Town of Arlington
Board of Zoning Appeals
Meeting

June 25, 2019
6:30 P.M.
AGENDA
Board of Zoning Appeals
Tuesday, June 25, 2019
6:30 p.m.

I. Invocation

II. Call to Order & Establishment of a Quorum

III. Approval of the December 20, 2018 Meeting Minutes

IV. Old Business
   A. Other as Properly Presented

V. New Business
   A. Hinders – Variance Request – 11971 Brown Street.

   PUBLIC HEARING - To consider a Variance request at 11971 Brown Street in order to subdivide an existing lot.

   B. Other as Properly Presented.

VI. Adjourn
Hinders Minor Subdivision
VARIANCE REQUEST

DATE: June 25, 2019
STAFF: Angela Reeder, AICP, Town Planner
SUBJECT: Variance Request
APPLICANT: Eugene and Eileen Hinders
DESIGN PROF./CONSULTANT: Mid-South Engineering Support, LLC.; Representative: Lance Lanier
SITE LOCATION: 11971 Brown Street
SITE ACREAGE: 0.65 Acres (28,278sf)
ZONING: RS-15: Medium Density Residential
EXHIBITS: Location map; Minor Subdivision Plat

PROPOSAL: The applicant is requesting Board of Zoning Appeals consideration of a Variance Request for a reduced lot size, with the goal to subdivide an existing lot.

The Zoning Ordinance allows for consideration of variance requests from adopted regulations, subject to a set of procedures.

Project Site: The property in question is located at 11971 Brown St and is zoned RS-15. The lot is L-shaped and just roughly 0.65 acres in size. It is improved with one single-family home which fronts Brown St. This is within Arlington’s older, downtown neighborhood, which has a variety of lot sizes and dimensions. Adjacent uses include
other single-family homes and the Arlington Methodist Church (across the street).

Proposal: The applicant would like to keep the existing home and driveway on one lot, then subdivide the large southern portion of the lot to allow construction of a new home fronting Greenlee. The RS-15 Zoning for this property requires minimum 15,000 square foot (sf) lots, with 100 feet of street frontage. At 28,278 sf, the lot is shy of the acreage needed to create two 15,000 sf lots, which dictated this request.

The existing home fronts Brown Street with a driveway from Greenlee that leads to a parking area at the rear of the home. The existing home and its driveway would be located on Lot 1. The house would maintain its existing setbacks on the front and both sides, and would have a 48-foot-deep rear yard. It would be roughly 84 feet x 166 feet in size, for a total lot size of 13,637sf. As it sits today, the existing home does not meet the new RS-15 lot width requirement of 100 feet on Brown; however, this is an existing situation that is not made worse by the subdivision.

Lot 2 would be a new 100-foot-wide lot fronting on Greenlee Street. It would meet all RS-15 setbacks and required 100 ft street frontage, but it would be 359 sf shy of the size requirement. The proposed new lot line could be shifted north to make the lot meet the minimum size, but it would cut into the driveway for the existing home and require it to be rebuilt.

Specific Standards for Variance:
The BZA may hear a Variance request only when, by reason of exceptional situation, a situation exists where strict adherence to the Ordinance would cause an undue hardship on the owner, and when the provided relief would not cause substantial detriment to the public.

Specific standards for consideration of a Variance are summarized below in italics (Section 10.5.4.3), with staff analysis and comments following each.

1. The particular physical conditions of the property would result in a hardship if strictly applied. – If strictly applied, the applicant would not be able to subdivide his lot and he would end up with a lot almost twice the current minimum size for this area. He would also retain a 15,000 square foot rear yard that is 60 feet wider than the portion of the lot his house sits on.

2. The condition would not be applicable generally to other property in the district. – This condition would not generally apply to all lots in the district, rather only to oversize or oddly shaped existing lots.

3. The variance will not authorize activities not permitted in the district. – The variance would not authorize any use or activity not permitted in the RS-15 zone.

4. Financial returns alone are not a basis for granting. – While the applicant could sell the lot for financial gains, it is not the only basis for granting the variance. This proposal will allow the infill of an area that appears to anyone on the street as a vacant lot due to its size and orientation.

5. The alleged difficulty or hardship has not been created by the person with an interest in the property after the Ordinance went into effect. – The property in question was obtained by the Hinders in 1983. At that time, lots were required to be 12,500 sf in size and have an 85-foot lot frontage was acceptable. However, the Ordinance was since revised to require larger minimum size lots and thus the hardship was caused by an Ordinance change, not his action.
6. The Variance will not confer any special privilege denied to other lands in the district. - The Variance would allow for use of a residential lot and would not confer any special privilege. Multiple similar size lots exist within a two-block radius of this site.

7. The variance is the minimum variance that will make possible the reasonable use of the land. - The proposal could be shifted to result in only one lot under the minimum size; however, it would require the relocation of an existing driveway with minimal benefit. As proposed, the new lot would meet all Zoning requirements except size.

8. The granting will not be detrimental to the public welfare. - The granting of the variance would result in permitting another residential lot in this area of Town. The existing home will continue in its current configuration and the new lot will meet minimum width and setbacks, only it would fall less than 400 sf short of minimum size. There are several lots in the immediate vicinity of similar or smaller size, and thus no detriment to public welfare is anticipated.

9. The variance will not impair adequate supply of light and air to adjacent properties. - The proposed Plat shows how the site would be subdivided and could still meet setback requirements of the area, while allowing space for a home to be constructed. The lot for the existing home is narrower than the current standards, but that is an existing situation not affected by this proposal.

10. The variance is not based on nonconforming use of neighboring lands. - It is not related to adjacent lands.
11. *The variance will not permit a use that is not permissible under the Ordinance.* – It would only allow for a residential lot, which is permitted in the RS-15 district.

**RECOMMENDATION:**
Staff recommends approval of the requested Variance at 11971 Brown Street, allowing for the creation of two lots less than 15,000 square feet in size, subject to the following conditions:

1. A minor plat shall be processed through the Town for the subdivision of the proposed lot, consistent with plans submitted on August 7, 2018.

2. Any deviation from the approved request requires Board of Zoning Appeals approval.
Application must be submitted 21 days prior to the scheduled meeting. The Board of Zoning Appeals meets on an as-needed basis. Please consult with Staff before submitting an application so that a meeting may be scheduled.

Street Address: 11971 Brown St.
Owner of Record: Eugene and Eileen Henderson
Owner Address: 11971 Brown St.
Daytime Phone: Fax Number: 
E-mail Address: e.henderson@gmail.com

Agent or representative authorized to prepare this application and to provide further information as requested by the staff:

Daytime Phone: E-mail Address:

Engineer/Designer Contact (if applicable): Lance Larrier
Company Name: Mid-South Engineering Support, LLC
Mailing Address: 4690 Airline Rd., Evans, TN
Daytime Phone: 731-659-1087 Fax Number:
E-mail Address: lance@midsouthes.com

INSTRUCTIONS FOR SUBMITTING APPLICATION

☑ Fee Schedule: $300
(make check payable to the Town of Arlington)

☐ See Town of Arlington Zoning Ordinance, Chapter 10, Section 10.5, Arlington Board of Zoning Appeals.

☐ A consultation with Staff before completion of this application form and prior submittal deadline date is suggested. Staff meets the first and third Monday of each month. Call the Planning Department to schedule.

☐ Included is a checklist of required items. All items must be addressed or the application may be deemed incomplete and returned to the applicant.

5854 Airline Road • P.O. Box 507 • Arlington, TN 38002-0507
Telephone (901) 867-3449 • Fax (901) 867-2638

Revised: 2/7/2011
ACKNOWLEDGEMENTS

It is understood that:

1. The applicant and owner bear the responsibility to submit a complete application package by the submittal deadline.

2. If all required materials/documents are not submitted to and received by the Planning Department by the deadline, the application will NOT be accepted or posted on the Board of Zoning Appeals Agenda.

3. In cases where the applicant is not the property owner, it is also hereby acknowledged by the property owner that he or she is in full agreement with the content of this application.

4. By signing this document, the applicant and owner accept the above conditions.

**Copy and use additional pages if necessary**

<table>
<thead>
<tr>
<th>APPLICANT:</th>
<th>OWNER* (If different from applicant. If same, note “same”):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eugene and Eileen Hinders</td>
<td>*Owner information is required</td>
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</tbody>
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If an Entity:

<table>
<thead>
<tr>
<th>Name of Entity:</th>
<th>Name of Entity:</th>
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<tbody>
<tr>
<td>By (Signature):</td>
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<td>Print Name:</td>
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<td>Title:</td>
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If an Individual(s):

| Print Name: Eileen Hinders | Print Name: |
| Signature: | Signature: |
| Print Name: Eugene Hinders | Print Name: |
| Signature: | Signature: |
| Print Name: | Print Name: |
| Signature: | Signature: |
PUBLIC NOTICE
The Arlington Board of Zoning Appeals will hold a public hearing on Tuesday, June 25, 2019 at Town Hall, 5854 Airline Rd, at 6:30 PM to consider a Variance request at 11971 Brown Street, in order to divide an existing lot.
Affidavit of Publication

State of New Jersey
County of Monmouth

Personally appeared before me, Melanie Altz, a Notary Public, Debbie Davis, of MEMPHIS PUBLISHING COMPANY, a corporation, publishers of The Commercial Appeal, morning and Sunday paper, published in Memphis, Tennessee, who makes oath in due form of law, that she is Legal Clerk of the said Memphis Publishing Company, and that the accompanying and hereto attached notice was published in the following edition of The Commercial Appeal to-wit:

06/14/19

PUBLIC NOTICE
CITY OF ARLINGTON

Debbie Davis

Subscribe and sworn to before me this 14th day of June, 2019

Melanie C. Altz

Notary Public

My commission expires on November, 19, 2019

Ad Number: 0003624970
11971 Brown Street
Public Notice

PUBLIC HEARING

An application has been applied for a variance.

A public hearing is to be held June 25, 2019 at 6:30pm
Arlington Town Hall 5854 Airline Road