

Chairman Tom Foster opened the meetings of the Jonesborough Board of Zoning Appeals and the Jonesborough Planning Commission, Josh Conger led the group in an opening Prayer, and Jim Rhein led the Pledge to the Flag.

## **JONESBOROUGH BOARD OF ZONING APPEALS**

### **MINUTES**

**February 21, 2023**

The Jonesborough Board of Zoning of Appeals met in regular meeting on Tuesday, February 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, Josh Conger, Terry Countermine, Bill Graham, Jim Rhein, Nick Vest

**Members Absent:** Hal Knight

**Staff Present:** Glenn Rosenoff, Town Administrator, Jim Wheeler, Town Attorney, Todd Wood, Town Engineer, Shawn Marshall, Building Inspector, Donna Freeman

Jim Wheeler addressed the Board of Zoning Appeals (BZA) to recess their meeting due to negotiations for one last detail in regard to the variance request, and to continue with the Planning Commission meeting.

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

#### **1. Approval of Minutes**

The minutes of the January 17, 2023 Board of Zoning Appeals 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 Josh Conger, duly passed.

#### **2. Request for a Variance to the Front Setback Requirements from 30 feet to 20 feet within the PUD, North Cherokee Street, Jonesborough, TN Brandon Stamper, Land Star Partners, LLC**

Glenn Rosenoff presented the following information and Staff recommendation regarding the variance request:

The applicant Brandon Stamper of Land Star Partners, LLC is requesting a front yard setback variance for the Planned Unit Development Saylor's Place located off North Cherokee Street and further described on Tax Map 52, Parcel 29.01. The request is to reduce the front yard setbacks from 30 feet to 20 feet for the PUD to accommodate trails within the contained development instead of sidewalks in order to follow the contours of the land more closely, and to limit and minimize exposure and impacts to the FEMA identified flood zone. There are approximately 16.83 acres, with 4.84 acres estimated of identified flood zone (nearly 29% of entire tract) contained within said property.

Planned Unit Developments are unique types of land use with their own set of internal regulations within the single tract of land (designed as a unit). They are described as unified developments with clusters of development (in this case residential).

The rear or perimeter of said development will be unchanged with the standard 25 feet as per the R-1 zone. The 25-foot rear setback of the R-1 zone is higher than other residential zoning districts within the town (typically 20-foot rear setbacks). Also of note, there is 28.5 feet from the front of the townhome/garage to the back of the curb which allows for more adequate driveway parking and less encroachment issues of vehicles and the roadway.

There are exceptional situations/conditions of this tract of land. The flood zone as mentioned encumbers a substantial percentage of the property making that area constrained and vulnerable to flood (estimated 4.84 acres); the PUD regulations requires a minimum of 20% open space and at the time of the site plan that equated to 3.37 acres or 8.21 acres was provided (estimated based on open space plus flood zone); there is a trail system in lieu of traditional sidewalks which holds well for the overall development and following the natural topography and contours of the development site. All these physical features of the site "push" the development to the northern portion of the property.

The front setback variance request is not detrimental to the public health or safety to adjacent properties because the rear and side yard setbacks to those neighboring properties meet the minimum requirements.

Staff Recommendation - Due to the exceptional situations/conditions of this tract of land being encumbered by 4.84 acres of land within the FEMA identified flood zone; the trails rather than traditional sidewalks for pedestrians used to traverse the natural contours and topography of the land, staff recommends granting the front setback variance of 10 feet (30' to 20'), as presented.

Chairman Foster asked Commissioners if they had questions or comments. Nick Vest asked how this would affect the driveway length and parking. Glenn

Rosenoff said an R-1 Zone does not require additional parking, however Landstar was adding an additional 36 parking spaces outside of the standard off-street parking for each dwelling unit. There being no further comments or questions, Chairman Foster called for a motion.

**Motion:** Terry Countermine made the motion to approve the variance request due to the exceptional situations/conditions of this tract of land being encumbered by 4.84 acres of land within the FEMA identified flood zone; the trails rather than traditional sidewalks for pedestrians used to traverse the natural contours and topography of the land, staff recommends granting the front setback variance of 10 feet (30' to 20'), as presented. Jim Rhein seconded the motion and it was duly passed.

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