - 5. Sales representative;
 - 6. Lawyer, engineer, architect, land planner, drafts person, manufacturing or company representative, off-site inspector, broker, financial or business consultant, real estate representative, insurance agent, or accountant;

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7. Computer programmer, word processor, telemarketer, telephone answering service, information specialist, or similar uses which are in support of computer related technology;
 8. Teaching, including tutoring, musical instruction, or dancing;
 9. Home day care and babysitting, provided that the total number of clients does not exceed four and that such clients are cared for less than 18 hours per day; and
 10. Other similar occupations as determined by the Board of Zoning Appeals.

(Ord. No. 86-16, 4-1986; Ord. of 2-2006)



HOA Management

Homeowners Association Management

Exhibit B.

ARCHITECTURAL CHANGE REQUEST FORM

Submission of Plans to Architectural Review Committee (ARC)

Name Betty Howard Mail To: **ARC Chairman**
 o **HOA Management**
 Address 456 Chapel Grove Ln **PO Box 32627**
Knoxville, TN 37930
 City Farragut State TN ZIP 37934
 Phone(s) H 229-288-1603 W _____
 Date Submitted 12/6/2023 Date Received by ARC _____

In accordance with the Covenants and Restrictions ("Declaration") of the _____ Homeowners Association ("Association") and the Association's rules and regulations, I request your consent to make the following changes, alterations, renovations, additions and/or removals to my unit:

N/A No alteration needed.

[Please attach a detailed (to scale) drawing or blueprint of your plan(s) and a copy of your community plat in duplicate.]

See website: whisperroom.com/assembly-demos/#



HOA Management

Homeowners Association Management

9. The contractor is: No contractor needed - Assembled by whisper room
10. If approved within thirty (30) days, the work would start on or about N/A - at this time and would be completed by N/A.

will inform of beginning of project

Betty Howard
Signature of Homeowner

If this ARC affects the Common Area behind the home, it will be understood that the Common Area Maintenance Policy of 2018 will be adhered to by the current and future homeowners. Changes to Common area landscaping will NOT be HOA maintained and the Homeowner (current/future) will be responsible for any maintenance (e.g. - plants, walls, landscaping, etc.)

- ① Whisper room will eliminate the noise in and out of the house. This will not have any
- ② Traffic will be eliminated by scheduling no more than 2 cars and 2-4 singers at a time, with no excess parking in the road. All vehicles will be scheduled to accommodate HOA parking guidelines.



HOA Management

Homeowners Association Management

Is this an amendment to a previous request? NO

If yes, approximate date of previous request: _____

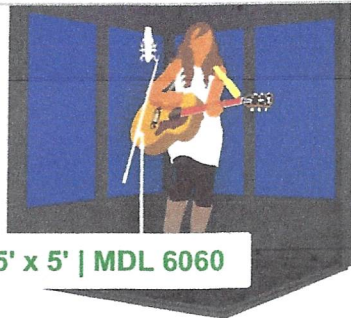
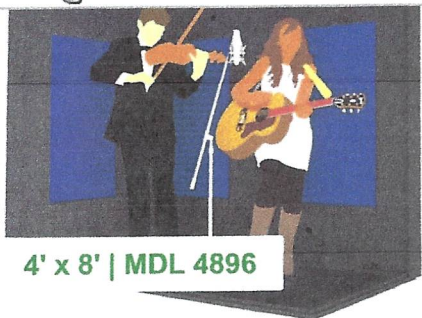
I understand that under the Declaration and the rules and regulations, the Committee will act on this request and provide me with a written response of their decision. I further understand and agree to the following provisions:

1. No work or commitment of work will be made by me until I have received written approval from the Association.
2. All work will be done at my expense and all future upkeep will remain at my expense.
3. All work will be done expeditiously once commenced and will be done in a good workman-like manner by myself or a contractor.
4. All work will be performed at a time and in a manner to minimize interference and inconvenience to other unit Owners.
5. I assume all liability and will be responsible for all damage and/or injury which may result from performance of this work.
6. I will be responsible for the conduct of all persons, agents, contractors, and employees who are connected with this work.
7. I will be responsible for complying with, and will comply with, all applicable federal, state and local laws, codes, regulations and requirements in connection with this work, and I will obtain any necessary governmental permits and approvals for the work. I understand and agree that the _____, its Board of Directors, its agent and the Committee have no responsibility with respect to such compliance and that the Board of Directors' or its designated committee's approval of this request shall not be understood as the making of any representation or warranty that the plans, specifications or work comply with any law, code, regulation or governmental requirement.
8. I understand that a decision by the Committee is not final and that the Board of Directors may reverse or modify a decision by the Committee upon the written application of any Owner made to the Board of Directors within ten (10) days after the Committee makes its decision.

Located in Morristown, TN

Knoxville, TN
WhisperRoom INC.

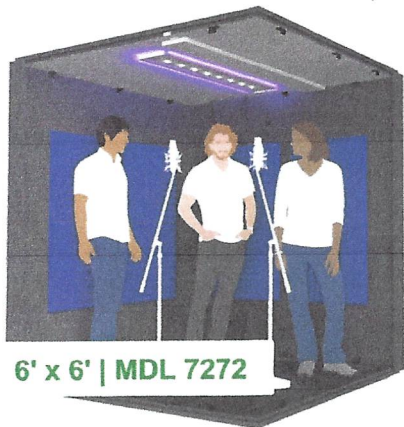
* Single wall Isolation



4' x 8' | MDL 4896

5' x 5' | MDL 6060

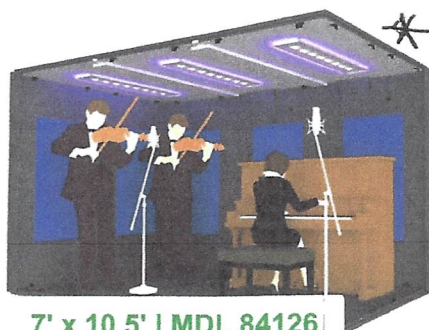
5' x 7' | MDL 6084



6' x 6' | MDL 7272

6' x 8' | MDL 7296

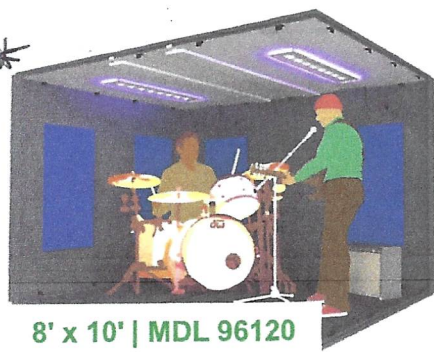
7' x 7' | MDL 8484



7' x 8.5' | MDL 84102

7' x 10.5' | MDL 84126

8' x 8' | MDL 9696



8' x 10' | MDL 96120

8' x 12' | MDL 96144

8' x 14' | MDL 96168

WhisperRoom Inquiry

From: Sarah Smith (ssmith@whisperroom.com)

To: preciousb123@yahoo.com

Date: Wednesday, December 6, 2023 at 04:13 PM EST

Hi Betty, it was a pleasure speaking with you a few minutes ago!

I'll share some general information with you below including the Noise Reduction page where you can download the DB app.

To get started, please review our product [catalog](#). It contains information about our products and basic pricing details. Whether you're looking for [guidance on finding the right size](#), interested in watching [assembly demos](#), or simply want more information, our [website](#) is a valuable resource.

**Please refer to our Noise Reduction page to better understand how sound is measured. You will find an instructional video for using our noise reduction tool/dB meter app: <https://whisperroom.com/noise-reduction/> . I highly recommend this to help determine which level of isolation will work best for your specific application and environment.

I'm excited to learn more about your project and explore how WhisperRoom can provide the ideal solution. If you have specific questions or need a quote tailored to your needs, don't hesitate to reach out. I'm available Monday to Friday from 8:15 AM to 5:00 PM Eastern Time. You can also [schedule a call with me](#) at your convenience.

Here are our addresses, should you want to schedule a visit:

WhisperRoom, Inc.
322 Nancy Lynn Lane Ste. 14
Knoxville, TN 37919

This location has a few smaller booths in both the single and double wall isolation.

WhisperRoom, Inc.
120 S. Sugar Hollow Rd.
Morristown, TN 37813

This is where we manufacture and ship from, which is where my office is as well. We have a 96120 E (8x10 double wall) and two 7296 S's (6x8 single wall).

Thank you, Betty!

Sarah Smith

Product Representative
WhisperRoom, Inc.

[**Click here to schedule a phone call with me!**](#)

Mon-Fri 8am-5pm EST
Phone: (865) 558-5364 ext. 310
Toll Free: (800) 200-8168

Fax: (865) 381-0520

Email: ssmith@whisperroom.com

whisperroom.com

Most orders ship within 48 hours!