



Board of Appeals/Stormwater Board of Appeals  
Regular Meeting Agenda  
Monday, May 17, 2021, 5:30 PM  
City Hall, Lakeland, Tennessee 38002

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- I. CALL TO ORDER:
- II. ROLL CALL:
- III. APPROVAL OF MINUTES OF PREVIOUS MEETING:
  1. March 15, 2021
- IV. OLD BUSINESS:
- V. NEW BUSINESS:
  1. Action on a request for a variance from Article III, Section 6.G.4.d to allow a driveway closer than 25 feet to the intersection at 4511 Coltwood Drive
- VI. ANNOUNCEMENTS:
- VII. ADJOURNMENT:

**Lakeland Board Of Appeals**  
**Stormwater Board of Appeals**  
**Meeting Minutes**

Tuesday, March 15, 2021  
5:30 PM City Hall

**I. CALL TO ORDER:** Meeting was called to order at 5:30 PM.

**II. ROLL CALL:**

Byron Ledbetter	Present
Connie McCarter	Present
Tom Pickering	Present
Commissioner Wright	Present
(C) Patrick Kitchens	Present

Others present:

Shane Horn, City Manager

Richard Donovan, Planning Director

**III. APPROVAL OF MEETING MINUTES:**

Mr. Pickering moved to approve the regular meeting minutes of February 23, 2021 as amended.

Mrs. McCarter seconded the motion.

Motion passed unanimously, 5 in favor 0 against.

**IV. OLD BUSINESS:** None

**V. NEW BUSINESS:**

1. ***Action on a request for a variance from Article III, Section 2.Q.1.b to allow an accessory structure (deck) in the front yard at 9650 Green Spruce Drive.***

Mr. Richard Donovan, Planning Director, was given up to 30 minutes to present the city's position regarding the request. *(See Attachment A)*

Mr. & Mrs. Jason Collins, the applicants, were allowed up to 30 minutes to present their request.

Discussion ensued.

For the record: One neighbor who was present stated he supported the variance request.

After discussion, Chairman Kitchens moved to grant the variance as requested on the bases of the hardship with drainage issues, and the bowl like nature of the lot.

**Lakeland Board Of Appeals**  
**Stormwater Board of Appeals**  
**Meeting Minutes**

Tuesday, March 15, 2021  
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Mrs. McCarter seconded the motion.

Motion passed unanimous, 5 in favor 0 against.

2. ***Action on a request for a zoning administrative appeal for an interpretation of Article III Section 3.Q.1.j regarding the requirement that garages be ninety degrees to the front property line.***

Mr. Richard Donovan, Planning Director, was given up to 30 minutes to present the city's position regarding the request. (See Attachment B)

Mr. Forest Owens, representing the applicant, was allowed up to 30 minutes to present the request. Comments were also heard from Mr. Lou Correale, the applicant.

Discussion ensued.

After discussion, Mr. Pickering moved that garages should be ninety degrees to one of the sides or 90 degrees to the base line cut in a cul de sac.

Commissioner Wright seconded the motion.

Motion passed unanimous, 5 in favor 0 against.

**VI. ADJOURNMENT:**

With no other business before the board the meeting was adjourned by unanimous consent. The meeting was adjourned at 6:38 p.m.

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Byron Ledbetter, *Secretary*

ATTEST:

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Debra Murrell, *City Recorder*



These minutes were approved on April 19, 2021.

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CITY OF  
**LAKELAND**  
 TENNESSEE

**BOARD OF APPEALS**

**MEETING DATE:** March 15, 2021

**REQUEST:** Action on a request for a variance from Article III Sections 2.Q.1.b. to allow an accessory structure (deck) in the front yard at 9650 Green Spruce Drive.

**STAFF CONTACT:** Richard Donovan, City Planner

**LOCATION:** 9650 Green Spruce Drive

**ZONING:** R2 (Suburban Manor)

**PROPERTY SIZE:** 0.37 acres (16,291.4 sq. ft.)

**OWNER/APPLICANT:** Jason and Becky Collins

**BACKGROUND:**

The property located at 9650 Green Spruce Drive, also known as Lot 255 of the Lakeland Estates Subdivision Fourth Addition, was initially platted and recorded in December of 1980.

**CRITERIA FOR DECISION:**

*Lakeland Land Development Regulations*

Article I, Section 4(O) of the Zoning Regulations authorizes the Board of Appeals to grant variance requests from provisions found in the Zoning Regulations if the following criteria are met:

1. Physical or Topographical Conditions. The physical surroundings, shape, or topographic conditions of the specific property involved would result in a hardship upon the Owner as distinguished from a mere inconvenience, if the strict application of the Land Development Regulations were carried out.
2. Relationship to other Properties within the District. The conditions upon which the Application is based would not be applicable, generally, to other property within the same district.
3. Permitted Activity. The variance shall not authorize activities in a Zoning district other than those permitted by the Land Development Regulations.
4. Financial Implications. The variance is not based solely on financial returns.
5. Self-created Hardship. The alleged difficulty or hardship has not been created by any person having an interest in the property after the date of the Land Development Regulations.

6. Special Privilege. Granting the variance will not confer on this Applicant any special privilege that is denied by the Land Development Regulations to other lands, structures, or building in the same district.
7. Minimum Variance Required. The variance is the minimum variance that will make possible the reasonable Use of the land, building, or structure.
8. Effect on Public Welfare. The variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located.
9. Effect on Adjacent Properties. The variance shall 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 within the area.
10. Nonconforming status. The variance is not based on the presence of nonconforming Use of neighboring lands, structures or buildings in the same district.
11. Prohibited Uses. Under no circumstances shall the Board of Appeals grant a variance to allow a Use not permissible under the terms of the Land Development Regulations in the district involved, or any Use expressly or by implication prohibited by the terms of the Land Development Regulations in said district.

*Tennessee Code Annotated*

Authorize upon an appeal a variance where by reason of exceptional

- a. narrowness
- b. shallowness
- c. shape (the time of the enactment of the zoning regulations)
- d. topographic conditions, or
- e. other extraordinary and exceptional situation or condition

the strict application of the ordinance would result in

- a. peculiar and exceptional practical difficulties or
- b. exceptional or undue hardship upon

the owner so as to relieve such difficulties or hardship; provided that such relief may be granted

- a. without substantial detriment to the public good
- b. without substantially impairing
  - i. the intent and purpose of the zone plan
  - ii. and zoning ordinance.

**ANALYSIS:**

The applicant is seeking a variance from Article III, Sections 2.Q.1.b and 3.P.1.i of the Zoning Regulations to allow an accessory structure (deck) in the front yard.

***Patio***

Below is the language from the Zoning Regulations that prohibit Accessory Structures from being in the front yard of a lot:

- d. Deck and Patio. In the districts where a Deck or Patio is permitted with development standards (“ ”), the Decks and Patios shall follow the Setbacks established for accessory structures.
1. General Development Standards for Accessory Structures. All Accessory Structures shall meet the following development standards, unless otherwise stated in these provisions.
    - b. Location. Accessory Structures shall be in the Side and Rear Yards.

The applicant is requesting to add a deck within the front yard of the house. All accessory structures are relegated to a side or rear yard, as shown above. The intent of not allowing an accessory structure in the front yard is to ensure that a front lawn is maintained. Additionally, accessory structures are intended to be secondary and subordinate to the primary structure on the lot. This means they are intended to be supportive to the house, not the primary structure or visible feature for the house.

**STAFF RECOMMENDATION:**

Staff recommends denial based on the no hardship existing and criteria for decision not being met. Upon reviewing the application, the application does not meet the following criteria for decision

- Physical or Topographical Conditions
- Special Privilege

It is the Staff’s opinion that approval of these variances would cause harm to the LDR and make these sections difficult, if not impossible, to enforce for any permit with the R2 district.

CITY OF  
**LAKE LAND**  
 TENNESSEE

**BOARD OF APPEALS**

**MEETING DATE:** Monday, March 15, 2021  
**SUBJECT:** Action on a request for a zoning administrative appeal for an interpretation of Article III Section 3.Q.1.j regarding the requirement that garages be ninety degrees to the front property line.  
**STAFF CONTACT:** Richard Donovan, City Planner  
**APPLICANT:** Lou Correale

**BACKGROUND:**

This request is not the typical variance or conditional use permit that the BOA hears. This request is challenging the Staff's interpretation of a section of the Zoning Regulations. This request is within the BOA's scope, and the process is laid out in the Land Development Regulation. Below is the language from the Zoning Regulations laying out the intent of this appeal:

**P. Zoning Administrative Appeal.**

1. Intent. The Zoning Administrative Appeal process allows the review of any decision made by the Code Administrator or other City official in carrying out or enforcing the Zoning Regulations.
  - a. This process is provided as a safeguard against arbitrary, ill-considered, or erroneous administrative decisions, and to provide a local procedure for their review and correction.
  - b. This process is not intended to subvert either the clear purposes, intent, or meaning of these Land Development Regulations or the rightful authority of the Code Administrator to enforce these regulations.
  - c. BOA, in reviewing these cases, shall give all proper deference to the spirit and language of these Land Development Regulations and to the reasonable interpretations of those charged with its administration.

This appeal also differs from the typical variance or conditional use permit since it will not be site-specific. The decision rendered by the BOA will affect the interpretation of the specific section of the LDRs Citywide.

**DISCUSSION:**

The applicant is challenging the Staff's interpretation of Article III Section 3.Q.1.j of the Zoning Regulations. Below is the section of the Zoning Regulations in question.

Parking & Accessory Buildings (Refer to III.2.Q(2)(a) Accessory Buildings).

1.j Attached garages may be in the Front Yard, but garage doors shall be at a minimum angle of ninety (90) degrees to the Front Property Line.

Staff interprets this requirement as meaning that the garage door shall be perpendicular to the street in front of the house. The particular question comes into question on cove lots where the street is curved. The Staff has provided three drawings of how Staff interprets the Zoning Regulations. Staff interprets this requirement by drawing a line from one corner of the lot to the other corner on the street (shown as the red line). Then moves is back to the setback. The garage in the front yard would need to be parallel to that red line, as shown with the green box with the door on the non-street-facing façade. The house would be behind that, the orange box. All three-drawings show the garage at the 90-degree angle or greater in the case of Figure 3.

This section of the LDRs intends to keep the garage door from being the primary door visible to the street. The applicant submitted for a permit with the site plan listed in Figure 4. This garage is less than 90 degrees to the street, making the garage in the front yard visible from the street and non-compliant with the LDRs.

BOA's decision on this item will affect the interpretation of this section on cove lots moving forward.

Figure 1: Garage 90-degrees to front line.

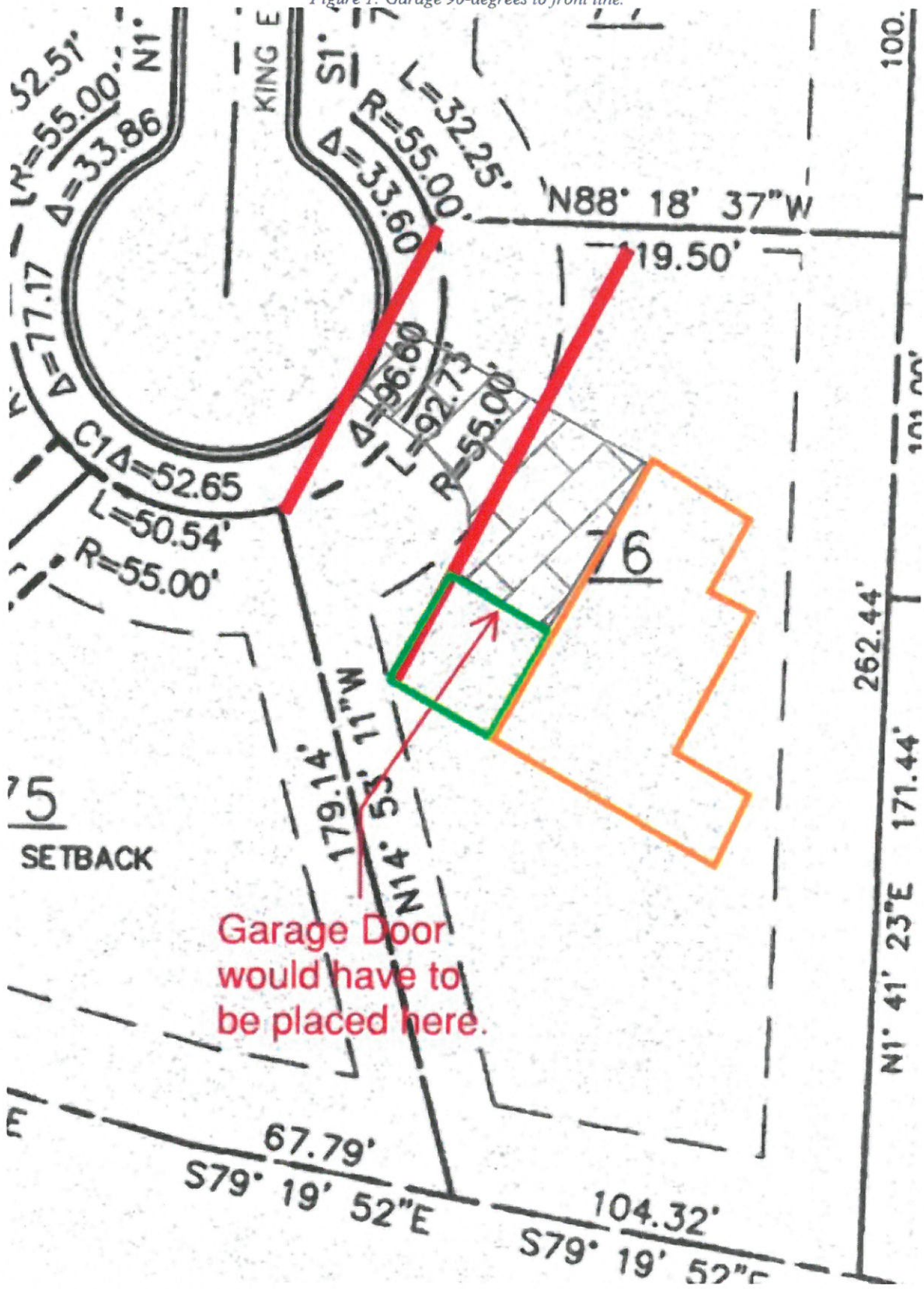


Figure 2: : Garage 90-degrees to front line.

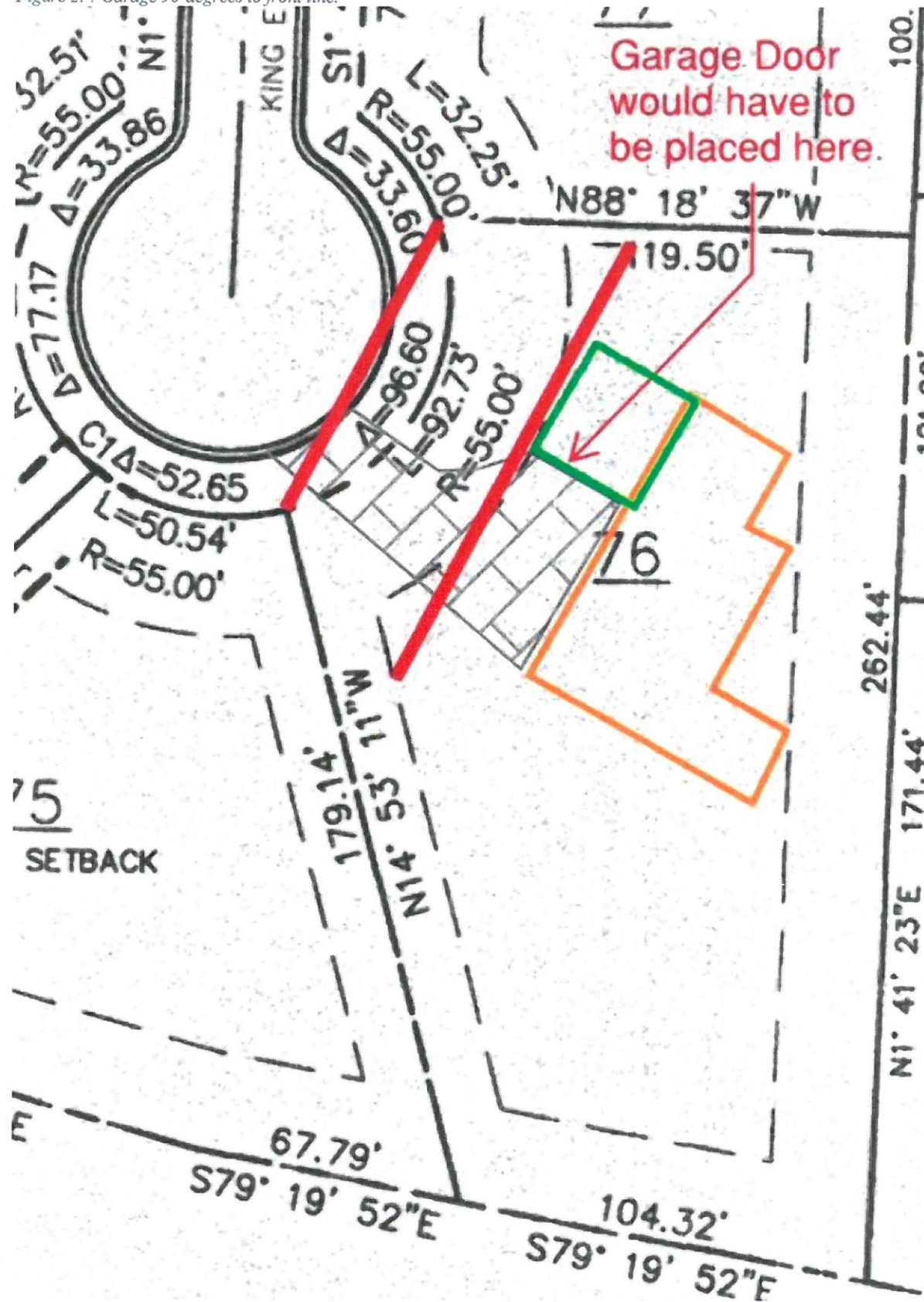
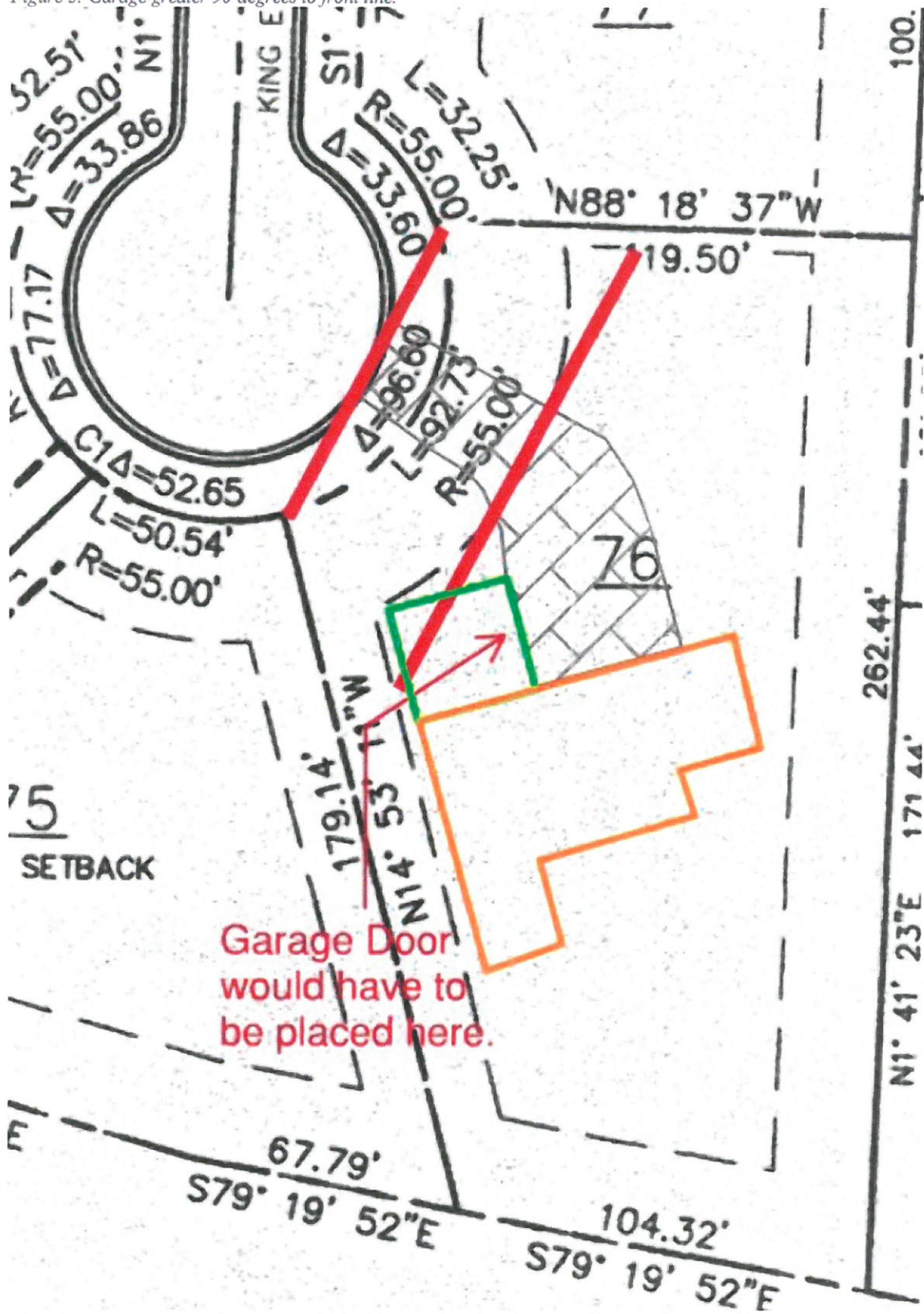


Figure 3: Garage greater 90-degrees to front line.





**MEETING DATE:** Monday, May 17 2021

**SUBJECT:** Action on a request for a variance from Article III, Section 6.G.4.d to allow a driveway closer than 25 feet to the intersection at 4511 Coltwood Drive

**STAFF CONTACT:** Richard Donovan, Planning Consultant

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**STAFF RECOMMENDATION**

Staff recommends denial based on the no hardship existing and criteria for decision not being met. Upon reviewing the application, the application does not meet the following criteria for decision

- Physical or Topographical Conditions
- Special Privilege

It is the Staff's opinion that approval of these variances would cause harm to the LDR and make these sections difficult, if not impossible, to enforce corner spacing for any driveway within the City including commercial.

**DISCUSSION**

**LOCATION:** 4511 Coltwood Drive  
**PARCEL ID:** L0150K C00037  
**ZONING:** R1  
**AREA:** 19,821.22 square feet  
**APPLICANT:** Trae Sterling

**BACKGROUND:**

The property located at 4511 Coltwood Drive, also known as Lot 210 of the Oakwood PD, Phase 4 recorded in November 2004.

This request originated as a Codes complain. The City became aware that a driveway had been installed without a curb cut permit. The City Codes Officer visited the site and reviewed the driveways location. The driveway was found to be 16 feet from the return radius of the intersection. The permit was subsequently denied due to a lack of compliance with the Zoning Regulations.

**CRITERIA FOR DECISION:**

*Lakeland Land Development Regulations*

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2. Relationship to other Properties within the District. The conditions upon which the Application is based would not be applicable, generally, to other property within the same district.
3. Permitted Activity. The variance shall not authorize activities in a Zoning district other than those permitted by the Land Development Regulations.
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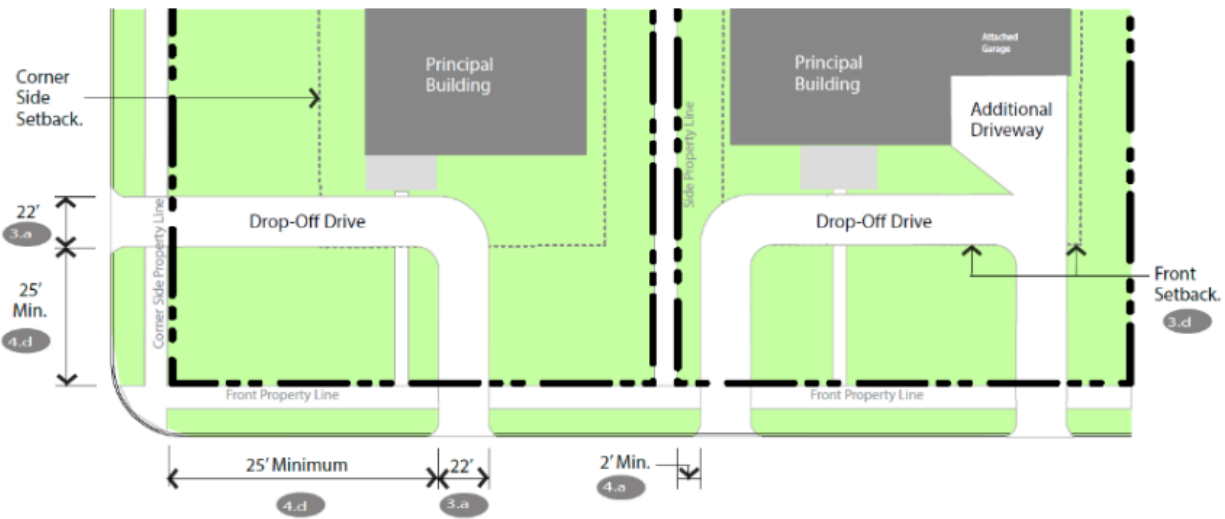
**ANALYSIS:**

The applicant is seeking relief from the following sections of the Zoning Regulations:

- 1. Article III, Section 6.G.4.d to decrease the distance between the corner of the street and a driveway from 25 ft. to 16 ft.

Below is the language from the Zoning Regulations that prohibits driveways from being closer than 25 feet from the intersection:

- 3. Location. Specific location information can be found in III.3 Building Type Standards.
  - d. In Single Family Residential Districts, driveways shall not be closer than twenty-five (25) feet from the intersection of two streets (corner), unless otherwise stated in this section or in III.3 Building



***Driveways are required to have 25 feet spacing from the end of the radius of the intersection and the driveway. This is to preserve the line of sight for cars making turns at the corner. A driveway that is too close to the corner could block the visibility for anyone making a turn onto or off of Coltwood Drive. Approving a variance without a stated hardship will undermine this section of the code from being enforced.***

Figure 1: Site Plan for 4511 Coltwood Drive (Red hatched area is the driveway)

