

**Town of Thompson's Station
Board of Zoning Appeals
Special Called Meeting Agenda
August 23, 2016**

Meeting Called To Order

Consideration Of The Minutes Of The May 5, 2015 Meeting.

Documents:

[BZA MINS_050515.PDF](#)

1. Request For A Variance To Construct A Detached Building Within The Front Yard Of His Property (File: BZA 2016-002).

Documents:

[ITEM 1 APPLICANT PACKET.PDF](#)
[ITEM 1 PHOTOGRAPHS.PDF](#)
[ITEM 1 STAFF REPORT VARIANCE STONEBURNER.PDF](#)

A. Public Hearing As Advertised On The Town Website, Postings Around Town, And In The August 7, 2016 Edition Of The Williamson AM Newspaper.

Adjourn

*This meeting will be held in the Thompson's Station Community Center at
1555 Thompson's Station Rd West.*

Town of Thompson's Station
Board of Zoning Appeals
Minutes of the Meeting
May 5, 2015

Call to Order.

The meeting of the Board of Zoning Appeals of the Town of Thompson's Station was called to order at 5:30 p.m. on Tuesday, May 5th with the required quorum. Members and staff in attendance were: Archie Buttrey, Chair; Roger Nixon, board member; Mary Herring, board member; Bob Whitmer, board member; Wendy Deats, Town Planner; Joe Cosentini, Town Administrator; Chandra Boughton, Town Recorder. Board Member Martha Irwin was unable to attend.

Consideration of Minutes. The minutes of the November 18, 2014 meeting were previously submitted.

Board Member Herring moved for approval. The motion was seconded and carried unanimously.

Request for a Temporary Event Permit: A request for a temporary event permit filed by Outdoor Encounter for a 5K, 10K and Fun Run/Walk along a route from the Thompson's Station Park to the Nutro Dog Park on October 10, 2015.

Mrs. Deats reviewed her report. Based on the findings within the Town's Zoning Ordinance, Staff recommends that the Board of Zoning Appeals approve the temporary special event to hold the event with the following contingencies:

1. Prior to the event, the applicant shall enter into a contract with the Williamson County Sheriff for appropriate traffic control measures that will be in effect for the duration of the event.
2. Prior to the event, the applicant shall obtain insurance to cover all liability from the event.
3. All clean up shall be the responsibility of the applicant. Any Town resources utilized shall be reimbursed upon completion of the services.

Mr. Buttrey opened the public hearing at 5:35 p.m.

Millie Halvorson presented on behalf of the applicant, outlining the activities, projects and community contributions of Outdoor Encounter. She then provided details of the proposed event: "Trails and Tails" 5K and 15K.

After discussion, Board Member Herring moved for approval. The motion was seconded and carried unanimously.

There being no further business, the meeting was adjourned at 5:50 p.m.

Archie Buttrey, Chair

Jennifer Jones, Town Recorder

July 29, 2016

Town of Thompsons Station , Tennessee
Weny Deats, Town Planner
Richard King, Town Building official
Archie Buttrey, Variance Committe

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This letter is to explain my reason for a variance.

I have only an acre lot. As shown in the pictures it is straight up. When we moved here over 20 years ago I had intended to build a building then. I had the area leveled and put a portable building on the spot. Within a couple of years I added another one. In leveling the lot we ran into a rock wall on the upper side and had to stop so we back filled and made a slope for drainage. I will be able to get a thirty foot wide slab with three foot of clearance from a wall by removing the back fill. The wall will keep any erosion from happening. In October we removed the portable buildings not expecting any delays in building. With a hill to the upper side and a slope to the lower this area is the only possible place I have to build.

I was asked to show the elevations of the property. I did this to the best I could. I used a 10' measurement distance and measured the amount of incline each time. I was told by the county my drive was on an 11% incline so I went by that.

My home sits within 18' of the back property line giving no room to build there. I am only asking to build a place to relax and tinker in my retirement. The building is not intended for a business in any way. There will be no bathroom. I will have Middle Tennessee Electric install a meter.

As requested I have enclosed pictures for reference.

Thank you



Gary Stoneburner
18 26 Thompsons Station Road West
Thompsons Station, Tenn. 37179
Property owner

Property line

Elevation

200' incline

Pad for building
40'

210' property line
property is 210x210'

150' decline

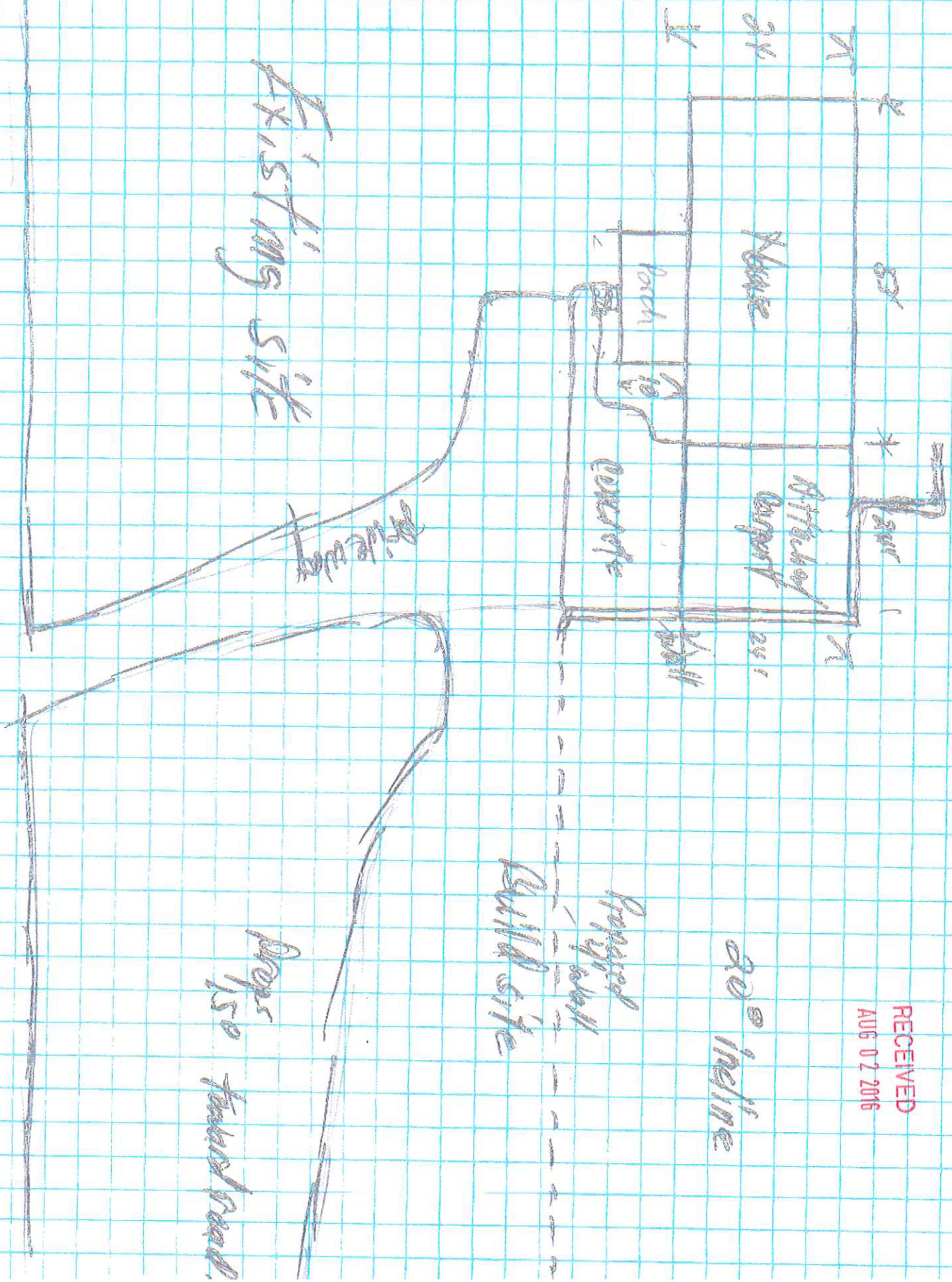
100'

Road (SRW)

125'
Road to building

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20° incline

Prepared gravel

Build site

Prep
150' toward road

Existing site

Driveway

House

Porch

Attached garage

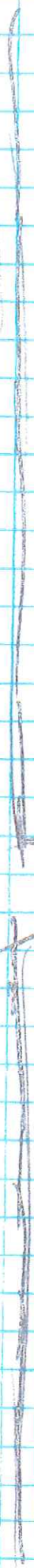
24'

24'

24'

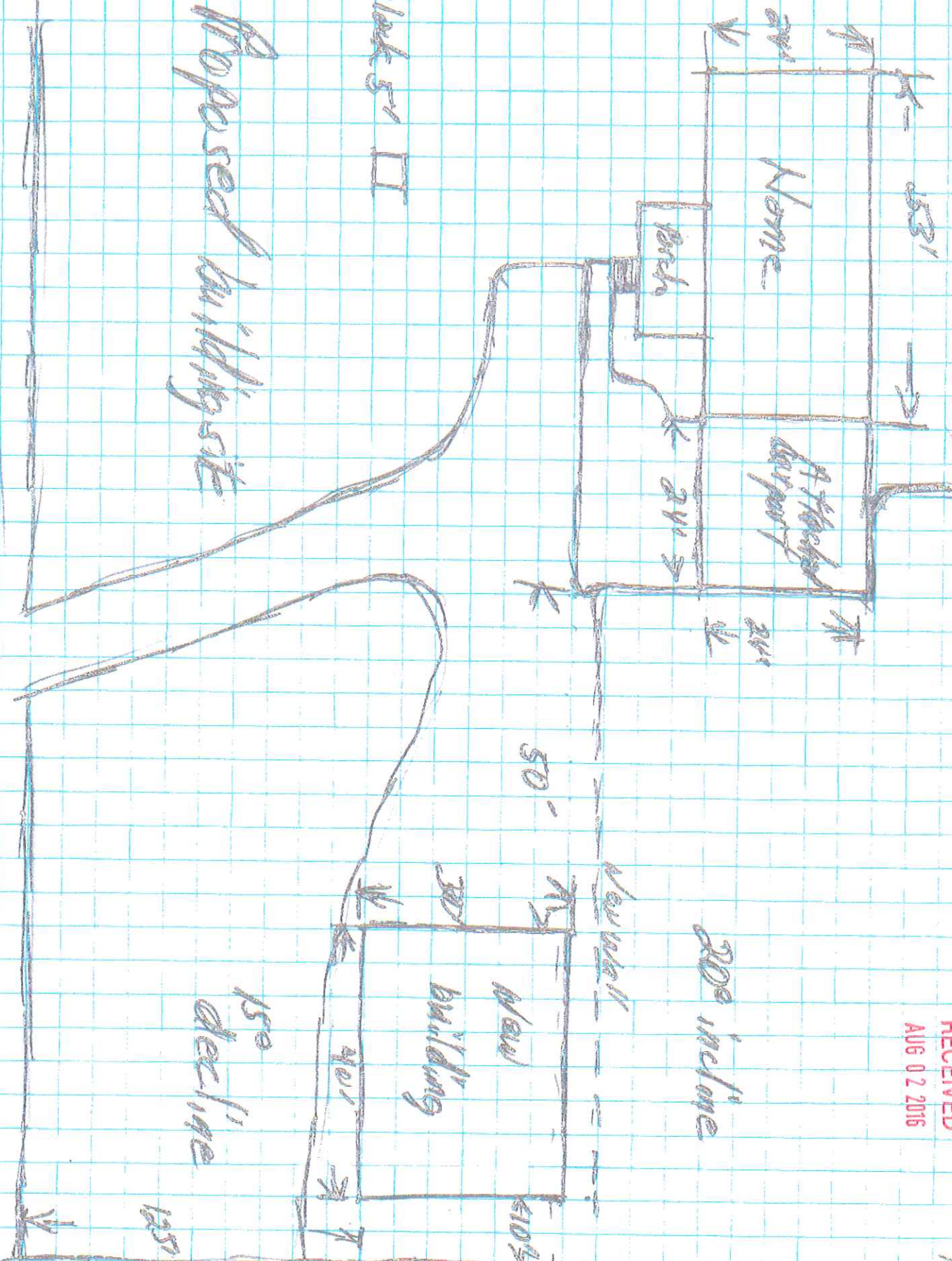
24'

50 RW



Navy Carlin 210'

Navy Carlin 210'



Proposed building site

Each block 5' II

Home

Bath

A+Handed carpenter

New building

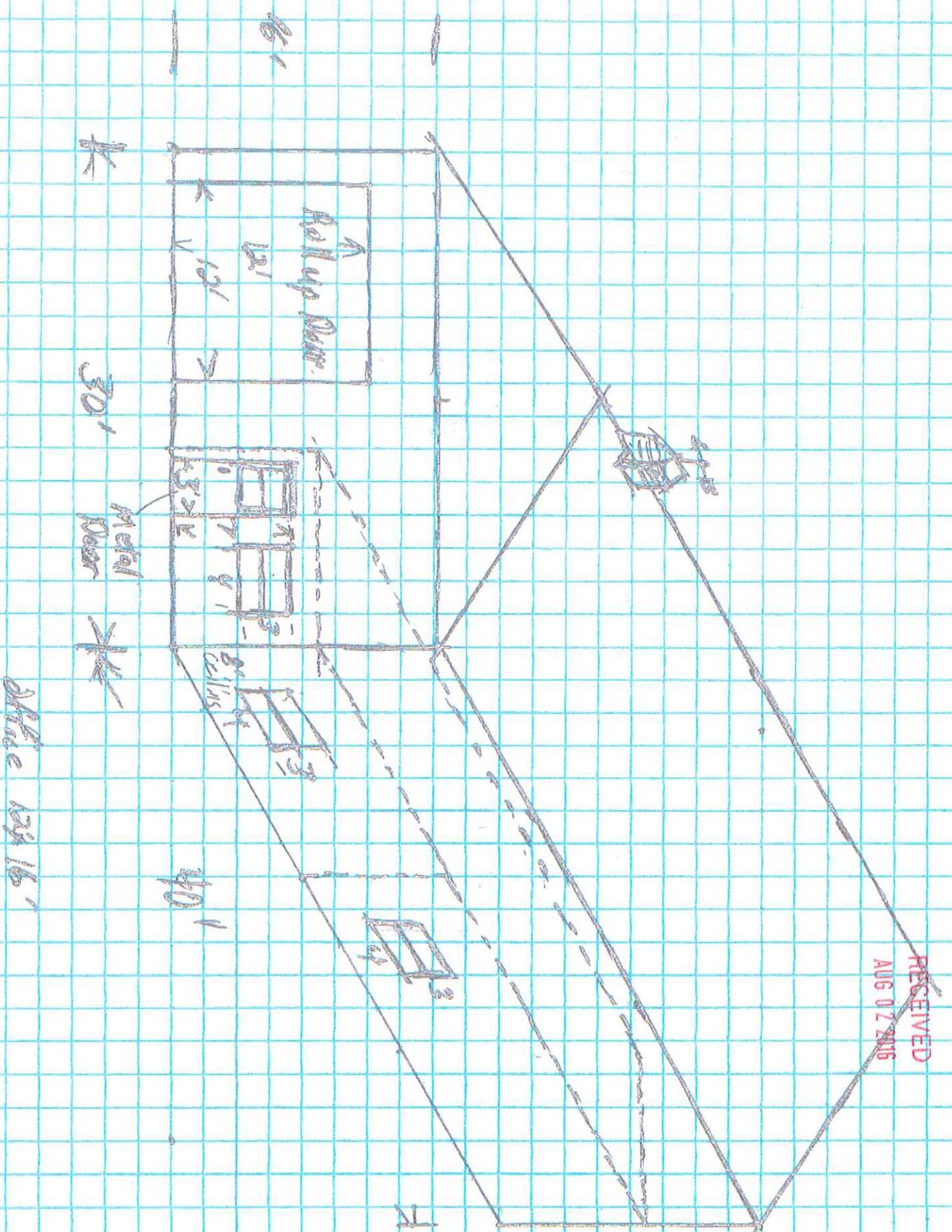
New well

200' incline

150' decline

15 RV

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Office 12x16'

Looking south
toward Thompson's
Station Rd.



Looking east at
building pad.



Looking north
from Thompson's
Station Rd



Slope east in
front of bldg
pad.



Slope north of
bldg. pad.

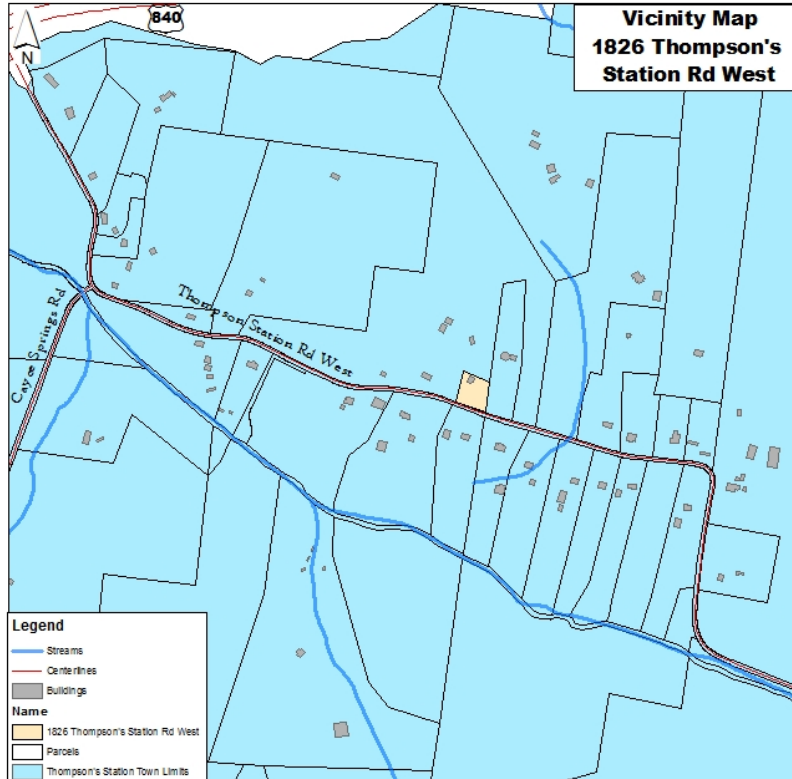


**Thompson's Station Board of Zoning Appeals
Staff Report - Item 1 (BZA 2016-002)
August 23, 2016**

Variance request to place an accessory building within the front yard located at 1826 Thompson's Station Road West.

PROJECT DESCRIPTION

The applicant, Gary Stoneburner is requesting approval of a variance to place a building within the front yard setback in front of the primary residence. The project site is one acre and located at 1826 Thompson's Station Road within the T2 zone, in the Town of Thompson's Station.



ANALYSIS

The project site is one acre and is currently developed with a single family residence. The T2 zone “consists of sparsely settled lands in open or cultivated states. These include woodlands, agricultural land and pasture. Typical buildings are farmhouses and agricultural buildings. Roads are rural in character and have no pedestrian facilities. Landscape is naturally occurring” (LDO Section 1.2.6). The T2 district permits “the establishment and maintenance of single family residential associated with agricultural uses” (LDO Section 1.2.6). The minimum lot size permitted within this district is eight (8) acres with a minimum front and rear yard setback of 50 feet and 20 feet for the side yard setbacks (LDO Table 4.3).

Variance

A variance is a request to deviate from the strict adherence to the code. In this case, the variance request is to deviate from Section 2306 of the Zoning Ordinance which requires accessory structures to be located within the rear yard. The applicant is requesting permission to locate a pole barn in front of the residence. The BZA may grant a variance if special circumstances apply to the project. The criteria set forth to determine if a variance request is necessary are as follows (as stated in the Town's Zoning Ordinance, Section 6700):

Please note, each finding is italicized, followed by a staff response. The applicant did not address each finding, but has provided the following statement to address the required findings:

Applicant Statement:

“I have only an acre lot. As shown in the pictures it is straight up. When we moved here over 20 years ago I had intended to build a building then. I had the area leveled and put a portable building on the spot. Within a couple of years I added another one. In leveling the lot we ran into a rock wall on the upper side and had to stop so we back filled and made a slope for drainage. I will be able to get a thirty foot wide slab with three foot of clearance from a wall by removing the back fill. The wall will keep any erosion from happening. In October we removed the portable buildings not expecting any delays in building. With a hill to the upper side and a slope to the lower this area is the only possible place I have to build.

I was asked to show elevations of the property. I did this to the best I could. I used a measurement distance and measure the amount of incline each time. I was told by the County my drive was on an 11% incline so I went by that.

My home sits within 18’ of the back property line giving no room to build there. I am only asking to build a place to relax and tinker in my retirement. The building is not intended for a business in any way. There will be no bathroom. I will have Middle Tennessee Electric install a meter.”

1. 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.

The subject property located at 1826 Thompson’s Station Road West is a legal non-conforming lot. The minimum lot size within this zoning district is eight acres, however, the lot is approximately one acre. The lot was developed with a single family residence in 1975 and is situated on a hill with a moderately steep driveway entrance. The size and the steep terrain of the property creates a hardship in placing any structures on site in compliance with the Town’s Land Development Ordinance.

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

Both housing and accessory structures are permitted uses within this zoning district, however, accessory structures are required to be placed in the rear yard. Due to the topography of the site, the house was constructed toward the rear of the acre lot. A graded pad exists toward the side of the site that has enough area to allow for the construction of the accessory structure. Typically, in this district the larger (eight acre) lots contain more area in which to build in compliance with the code despite the topographical conditions. However, given the size of the lot, the placement of the existing house and topographical constraints on site, locating the building elsewhere is severely limited.

3. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other land structures, or buildings in the same district.

Accessory structures, such as the proposed, are permitted and therefore, the variance to allow one would not confer a special privilege allowing this property owner to have something that would be denied another property owner who could comply with the standards.

4. The variance is the minimum variance that will relieve such difficulties or hardship and thereby make possible the reasonable use of the land, building, or structure.

Given the steepness of the lot and the proximity of the existing residence to the rear property line, the proposed location is the only reasonable location for a building. Therefore, the location of the proposed accessory structure does appear to require a minimal variance in order to develop the structure.

5. That the granting of the variance will not be detrimental to the public welfare, injurious to other property or improvements in the area in which the subject property is located, or a substantial impairment to the intent and purpose of the zoning district wherein such property is located or of the general provisions of this ordinance.

The accessory structure, if approved, will be constructed in compliance with all applicable building codes and will not pose any detriment or injury to public welfare or properties within the area.

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

The building will be set back over 100 feet on the property within a wooded area and is not in proximity to other homes. Given the rural characteristics of the area, the accessory structure in its proposed location will not impede any supply of light or air. Furthermore, the accessory structure is for personal uses that should not contribute to any additional risk outside of that typically associated with residences.

7. That the alleged difficulty or hardship has not been knowingly and intentionally created by any person having an interest in the property after the effective date of this ordinance.

The lot was established and the house built prior to the incorporation of the Town. No additional activities have occurred to create a hardship on the property.

RECOMMENDATION

Based on the meeting the required findings for the variance, Staff recommends that the Board of Zoning Appeals approve the request for a variance to construct the building in front of the primary residence.

ATTACHMENTS

Applicant packet
Photographs