

CITY OF TULLAHOMA BOARD OF ZONING APPEALS MEETING AGENDA

City Hall, 201 West Grundy Street, 2nd Floor, Board Room

Monday, August 17, 2020

4:30 PM

- 1. Call to order by Chairman Chad Grimes**
- 2. Summary of BOZA Agenda Items**
- 3. Read and approve the minutes of the meeting on July 20, 2020.**
- 4. Unfinished Business.**
None
- 5. New Business with Public Hearings.**
 - A. Variances:**
 - 1) **Variance Case # 211-** A request for a variance from the setback requirements of the Zoning Ordinance Table TZ-1, which requires all buildings, including accessory structures, in the R-1 Zoning District to be setback by ten feet (10') from side property lines. The request is to reduce the required side yard setback from ten feet (10') to four feet (4') to allow for an addition of a two-car garage at 201 Larkway Drive (Coffee County Map: 109A, Group A, Parcel 021.00).
Applicant: Richard Millen (Owner)
- 6. Adjourn.**

Staff Report

Agenda No.: 5.A.1

Project Title: Variance Case #211

Staff: Jennifer Moody, Interim Planning Director

Applicant: Mr. Richard Millen

Requests: The applicant is requesting the following variance from the Zoning Ordinance Table TZ-1, which requires all buildings, including accessory structures, in the R-1 Zoning District to be setback by ten feet (10') from side property lines. The request for a reduction in the side yard setback to construct an accessory structure at 201 Larkway Drive.

Zoning: R-1 (Low-Density Residential District)

Property Size: +/- 0.46 acres

Location: 201 Larkway Drive

Tax Map: Coffee County Map 109A, Group A, Parcel 021.00

Background Summary:

The applicant has indicated that the variance request is to build an addition for a two-car garage. The proposed addition would be 24' x 26' (672 square feet) and would be located partly within the required ten-foot side setback for the R-1 low-density residential district.

Mr. Millen requests relief from the side setback requirement of the Tullahoma Zoning Ordinance citing that space available for building on his lot is limited by the existing location of the septic system and field lines, which prevent him from building in the rear yard of his property. His lot is approximately 100' wide and the buildable area between the exterior side wall of his home and the property line is 30' in width. He desires to use the existing driveway and keep the addition as close to the existing home as possible to reduce the number of steps from the home to the garage for his wife, who has a physical disability. Additionally, he feels that the home's existing attached garage is significantly limiting as once a vehicle is pulled into the garage, there is not enough remaining space for a person to walk around the vehicle without keeping the garage door open. He shared that he has four vehicles and a boat and requests to add a two-car garage to store two of the vehicles under cover. He has consulted with the building inspector and does understand that if a structure were allowed to be constructed closer than 6 feet to the property line that the building permit would be subject to the review and approval of fire-rated materials or other requirements of the fire code and/or building codes.

Key Issues Summary: The following key issues should be considered with this application: 1) Are there circumstances relating to the shape, soil conditions, topographic conditions affect the

specific property involved; but do not generally affect the surrounding properties of the area? 2) Does literal enforcement of the provisions of the Zoning Ordinance result in a particular hardship upon the owner as distinguished from a mere inconvenience? 3) Does the application of the provisions of the Zoning Ordinance deprive the applicant of reasonable use of the lot or structure in a manner equivalent to the use permitted to be made by other owners of their neighboring properties or structures in the same area?

Current property Information	
Land Use:	Low-Density Residential (single-family dwelling)
Site Features:	A single-family dwelling built in mid-1980s
Flood Areas	The property is <u>not</u> located in a special flood hazard area
Vehicle Access	Larkway Drive (Local Street)

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	Low-density residential (R-1)	Single-family residential
South:	Low-density residential (R-1)	Single-family residential
East:	Low-density residential (R-1)	Single-family residential
West:	Low-density residential (R-1)	Single-family residential

Zoning District Summary	
Zoning District Intent:	The R-1 district is established to provide low density single-family residential development.
Permissible Uses:	Single-family dwellings, buildings accessory to single-family dwellings (including private garages and accessory living quarters) and temporary buildings.
Uses permitted upon review	Churches, K-12 Schools and colleges (public and private), Parks, playground, ball fields, Country Clubs & Golf Courses, Police & Fire Stations, Public & Governmental Services, Public Libraries, Public Parking Lots, and Temporary Uses
Lot and/ or Density Requirements:	Minimum Lot Area: 12,000 square feet Minimum Lot Width: 75 feet Maximum Impervious Lot Coverage(%): 30% Maximum Building Height: 35 feet

Setback Requirements:	Front Setback: 25 feet from interior street right-of-ways 35 feet from exterior street right-of-ways Rear Setback: 25 feet from the rear lot line Side Setback: 10 feet from side lot lines
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Planning Consideration(s):

The following general considerations, planning concepts, and other facts should be considered in the review of this application:

1. The property is approximately 0.46 acres in size.
2. The proposed new structure would encroach inside the minimum side setback areas of the lot.
3. The Planning Commission shall not recommend variations unless it makes findings based upon written evidence presented to it in each specific case that:
 - a. *Variances shall be granted only where special conditions or circumstances (such as exceptional narrowness, siting, or topography) fully described in the findings of the board, do not generally apply in the district.*
 - b. *Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.*
 - c. *For reasons fully set forth in the findings of the board, the aforesaid circumstances or conditions are such that the strict application of the provisions of Zoning Ordinance would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance; there must be a deprivation of beneficial use of land.*
 - d. *Any variance granted under the provisions of in Zoning Ordinance Section 1002.3 shall be the minimum adjustment necessary for the reasonable use of the land.*
 - e. *The granting of any variance is in harmony with the general purposes and intent of the Zoning Ordinance and will not be injurious to the neighborhood, detrimental to the public health, safety, and welfare, or in conflict with the comprehensive development plan.*

Preliminary Staff Recommendation:

Staff recommends denial of the requested variance based on the following findings:

1. Variances shall be granted only where special conditions or circumstances (such as exceptional narrowness, siting, or topography) fully described in the findings of the board, do not apply generally in the district.
Preliminary staff findings: *The lot is relatively flat and the dimensions of the lot are approximately 100 feet in width and 200 feet in depth. Staff finds that the location of the septic tank and field lines may be a significantly limiting factors for the construction of the addition in the rear yard of the property.*
2. Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.
Preliminary staff findings: *Structures are not allowed within 10 feet of a side setback in the R-1 low-density residential district.*

3. For reasons fully set forth in the findings of the board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance; there must be a deprivation of beneficial use of land.
Preliminary staff findings: Staff can find no evidence that the application of the provisions of the Zoning Ordinance would deprive the applicant of any reasonable use of their land. The property has an existing primary use as a single-family residence with an existing attached garage and the proposed use is an accessory use that could be accomplished in compliance with the Zoning Ordinance by reducing the width of the proposed addition to a one-car, rather than two-car garage.

4. Any variance granted under the provisions of this section shall be the minimum adjustment necessary for the reasonable use of the land.
Preliminary staff findings: The request would require a minor adjustment because the building would extend into the side setback and the building and fire code concerns with the reduced separation area could be addressed through use of fire-rated building materials. It is unknown at this time without a site plan whether or not there would be drainage or stormwater concerns with allowing this structure to extend into the side setback area. If there were concerns, they would need to be addressed prior to issuance of a building permit.

5. The granting of any variance is in harmony with the general purposes and intent of this ordinance and will not be injurious to the neighborhood, detrimental to the public health, safety and welfare, or in conflict with the comprehensive development plan.
Preliminary staff findings: 1)Allowing a structure to encroach into the side setback could be detrimental to the welfare and public health. These areas often provide drainage ways for stormwater runoff, which could be negatively impacted. Generally, setbacks provide for intentional separation between neighboring structures for fire safety, utility easements, utility and/or emergency vehicle access between properties.

Attachments

1. Application
2. Email from Applicant with Photos
3. Aerial Map
4. Zoning Map



TULLAHOMA BOARD OF ZONING APPEALS

321 N. Collins Street Tullahoma, Tennessee 37388

Phone: 931.455.2282

APPLICATION FOR VARIANCE

\$200 Fee

Applicant's Name

Richard Millen

Applicant's Mailing Address

201 LARKWAY DR.

City

TULLAHOMA

State

TN

Zip

37388

Phone Number

931-454-9526

Fax Number

Email

rickamillen@gmail.com

The applicant is responsible for notifying the Planning & Codes Department if any contact information has changed.

PLEASE COMPLETE THE FOLLOWING PROPERTY INFORMATION:

Property Owner (If different from Applicant)

Same as Applicant

Property Address

City

State

Tennessee

Zip

Tax Map

109A

Group

A

Parcel

021.00

Size of Parcel

0.46 acre

Deed Book

202

Page

521

Present Zoning of Property R-1

Present Use of Property R-1

The proposed structure is:

Addition of 2-car garage

principal

accessory

What is the size of the proposed structure? (if applicable)

24' x 28' 672 SF

TYPE OF RELIEF REQUESTED: (PLEASE CHECK AND COMPLETE ALL APPLICABLE FIELDS)

Building setback

Amount of reduction requested

(i.e. reduce front yard requirement to 10'): REDUCE SIDE VARIANCE TO APPROX. 4'

Building Height

Proposed height:

Accessory Structure Size

Proposed use of structure:

Lot Coverage

Square footage of existing structures:

Square footage of paved areas:

Parking Surface Material

Proposed parking surface

(i.e. gravel, sand):

Fire Hydrant Distance

Distance to the nearest fire hydrant:

Other

Describe in detail the relief requested:

Please provide a brief explanation that demonstrates the requested variance meets the criteria below. If additional space is needed, please attach extra paper to the application.

The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out must be stated;

N/A

The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district;

N/A

The variance will not authorize activities in a zone district other than those permitted by this ordinance;

N/A

Financial returns only shall not be considered as a basis for granting a variance;

N/A

The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this ordinance;

n/a

The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;

Approx. 4'

The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located; and

n/a

The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

n/a

I HEREBY CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Applicant's Signature <i>Richard A. Miller</i>	Applicant's Name (Printed) RICHARD A. MILLER	Date JULY 23, 2020
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PLEASE INITIAL THE FOLLOWING POLICY STATEMENTS TO INDICATE THAT YOU HAVE READ AND UNDERSTAND THEM:

Applicant Deferral/Withdrawal Policy: It is the policy of the Board of Zoning Appeals that any requests to defer their consideration of a variance request application be submitted to the Planning Director in writing prior to the scheduled public hearing. If an applicant requests deferral or withdrawal after processing has begun, fees are non-refundable. Applicants requesting a deferral will be charged the cost of preparing notices of public hearing. Applicants may not defer an application for a period exceeding three (3) months from the original Board of Zoning Appeals public hearing date of said application. Any application not considered before the three (3) month deferral time-frame will be required to submit a new application, along with any required fees, and will be subject to the regulations in effect at that time.

Applicants Initials RAM

Commission Deferral Policy: When an applicant or their representative is not present at the regularly scheduled meeting of the Board of Zoning Appeals (BZA), the BZA shall defer said application to their next scheduled meeting.

Applicants Initials RAM

Typically variance applications require site inspections and building permits upon approval. All buildings must comply with applicable building codes and the American Disabilities Act (ADA) for handicap accessibility. Please contact the Planning & Codes Department at 931-455-2282 with any questions about building permit application process, fees, or requirements.

Applicants Initials RAM

The Board, its members, and employees, in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this ordinance.

Applicants Initials RAM

CHECKLIST

Before we can accept your variance application, please make sure you have all the items listed below:

<input type="checkbox"/> A completed application.	<input checked="" type="checkbox"/> \$200 application fee.
<input type="checkbox"/> A copy of the deed to the property.	<input type="checkbox"/> A concept plan drawn to scale.
<input type="checkbox"/> A Letter of Attorney-in-Fact if submitted by anyone other than current land owner.	

FOR STAFF USE ONLY

Accepted by <i>Nena Abbott</i>	Application Number 897973
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Jennifer Moody

From: richard millen <rickamillen@gmail.com>
Sent: Wednesday, August 12, 2020 9:40 AM
To: jmoody@tullahomatn.gov
Subject: Garage addition variance
Attachments: IMG_20200811_085932503_HDR.jpg; IMG_20200811_085954316.jpg; IMG_20200811_160313312.jpg

Flag Status: Flagged

Hope these pictures will help with your presentation, as you can see the space I have to build is quite limited, I need to place it from the back fence with gates toward the front of the house somewhere in line with the wooden pole. As you can see I will loose quite a bit of the usable driveway if I am required to have a ten foot easement. I have talked numerous times with my neighbor and he has told me that he has no problems with the placement of the building. Hope this helps you to get an understanding of the situation, thanks for your help, Rick





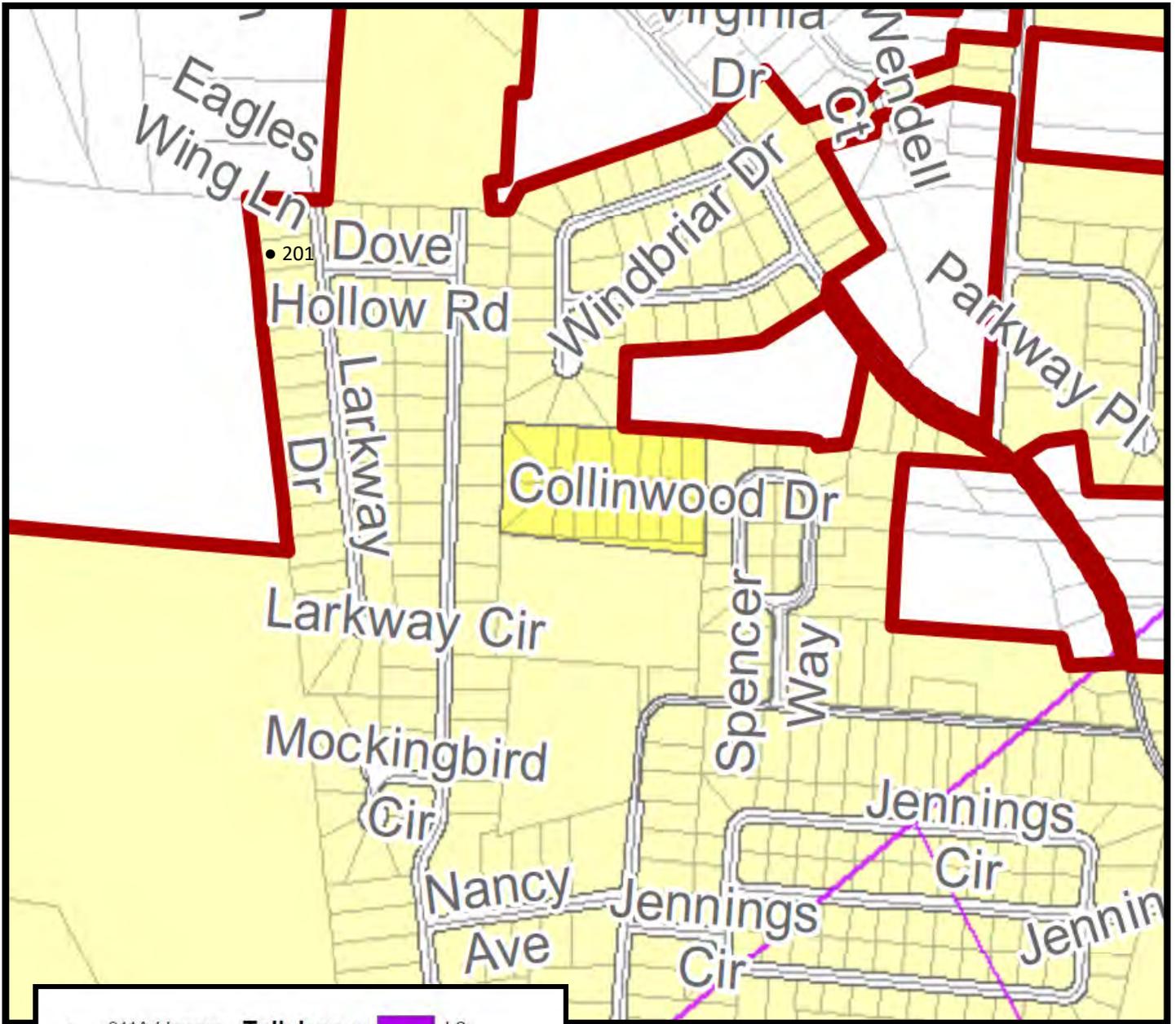


201 Larkway Place VAR #211
Aerial Property Map



Variance Case # 211

Zoning Map



• 911Addresses	Tullahoma Zoning	I-2
▭ Tullahoma City Limit	AG	OS-1
▭ Runway Protection Zones	C-1	R-1
▭ Airport Approaches	C-2	R-2
	I-1	R-3
		R-4
		UGB-RS1
		AO-1 Overlay