

Petition for disapproval of special variance request for the construction of an ADU on lot 22 of the Greenfield Creek Subdivision.

The River Birch Farms restrictive covenants dated 05/15/2010 and recorded in Record Book 796 pg 3344 states the following which do not appear to have been complied with:

1) Pg. 12 Article IV - Architectural Control Part A

No, construction, reconstruction, remodeling alteration or addition to any structure, build, fence, wall, driveway, path, sidewalk or other improvement of any nature on any lot shall be constructed or undertaken without obtaining the prior written approval of the Board of Directors through the Architectural Committee appointed by the Board as to the intended location of same and as to its plans and specifications showing the nature, shape, height, materials and such other specifics as may be required including its architectural style.

Same paragraph –

Each owner acknowledges that the décor, color scheme, landscaping and design of the property has been selected in such a manner as to be consistent and harmonious with the other lots and residences in the subdivision and agrees to maintain and perpetuate the visual harmony of the Properties.

2) Page 16 Article VII – Use and Building Restriction

Sub part 1.

Residential structures only. No lot may be used for any purpose except for the construction and maintenance of a residential building, and no such residential structure on any such lot shall be designed, constructed or used for more than one family.

Sub part 5

Trailers – no trailer, basement house, tent, garage, barn, or other outbuilding shall be erected or used as either a temporary or permanent residence.

Sub part 14

Façade Material. The façade of each residence shall be constructed of at least 80% brick, stone, masonry, concrete fiberboard or combination thereof as approved by the architectural committee.

Sub part 15

.....There shall be no detached garages or other accessory buildings constructed or located on the premise unless prior approval in writing is granted by the Architectural Committee.

Sub part 20

Outbuildings. No lot owner may construct or place any outbuilding on the lot owner's property without the prior written approval of the Architectural committee. Any outbuilding approved by the Architectural Committee shall be of the same exterior material as the residence located on the lot approved for said outbuilding.

Additional supporting reason for request to deny special variance.

1. ****Non-Compliance with Zoning Requirements:****

According to the Rutherford County Zoning Ordinance, Section [relevant section], the property size must meet or exceed one acre for an ADU. The application indicates that the property is only 0.83 acres, which does not meet the zoning requirement. Granting an exception for a non-conforming property size undermines the intent of zoning laws to protect the integrity and character of residential areas.

2. ****Impact on Neighborhood Character and Property Values:****

River Birch Farms is a single-family residential neighborhood, and the addition of a detached ADU threatens to alter its established character. Such changes may introduce more population density and negatively impact property values. Allowing this ADU could set a precedent for future developments that would further erode the character and appearance of the neighborhood.

3. ****Negative Effect on Privacy and Quality of Life:****

The placement of the ADU at the rear of the property raises concerns about the potential encroachment on neighboring properties and the resulting loss of privacy. The increase in residents and visitors may disrupt the quiet nature of the neighborhood and reduce the overall quality of life for those living nearby.

4. ****Drainage and Infrastructure Strain:****

The proposed ADU is expected to tie into the existing septic system, but there are concerns about whether the current infrastructure can handle the additional load. Potential septic issues could create environmental hazards and further strain the neighborhood's utilities.

5. ****Discrepancy in Building Materials:****

Mr. Mentink has indicated that the ADU will use materials matching the primary residence, specifically brick and hardy board. However, the design provided to the board only depicts hardy board. This discrepancy raises concerns about the final appearance of the ADU and its consistency with the surrounding homes, undermining the neighborhood's cohesive look.

