



TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Jessica McMurray, Development Coordinator

DATE: September 19, 2023

RE: 4232 Rustic Way

The Board is asked to consider the following request:

**Case 23-0303 – The owner of property located at 4232 Rustic Way, Control Map 062F, Group E, Parcel 06.66** requests a 900 square foot variance to Sec. 114-133(2) for the purpose of constructing an accessory structure to store recreational vehicles. The request is to exceed the maximum square footage allowance for an accessory structure. The property is zoned R-1B, Residential District.

*Code reference:*

**Sec. 114-133. - Accessory building location and height.**

Under this chapter, the following shall apply to the location and height of accessory buildings:

- (1) *Yards.* No accessory building shall be erected in any required court or yard other than a rear yard with exceptions as provided in subsection (3) of this section.
- (2) *Location.* Except as provided in subsection (3) of this section, no accessory building shall be erected in any required front or side yard. Accessory residential structures shall be on the same lot as the principal residential structure. The floor area of accessory structures located upon any property zoned for residential use shall not exceed 30 percent of the floor area of the principal structure, or 1,100 square feet, whichever is greater. Lots that are two acres in size or larger may use the following calculation to determine accessory structure size: maximum of two percent of total parcel area but never more than 5,000 square feet. Accessory structures shall not exceed the height of the principal structure or 35 feet, whichever is less. Accessory structures shall be at least three feet from all lot lines and five feet from any other building on the same lot; provided, however, that where two adjoining property owners desire to build a double garage on the property line, one-half of which would be located on each property, they may secure a building permit to construct such garage by submitting written agreements signed by both parties concerned to the zoning administrator. The height of both the accessory structure and the principal structure shall be measured according to the provisions outlined in the current building code, as set forth in article III of [chapter 22](#). Swimming pools not covered by a permanent roof, tennis courts, pet enclosures not exceeding 100 square feet floor area, and satellite dish antennas shall not be subject to size or height restrictions in this section or included in calculating floor area.
- (3) *Garage.* Where the average natural grade of a required yard is more than eight feet above or below the established street grade, a private garage may be erected within such yard, but not within five feet of any street right-of-way.