

Agenda

Greene County Board of Zoning Appeals
Greene County Courthouse Annex, Conference Room
204 North Cutler Street, Greeneville, TN 37745
August 27, 2024 at 8:30 a.m.

1. Call to order.
2. Welcome of visitors.
3. Approval of minutes of the May 28, 2024, meeting.
4. Consider granting a variance to decrease the front yard setback requirement for 2750 S. Wesley Chapel Road (tax parcel 034-064.02) from 55 feet to 43 feet.
5. Consider granting a variance to decrease the right side yard setback for an existing home located at 185 Chuckey Ruritan Road, from 12 feet to nine feet.
6. Other business
7. Adjournment

Minutes of the Greene County Board of Zoning Appeals

A meeting of the Greene County Board of Zoning Appeals was held on Tuesday, May 28, 2024.

Members Present/Members Absent

Kathy Crawford, Chairman

~~Beth Douthat, Vice-Chairman~~

Holly Brooks, Secretary

Jason A. Smith, Member

Robert Wilhoit, Member

Bill Dabbs, Associate Member

David Crum, Associate Member

Staff Representatives Present/Absent

Tim Tweed, Building Commissioner

Amy Tweed, Planning Coordinator

~~Deborah Collins, Building Dept.~~

~~Kevin Morrison, County Mayor~~

~~Roger Woolsey, County Attorney~~

Also Present: Interested citizens

The Chairman called the meeting to order and welcomed attendees.

Approval of Minutes. The Chairman asked if members had received the draft minutes of the April 30, 2024 meeting. A motion was made by Bill Dabbs, seconded by Robert Wilhoit, to approve the minutes as written. The motion carried unanimously.

Swearing in of witnesses. Chairman Crawford swore in Webster Booze and Building Commissioner Tim Tweed.

12 Rehobeth Road. The Board considered a request to grant a variance decreasing the required front yard setback for a home to be located at 12 Rehobeth Road (tax parcel 173-039.18), from 55 feet to 46 feet). David Crum asked if 811 had been contacted, stating he thought 811 should be contacted before variances are granted. Tim Tweed stated that there were no regulations or guidelines requiring the County to contact 811. After discussion it was agreed that the BZA application would be revised to add a question asking if 811 had been contacted, and to require the owner/applicant to contact them prior to the BZA meeting.

Tim Tweed stated the lot had several issues which limited use of the property.

1. It was a corner lot, so the side yard setback along Houston Valley Road had to be increased from the standard twelve feet to eighteen (18) feet.
2. As could be noted on the attached survey, the front lot line formed an acute angle along Rehobeth Church Lane, decreasing potential building area.
3. The lot line along Houston Valley Road was greatly impacted by an unusual amount of right-of-way,

4. Any structure built on the site had to set back at least ten (10) feet from the overhead power line that crossed the property at an angle.
5. There was a drainage way that also crossed the property at an angle. The buildable area of the property was limited by this because field lines had to be at least twenty-five (25) feet from drainage areas.
6. The perk holes approved for the septic system were located in the rear of the property, so the house couldn't be placed to the rear of the lot.

Tim Tweed stated a variance would not be needed if the home was placed perpendicular to Houston Valley Road, but this would involve disturbing soil on the property in an area where it would negatively impact the septic system. If a variance was not granted, the property would be virtually unbuildable.

David Crum asked if the driveway would be constructed from Rehobeth Road, and if it would impede the line of sight at the access point. The Board was informed access would be from Rehobeth Road, which had very little traffic, and should not impede the line of sight.

Tim Tweed stated he thought the request met the requirements for approval, as listed in the memo:

1. The lot had extraordinary or exceptional situations or conditions that would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property; and
2. Relief could be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning resolution; and
3. Special circumstances were attached to the property which did not generally apply to other property in the neighborhood.

The Chairman asked if anyone wished to speak either for or against the request. There being no one, a motion was made by Robert Wilhoit, seconded by Bill Dabbs, to grant the variance as it met the requirements of the *Greene County Zoning Resolution* (listed as Items 1-3 on the variance request memo). The motion carried unanimously.

590 North Mohawk Road (J&J Warehousing and Storage). The Board considered a request to grant a variance decreasing the required front yard setback for J&J Warehousing and Storage, located at 590 N. Mohawk Road (tax parcel 070-45.03), from 50 feet to 18 feet. Tim Tweed stated the property owner proposed to add employees and office space to the existing structure. This situation was unique, in that the proposed expansion could only be placed on the front of the building. This was due to the presence of loading bays on the back of the building, and the driveway encircling the structure, none of which could be blocked or relocated. Holly Brooks asked about traffic on N. Mohawk Road and whether the addition would impede sight distance. Tim Tweed stated it shouldn't be an issue, and David Crum stated that drivers had a good line of sight in the area.

Webster Booze of SRK stated that they leased the building from J&J, and needed to add office area to accommodate staff being moved from another site.

Tim Tweed stated that Items 1-3 of the variance memo listed the grounds for approving the variance:

1. The presence of the existing trucking bays and travel lanes presented extraordinary or exceptional situations or conditions that would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property; and
2. Relief could be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning resolution; and
3. There were special circumstances attached to the property which did not generally apply to other property in the neighborhood.

The Chairman asked if anyone wished to speak either for or against the request. There being no one, a motion was made by Bill Dabbs, seconded by Holly Brooks, to grant the variance as it met all the requirements for approval as listed in the Greene County zoning resolution (Items 1-3 on the variance memo). The motion carried unanimously.

David Crum stated that, typically, a record of the variance approval was made as an attachment to the deed. Tim Tweed stated Roger Woolsey did this so that if the property were ever sold, there would be a record of the variance.

There being no further business, a motion was made by Bill Dabbs, seconded by Jason Smith, to adjourn the meeting. The motion carried unanimously.

The meeting adjourned at 9:00 a.m.

Approved as written (date) _____

Secretary _____

Chairman/Vice Chairman _____

MEMORANDUM

To: The Greene County Board of Zoning Appeals
From: Lyn Ashburn, Research/Special Projects
Date: August 19, 2024
Subject: Decrease right side yard setback for an existing home to allow subdivision of the property
Location: 185 Chuckey Ruritan Road South
Tax parcel: 077-020.05
Size: 16.35 acres
Owner: Jerry and Carolyn Ayers
Zoning: A-1, General Agriculture District
Requirement: 12' side yard
Request: Nine feet
Variance amt: Three feet
Notes: Acreages are approximate.

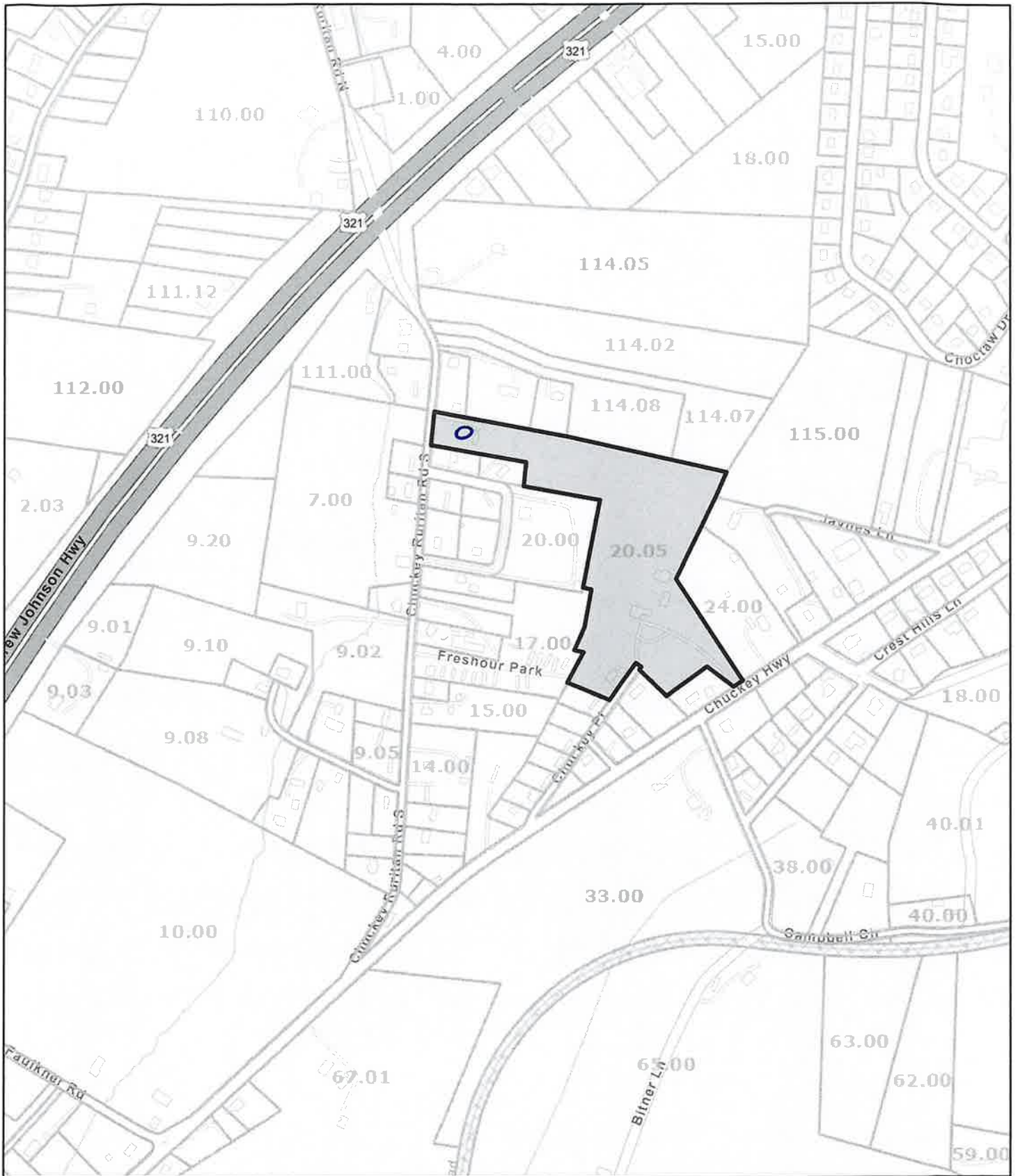
1. The tract was created by subdivision prior to the adoption of zoning (1984).
2. It fronts both Chuckey Ruritan Road South and Chuckey Highway.
3. The property owner wants to divide the property into three lots.
4. Lot 1: Chuckey Hwy; 6.59 acres; 50' of frontage; contains the Ayers home.
5. Lot 2: Chuckey Ruritan Rd S; pipestem lot; 7.96 acres; 50' of frontage; vacant.
6. Lot 3: Chuckey Ruritan Rd S; 0.87 acres; 100' of frontage; existing mobile home.
7. All three lots would meet lot size and lot frontage requirements.
8. The variance would be for the existing mobile home on Lot 3.
9. In 2008 the mobile home was placed 21' from the left lot line and 59' from the right lot line, to make room for the proposed pipestem for Lot 2 along the right lot line.
10. If, in 2008, the Ayers had not intended to subdivide, the mobile home would likely have been centered on the property and located 40' from the side lot line, not 21'.
11. The mobile home was placed less than 200' from the road, on property that exceeds 1,300 feet in depth, another indication of the intention to subdivide in the future.
12. If the pipestem width was still 40', there wouldn't be an issue with subdividing.
13. The Ayers didn't realize that the pipestem width had increased from 40' to 50' in 2003.
14. Because of this, either a side yard variance or a variance to lot frontage requirements must be approved in order to subdivide the property.
15. As policy, variances to decrease lot frontage requirements are not considered.
16. The Ayers options are to obtain a variance, move the mobile home 3', or not subdivide.

Options: Grant the variance request as the request meets the applicable requirements of the *Greene County Zoning Resolution*:

- A. The location of the mobile home, which was placed on the property 27 years ago, constitutes an extraordinary or exceptional situation or condition. It would result in an undue hardship upon the owner of the property to move the home; and
- B. Relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning resolution; and
- C. Special circumstances attached to the property do not generally apply to other property in the area (creation of the tract before the enactment of zoning, and placement of the home on the property making it clear that there had always been an intent to subdivide the property).

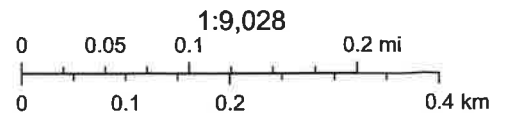
Deny the variance request as the request does not meet the applicable requirements of the *Greene County Zoning Resolution*, as the location of the mobile home does not constitute an extraordinary or exceptional situations, in that it was not placed in its location because of an issue inherent in the property (topography, rock, septic system location, water body, etc.)

Greene County - Parcel: 077 020.05



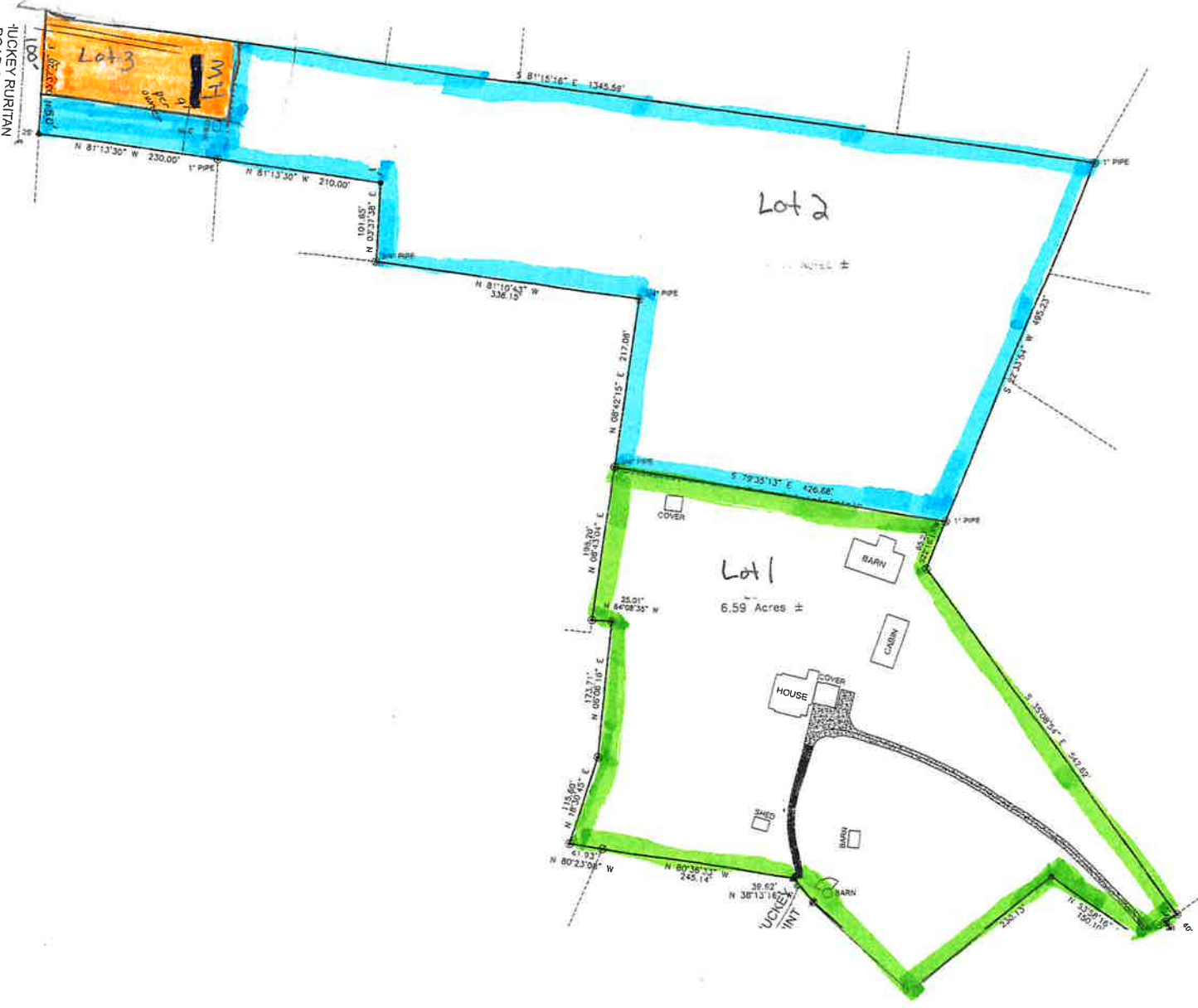
Date: August 22, 2024

County: Greene
Owner: AYERS JERRY
Address: CHUCKEY POINT 215
Parcel Number: 077 020.05
Deeded Acreage: 16.35
Calculated Acreage: 0



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LUCKEY RUIRTAN ROAD SOUTH



Lot 3

Lot 2

Lot 1

6.59 Acres ±

BARN

CUBIN

HOUSE

SHED

BARN

BARN

LUCKEY TINY

N 87°13'30" W 230.00'

N 87°13'30" W 210.00'

N 81°10'43" W 336.10'

N 08°42'15" E 217.00'

S 79°35'13" E 426.68'

N 08°13'01" E 418.20'

N 08°28'35" W 360.01'

N 172°17' E 172.17'

N 185°00' E 185.00'

N 80°23'08" W 41.93'

N 80°36'13" W 245.14'

N 38°13'16" E 39.62'

S 35°02'54" E 349.80'

N 52°50'15" W 150.15'

S 23°15' W 238.15'

S 81°15'16" E 1348.59'

N 03°27'38" E 101.85'

1" PIPE

1" PIPE

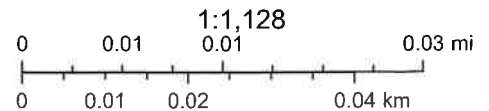
60'

Greene County - Parcel: 077 020.05



Date: August 22, 2024

County: Greene
Owner: AYERS JERRY
Address: CHUCKEY POINT 215
Parcel Number: 077 020.05
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Calculated Acreage: 0



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MEMORANDUM

To: The Greene County Board of Zoning Appeals
From: Lyn Ashburn, Research/Special Projects
Date: August 19, 2024
Subject: Request to decrease the front yard setback requirement
Location: 2750 S. Wesley Chapel Road
Tax parcel: 034-064.02
Owner: Ivan and Lisa Hoyt
Proposal: Construct addition to the right side of an existing residence
Zoning: A-1, General Agriculture District
Requirement: 55' from road centerline or 30' from the front property line, whichever is greater
Request: 43 feet from the centerline of the road (38' from the front property line)
Variance amt: 12 feet
Notes:

1. The existing home is located 38' feet from the front property line.
2. The proposal would extend the addition at the same setback as the existing home.
3. The house was built in 1949, 35 years before zoning was adopted.
4. The septic system is located to the left of the structure, so they can't build there.
5. An addition to the rear would be too close to an existing freestanding garage.

Conclusion:

1. It is not County policy to require structures violating setbacks to be removed, so the existing structure, built 43 feet from the front lot line, will remain, even if the variance is not granted.
2. The addition will be located at the same setback as the existing home.
3. Septic system location complicates construction to the left side of the home.
4. Location of the free-standing garage limits construction to the rear of the home.

Options:

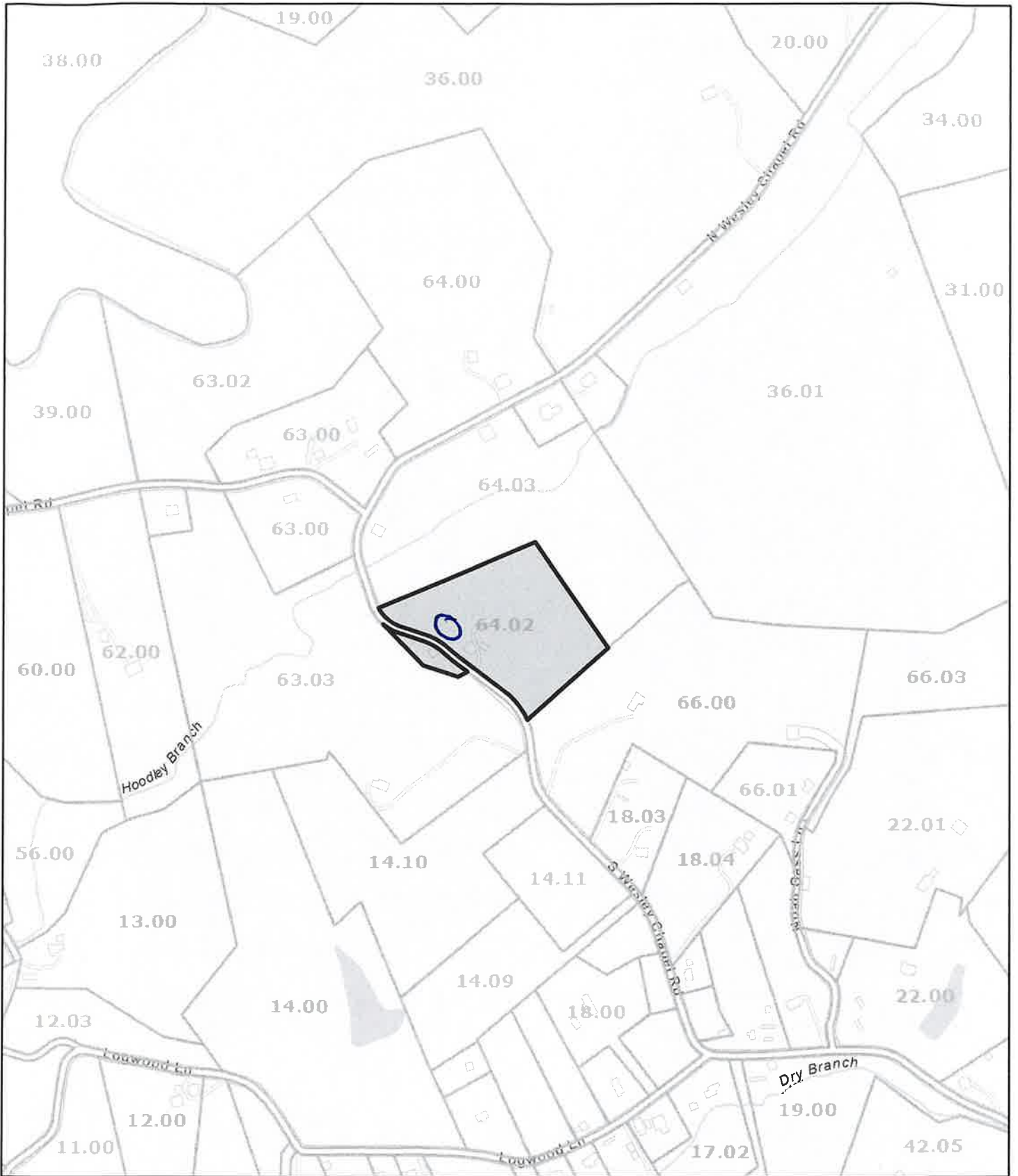
Grant the variance as the request meets all the requirements of the Greene County Zoning Resolution:

- A. The presence of the septic system, free-standing garage, and existing building creates "extraordinary or exceptional situations or conditions".
- B. It would result in "exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property" to have to relocate the garage or septic system in order to construct the addition without a variance ; and
- C. "Relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning resolution; and
- D. Special circumstances are attached to the property (house built in 1949) which do not generally apply to other property in the neighborhood.

Deny approval to the request, as the garage could be relocated so that the addition could be constructed to the rear of the home.

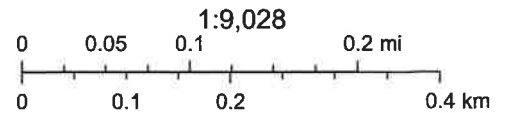
If the variance is approved for the addition, a variance should be granted for the original structure as well.

Greene County - Parcel: 034 064.02



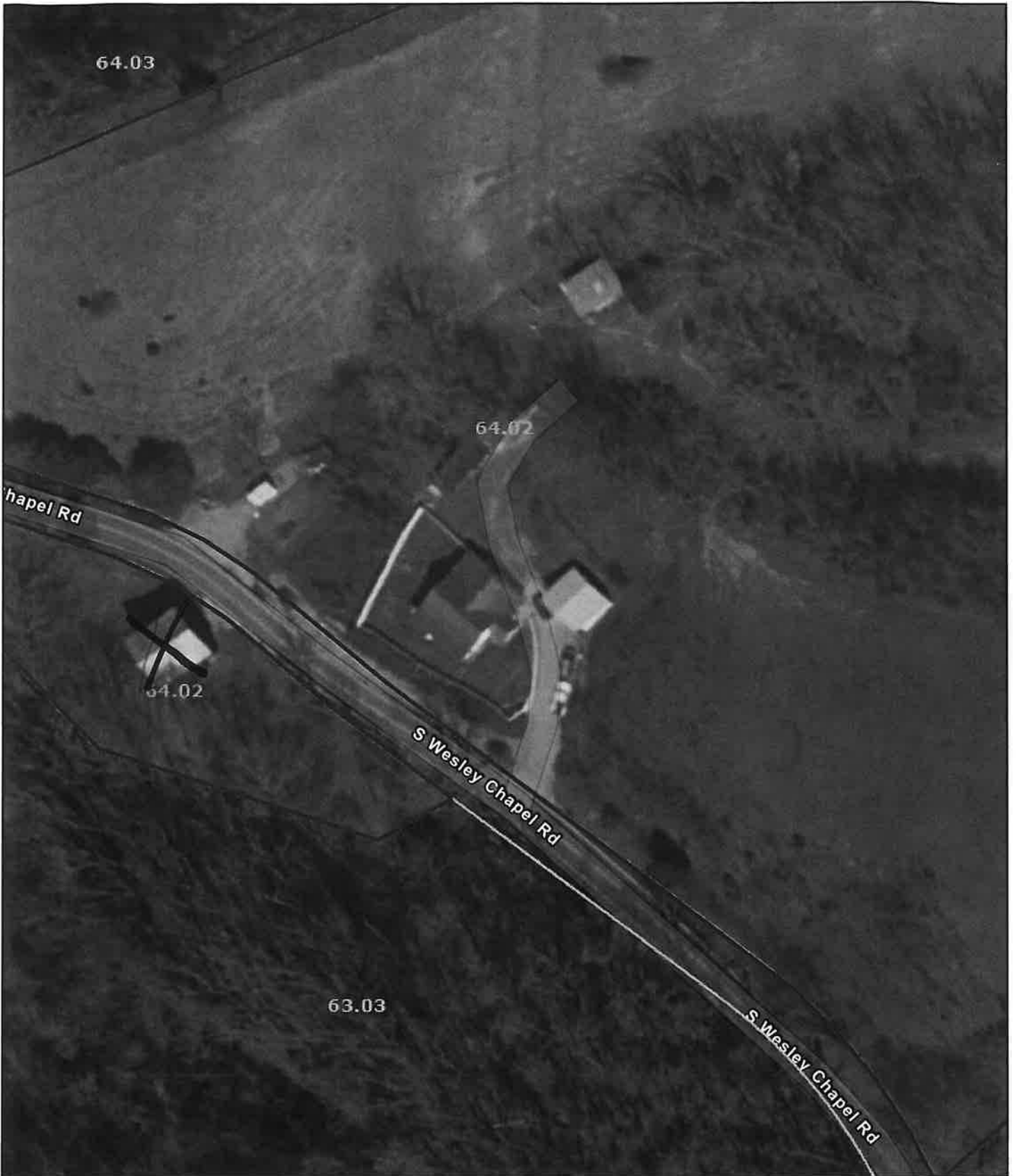
Date: August 22, 2024

County: Greene
Owner: HOYT IVAN K IV
Address: S WESLEY CHAPEL RD 2750
Parcel Number: 034 064.02
Deeded Acreage: 9.86
Calculated Acreage: 0



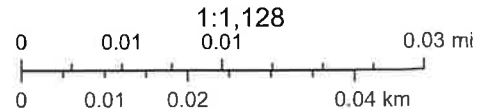
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Greene County - Parcel: 034 064.02



Date: August 22, 2024

County: Greene
Owner: HOYT IVAN K IV
Address: S WESLEY CHAPEL RD 2750
Parcel Number: 034 064.02
Deeded Acreage: 9.86
Calculated Acreage: 0



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