



## City of White House, Tennessee

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### Planning and Codes Department

105 College Street • White House, TN 37188

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Phone (615) 672-4350 ext. 2121 • Fax (615) 616-1050

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# Memo

To: City of White House Planning Commissioners

From: Ceagus Clark, Director of Planning & Code

Re: Cover Page for Board of Zoning Appeals 3/21/2023

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**Item #1**      **Nathan Shilts:** Requests a special exception to allow an accessory residential family dwelling unit to be used as a separate living space for a family member in an R-20 zoning district.

615-672-4350 Ext 2119

Ceagus Clark  
Director, Planning and Codes

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## Item # 1 Staff Notes- **Nathan Shilts- Accessory Residential Family Dwelling Unit**

Applicant or Representative-  
Overview: Nathan Shilts

Tax Parcel and ID  
**Robertson County Tax  
Map 106M, Group A,  
Parcel 066.00**

Address  
**208 Cherry Lane**

Zoning  
**R-20**

Ordinance Reference and  
Notes: Zoning Ordinance  
5.052.2 R-20, Low Density  
Residential Districts

**Findings of fact:** The intent of this request meets general requirements for authorizing Special Exceptions. The Zoning Information for R-20 and Special Exception procedures are in the following pages.

### Staff Overview

The applicant submitted information detailing the location of the existing shop that is intended to be remodeled for separate living space for applicant's mother. The accessory unit meets the standards from **4.190 Accessory Residential Family Dwelling Unit** (see next page).

Existing House- 2,000 sq. ft.

Accessory building: 588 sq ft living space (existing shop behind house)  
Permitted Total Building Lot Coverage in R-20 Zoning District -thirty-five (35%) percent





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### **5.052.2**

### **R-20, Low Density Residential Districts**

#### A. District Description

This district is designed to provide suitable areas for low density residential development characterized by an open appearance. Generally, the residential development will consist of single family detached dwellings and accessory structures. These districts also include community facilities, public utilities, and open uses which serve specifically the residents of these districts, or which are benefitted by an open residential environment without creating objectionable or undesirable influence upon residential developments. Further, it is the intent of this ordinance that these districts be located so that the provision of appropriate urban services will be physically and economically facilitated and so that provision is made for the orderly expansion and maintenance of urban residential development within the urban area. It is the express purpose of this ordinance to exclude from these districts all buildings and other structures and uses having commercial characteristics whether operated for profit or otherwise, except that conditional uses and home occupations specifically provided for in these regulations for these districts shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

#### B. Uses Permitted

In the R-20, Low Density Residential Districts, the following uses and their accessory uses are permitted:

1. Single family detached dwellings.
2. Customary accessory buildings, including private garages and noncommercial workshops meeting the requirements of Section 3.100 Accessory Use Regulations.
3. Customary incidental home occupations as regulated in, Section 4.180.
4. Essential municipal services.

#### C. Uses Permitted as Special Exceptions

In the R-20, Low Density District, the following uses and their accessory uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals.

1. Churches.
2. Public and private schools offering general education.
3. Day Care Centers. **(Amended by Ordinance 06-08, Feb. 2006)**

**Detached Single Family Residential Dwelling  
Accessory Residential Family Dwelling Unit**



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An accessory residential family living dwelling unit either attached or detached to the primary single-family residential dwelling unit, which provides complete living facilities for one or more persons on the same property as the primary single-family dwelling unit. The following items are standards that shall apply to all accessory residential family dwelling units:

1. No more than one accessory residential dwelling unit shall be permitted on a single property in conjunction with the primary single-family dwelling unit.
2. The accessory unit shall be owned by same person(s) as the primary dwelling unit.
3. Only family member(s) of residents of the primary dwelling unit may occupy the dwelling unit.
4. The maximum size of all accessory buildings permitted for a residential property shall be limited to requirements of zoning ordinance. The maximum size of accessory dwelling or 750 square feet, whichever is more restrictive. Minimum dimensions of accessory unit shall be determined by adopted building code.
5. The total area of primary and accessory residential dwelling units shall not exceed maximum lot coverage requirements of zoning districts.
6. Attached accessory residential dwelling units shall be under same building setback requirements as primary dwelling unit. A detached dwelling unit shall be based on accessory structure setback requirements of the zoning district.
7. The property shall contain adequate off-street parking for both the primary and accessory residential family dwelling unit.
8. Accessory residential dwelling unit shall be designed to be an accessory to the primary structure. The Board of Zoning Appeals review may include not allowing separate doors visible from street, separate street drive access, property address, utility meters, and any other items deemed necessary to ensure that the accessory residential dwelling unit shall be designed to be an accessory to the primary residential dwelling unit and that accessory unit shall not be a primary residential dwelling unit.

Applicants requesting a special exception shall submit a written request and plans of the property and building to the Board of Zoning Appeals. The plans shall include enough detail to certify that requirements listed above will be met.

If the special exception request is approved, the owner shall submit, prior to building permit application, a copy of recorded restrictive covenants including above listed requirements and any additional requirements that may be stipulated by the Board of Zoning Appeals.

### **5.052.2 R-20, Low Density Residential Districts**

#### **A. District Description**

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#### **B. Uses Permitted**

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3. Customary incidental home occupations as regulated in, Section 4.180.
4. Essential municipal services.

#### **C. Uses Permitted as Special Exceptions**

In the R-20, Low Density District, the following uses and their accessory uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals.

1. Churches.
2. Public and private schools offering general education.
3. Day Care Centers. **(Amended by Ordinance 06-08, Feb. 2006)**
4. Public and semi-public recreational facilities and grounds.
5. Utility facilities (without storage yards) necessary for the provision of public services.
6. Cemeteries.



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7. Duplexes on lots over one acre with no future subdivision of said lot.
8. Bed and Breakfast Home Residences. (See Article IV, Section 4.100, Special Conditions for Review Pertaining to Bed and Breakfast Home Residences). **(Added by Ordinance No. 96-7, April 18, 1996.)**
9. Residential Agricultural Uses. (See Article IV, Section 4.170, Residential Agricultural Uses). **(Added by Ordinance No. 06-06, February 16, 2006.)**
10. Accessory Residential Family Dwelling Unit. **(Added by Ordinance 06-31, August 17, 2006.)**
11. Secondary detached single family residential dwelling units on lots over one acre meeting the requirements of Section 4.121.

### **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 (\$75.00) 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.



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#### **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.