



STAFF REPORT

Date: June 12, 2025

To: Board of Zoning Appeals

From: Jon Baughman, City Planner
Jill Johnson, Planner I

Re: Zoning Variance – Setbacks
2100 Maricourt Street
Map – 074D
Group - A
Parcel – 051.00

Request: The owner of 2100 Maricourt Street seeks a setback variance to accommodate an addition to the rear of the home on this property. This property is in Hickory Hills Section 1, located in District 2.

History & Analysis: 2100 Maricourt is located at the terminus of Maricourt Street at Devonshire Drive. The zoning is RS-10-PUD. The property is part of the Hickory Hills “planned community” which was initially developed in Wilson County, dating back to the 1980’s. The base zoning district was Wilson County R-2.

The subdivision was annexed into City limits in 1992 (ord 92-15), de-annexed in 1993 (ord 93-29) and annexed again in 2001 (ord 2001-23). The property is improved and includes a single-family home, built approximately in 2002. The home was likely the model home for the community when first built. The current owners have owned the property since about 2020 and would like to make changes to the existing elevated deck on the rear of the home. The plans show an extension of the home roof line to cover an enlarged section of deck. Also, the stairs to access the yard from the deck are being relocated.

As this subdivision was developed in the County, it was initially laid out per County zoning regulations. The final plat (Section One, Hickory Hills) recorded in 1993 identifies building setbacks, for a corner lot, as follows:

Wilson County R-2:

Front: 30’
R-O-W: 30’
Side: 8’ (16’ of building separation)
Rear: 8’ (16’ of building separation)

The subdivision was annexed into the City in 2001 and since the home was constructed after annexation, City RS-10 zoning bulk regulations should have been applied to the structure as shown below:

Front: 30’
R-O-W: 15’

Side: 10'
Rear: 15'

The home was constructed in 2002 and never met these requirements to begin with, being placed too far back on the lot and oriented at about 45 degrees relative to the lot lines. The result is a home which violates yard requirements on the south and east sides from the time it was constructed. The rear yard is nearly non-existent given the way in which the home was constructed. The proposed addition will not comply with yard requirements either, encroaching into the rear yard 6'-8'. The plat for this property is slightly unusual in how the setbacks are delineated, there may have been an error committed at the time of home construction regarding interpretation of the required yards due to this anomaly.

5-103.5 Yard regulations.

3. Permitted obstructions in required yards. In all residential districts, the following shall not be considered obstructions when located within a required yard, except that these items shall comply with subpart 4 of this section, Obstructions prohibited at street intersections:

a. In any yard.

Air conditioning units, provided that no such unit shall extend more than one-half the required width of the yard.

Arbors and trellises.

Awnings or canopies projecting from a building wall over a required yard not more than six feet, and having no supports other than provided by the wall or its integral parts.

Bay windows not projecting more than two feet into the required yard. In no case shall bay windows be located less than five feet from any lot line.

Chimneys projecting not more than three feet into and not exceeding two percent of the area, of the required yard.

Driveways subject to other specific provisions of this ordinance related directly thereto.

Eaves, gutters, or down spouts, projecting into or over required yards not more than 24 inches or 20 percent of the width of such yard, whichever is the lesser distance.

Fire escapes or staircases, the riser of which shall be at least 50 percent open, and whose vertical projection downward onto a required yard does not project more than three feet into, and not exceeding ten percent of the area of the required yard.

Flagpoles having only one structural ground member.

Fountains.

Mailboxes.

Open terraces, including natural plant landscaping.

Sculpture or other similar objects of art.

Street furniture such as, but not limited to, benches, drinking fountains, trash receptacles, ash trays, light standards, or directional signs.

Vehicular parking areas, unless, otherwise, specifically prohibited by applicable sections of this ordinance.

Vents necessary for use of fallout shelters constructed below grade of such yards, but excluding all other parts of such shelters.

Walls, including retaining walls, or fences not exceeding six feet in height measured from finish grade level at any point along the length of, and on any side of, such walls, including retaining walls, or fences, and not roofed or structurally part of a building.

Primary structures and covered patios, porches, decks, etc shall comply with yard requirements as shown above, not being a permissible encroachment via this list.

Sec. 13-103. - Noncomplying buildings or other structures.

13-103.1 General provisions. The provisions of this section shall control buildings and other structures which do not meet the bulk or any other provisions applicable in the districts in which they are located, except those provisions which pertain to activity or use.

13-103.2 Continuation of use. The use of a noncomplying building or other structure or parcel may be continued, except as, otherwise, provided by this section.

13-103.3 Repairs and alterations. Repairs, incidental alterations, or structural alterations may be made in noncomplying buildings or other structures subject to the provisions of subsection 13-103.4, Enlargement of conversion.

13-103.4 Enlargement of conversion.

1. Adequate space for expansion. No expansion or enlargement of any noncomplying building or other structure may be made which would either create a new noncompliance or increase the degree of any previously existing noncompliance of any building or other structure or parcel or portion, thereof.

2. Buildings noncomplying as to lot area. If a building does not comply with the applicable district regulations on lot area per dwelling unit (lot area of zone lot being smaller than required for the number of dwelling units on such zone lot) such building may be converted (and, in mixed buildings, the residential use may be extended, except when in the floodplain district) provided that the deficiency in the required lot area is not, thereby, increased (for example, a noncomplying building on a zone lot of 3,500 square feet, which before conversion required a lot area of 5,000 square feet and was, therefore, deficient by 1,500 square feet, can be converted into any combination of dwelling units requiring a lot area of no more than 5,000 square feet).

3. Application of other provisions to expanded facilities. In the event that any proposed expansion or addition to a noncomplying building or structure is valued at less than 50 percent of the assessed valuation (as recorded on the most current edition of the property tax records) of the improvements located upon the site, all provisions of this ordinance shall be applicable to the expansion or addition. In the event, however, that the proposed expansion or addition is valued at 50 percent or more of the assessed valuation of the improvements located upon the site all provisions of this ordinance shall apply to both the existing facilities, with the exception of any preexisting noncomplying conditions and the expansion or addition.

13-103.5 Damage or destruction of noncomplying buildings and other structures. In all districts, when any noncomplying building or other structure is damaged or destroyed such building or other structures may be restored provided that such restoration shall not cause a new noncompliance nor increase the degree of noncompliance existing prior to such damage or destruction.

The highlighted section of code above is the reason for the variance request.

14-105.4 Standards for variances

The Board shall not grant a variance, unless it makes findings based upon evidence presented to it as follows:

- 1. By reason of exceptional narrowness, shallowness, or shape of a particular piece of property at the time of enactment of this ordinance, or by reason of exceptional topographic conditions or other exceptional and extraordinary situation or condition of such piece of property, the strict application of any regulation contained within this ordinance would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of such property.*
- 2. The variance is the minimum variance that will relieve such difficulties or hardship and thereby make possible the reasonable use of the land, building, or structure.*
- 3. The variance will not authorize activities in a zone district other than those permitted by this ordinance.*

4. *Financial returns only shall not be considered as a basis for granting a variance.*
5. *The granting of the variance will not be detrimental to the public welfare, injurious to other property or improvements in the area in which the subject property is located, or a substantial impairment to the intent and purpose of the zoning district wherein such property is located or of the general provisions of this ordinance.*
6. *The proposed variance will not impair an adequate supply of light and air to the adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety.*
7. *The alleged difficulty or hardship has not been knowingly and intentionally created by any person having an interest in the property after the effective date of this ordinance.*

Summary: Staff supports this variance request. The home was placed incorrectly on the lot at the time of construction resulting in non-compliance with Mt. Juliet yard regulations, the home being approximately 2' from the south property line. The addition will also encroach into the yard several feet, requiring this variance request, however, the existing non-conforming aspects of the home remain as is.

Recommendation: Staff recommends approval of the setback variance for 2100 Maricourt, subject to any conditions below: