

Agenda

Greene County Board of Zoning Appeals
Greene County Courthouse Annex, Conference Room
204 North Cutler Street, Greeneville, TN 37745
October 29, 2024 at 8:30 a.m.

1. Call to order.
2. Welcome of visitors.
3. Approval of minutes of the August 27, 2024, meeting.
4. Consider granting a reduce the side yard setback for a proposed residential garage from fifty-five (55) feet to forty-two (42) feet, to be located at 1885 Old Mountain Road (tax parcel 147-040.00).
5. Other business
6. Adjournment

Minutes of the Greene County Board of Zoning Appeals

A meeting of the Greene County Board of Zoning Appeals was held on Tuesday, August 27, 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 May 28, 2024 meeting. A motion was made by Bill Dabbs, seconded by Beth Douthat, to approve the minutes as written. The motion carried unanimously.

Swearing in of witnesses. Chairman Crawford swore in Jerry Ayers, Ivan Hoyt and Building Commissioner Tim Tweed.

2750 S Wesley Chapel Road. The Board considered a request to decrease the front yard setback requirement for 2750 S. Wesley Chapel Road (tax parcel: 034-064.02), from 55' from road centerline to 43 feet from the centerline, a variance of twelve (12) feet. Tim Tweed stated that the existing residence was built prior to zoning and the owners wanted to build an addition. At the time the house was built it complied with setbacks but, under today's requirements, extending the structure at the same setback as the existing home would create a setback violation. Mr. Tweed passed out pictures of the residence to the board, and discussed the notes and options in the memo provided in the packet. It was noted that: the existing home is located 38' feet from the front property line, and the proposal would extend the addition at the same setback as the existing home. The septic system was located to the left of the structure, so they couldn't build there, and an addition to the rear would be too close to an existing free-standing garage.

Mr. Tweed stated the options were to approve or to deny the request. The justifications for approval were:

- 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.

Robert Wilhoit asked if there was another residence on the property. Tweed stated the second structure on the property was a garage. The Chairman asked if there was anyone present to speak for or against, Property owner Ivan Hoyt stated he had removed his existing deck so he could add the addition to the house, which were make it more accessible, and poured the footers 55 ft. from the center of the road. After discussion, a motion was made by Beth Douthat, seconded by Bill Dabbs, to grant the variance, as the request met all the requirements of the *Zoning Resolution*. The motion carried unanimously.

185 Chuckey Ruritan Road South. The Board considered a request to decrease the right side yard setback for an existing home, located at 185 Chuckey Ruritan Road South (tax parcel 077-020.05), decreasing the setback from twelve (12) feet to nine (9) feet, to allow subdivision of the 16.35 acre property. Information was provided regarding the proposed subdivision and the history of the property.

1. The tract was created by subdivision prior to the adoption of zoning (1984).
2. It fronted Chuckey Ruritan Road S., Chuckey Point, and Chuckey Highway.
3. The property owner wanted to divide the property into three lots.
 - Lot 1: Chuckey Hwy; 6.59 acres; 50’ of frontage; contains the Ayers home.
 - Lot 2: Chuckey Ruritan Rd S; pipestem lot; 7.96 acres; 50’ of frontage; vacant.
 - Lot 3: Chuckey Ruritan Rd S; 0.87 acres; 100’ of frontage; existing mobile home.
4. All three lots would meet lot size and lot frontage requirements.
5. The variance would be for the existing mobile home on Lot 3.
6. 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.
7. 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’.
8. 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.
9. If the pipestem width requirement was still 40’, there wouldn’t be an issue with subdividing.
10. The Ayers didn’t realize that the pipestem width had increased from 40’ to 50’ in 2003.
11. Because of this, either a side yard variance or a variance to lot frontage requirements must be approved in order to subdivide the property.
12. As policy, variances to decrease lot frontage requirements are not considered.

Mr. Tweed stated that the situation being considered was one never before brought before the Board. In the past, when someone sought a side yard setback variance in a situation like this, it would be because the property just wasn't wide enough for what they wanted to build. In this instance, each proposed lot met lot width/lot frontage requirements. If the home had been placed three feet to the left, there wouldn't be a need for a variance.

Jerry Ayers, the property owner, attempted to use the property frontage on Chuckey Pointe to provide frontage for Lot 2, but, although that would meet County requirements, the buyers' bank would not accept that proposal. Not subdividing, or moving the mobile home were the only two options left, and moving the home would create a financial hardship for his Mr. Ayers sister, who lived in the home.

Beth Douthat asked if it was possible to approve the variance for the existing mobile home, but to require the setbacks to be met if the home were ever removed. Mr. Tweed stated that the Board had the authority to add conditions such as that to the variance request.

A motion was made by Bill Dabbs, seconded by Beth Douthat, to grant the variance as it met Criteria A, B, and C, as listed in the packet memo, and therefore met the conditions of the *Zoning Resolution*.

- A. The location of the mobile home, which was placed on the property several years ago, constituted 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).

The motion was revised to add the condition that, if the home were to be moved or replaced, the setback requirements would have to be met.

The motion carried unanimously.

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

The meeting adjourned at 8:58 a.m.

Approved as written (date) _____
Secretary _____
Chairman/Vice Chairman _____

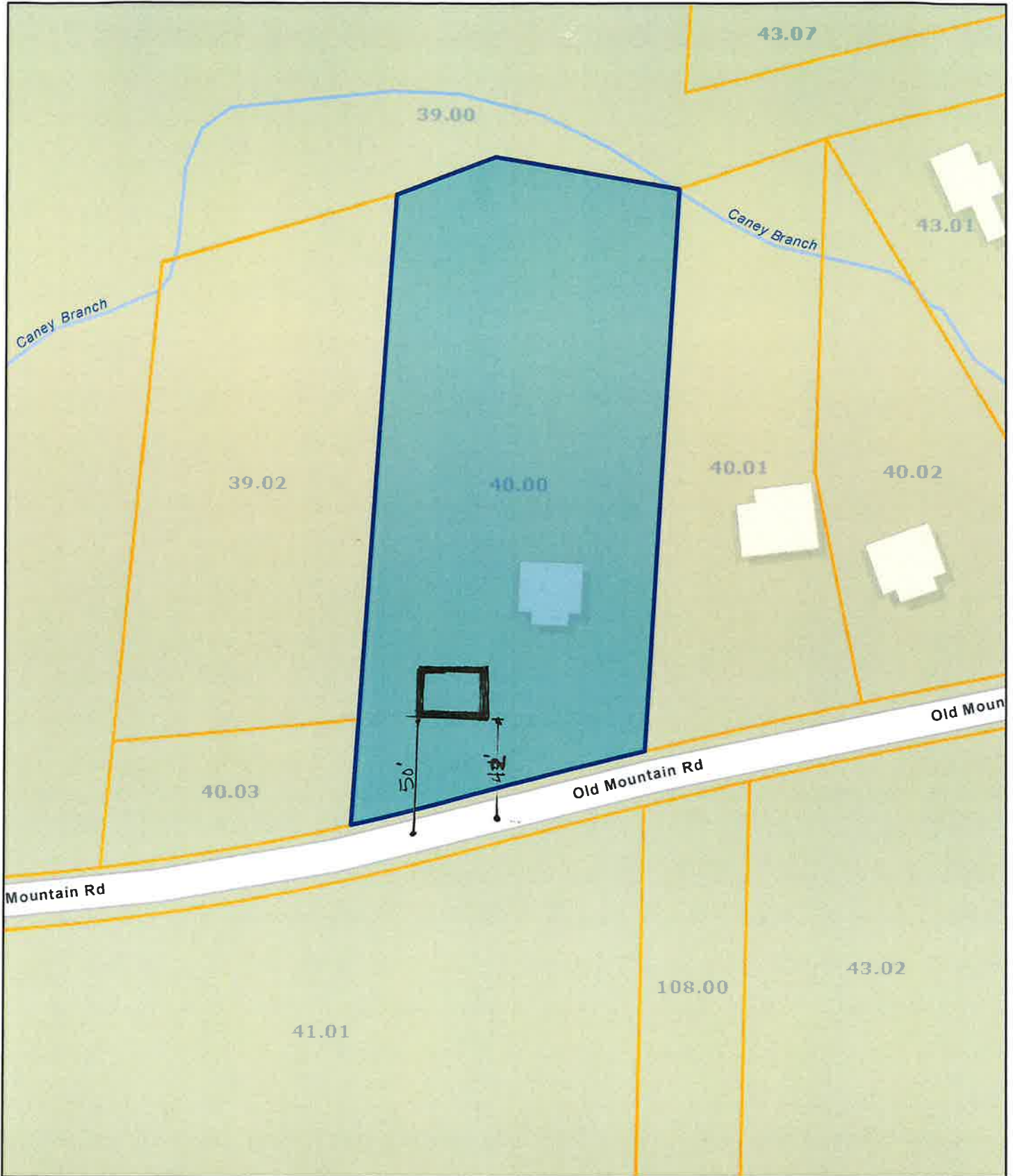
MEMORANDUM

To: The Greene County Board of Zoning Appeals
From: Lyn Ashburn, Planning Research/Special Projects
Date: October 24, 2024
Subject: Variance request for 1885 Old Mountain Road
Tax Parcel: 147-040.00
Owner: Byron Pitcher
Request: Decrease front yard setback from 55 feet from center of road to 42 feet
Variance amt: 13 feet
Proposed use: Self-standing residential garage
Notes: The proposal is to construct a residential garage to the front and left of the existing home. The property owner states that there is a slope to the property (verified by topographic maps) that has necessitated fill. The septic system is located behind the house, and the presence of rock on the property limits where the building can be constructed. There is also a power line on the property, and the property owner has verification from the GEA that, if Mr. Pitcher were to construct the garage to meet zoning setback requirements, he would be in violation of the National Electrical Safety Code (NESC).

Options: A. Grant the variance as it meets the requirements of the *Greene County Zoning Resolution*:

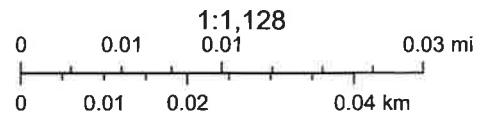
1. The presence of rock, the location of the septic system, and the power line, constitute “exceptional topographical conditions or other extraordinary or exceptional situations or conditions that would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property” if the variance were not granted; and
 2. “Relief may 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 are attached to the property which do not generally apply to other property in the neighborhood”. Specifically, meeting the setback requirement is only possible if the garage is constructed in violation of the NESC.
- B. Deny approval of the request, as construction of a stand-alone garage is not a required improvement.

Greene County - Parcel: 149 040.00



Date: October 9, 2024

County: Greene
Owner: PITCHER BYRON
Address: OLD MTN RD 1885
Parcel Number: 149 040.00
Deeded Acreage: 1.52
Calculated Acreage: 0



State of Tennessee, Comptroller of the Treasury, Division of Property Assessments (DPA), Esri Community Maps Contributors, State of North Carolina DOT, Tennessee STS GIS, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS



Tim Tweed

From: Bradley Holt <BrHolt@mygea.net>
Sent: Tuesday, September 24, 2024 5:05 PM
To: ElectricalConnections
Subject: 1885 Old Mountain Rd, Bryon Pitcher, Building near power line

Tim,

If Mr. Pitcher installs his building according to county set back requirements, it will be in violation of NESC code with the way the power line is currently constructed.

Let mw know if you have any questions,

Bradley Holt
Engineering Department
Greeneville Energy Authority
brholt@mygea.net
Office: (423)636-6252



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THIS IS NOT THE BUILDING PERMIT

THIS IS A PUBLIC DOCUMENT



Greene County Zoning & Building Permit Application

Permit / Receipt#

11488

129 Charles St, Suite 2
Greeneville, TN 37743

Phone (423) 798-1724

Fax (423) 798-1725

Location	Applicant <u>Byron + Sheila Pitcher</u>	Contractor	Business _____
	Property Owner(s) <u>Byron + Sheila Pitcher</u>		Contractor _____
	Property Address <u>1885 Old Mt Rd</u>		Address _____
	Map <u>149</u> Parcel <u>040.00</u> District _____		City, State, Zip _____
	Subdivision Name <u>n/a</u>		Telephone # _____
	Lot # _____ Total Acres _____		Contractor's License Number _____
	Telephone # <u>423-895-1662</u>		Workers Compensation Insurance _____ Yes _____ No
			Architect _____ Telephone # _____
			Must provide a copy of the Contractor's License # and Workers Compensation Insurance
Building	<input type="checkbox"/> (210) Single Family Residential	Zoning	Number of existing dwellings on parcel _____
	<input type="checkbox"/> (213) Residential Add-on		Zoning Classification _____
	<input type="checkbox"/> (212) Off or On Frame Modular		Setbacks: Front Yard _____
	<input type="checkbox"/> (231) Double Wide Manufactured* # of units _____		Rear Yard _____
	<input type="checkbox"/> (220) Single Wide Manufactured*		Left Side Yard _____
	<input type="checkbox"/> (240) Attached Res. Garage		Right Side Yard _____
	<input type="checkbox"/> (243) Detached Res. Garage		*Setbacks need to be verified before excavation*
	<input type="checkbox"/> (243) Detached Res. Accessory Bldg.		FEMA Flood Plain: Firm Map # _____ Zone _____
	<input type="checkbox"/> (241) Porch		
	<input type="checkbox"/> (242) Deck		
	<input type="checkbox"/> (241) Carport		
	<input type="checkbox"/> (260) Rezoning		
	<input checked="" type="checkbox"/> (265) Variance		
	*Decks & Skirting must be completed in 90 days		
	Must provide sign details		
Permit Fee	Use Code <u>265</u>	Dimensions <u>Variance</u>	I (the undersigned) of this permit do hereby covenant and agree to comply with all Greene County Resolutions and laws of this jurisdiction pertaining to said building and site and to construct the proposed building or structure or make the proposed change or alternation in accordance with the plans and specifications submitted herewith. I (the undersigned) have read and completed the reverse side of this form and certify that the information and statements given on this application, drawings and specifications are to the my knowledge, true and correct. I (the undersigned) understand and agree that any error, misstatement or misrepresentation of fact either with or without intention on my part, such as might if known, cause a refusal of this application or any alteration or change in plans made without approval of the Building Official or designee subsequent to the issuance of the building permit. This permit shall expire after six months if work has not commenced or if it has been abandoned or suspended for a period of six months after work has commenced.
	_____	_____	
	Total Estimated Cost \$ _____		*See Reverse Side*
	Total Fee Due \$ <u>300.00</u>		Print Name <u>Sheila Pitcher</u>
	Payment Type Cash <input checked="" type="checkbox"/> Check # _____		

SECTION A. SITE VISIT & SKETCH REQUEST FORM

Applicant BYRON PITCHER Property Owner(s) BYRON & SHEILA PITCHER
Property Address 1885 Old Mt. W. Rd. City, State, Zip GREENEVILLE TN 37743
Tax map: 149 Group: Parcel #: 040.00 Size of property: 1.52ac. Zone of Property A-1
Subdivision Name/Lot Number (if any): n/a Deed book & page #: 619A-43

Please complete the following questions to the best of your ability and circle all answers that apply.

1. What is the existing use of property: RESIDENCE Garage (Residential Use)
2. Name of business or industry on the property (if applicable): n/a
3. What about your property makes it necessary to obtain a variance? (For example, field line location)
POWER LINE TO CLOSE TO BEAT 55'
4. Was a building permit obtained for the structure that needs a variance? Y N Don't know (If no please explain)
yes - permit # 2024-00304
5. Was the building permit issued for the proper use? Y N Don't know (If no, please explain)
6. Are there areas of rock or low-lying /flood prone areas that limit where you can build? Y N (If yes please explain)
rock
7. Does your property have topographical issues, or are there other reasons why you need a variance? Y N (If yes explain) has a slope, had to use fill dirt
8. Does the septic system or field lines limit where you can build? Y N (If yes, please explain)
Septic system & field lines behind the house

If you need information about the location of an existing septic system, you can call the Tennessee Department of Environment and Conservation (TDEC) at 423-854-5400, or check online at <https://tdec.tn.gov/septic-service-request/>.

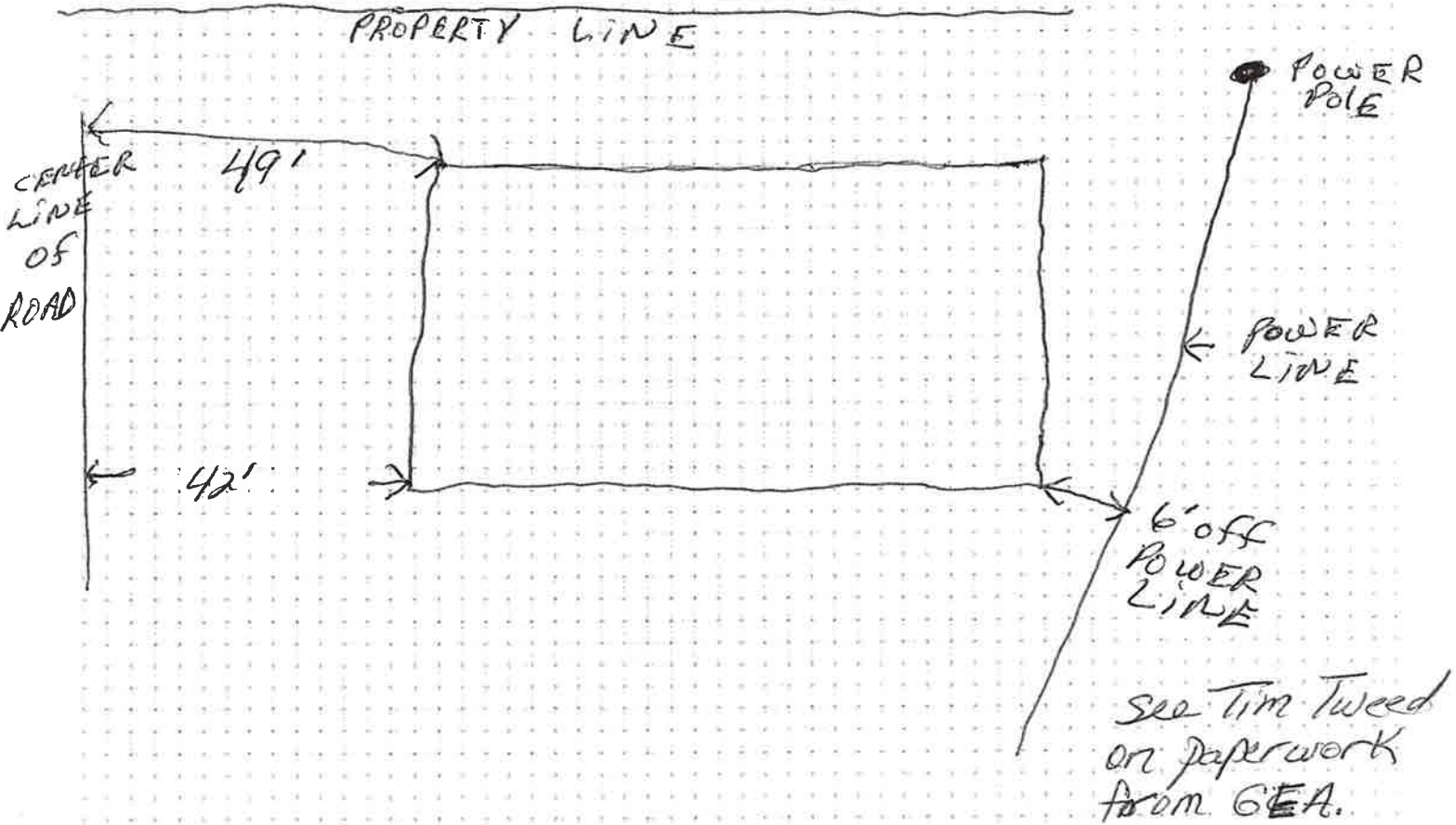
9. Is the lot staked? yes [] No If not, date it will be staked? _____
10. Is the request staked? yes [] No If not, date it will be staked? _____
11. Explain your request to build the following: _____

SECTION A. SITE VISIT & SKETCH REQUEST FORM

- 12. Request front yard setback to be 42' feet from the centerline of the county/state road.
- 13. Request left side yard setback to be _____ feet to the left side yard property line.
- 14. Request rear yard setback to be _____ feet to the rear yard property line.
- 15. Request right yard setback to be _____ feet to the right side yard property line.

Make a rough sketch below showing the nature of request, property lines, structures, septic location, road, driveway, drainage areas, and any further information that is relevant to the request.

PLOT PLAN



I certify that the above information is true and correct to the best of my knowledge, and that I have been authorized by the above-named property owner to submit this application for a variance request.

9-27-24
Date

BYRON PITCHER Sheila Pitcher
Print Name

423 895 1662
Telephone #

Byron Pitcher Sheila Pitcher
Signature