

Chairman Tom Foster opened the meetings of the Jonesborough Board of Zoning Appeals and the Jonesborough Planning Commission with Prayer, and Pledge to the Flag led by Terry Countermine.

JONESBOROUGH BOARD OF ZONING APPEALS

MINUTES

January 17, 2023

The Jonesborough Board of Zoning of Appeals met in regular meeting on Tuesday, January 17, 2023, at 6:00 p.m., in the Board Room at Town Hall, 123 Boone Street, Jonesborough, Tennessee.

Members Present: Tom Foster, Frank Collins, Terry Countermine, Bill Graham, Jim Rhein, Nick Vest

Members Absent: Josh Conger, Hal Knight

Staff Present: Glenn Rosenoff, Jim Wheeler, Todd Wood, Shawn Marshall, Donna Freeman

Chairman Tom Foster noted a quorum was present and called the meeting to order.

1. Approval of Minutes

The Board of Zoning Appeals minutes of the November 15, 2022 meeting was presented for approval. Chairman Tom Foster asked Commissioners if they had any questions or corrections to the minutes. There being none, Bill Graham made the motion to approve the minutes as presented, seconded by Nick Vest, duly passed.

2. Request for a Variance for the Placement of an Accessory Building from the Rear Setback Requirement of the Property to the Side Yard at 1535 Lemongrass Drive, Jonesborough, TN Presented by: Sheila Anderson, Property Owner

The request is for a variance to locate an accessory building in the side yard of her property at 1535 Lemongrass Drive, as described on Washington County Tax Map 59-C, Group I, Parcel 13.00. The Zoning Ordinance requires accessory buildings to be placed in the rear yard. The Building Inspector has not issued a permit and the building was placed in the side yard despite the Inspector's objections. The Inspector reviewed the site and found no exceptional topographic

constraints or conditions at the site. The owner states that the only other flat area in the yard is in the rear yard but some excavation would be needed in order for the area to be level for the placement of the building.

Chairman Foster read the staff recommendation to deny the variance request and provide the owner with a timeline to relocate the accessory building in the rear yard and meet any applicable setbacks.

Scott Anderson, 75 Farmstead Lane, Jonesborough, addressed the Board of Zoning Appeals on behalf his mother Shelia Anderson. Scott Anderson said the accessory building is custom built to match the house, and it would be very costly and an inconvenience, and it would block the windows at the back of the house if the building was relocated to the rear yard. Mr. Anderson said they are also concerned that moving it to the rear yard could cause an egress problem for emergency vehicles in the event of an emergency. Mr. Anderson said their plans are to plant trees in front of the accessory building to help buffer the view from the side yard.

Matthew Heiste, 1382 Lemongrass Drive, Jonesborough, (grandson in-law of Sheila Anderson) addressed the Commission, stating that Ms. Anderson has irrigation in the back yard, drainage issues especially if it rains for a couple of day and all that would have to be removed, then resown and leveled in order for the accessory building placed back properly.

Chairman Foster asked if there was anyone present that would like to speak on the variance request. Yvonne Wilson, 502 Sweetgrass Lane; Robert and Susan Breitling, 1511 Lemongrass Drive; Kim Allison, 1549 Lemongrass Drive; and Don Elswick, 1596 Lemongrass Drive; addressed the Planning Commission and each stating they have no problems with the placement of the accessory building in side yard of Sheila Anderson's property and noted that there are already other accessory buildings throughout the Meadows Subdivision that have previously been placed in side yards.

Planning Commission members held a lengthy discussion in regard to the variance request. Town Attorney Jim Wheeler said whatever the decision is of the Commission on the variance request, that you need to find that there were exceptional topographical constraints or conditions, you can't decide based on just the neighbors stating they are fine with it because that is not an acceptable reason for a variance.

Motion: Terry Countermine made the motion because of mitigating circumstances that the building be allowed to remain in the side yard of Sheila Anderson's property. The motion was seconded by Frank Collins and was duly passed.

With there being no further business for discussion, Chairman Foster adjourned the meeting.