

Nolensville Board of Zoning Appeals
Nolensville Town Hall
June 11, 2015 7:00 p.m.

Members Present: Mayor Jimmy Alexander, Chairman Ken Rucker, Tommy Dugger, Wade Wakefield and Joan Lawler

Staff Present: Attorney Bob Notestine and Suzanne Brown

Meeting Called to Order: By Chairman Ken Rucker at 7:00 p.m.

Pledge of Allegiance: Led by Chairman Ken Rucker

Approval of Minutes: Joan Lawler moved to approve minutes from 4/9/2015 BZA meeting. It was seconded by Wade Wakefield. The motion passed unanimously.

Announcements: None

New Business:

1. The variance request is to allow construction of an 8 foot high privacy fence at 9898 SamDonald Rd. Please note the applicant has made an amendment to the application to request for a side yard setback to allow for the construction of an 8 foot fence.

Todd Mullenger, applicant and resident at 9898 Sam Donald addressed the board and stated the side yard variance is for an 8 foot high fence for privacy.

After some discussion from the board, Joan Lawler moved to approve both the side yard setback variance and the 8 foot high fence.
Wade Wakefield 2nd the motion.

Chairman Ken Rucker stated we have a motion and a 2nd to grant a variance to allow for a side yard setback variance and to allow for an 8 foot high privacy fence. There appears to be no damage or harm to public good. Motion passed unanimously.

2. The 2nd item is for a change of use as permitted under Section 1.5.3 of the Zoning Ordinance located at 6931 Nolensville Rd. from retail to office.

The applicant Toby Florek, with Farmers Insurance, addressed the board. He stated he hoped to relocate his office to this location at 6931 Nolensville Rd in order to save money through ownership instead of renting.

It is currently being used for retail but the requested use would be for office.

Attorney Bob Notestine noted that this property is what is known as lawful non-conforming use. It was in existence when the town incorporated so it is not zoned for retail but because it is a non-conforming use and Mr. Florek's proposed use is less dense and with less traffic it is considered ok to change by variance. So he is not asking for a zoning change it's a lawful non-conforming use.

Mayor Alexander commented that we are under no obligation to require him to pave the parking lot. Attorney Bob Notestine stated that was right because it doesn't meet the commercial requirements.

After some discussion from the board, Mayor Alexander made a motion to grant the variance at 6931 Nolensville Rd. from retail to office. Tommy Dugger seconded the motion. Motion passed unanimously.

3. The third request is for a conditional use permitted for an accessory dwelling unit as well as a size variance for the accessory dwelling unit located at 2353 Rocky Fork Rd.

Jennifer Bell, general contractor for Yellow Buck Construction, addressed the board. She stated the addition of an in-law suite is for use of a caretaker, for the current resident, Mr. Tim Ransom who suffered at stroke in 2011. The square footage is approximately 1050 square ft to be added to the left side of the existing residence.

It will look the same as the existing home. They are asking for conditional use to allow for a range plug to be installed for a kitchen for use by the caretaker.

Mayor Alexander, noted the application says 1350 square ft.

Jennifer stated the 300 square ft difference is for a carport.

Chairmen Ken Rucker stated the addition can be any size but the adding of the plug for the range makes it an accessory dwelling and then a variance is needed for additional square footage above the 1000 sq ft. minimum.

Mayor Alexander expressed concern over the addition becoming a duplex.

Mayor Alexander commented that a building permit has already been approved for a 1350 sq foot addition but that the addition of a range plug would make it a duplex.

Bob Notestine stated that with a kitchen it would need a conditional use permit variance. And the range plug would make it a kitchen.

Tommy Dugger asked the applicant if the county has approved this addition which included an additional bedroom since it is on septic tank. Jennifer replied yes.

Chairman Ken Rucker stated that looking at ordinance 2.3.1; it does appear that this is a contemplated use as long as they come before this board to get approval. So it is permitted if we approve it and the maximum sq footage is 1000 sq ft. So the regulation of this ordinance does contemplate this possibility.

Paul Daniels, neighbor located at 2357 Rocky Fork Rd., addressed the board. He stated that that they are fine with the construction.

Jennifer stated that the family is hoping for separation from the caretaker when they are at home to allow for continuous of their lifestyle.

Chairman Ken Rucker asked if the entrance to the addition is visible from the street? Jennifer stated no.

Chairman Ken Rucker stated that the ordinance says primary entrance cannot be visible from the adjacent street and it sounds as if it is not.

Chairman Ken Rucker stated so the applicant is asking for a variance of 1350 square ft assuming we approve the conditional use. He asked if the structure was 1050? Jennifer stated it is actually 1083 square ft. Mr. Daniels noted that the lot size is 9 acres.

Chairman Ken Rucker stated with the entrance not being seen from the street it seems to meet the criteria. Also with it being a health condition that arose in the family and it not being a self imposed hardship it's something they are trying to use their property for to accommodate a circumstance that they had no control over.

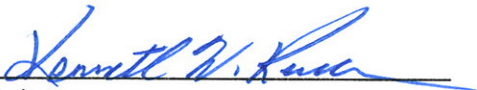
Joan Lawler made a motion to grant the conditional use. Wade Wakefield seconded the motion. Chairman Ken Rucker stated that there has been a motion and a second to allow the conditional use to have an accessory dwelling or an apartment at the residence. Motion passed unanimously.

Chairman Ken Rucker stated that the next issue is related to the size variance. Under the ordinance you are allowed to have a 1000 square ft accessory dwelling with the conditional use which has just been approved so the question now is whether or not we grant the variance. So from my standpoint, given the size of the house and the way the property is set up, and under the circumstances and the unique nature this is set up I make a motion to grant the variance to allow the existing house to have the 1350 square ft addition with the conditional use. With the location of the house and the size of the lot there is no harm to public welfare.

Joan Lawler seconded the motion.

Chairman Ken Rucker stated a motion has been made and seconded to allow the variance to have the accessory dwelling/apartment to be 1350 square ft which is in excess of 1000 square ft which is in the ordinance. Motion passed unanimously.

Meeting adjourned at 7:46.


Chairman

8-13-15
Date