**Memo**

To: City of White House Board of Zoning and Appeals

From: Ceagus Clark, Director of Planning & Code

Date: 4/14/2022

Re: Cover Page for the BZA Staff Notes; meeting scheduled 4/19/2022

There are two items on the agenda:

* **Ron and Cheryl Goff:** Requests a side setback variance regarding a swimming pool location.
* **A Plus Storage:** Requests a special exception to allow a mini storage warehouse use.

Applicant requesting a variance and a request for special exception use. My notes outline staffs review of both items.

Don’t hesitate to give me a call with questions.

615-672-4350 Ext 2119

Ceagus Clark

Director, Planning and Code

**Item #1 Ron and Cheryl Goff:** Requests a side setback variance regarding a swimming pool location. Property is zoned R-20, Low Density Residential and is referenced as Robertson County Tax Map 106M, Group A, Parcel 023.00. Property is located at 225 Cherry Lane.

**STAFF NOTES:** The applicant is requesting a 2’ (two foot) variance regarding swimming pool setbacks. Swimming pools are reviewed under the accessory structure guidelines when inspected. In this case, the applicant applied for a swimming pool permit. Upon inspection, the building inspector notice the footprint of the pool was going to be 8’ (eight feet) from the property line. Under the zoning ordinance, accessory structures setbacks in R-20 zoning are to be 10’ (ten feet) from the property line.



**Findings of Fact:** point to approval based on the Building Inspector citing there is sloping in the rear corner of the yard. Under the Standards for Variance, 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. I recommend with the granting of the various, the applicant provide adequate shrubbery screening at the property line with evergreen or similar shrub/trees.

**9.060 Variances**

The purpose of this procedure is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this ordinance.

 A. Application

 After written denial of a permit, a property owner may make application for a variance, using any form which might be made available by the Board of Zoning Appeals.

 B. Hearings

 Upon receipt of an application and fee, the Board shall hold a hearing to decide whether a variance to the ordinance provisions is, in fact, necessary to relieve unnecessary hardships. The Board shall consider and decide all applications for variances within thirty (30) days of such hearing and in accordance with the standards provided below. A fee of one hundred-fifty dollars ($150.00) shall be charged to cover review and processing of each application for a variance, except that the fee shall be waived for a governmental agency. Before a variance is granted, relative to a parcel of land containing a structure, a permit fee of five hundred dollars ($500.00) shall be paid, which is nonrefundable, in order for the Board of Zoning Appeals to hear the request. The Board of Mayor and Aldermen by resolution may waive the permit fee if found justifiable.

 C. Standards for Variances

 The Board shall not grant a variance, except where special circumstances or conditions, fully described in the findings of the Board, do not apply generally in the district. The burden of showing that the variance should be granted shall be upon the person applying for the variance. In granting a variance, the Board shall ascertain that the following criteria are met:

 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.

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

 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.

 4. Financial returns only shall not be considered as a basis for granting a variance.

 5. 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.

 6. The variance will not authorize activities otherwise excluded from the particular district in which requested.

 7. 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.

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

 9. 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.

**Item #2 A Plus Storage:** Requests a special exception to allow a mini storage warehouse use. Property is zoned C-2, General Commercial and is referenced as Robertson County Tax Map 106, Parcel 056.00. Property is located at Wilkinson Lane.

**STAFF NOTES:** The property is located in C-2 zoning district which may be permitted as a special exception after review and approval by the Board of Zoning Appeals. The applicant will be required to screen appropriately and adhere to the cities’ commercial design standards.

 **9.070 Procedure for Authorizing Special Exceptions (Amended Special**

**Exception Land Use Table, Items 20 and 21 by Ordinance 05-09, May 19, 2005)**

A. Application

 An application shall be filed with the Board of Zoning Appeals for review. Said application shall show the location and intended uses of the site, the names of the property owners, existing land uses within two hundred (200) feet, and any other material pertinent to the request which the Board may require.

B. Restrictions

 In the exercise of its approval, the Board may impose such conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this ordinance.

C. A fee of one hundred-fifty dollars ($150.00) shall be charged to cover review and processing of each application for a special exception.

D. Validity of Plans

 All approved plans, conditions, restrictions, and rules made a part of the approval of the Board shall constitute certification on the part of applicant that the proposed use shall conform to such regulations at all times.

E. Time Limit

 All applications reviewed by the Board shall be decided within sixty (60) days of the date of application, and the applicant shall be provided with either a written notice of approval or denial.

F. General Requirements

 A special exception shall be granted provided the Board finds that the activity:

 1. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.

 2. Will not adversely affect other property in the area in which it is located.

 3. Is within the provision of "Special Exceptions" as set forth in this ordinance.

 4. Conforms to all applicable provisions of this ordinance for the district in which it is to be located and is necessary for public convenience in that location.

 5. Determine that the means of ingress and egress to the property and proposed structures can safely accommodate the traffic generated by the facility.

 6. Off-street parking and loading areas as required by the ordinance that protect the surrounding areas from noise, vibration, glare and odor.

 7. Properly screened refuse and service areas.

 8. Screening and buffering that meet the requirements established in Section 3.120, of this ordinance.

G. Special Exceptions Appeals

 Any person or agency of the county government may appeal to a court of competent jurisdiction from the Board's decision as provided under statutes of the State of Tennessee. The judgement and findings of the Board on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this article shall be final, and subject to review only for illegality or want of jurisdiction.

**Finings of Fact:** This proposed request meets all of the above General Requirements.