

**MINUTES
FARRAGUT BOARD OF ZONING APPEALS**

January 27, 2016

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

Item 1. Approval of Minutes for the October 26, 2015 meeting

A motion was made by LaMarche to approve the minutes. The motion was seconded by Williams. Motion passed 4-0-1 with Chairman Ives abstaining because he was absent.

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

Item 2. Public hearing on a request for a special exception to expand a nonconforming use in the form of a detached garage on the property located at 12604 Kingston Pike, Zoned C-1, 1.9 Acres (Daniel Feehan/Natural Roots, Applicant).

The staff reviewed this item and noted that it involves a special exception to expand a nonconforming use with the addition of a detached garage for the property at 12604 Kingston Pike. The property in question has frontage onto Kingston Pike and is zoned General Commercial (C-1). A small house (roughly 1,300 square feet) is the only building on the property and it predates the Town. Though zoned commercial, the property has always been used as residential.

The staff explained that recently Daniel Feehan purchased the property and has restored the house. The house is now being used as a residence for his parents. The owner is also using a small portion of the building as an office that is part of a home occupation for the Natural Roots landscaping business.

Mr. Feehan recently applied for a building permit to construct a detached garage to serve the residential component of this site. As mentioned above, the property is zoned C-1. In the C-1 Zoning District residential uses and structures are not permitted, unless the property is within the mixed use town center. However, since the use of the property has continuously been residential and pre-dates the C-1 zoning, the residential

use of the property may continue as provided for in Chapter 4, Section XVII. – Nonconforming Buildings and Uses, of the Farragut Zoning Ordinance. The staff noted that, in order to expand a nonconforming use, such as the addition of a residential structure on a property zoned commercial, a special exception must be requested and approved. As provided for in the zoning ordinance, a nonconforming use may expand if the board determines that there is reasonable space on the property and, in terms of the building, the expansion does not compound the condition of being nonconforming.

The property is almost two (2) acres and has room for the addition of a residential accessory building, such as a detached garage. The applicant is proposing a garage that is 600 square feet. This is the same maximum size that would be permitted for an accessory building for anyone else in the Town with a home that is less than 2,000 square feet. The maximum height permitted for residential accessory buildings is fifteen (15) feet.

The staff recommended that, as a condition of any approval of a special exception, the detached garage be no greater than 600 square feet and 15 feet in height and be situated at least thirty-five (35) feet from the west side property line that abuts property zoned residential. The property has plenty of space to satisfy this recommended setback. In this manner, should the property in question be used for commercial purposes in the future, the land area would be available to install the required plant material for a thirty-five (35) foot buffer strip.

After a short discussion and questions for the applicant, a motion was made Williams to approve the special exception with the conditions noted by the staff. Motion was seconded LaMarche and motion passed unanimously.

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

Meeting adjourned at 7:33 p.m.

Louis LaMarche, Secretary

