



CITY OF MCMINNVILLE, TENNESSEE

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COMMUNITY DEVELOPMENT DEPARTMENT
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To: Board of Zoning Appeals Members
From: Community Development
Subject: February 25, 2020 Public Hearings and Meeting
Date: February 19, 2020

The McMinnville Board of Zoning Appeals will meet and hold public hearings on Tuesday, February 25, 2020 at 11:00 am in the conference room at the Public Works Building (1266 Belmont Drive).

1. McMinnville Board of Zoning Appeals meeting called to order
2. Approval of Minutes from January 28, 2020 meeting
3. Review – Variance request for property located at 139 Bybee Drive (id: 059A B 02000)
4. Public Hearing - Variance request for sign on property located at 139 Bybee Drive
5. New/Old Business
6. Adjourn

Staff Report

The McMinnville Board of Zoning Appeals is reviewing a variance request for a property located at 139 Bybee Drive, further identified as Map 059A, Group B Parcel 020.00 of Warren County Tax Maps. The property is zoned R-1 Low Density Residential. The proposed request is to reduce the required 5 ft setback from the side property line for a carport to 0 ft. The pre-fabricated 18' x 20' carport has already been placed. The unpermitted carport was discovered by Community Development staff and a violation was issued. During the permitting process it became clear the carport was not in compliance with the Zoning Code.

The property is regularly-shaped and its dimensions are approximately 82 ft x 164 ft which amounts to an area of 13,448 sf. The area of the lot is less than the minimum in R-1 of 15,000 sf, and it is representative of the surrounding lots in the neighborhood. Despite being smaller in area, the lot width meets the R-1 requirements of 75 ft at the building line.

On the property, there is a concrete driveway wide enough for two vehicles that extends to the side property line. The driveway ends in an accessory storage structure. Aside from its distance to the side lot line, the carport meets the other requirements for carports in this zoning district. The existing house meets all the required setbacks for a primary structure:

Yard	Actual yard depth*	Required yard depth
Front	40 ft	40 ft
Back	105 ft	50 ft
Sides	15 ft	15 ft

*Measurements taken from the measurement tool on the TN Property Assessor's website

Recommendation: Denial

When granting a variance, it is important that the BZA base their decision on the standards set out in the Zoning Code to avoid appearing arbitrary or inconsistent. When reviewing the criteria for variance, the Board of Zoning appeals shall ascertain that the following are met:

- a. The particular physical surrounding, shape, or topographic conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of the zoning resolution were carried out;
- b. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same zoning district;
- c. The variance will not authorize, in a zone district, activities other than those permitted by the zoning ordinance;
- d. Financial returns only shall not be considered as a basis for granting a variance;
- e. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of the zoning code;
- f. The granting of the variance requested will not confer on the applicant any special privilege that is denied by the zoning code to other lands, structures, or buildings in the same zoning district;
- g. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;
- h. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which property is located; and

- i. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion of public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

The staff finds that the variance does not meet Criterion A. While this lot is smaller than the minimum for the R-1 zoning district, it is not narrower than the minimum width of 75 ft at the building line. From the images you can see the property is relatively flat and the lot regularly shaped. Since there is nothing exceptional in the physical surrounding, shape, or topographic conditions of the property, this request does not meet Criterion A.

The existing house is 15 ft from the property line which allows for a smaller carport that would still meet the required interior side setback of 5 ft. In the packet, we have also included an image taken from Google maps of a previous owner. You can see the driveway was previously large enough for a single car, and between then and now an owner of the building has installed the wider concrete driveway. Driveways are not subject to the zoning code, but the existence of a concrete driveway wide enough for two cars doesn't necessitate a carport over both cars.