

Town of Arlington

P.O. Box 507 • 5854 Airline Road • Arlington, TN 38002



**Board of Zoning Appeals
October 13, 2015
6:00 P.M.
Meeting Minutes**

I. Invocation

The opening prayer was led by Russ Campbell.

II. Call to Order and Roll Call

Chairman McGee called the meeting to order and noted that a quorum was present.

Present

Gerald McGee, Chairman
Russ Campbell
Tim Carter
Samuel Murrell

Others Present

Heather Sparkes, Town Planner
Hannah Taylor, Planning Clerk
see list

Absent

Josh Holtgrewe – excused

III. Approval of Minutes from the October 30, 2014 Meeting

Motion: Samuel Murrell made a motion to approve the minutes of the October 30, 2014 meeting.
Tim Carter seconded the motion.

Vote on Motion: The motion carried unanimously.

IV. Old Business

A. Other as Properly Presented

There was no old business to come before the Board.

V. New Business

A. 5769 Chester Street – Request for Variance from Required Side Yard Setback

Chairman McGee recognized Heather Sparkes, Town Planner, who provided the analysis (on file) and stated that this is a request for a variance from the required side yard setback at 5769 Chester Street. Walter Gill, applicant and builder, is requesting a ten (10) foot side yard on the east side of the property with a total of thirty (30) feet for both sides combined. The Zoning Ordinance requires a minimum side yard setback of seventeen (17) feet or a minimum of twelve (12) feet where a side entry garage is used with a total of thirty-four (34) feet minimum. Mr. Gill submitted a letter explaining the justification of the request and the hardships they have encountered; some of the hardships include an existing MLGW power line easement, depth restriction required on the plat due to the ability to get sewer flow to the house. The applicant pulled a building permit in July of this year that was in compliance with the Zoning Ordinance, but, after starting site prep work, stumbled upon buried debris on the site. Ms. Sparkes read through the

eleven (11) criteria listed in Chapter 10, Section 10.5.4.3)c) of the Town's Zoning Ordinance that grants the committee the authority to grant variances.

Main Motion: Russ Campbell made a motion to approve a request to approve the variance from the required side yard setback at 5769 Chester Street. Samuel Murrell seconded the motion.

Mr. Walter Gill of Pro1 Construction of TN stepped forward and explained that he has more room than expected on the west side of the property bringing the side yard setback total up to thirty-seven (37) feet. It was also recently confirmed that the debris field was in the location shown, meaning the house could not be setback any further than presented. The debris field, consisting of brick, concrete, & other building materials, was not quite as large as once thought, but it did reach depths of approximately 14 feet in places. The type of materials in the debris field prevented the builder from drilling through it to set piers. The new house plan will show a smaller home with only one (1) bedroom downstairs, instead two (2) as formerly submitted. Russ Campbell asked if there is thirty seven (37) feet total why is there a need to be so close on the eastern side of the property. Mr. Gill explained that not only are they dealing with a debris field, but they are also having to squeeze the home in between two (2) sets of power lines (one on both the east and west sides of the property). The line to the east feeds a home in the subdivision to the south of the property; after speaking to MLGW about moving one (1) of the lines or putting in a ground line, MLGW informed the property owners it would come at a cost of approximately \$10,000. Tim Carter asked Staff if they property owner knew about certain restrictions on the property before purchasing it; Ms. Sparkes informed Mr. Carter that certain aspects, e.g. setbacks, were listed on the plat. The house previously submitted for a permit fit the criteria listed on the plat; it was not until further inspection of the property that the debris field was discovered, meaning the house would be restricted to an even smaller area than expected. Chairman McGee had slight concerns with the distance between the home at 5769 Chester and the home to the east of it; Mr. Gill explained that the next home is at least 30 feet away from the property line. Mr. Carter asked Staff if they had received any opposition from the neighbors. Ms. Sparkes received four (4) phone calls, none of which expressed any concern. Chairman McGee further discussed the eleven (11) criteria that allows the committee the authority to grant variances all in Chapter 10, Section 10.5.4.3)c) of the Town of Arlington Zoning Ordinance, pointing out the conditions that apply to the property in question. Ms. Sparkes suggested adding a condition stating that the property would be allowed a ten (10) foot setback on one side so long as the total equaled thirty-seven (37) feet; the committee agreed.

Chairman McGee called for further discussion and hearing no reply, he called for a vote on the main motion.

Conditions of Approval:

1. Any permits issued for this property shall meet the setback requirements approved by the Board of Zoning Appeals, or as otherwise required by the Zoning Ordinance.
2. **The property shall have a minimum of a ten (10) foot side yard setback on one side with a side yard setback total of not less than thirty-seven (37) feet.**

Vote on Main Motion with Conditions: The motion carried unanimously.

B. Other as Properly Presented

1. There was no other new business to come before the Commission.

VII. Adjourn

Chairman McGee called for a motion to adjourn.

Motion: Tim Carter made a motion to adjourn. Samuel Murrell seconded the motion.

The motion carried unanimously.

Meeting adjourned.



Gerald McGee, Chairman

Date

Submitted By: Hannah Taylor

