Town of Arlington
Board of Zoning Appeals
Meeting

June 23, 2020
6:00 P.M.
AGENDA
Board of Zoning Appeals
Tuesday, June 23, 2020
6:00 p.m.

I. Invocation

II. Call to Order & Establishment of a Quorum

III. Approval of the August 26, 2019 Meeting Minutes

IV. Old Business
   A. Other as Properly Presented

V. New Business
   A. **Kirk Building Permit – Variance Request** – 6335 Willow Walk Cove.
      
      **PUBLIC HEARING** - To consider a Variance request for a reduced side setback at
      6335 Willow Walk Cove.

   B. **Arlington Falls PD, Lot 2 – Parking Waiver** – Lot 2 of the Arlington Falls Planned
      Development, southwest corner of Airline and Milton Wilson Blvd.
      
      **PUBLIC HEARING** - To consider a Parking Waiver Request on Lot 2 of Arlington
      Falls PD, to allow a Site Plan with more parking than is otherwise allowed.

   C. Other as Properly Presented.

VI. Adjourn
Kirk Building Permit
VARIANCE REQUEST

DATE: June 23, 2020

STAFF: Angela Reeder, AICP, Town Planner

SUBJECT: Variance Request

APPLICANT: Phillip and Penny Kirk

SITE LOCATION: 6335 Willow Walk Cove, Cambridge Manor

SITE ACREAGE: 0.5 Acres

ZONING: RS-18 (Low Density Residential) with the Cambridge Manor PD overlay

PROPOSAL: The Kirks, property owners of 6335 Willow Walk Cove, are requesting approval of a Variance from the required side yard setbacks for the subject property. The property is located on the Willow Walk Cove in the Cambridge Manor subdivision and is located within the RS-18: Low Density Residential Zoning District.

The specific request is for a Variance to permit a roughly 32’x21’ home addition to encroach into the 15 foot setback. The proposal provides a 10-foot side yard on one side with a total of 20 feet for both sides combined. The Cambridge Manor PD requires each lot provide a minimum of 10 feet on one side and 15 feet on the other, for a combined total side setback of 25 feet. As the house is was built 10 feet off the east setback, it is required to maintain at least 15 feet from the neighbor to the west. The proposal must be attached, as the applicant wants to include a kitchen to be used as an “in-law suite,” and our Code does not permit second residences on single-family lots.

The Cambridge Manor setbacks are less than the Zoning Ordinance would require generally in a RS-18 zone, which calls for a combined setback of 34 feet and a minimum side yard building setback of 12 feet (when a side entry garage is used).

The applicant’s request states their pool makes them unable to meet required setbacks (attached). They also argue the proposed addition will be behind the home on the west side, thus will be overlooking the neighbor’s yard and not their home.
SPECIFIC STANDARDS FOR VARIANCE:
The Town of Arlington Zoning Ordinance (Chapter 10, Section 10.5.4.3) states the BZA has the
authority to grant variances from the Ordinance based on the following criteria:

1. The particular physical surroundings, 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 this Ordinance were carried out.

2. The conditions upon which the petition for variance is based would not be applicable,
   generally, to other property within the same district.

3. The variance will not authorize activities in a zoning district other than those permitted by
   this Ordinance.

4. Financial returns alone shall not be considered basis for granting a variance.

5. The alleged difficulty or hardships has not been created by any person having an interest in
   the property after the effective date of this Ordinance.

6. That granting the variance requested will not confer on this applicant any special privilege
   that is denied by this Ordinance to other lands, structures, or buildings in the same district.

7. The variance is the minimum variance that will make possible the reasonable use of the land,
   building, or structure.

8. 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.

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

10. The variance is not based on the fact of nonconforming use of neighboring lands, structures
    or buildings in the same district.

11. Under no circumstances shall the Board of Appeals grant a variance to allow a use not
    permissible under the terms of this Ordinance in the district involved, or any use expressly
    or by implication prohibited by the terms of this Ordinance in said district.

ANALYSIS: To consider a Variance, the BZA must determine unique conditions exist on a
property that would result in a hardship to an applicant if they were held to the same guidelines as
other residents. Examples of hardships often items such as buried debris on a site, an existing
utility easement, steep slopes, depth restrictions to get sewer flow to a house. Financial returns
alone are not a suitable basis to grant a Variance and the hardship cannot be created by the
applicant.

The applicant is correct that the addition would overlook the rear yard of the neighboring property
only. However, staff does not feel a legal hardship has been proven to not follow established
regulations on this site. While an odd-shaped lot, the applicant could easily meet required setbacks
for this subdivision in several ways without a Variance: such as reducing the size or shape of the
addition, or shifting it toward the house or pool.
In addition, while the applicant states existing owners of the property on either side of their lot do not have a problem with the addition, ownership can change and future owners may not feel the same. In addition, without justification, additional owners in the neighborhood could pursue setback variances for similar reasons and the setbacks considered and approved by the Board would be generally negated.

**RECOMMENDATION:**
Staff does not recommend approval of the proposed setback Variance. However, staff recommends any approval considered by the Board of Zoning Appeals be subject to the following conditions.

**CONDITIONS OF APPROVAL:**
1. Any permits issued for this property shall meet the setback requirements approved by the Board of Zoning Appeals, or as otherwise required by the Zoning Ordinance and Board-approved PD overlay.

2. The proposed addition shall only be a single-story addition, to reduce any potential adverse impacts to adjacent owners.

3. The proposed addition must be attached in conformance with Town and Building Code requirements to meet the definition of an “addition,” otherwise cooking facilities must be removed to assure it does not become a secondary dwelling unit on a single-family lot.

4. Any future home additions shall meet the established 15-foot setback on the west property line of the lot.
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: 6335 Willow Walk Cove
Owner of Record: Phillip & Penny Kirk
Owner Address: 6335 Willow Walk Cove
Daytime Phone: 901-301-0778  Fax Number: N/A
E-mail Address: phillip.kirk@paper.com

Agent or representative authorized to prepare this application and to provide further information as requested by the staff: Gary Dee
Daytime Phone: 901-301-5491  E-mail Address: gary@argconstructioninc.com

Engineer/Designer Contact (if applicable): Mike Tvekler
Company Name: Tvekler Group
Mailing Address: 1164 Vickery Lane Cordova, TN 38016
Daytime Phone: 501-1251  Fax Number: N/A
E-mail Address: mike@tveklerhomes.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 9/25/2019
BOARD OF ZONING APPEALS
VARIANCE

CHECKLIST

This checklist is compiled to aid in the preparation of the Variance; however, it is not meant to take the place of the Town of Arlington Zoning Ordinance and Subdivision Regulations. Check all items with either a "x" or "X" in the box. "Not Applicable" items use N/A.

☐ Present Zoning:
☐ Requested Use:
☐ Purposes: (attach statement)

PRELIMINARY SUBMITTAL FOR REVIEW BY STAFF:

☐ Submit three (3) sets of the following:
  ☐ Cover letter describing the request. The cover letter should also address the standards for a variance as attached ordinance.
  ☐ Completed application form and checklist.
  ☐ Property survey or plot plan of current conditions, showing all easements, setbacks, structures, etc., on the site.
  ☐ Site plan showing all proposed setbacks, structures, parking, open space, buffers, etc.
  ☐ Vicinity map of all surrounding property owners.
  ☐ Three (3) sets of self-adhesive mailing labels and one (1) bond copy of mailing labels for all surrounding property owners.
  ☐ All items must be collated and compiled into individual packages. All drawings over 8-1/2" x 11" in size must be folded.
  ☐ One (1) digital copy all drawings submitted in JPEG or PDF format. Other formats are not acceptable.

REVISED SUBMITTAL FOR PRESENTATION TO BOARD:

Once all revisions have been completed, the following is to be submitted for staff's final review and submission to the Board for their consideration. The final staff report and meeting agenda will be e-mailed to the address provided for the applicant and property owner the Wednesday prior to the meeting date.

☐ Submit eight (8) sets of the following:
  ☐ Cover letter describing the request. The cover letter should also address the standards for a variance as attached ordinance.
  ☐ Completed application form and checklist.
  ☐ Property survey or plot plan of current conditions, showing all easements, setbacks, structures, etc., on the site.
  ☐ Site plan showing all proposed setbacks, structures, parking, open space, buffers, etc.
  ☐ Any additional information requested by staff.
  ☐ All drawings must be drawn to scale.
  ☐ All items must be collated and compiled into individual packages. All drawings over 8-1/2" x 11" in size must be folded.
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5854 Airline Road • P.O. Box 507 • Arlington, TN 38002-0507
Telephone (901) 867-3449 • Fax (901) 867-2638

Rev: 9/23/2018
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.

APPLICANT:

If an Entity:

Name of Entity: ABC Construction Co. Inc.

By (Signature): [Signature]

Print Name: Gary Deel

Title: President

If an Individual(s):

Print Name: [Signature]

Print Name: [Signature]

Print Name: [Signature]

OWNER* (If different from applicant. If same, note "same")

*Owner information is required

If an Entity:

Name of Entity:

By (Signature):

Print Name:

Title:

If an Individual(s):

Print Name: Philip Kirk

Signature: [Signature]

Print Name: [Signature]

Print Name: [Signature]
Standards for Variances – Taken from Town of Arlington Zoning Ordinance, Chapter 10, Section 10.5.4, 3), c).

The BZA may hear and decide a request for a variance, but only where by reason of exceptional narrowness, shallowness or shape of specific piece of property which at the time of adoption of this Ordinance was a lot of record, of where, by reason of exceptional topographic conditions or other extraordinary or exceptional situation or conditions of a piece of property the strict application of the provisions of the Ordinance would result in exceptional difficulties or the exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without the substantial detriment to the public and without substantially impairing the intent and purpose of this Ordinance. No variance from Chapter 4, Section 4.8. Uses Permitted in Zoning Districts, may be considered or granted by the BZA. Financial disadvantage to the property owner is no proof of hardship within the purpose of zoning and as further explained below.

1. The particular physical surroundings, 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 this Ordinance were carried out.

2. The conditions upon which the petition for variance is based would not be applicable, generally, to other property within the same district.

3. The variance will not authorize activities in a zoning district other than those permitted by this Ordinance.

4. Financial returns alone shall not be considered basis for granting a variance.

5. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this Ordinance.

6. That granting the variance requested will not confer on this applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

7. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

8. 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.

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

10. The variance is not based on the fact of nonconforming use of neighboring lands, structures or buildings in the same district.
11. Under no circumstances shall the BZA grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of the Ordinance in said district.
Phillip and Penny Kirk  
6335 Willow Walk Cove  
Arlington, Tn 38002

Town of Arlington BZA

To whom it may concern:

We are respectfully requesting a variance for a side yard setback for a attached in-law suite. On the recorded plat it requires 16 feet and 10 feet prospectively on each side yard setback. Side yard setbacks are set up to maintain 25 ft between structures. In our situation the location of the proposed structure on the lot would be 79 feet between the proposed structure and the existing neighbor at 6327 Willow Walk Cove. Furthermore, the proposed structure would be well behind 6327 Willow Walk Cove adding that there are no inhabitants behind our lot. When we built our pool we could not foresee the need for an in-law suite at that time. Life has changed and the need has arisen that we need this accommodation for family. The only feasible location for the proposed structure is on the left side of property for parking and access. Due to the hardship of the pool and the property line, we are requesting a 10 foot side yard setback variance on the left side of property. The neighbors at 6327 Willow Walk Cove and 6344 Willow Walk Cove prospectively have agreed this will not be a problem or hindrance to either of them and have signed below. Thank you for your consideration.

Respectfully submitted,
The Kirks

11990 MOTT ST. ARLINGTON, TN 38002  901-361-5609  FAX 901-367-5618  
contact@argconstructioninc.com
DATE:       June 16, 2020

TO:         Helen Curl
            The Commercial Appeal

FROM:       Angela Reeder, Town Planner

RE:         Public Notice

Please publish the following notice on Thursday, June 18, 2020:

PUBLIC NOTICE

The Board of Zoning Appeals will hold 2 public hearings on Tuesday, June 23, 2020 at Town Hall, 5854 Airline Rd, at 6:00 PM to consider the following items: A Variance request at 6335 Willow Oak Cove, for a reduced side yard setback on a single-family lot; and A Parking Waiver request for Lot 2 of Arlington Falls PD, on west side of Airline Rd, south of Milton Wilson Blvd, to allow parking in excess of Town requirements.

Please confirm receipt of notice.

Thank you.
TOWN OF ARLINGTON, TENNESSEE
BOARD OF ZONING APPEALS
DEVELOPMENT STAFF REPORT

Arlington Falls PD, Lot 2
PARKING WAIVER REQUEST

DATE: June 23, 2020
STAFF: Angela Reeder, AICP, Town Planner
SUBJECT: Parking Waiver Request
APPLICANT: Arlington Development Company, LLC; Representative: Chad Fischer
DESIGN PROF./CONSULTANT: Renaissance Group, Inc.; Representative: Wesley Wooldridge, P.E.
SITE LOCATION: Southwest corner of Airline Road and Milton Wilson Blvd.
SITE ACREAGE: 1.3 Acres
ZONING: SC (Shopping Center) with Arlington Falls PD overlay

PROPOSAL: The applicant, Arlington Development Company, is requesting Board of Zoning Appeals consideration of a Parking Waiver Request to provide parking in excess of the max allowed by the Code. The Zoning Ordinance allows for consideration of Parking Waivers requests from Parking regulations, subject to a set of procedures.

Project Site: The property in question is located in Phase 1 of Arlington Falls PD, located on the southwest corner of Airline Road and Milton Wilson Blvd. It is 1.3 acres in size and is cleared and graded but undeveloped. Adjacent uses include two other lots in this phase, one to the west approved as a 15-bay shopping center and one undeveloped lot. The lot to the south is treed and undeveloped. The lots across Airline Road were previously approved for the new Kroger store, but include only Regions Bank at this time.

Proposal: The applicant proposes to construct a single-story, 4,995 square foot 3-bay retail center on Lot 2. The building will sit in the center of the site facing Airline Road and will have 3 bays. The southern-most suite is proposed with a drive-through lane and window. An order board is proposed on the west side of the building, with pickup window on the south side, and a queue area that can serve at least six (6) vehicles behind the pick-up window is provided. This meets the Code required queue area of at least six (6) spaces for a drive-through.

A single-loaded aisle of parking is proposed along Airline and a double-loaded aisle is proposed at the back of the building; they will provide a total of 34 parking spaces, including 2 handicap stalls. This exceeds Zoning Ordinance requirements by 6 spaces, which call for a minimum of 25 spaces (1:200 sf) and a max of 28 spaces (1:180 sf) for shopping center uses of this size.
The applicant argues that the maximum spaces allowed by the Code is not adequate for their use. They have stated the primary tenant, Starbucks Coffee Company, will occupy the drive-through bay and requires a minimum of 20 spaces for their business. If they were to follow Town parking requirements, this would only leave 8 spaces for the remaining 2 tenants in the building.

As such, they have applied for this Parking Waiver. They propose to provide the 20 spaces required by Starbucks, and park the other two bays based on the Town’s requirement of 1 space per 200sf. This results in the proposed 34 spaces on their plans.

The applicant provided a Waiver Request and Starbucks corporate Site Plan requirements plan to demonstrate the justification for their request (attached). With the corporate plan requirements, they argue this is an international company who has determined this is what is required for their sites to operate efficiently. They also note the remaining two bays will be parked at the Town’s minimum parking requirements, thus ensuring they are only requesting the minimum amount necessary.

**Specific Standards for Parking Waiver:**

Unlike a waiver for reduced parking, a waiver for additional parking requires less justification. In granting a general parking waiver to increase the number of requires spaces, the BZA must find that:

1. The Town’s requirements do not allow the provision of the number of parking spaces needed to accommodate the parking needs of the proposed use; and
2. The requested increase is the minimum needed to do so.

The Planning Commission considered this Site Plan at their regularly scheduled meeting on June 15 and recommended approval of the waiver, feeling the added spaces were minimal and could potentially be shared with the adjacent shopping center in this PD. Staff would note the intent of a maximum amount of parking is to ensure excessive land is not paved and impervious area created unnecessarily. As open space of 30% is provided on the site, which meets the Town requirement, it could be argued this concern is not triggered with the proposed 6 space increase.

The Planning Commission approved a condition of approval stating their approval was contingent on approval of the extra parking spaces by the BZA. Staff recommended, and they agreed, that if additional parking is denied, the site plan may be revised to convert the extra spaces to open space without additional PC review.

**RECOMMENDATION:**
The Planning Commission recommended approval of the requested Site Plan for Arlington Falls PD, Lot 2 with the additional parking, subject to the following conditions. Staff concurs.

**STANDARD CONDITIONS:**

**S-1.** It is found that the application as presented, with plans dated June 4, 2020, and with the conditions of approval meets the provisions of the Town of Arlington Zoning Ordinance and any other applicable regulations, and the project shall be constructed in accordance with those regulations.

**S-2.** All previous conditions imposed by the Planning Commission and Board of Mayor and Aldermen as part of the approved Site Plan and Planned Development shall be met by the applicant.
Town of Arlington

BOARD OF ZONING APPEALS
Variance Application

BZA meetings will occur no earlier than 21 days after an application is submitted. 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: SW Corner Airline Rd at Milton Wilson Rd
Owner of Record: Arlington Development Company
Owner Address: 8888 Midsouth Drive, Suite 116, Olive Branch, MS 38654
Daytime Phone: 901-794-4022 Fax Number: 
E-mail Address: cfischer@sstower.com

Agent or representative authorized to prepare this application and to provide further information as requested by the staff: Wesley Wooldridge
Daytime Phone: 901-332-5533 E-mail Address: wwooldridge@rgroup.biz

Engineer/Designer Contact (if applicable): SAME
Company Name: Renaissance Group
Mailing Address: 9700 Village Circle, Suite 100, Lakeland, TN, 38002
Daytime Phone: Fax Number: 901-332-5534
E-mail Address: 

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) 867-2620 • Fax (901) 867-2638

Revised: 12/28/2019
BOARD OF ZONING APPEALS
VARIANCE

CHECKLIST
This checklist is compiled to aid in the preparation of the Variance; however, it is not meant to take the place of the Town of Arlington Zoning Ordinance and Subdivision Regulations. Check all items with either a “✓” or “X” in the box. “Not Applicable” items, use N/A.

✓ Present Zoning: Shopping Center - SC
☐ Requested Use: N/A
☐ Summary of Variance Purpose: (attach statement) Requesting a general parking waiver for an additional six (6) spaces above the maximum allowed.

PRELIMINARY SUBMITTAL FOR REVIEW BY STAFF:

✓ Submit three (3) sets of the following:
  o Cover letter describing the requested Variances. The cover letter should also address the standards for a variance as described in the attached Ordinance.
  o Completed application form and checklist.
  o Property survey or plot plan of current conditions, showing all easements, setbacks, structures, etc., on the site.
  o Site plan showing all proposed setbacks, structures, parking, open space, buffers, etc.
✓ Vicinity map of all surrounding property owners.
✓ Three (3) sets of self-adhesive mailing labels and one (1) paper copy of mailing labels for all surrounding property owners within 500 feet of the subject property (or the 25 closest owners, whichever is more).
✓ All items must be collated and compiled into individual packages. Drawings over 8½” x 11” must be folded.
✓ One (1) digital copy all drawings submitted in JPEG or PDF format. Other formats are not acceptable.

REVISED SUBMITTAL FOR PRESENTATION TO BOARD:
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☐ Submit eight (8) sets of the following:
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Revised: 12/28/2019
BOARD OF ZONING APPEALS
VARIANCE

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*

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<td>Name of Entity: Arlington Development Company</td>
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<td>Print Name: Chad Fischer</td>
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<td>Title: Manager</td>
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BOARD OF ZONING APPEALS
VARIANCE STANDARDS

Standards for Variances –from Town of Arlington Zoning Ordinance, Chapter 10, Section 10.5.4, 3), c).

The BZA may hear and decide on a request for a Variance, but only where by reason of exceptional narrowness, shallowness or shape of specific piece of property which at the time of adoption of this Ordinance was a lot of record; or where, by reason of exceptional topographic conditions or other extraordinary or exceptional situation or conditions, the strict application of the provisions of the Ordinance would result in exceptional difficulties or an exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without the substantial detriment to the public and without substantially impairing the intent and purpose of this Ordinance.

No variance of permitted uses (from Chapter 4, Section 4.8, Uses Permitted in Zoning Districts), may be considered or granted by the BZA.

A financial disadvantage to the property owner is not proof of hardship within the purpose of zoning.

Specific Standards that must be considered by the BZA prior to a decision are further explained below:

1. The particular physical surroundings, 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 this Ordinance were carried out.

2. The conditions upon which the petition for variance is based would not be applicable, generally, to other property within the same district.

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6. That granting the variance requested will not confer on this applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

7. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

8. 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.

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

10. The variance is not based on the fact of nonconforming use of neighboring lands, structures or buildings in the same district.

11. Under no circumstances shall the BZA grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of the Ordinance in said district.
June 4, 2020

Angela Reeder
Town of Arlington
5854 Airline Rd
Arlington, TN 38002

Re: Arlington Falls P.D. Lot 2, General Parking Waiver

Dear Angela,

The planned improvements being made at Lot 2 of the Arlington Falls P.D. property through the efforts of Arlington Development Company will provide new services to the residents and attract new tax dollars through increased sales and property values. This retail project builds on the adjacent developments of the Milton Wilson Rd and Airline Rd intersection to provide needed restaurants and retail space in the vicinity of established residential neighborhoods and I-40 corridor while helping to transform the intersection into a destination for commerce and hospitality.

The subject property is zoned as Shopping Center (SC). Under the SC zoning parking regulations (section 8.1.13, Table 2 of the T.O.A. Zoning Ordinance), the parking limitations are 1 space per 200 square feet (s.f.) minimum or 1 space per 180 s.f. maximum for 15,000 s.f. or less, shopping center building. The proposed building is a 3-bay at just under 5,000 s.f. and is limited to 25 spaces minimum and 28 spaces maximum.

Arlington Development Company is requesting a waiver to meet the parking requirements of the primary tenant, Starbucks Coffee Company, while still providing the Town’s minimum space requirements for the remaining two bays of the building. This will require an additional 6 spaces at 34 spaces total over the previously stated maximum of 28. Per Starbucks’ Site & Building Plan Criteria, 18 standard spaces and 2 accessible spaces minimum are recommended. This will only leave 8 additional spaces for the remaining two bays of the building if built to the regulatory 28 spaces.

We are proposing to allow Starbucks’ their minimum space requirement of 20 and limit the remaining two bays to the 1 space per 200 s.f. minimum under the SC zoning. The two remaining bays total just under 2,800 s.f. which would require 14 spaces and give a grand total of 34 spaces for the lot.

We are submitting this application to request a general parking waiver through the Town of Arlington Zoning Ordinance, Chapter 8, Section 8.1.11 to allow 6 parking spaces more than the required maximum spaces. We believe the justification above and supporting documents in the attached application will convince the Board of the need for the requested waiver. On behalf of the applicant, we thank you for your time and attention to our request.

Sincerely,

RENAISSANCE GROUP, INC.

J. Wesley Wooldridge, P.E.
SAMPLE END CAP / MULTI-TENANT BUILDING: SITE PLAN REQUIREMENTS
+/- 2,100 SF

STARBUCKS MINIMUM PARKING RECOMMENDATIONS:
- 18 STANDARD
- 2 ACCESSIBLE
- 20 TOTAL

SEE SPECS AND DETAILS FOR STARBUCKS BRANDED PAVEMENT GRAPHICS.

MACRO SITE PLAN EXAMPLE
SAMPLE END CAP/ MULTI-TENANT BUILDING: SITE PLAN REQUIREMENTS  +/- 2,100 SF
SEE SPECS AND DETAILS FOR STARBUCKS BRANDED PAVEMENT GRAPHICS.

80' (5 CAR STACK) MEASURED FROM C.L. OF DT ORDER POINT TO C.L. DT BUMP OUT
ENLARGED SITE PLAN EXAMPLE
DATE: June 16, 2020

TO: Helen Curl
The Commercial Appeal

FROM: Angela Reeder, Town Planner

RE: Public Notice

Please publish the following notice on Thursday, June 18, 2020:

PUBLIC NOTICE

The Board of Zoning Appeals will hold 2 public hearings on Tuesday, June 23, 2020 at Town Hall, 5854 Airline Rd, at 6:00 PM to consider the following items: A Variance request at 6335 Willow Oak Cove, for a reduced side yard setback on a single-family lot; and A Parking Waiver request for Lot 2 of Arlington Falls PD, on west side of Airline Rd, south of Milton Wilson Blvd, to allow parking in excess of Town requirements.

Please confirm receipt of notice.

Thank you.