

A MEETING OF THE SODDY-DAISY  
ZONING BOARD OF APPEALS WAS  
HELD ON WEDNESDAY,  
FEBRUARY 13, 2008 AT 9:30 A.M.

MEETING CALLED TO ORDER BY  
CHAIRMAN WALKER.

MEMBERS PRESENT:  
CHAIRMAN WALKER  
VICE-CHAIRMAN GRAM  
COMMISSIONER BRUMLOW  
COMMISSIONER OOTEN  
COMMISSIONER THOMPSON  
REC. SEC. DOLBERRY

MEMBER ABSENT:  
CITY ATTORNEY ELLIOTT

The minutes of the meeting held June 14, 2006 were approved as presented.

Chairman Walker opened the floor for nominations for officers. Commissioner Ooten made a motion that the chairman and vice-chairman remain as is.

- 1<sup>st</sup> - Commissioner Ooten to elect Garnett Walker, Chairman and Jim Gram, Vice-Chairman.
- 2<sup>nd</sup> - Commissioner Thompson
- Ayes - Unanimous

Vice-Chairman Gram stated that in the past, several conditional permits had been issued with a requirement that they be reviewed within one year. He asked if these could be checked into.

A request was made by Tom Poteet for a variance to the open space requirement for R-T/Z District zoning for property located at 341 Hyatte Road. Mike Price, MAP Engineers, was present and spoke on behalf of Mr. Poteet. Mr. Price stated that the property located at 341 Hyatte Road contains 75 acres. He said that Mr. Poteet was requesting a rezoning of the property to R-T/Z District for town home and single family residential development. He gave the required open space for the property after deducting flood plain, floodway, slope exceeding 25 percent and road right-of-ways as 13.9 acres. He said that Mr. Poteet is proposing approximately 18 acres, but this will include the slopes greater than 25 percent. He said that the steep slope will be developed into walking trails. Chairman Walker stated that 13.9 acres is required by ordinance with 3.5 acres required for usable recreation space. Mr. Price stated that they are asking for a variance to this. Mr. Price said that Lot 74 as shown on the proposed drawing is to

be used for walking tracks. Chairman Walker stated that this is not labeled as such. Mr. Price said that this was their intent and the drawing could be amended to show the proposed trails. He stated that the retention pond shown on Daisy Dallas Road would contain a fountain and would be stocked with fish. Planner Shults stated that he is concerned with the mixed use on the top portion of the tract and that it does not show any open space. Planner Shults read TCA 13-7-207 as requested by the City Attorney. Planner Shults stated that City Attorney Elliott feels that the granting of this variance would substantially impair the intent of the Zoning Ordinance. Planner Shults stated that 25 percent was to be open space with 25 percent of that suitable for active recreation. Mr. Price stated that he feels they can accomplish this with the walking trails. Chairman Walker stated that he feels the 3.5 acres of suitable recreation open space can be accomplished without using the steep slopes. Planner Shults stated that as shown the 18.1 acres with the easements, flood plain, steep slopes, etc. deducted only leaves approximately 1 acre of open space. Mr. Price said that the lots on the top portion appear to be large lots, but in fact are only approximately 125 feet deep as the back portion drops off down the steep slope. Commissioner Thompson questioned the steepness of Hyatte Road. Mr. Price stated that the developer, Mr. Poteet, plans to widen Hyatte Road to 24 feet with a 4 foot shoulder. Commissioner Brumlow asked if Hixson Street would be used as access to the development. Mr. Price stated that it would not at the request of the City Commission. He said the lower town house area would be accessed off of Green Pond Road with the upper portion accessed off of Hyatte Road. Commissioner Thompson questioned the drainage of the lot. Mr. Price stated that two retention ponds will be constructed with one at Daisy Dallas Road and one at Green Pond Road. He said that Lots 16, 37, & 38 would have a detention pond that drains toward the high school. Commissioner Thompson questioned the price of the homes. Mr. Poteet stated approximately \$160,000.00 to \$185,000.00. Commissioner Thompson stated that he felt there was ample room for other types of recreation other than the walking tracts. Mr. Price stated that Lot 139 would be developed as a playground area. Planner Shults stated that the ordinance clearly states that a minimum of 25 percent is to be designated as open space after deducting the wetlands, flood plain, floodway, street right-of-ways, easements and slopes over 25 percent and that 25 percent of that is to be suitable for recreation. He said that the ordinance doesn't define active space. Mr. Price stated that he felt the developer was being penalized for the topography of the lot. Mr. Price said that there is approximately 18 acres at the top of the parcel and 15 acres at the bottom that are usable for building sites. He said that if he has to deduct the open space from these areas, then there is not enough property adequate for the building of homes to make the development feasible. Barbara Wright, Green Pond Road, stated her concerns with the development. She said that she currently uses the road for her driveway as the State told them they could when Hwy. 27 was constructed. She said that the proposed road will be very close to her house and asked that the road be located as close to the State fence as possible. She stated her concerns with water runoff as well. Mr. Price stated that the Wrights currently have a shed that is in the roadway as well. He said that Mr. Poteet would be willing to move the shed for her. He said that they planned to leave some of the trees for aesthetics as well as a noise buffer and would extend the roadway straight 75-80 feet. Jackie Penney, Hyatte Road, stated his concerns with the safety of Hyatte Road and his view. He stated that he did not feel that just widening the road would solve the problems, that something needed to be done to the steepness as well. Mr. Penney asked if the upper portion would be single story or two story dwellings. Mr. Price stated two story. Mr. Penney expressed his concern with blocking his view. He also expressed his

concern with water runoff. Tammy Delashmitt, Hyatte Road, asked if sewers would be available and would the current residents have to pay a user's fee. Mr. Price stated that the development would be connected to sewers, but they would be extended from Daisy Dallas Road for service to the site only. No one else would have access. She stated her concerns with traffic on Hyatte Road and the additional number of houses. Mr. Price again stated that the developer plans to improve Hyatte Road by widening and adding a shoulder. Chairman Walker stated that he did not feel that the Board could grant the variance as requested. Mr. Price stated that the site is topo challenged and this was not created by the applicant. He also said that the trails would not be a detriment to the area. Commissioner Brumlow stated that he felt the variance would be difficult to approve and did not feel that the Board had the authority to grant the request. Mr. Price stated that the walking trails would provide interconnectivity with the two neighborhoods as well as recreation area. Vice-Chairman Gram asked the status of the development. Mr. Price stated that the development is held up at this time without the variance. Vice-Chairman Gram made a motion to deny the request citing Article VII, Section 106.8.

1<sup>st</sup> - Vice-Chairman Gram to deny  
2<sup>nd</sup> - Commissioner Brumlow  
Ayes - Unanimous

As approved, these minutes constitute the Board's written findings of fact on these issues.

ADJOURNED 10:26 A.M.

REC. SEC. DOLBERRY