



**CITY OF FAIRVIEW
BOARD OF ZONING APPEALS
REGULAR MEETING
PACKET
NOVEMBER 2, 2026
06:30 PM**

CITY OF FAIRVIEW

BOARD OF ZONING APPEALS

FAIRVIEW
TENNESSEE

1959

CURRENT BOARD MEMBERS

- ☒ [Mike Anderson](#)
- ☒ [Emilee Warren](#)
- ☒ [Greg Dewire](#)
- ☒ [Julia Hill](#)
- ☒ [Andrew Mitchell](#)

REGULAR MEETING
NOVEMBER 2, 2026
06:30 PM

AGENDA

1. Call to Order
2. Roll Call
3. Prayer and Pledge
4. Approval of Agenda
5. Citizen Comments (limited to the first 5 citizens to sign in and a limit of 3 minutes each)
6. Approval of Minutes - September 10, 2026, Regular Meeting
7. New Business

A. A. BZA Resolution 08-26

- Public Hearing
- Variance Request, 7106 Cooper Ln, Map: 041, Parcel: 014.01, Acreage 1.18, Current Zoning: CD-3L, Property Owner: Keith Trusty

The applicant is seeking relief from the maximum building footprint restrictions

Attachment: [Trusty Site Plan 11-2.pdf](#)

Attachment: [Trusty Variance Letter Nov BZA.pdf](#)

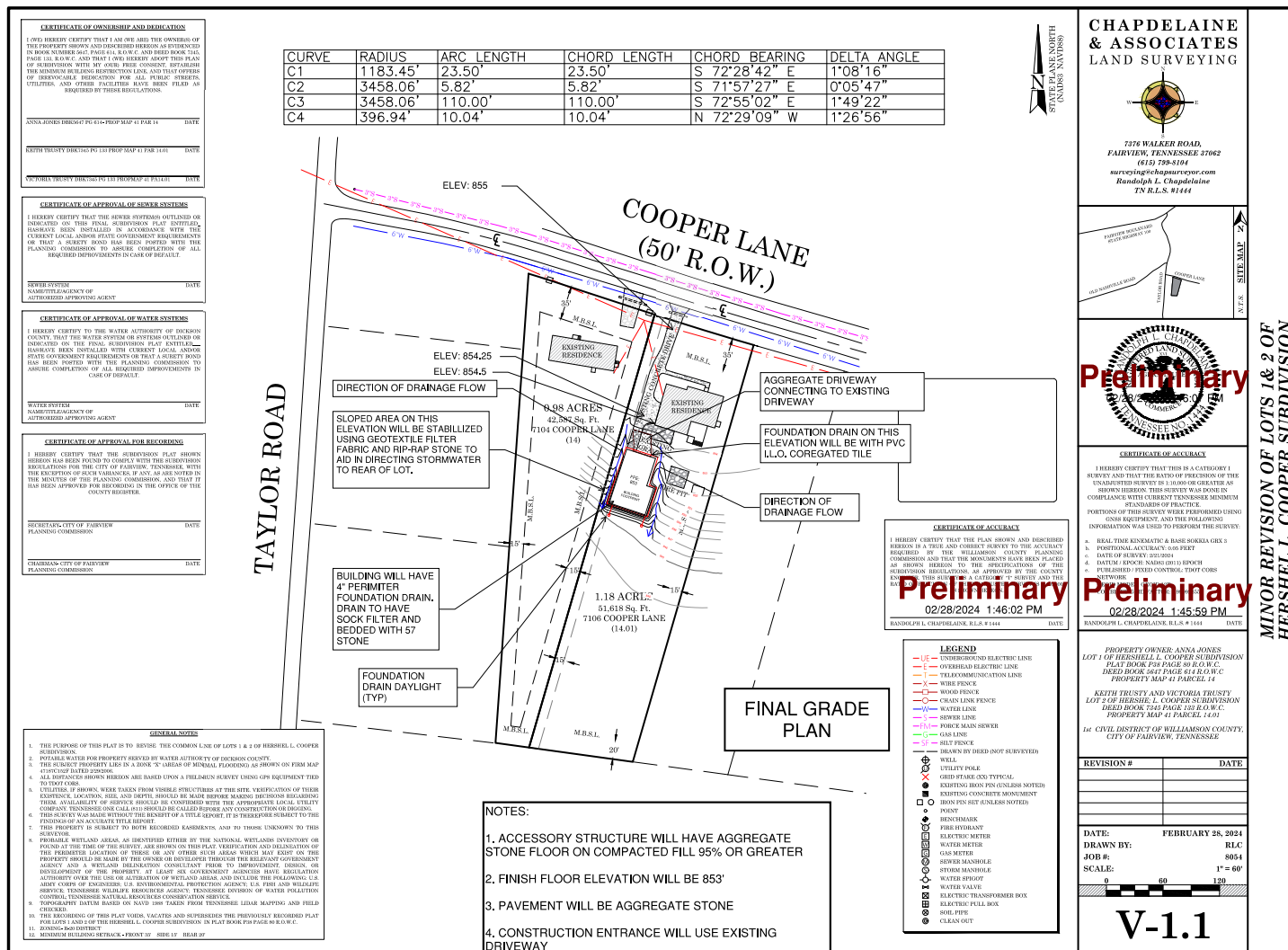
Attachment: [Trusty Garage Floorplan.pdf](#)

Attachment: [Trusty Petition.pdf](#)

Attachment: [VAR-26-0010 - 7106 Cooper Ln - Resolution Updated.pdf](#)

Attachment: [VAR-26-0010 - 7106 Cooper Ln - Staff Report Updated.pdf](#)

8. Meeting Adjournment



615-238-1611
KEITH AND VICTORIA
TRUSTY

VARIANCE REQUEST LETTER

7106 COOPER LN
FAIRVIEW, TN 37062

August 11, 2026

Dear Members of The Board of Zoning Appeals,

We respectfully request a variance for 7106 Cooper Lane, Fairview, Tennessee 37062, to increase the detached accessory building footprint limit from 50 percent to 73.7 percent. This request relates to the accessory building footprint requirement in Article 4, Section 4.3.4.C.3.a.

Our property was previously zoned R-40 under the prior Fairview zoning regulations. The property consists of approximately 1.18 acres and contains an existing residence with a primary structure footprint of 2,606 square feet. The characteristic of the residences on our road are rural wooded lots that slope downward to the rear on both sides of the road.

The proposed accessory structure is a 32-foot by 60-foot detached building with totaling approximately 1,920 square feet footprint, intended for shelter of a 41 foot long RV, lawnmower, a pickup truck that is too tall to fit in the garage of the primary dwelling, and other yard implements which we consider blight to the neighborhood. The length of the RV provides practical restrictions on the dimensions for the structure. Under the previous code, the structural dimensions would not have been an issue. This structure also is a security measure to protect our residence in our absence. It is currently quite apparent when our family is traveling because our RV and truck are not parked in the driveway.

The planning of this accessory structure began in 2023, developing the dimensional layout and goals we sought to accomplish with this structure. After reviewing our lot conditions and preliminary footprint needs, we determined that placing the structure within five feet of the property line, while permitted under the prior code, was not the best long-term solution. So, in January 2024, our neighbor, Anna Jones, agreed to sell 10 additional feet along the length of the property line between our two properties or approximately 0.12 acres. This agreement ensured the ability to place an accessory building in the best position possible due to the geometry and existing tree canopy of our lot. In late June of 2024, Chapdelaine Surveying was able to facilitate this plot adjustment through the City of Fairview and new plot maps were recorded. As such, the planning efforts for this structure have been in motion for several years, but unfortunately once funding became available and the time had arrived to move forward with a building permit, a new code was issued just 40 days before a permit was requested. The new code **significantly changed** the governance of accessory structures which we were originally compliant with.

Under the prior Ordinance, our planned **1,920 square foot** structure was well within the following from Section 6-102.9.2:

Accessory structures, provided that all accessory structures taken in total may occupy a maximum of thirty-five (35) percent of the rear yard area and all structures shall be located at least five (5) feet from the side and rear property line.

Based on that language it was our understanding we were allowed to build a structure(s) with a footprint equal to what we are requesting provided we were not leveraging 35% of the rear yard of our property minus setbacks. With the new Code, we are now bound to maintain a footprint of approximately **1,300 square feet and only allowed (1) structure.**

In summary, the goals we are trying to accomplish with this structure cannot be supported under the new restrictions, but we are trying to ask for the minimum Variance needed to support the growth of our family in this community.

We respectfully request that the Board grant relief from the 50 percent detached Accessory Building footprint limitation by allowing the maximum detached accessory building footprint for this property to increase to 73.7 percent of the existing principal building footprint, and allow the proposed accessory structure to proceed through the standard permit review process, subject to compliance with all other applicable City of Fairview requirements, consistency with the Fairview Forward 2040 Comprehensive Plan, and any reasonable conditions the Board determines are necessary.

Response to Article 8.5.15.L variance criteria. As required by Article 8.5.15.L of the Fairview Development Code, below are responses to the standards as written:

a. That 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. The property has practical site constraints due to its rural wooded setting, rearward slope, and existing tree canopy. The accessory structure was planned under the prior code, and we completed a 2024 property purchase to better position the planned structure on the property. **Our exceptional condition is the physical orientation of the existing Primary Structure does not lend itself to simply putting an addition onto our existing home.** Strict application of the new limit would prevent a reasonably sized structure needed to shelter the RV, truck, lawn equipment, and yard implements, reduce visible outdoor storage, and prevent the long-term security of our private property.

b. That the Variance is the minimum Variance necessary so as to relieve such difficulties or hardship and thereby make possible the reasonable use of the land, Building, or Structure. The requested variance is the minimum necessary relief. The request is limited only to increasing the allowable accessory building footprint ratio from 50 percent to 73.7 percent of the principal building footprint under Article 4, Section 4.3.4.C.3.a.

c. That the Variance will not authorize Uses or activities in the applicable District other than those permitted by this Ordinance. The proposed accessory building is an accessory residential structure on the same lot as the existing single-family residence and will remain subordinate to the principal dwelling. The variance will not authorize a separate dwelling unit, commercial use, or any other use or activity not otherwise permitted in the district.

d. That financial returns alone shall not be considered as a basis for granting a Variance. This request is not based on financial return in any way. The practical difficulty is created by the newly adopted proportional footprint limitation alone and the need for a reasonable accessory structure to support customary residential storage, vehicle shelter, and the safety of our property.

e. That the granting of the Variance will not be substantially detrimental to the public good or substantially injurious to other property or improvements in the area in which the subject property is located, and will not substantially impair the intent and purpose of the general provisions of the City's Comprehensive Plan, Major Thoroughfare Plan, other Land Use Plans, or this Ordinance. Granting the variance will not be detrimental to the above list and has the support from all our neighbors on our dead end road who we've spoken to. The request focuses only on the newly adopted footprint ratio while, to our knowledge, preserving the intent of the Development Code and the Fairview Forward 2040 Comprehensive Plan.

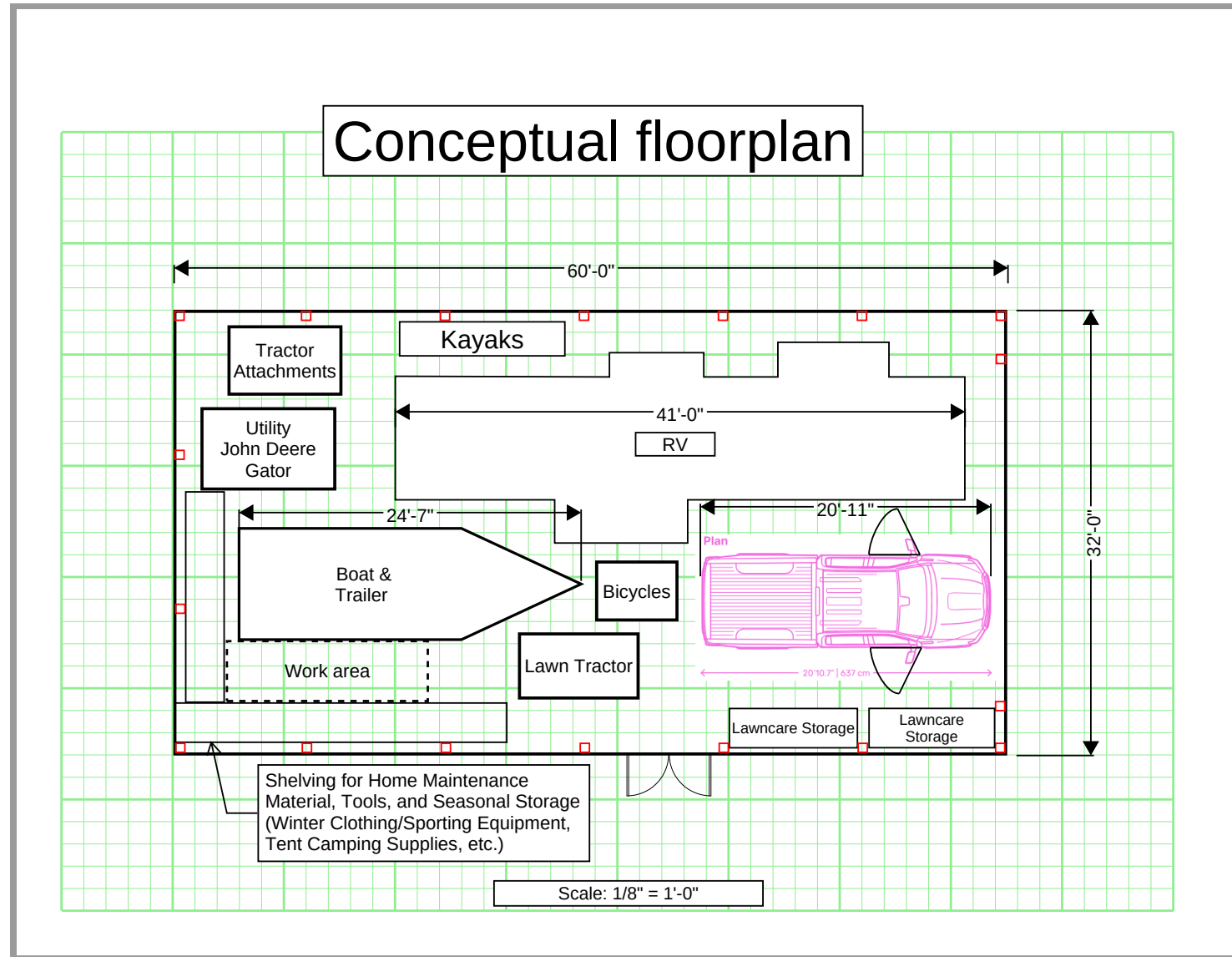
f. That the proposed Variance will not impair an adequate supply of light and air to the Adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety. The proposed accessory building can be placed on the property without impairing light and air to adjacent properties, increasing congestion in public streets, increasing fire danger, or endangering public safety.

g. That the alleged difficulty or hardship has not been caused or created by the act or omission of the Applicant or any Person having an interest in the property. The alleged difficulty or hardship was not created by the applicant. The planning for the accessory structure began two years prior to April 2, 2026, when the Development Code changed. This included the **January 2024** agreement with the neighboring property owner and the **June 2024 plat adjustment**. Our difficulty arose from the later adoption of the new 50 percent footprint restriction.

Thank you for your consideration of this request.

Respectfully submitted,

KEITH AND VICTORIA TRUSTY
Property Owners Of 7106 Cooper Lane



Petition in Support of Proposed Garage at 7106 Cooper Lane

To the Board of Zoning Appeals:

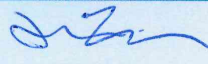
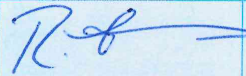
We, the undersigned residents, neighbors, and interested members of the community respectfully express our support for the proposed construction of a detached garage at 7106 Cooper Lane.

The proposed garage would provide an enclosed structure for Keith and Victoria Trusty to properly store and protect personal belongings, vehicles, equipment, and other materials that are currently better suited to be kept inside a secure, weather-protected building. We understand that the proposed garage would be more than 50% of the size of the main house, but less than **75%** of the size of the main house. This will result in a total structure of up to **1,954 square feet** compared to the house size of **2,606 square feet**

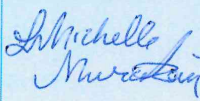
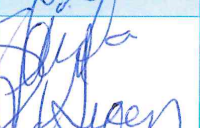
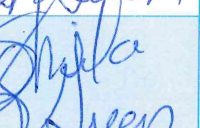
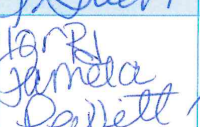
We understand that the development code that took effect on April 2, 2026 may not allow this type of structure as proposed. However, given the specific circumstances of this property and project, we believe the proposed garage is consistent with the character of the surrounding area. The garage is intended to be used as an accessory structure for residential storage purposes and is not expected to negatively affect neighboring properties or the surrounding community.

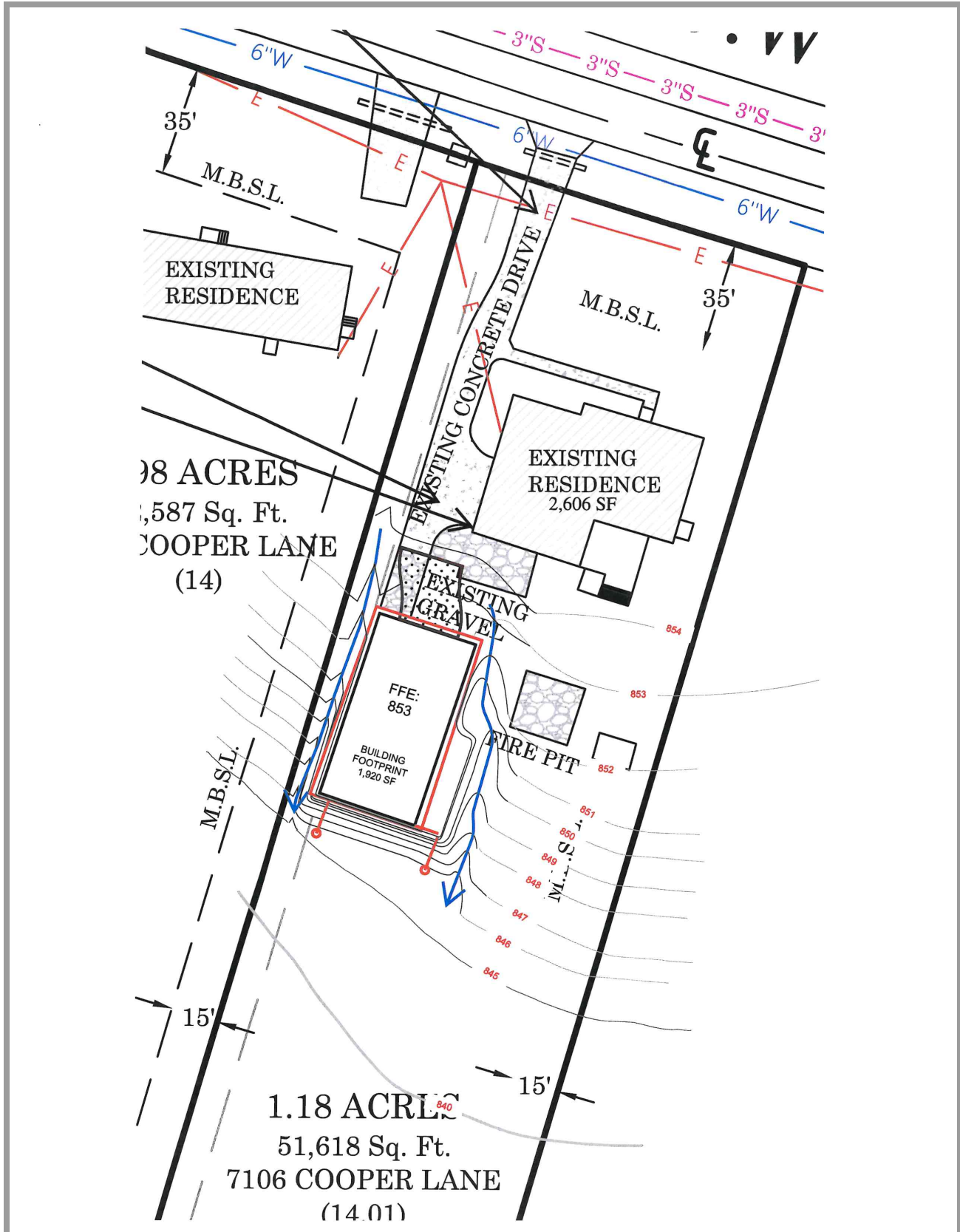
For these reasons, we respectfully request that the Board of Zoning Appeals consider this petition as evidence of community support for Keith and Victoria Trusty at 7106 Cooper Lane and allow them to move forward with the permitting process for its construction.

By signing below, each person confirms their support for the proposed garage described above and illustrated on the exhibit included.

Printed Name	Address	Signature	Date	Comments
Jon Maxwell	7108 Cooper Ln		9-12-26	
CHRIS SANDERS	7110 Cooper Ln		9.12.26	
Richard Fisher	7114 Cooper Ln		9/12/26	

Additional Signatures in Support of Proposed Garage at 7106 Cooper Lane

Printed Name	Address	Signature	Date	Comments
Michelle Murakami	7117 Cooper Ln Fairview TN 37062		9-12-26	We are happy for them to have enough room for their RV... less of an eye sore to have it put away!
Jason Massey	7115 Cooper Ln Fairview TN 37062		9/12/26	
Sheila Green	7109 Cooper Ln Fairview		9/12/26	3 pcs of property that I own and I have
Sherla Green	7215 Taylor Rd Fairview		9/12/26	No problems with the building
Sheila Green	7211 Taylor Rd Fairview		9/12/26	that they are wanting to build!
Pamela Perwitz	7217 Taylor Rd Fairview TN		9/12/26	
Rita Jones	7305 Taylor Rd Fairview TN 37062			
Stephen McKee	7307 McCormick Dr. Fairview, TN		9/16/26	No Problem
Eric Pritchard	7119 Cooper Fairview TN 37062		9-16-26	



BOARD OF ZONING APPEALS OF THE CITY OF FAIRVIEW, TENNESSEE

RESOLUTION NO. BZA 08-26

A RESOLUTION OF THE BOARD OF ZONING APPEALS OF THE CITY OF FAIRVIEW, TENNESSEE, APPROVING THE VARIANCE REQUEST TO INCREASE THE PERMITTED FOOTPRINT OF AN ACCESSORY BUILDING AS REQUIRED IN SECTION 4.3.4.C(3)(a) OF THE FAIRVIEW DEVELOPMENT CODE ON PROPERTY LOCATED AT 7106 COOPER LANE. TAX MAP: 041, PARCEL: 014.01. PROPERTY OWNER: KEITH TRUSTY.

WHEREAS, Keith Trusty, property owner, is seeking approval of a variance to increase the permitted footprint of an accessory building as regulated by Section 4.3.4.C(3)(a); and

WHEREAS, the CD-3L Character District found in Article 4 of the Fairview Development Code, Table 4.3.1-D: Number of Buildings Per Lot or Building Site permits one (1) Accessory Building and states accessory building specifics are found in Section 4.3.4.C; and

WHEREAS, the CD-3L Character District found in Article 4 of the Fairview Development Code, Table 4.3.1-D: Building Standards states the maximum height of an accessory building is two (2) stories and “shall not exceed Principal Building Height”; and

WHEREAS, the Section 4.3.4.C(3)(a) Accessory Buildings & Accessory Structures states, “the footprint of a detached Accessory Building shall not exceed 50% of the Building footprint of the Principal Building on the Lot . . .”, and

WHEREAS, the owner/applicant is requesting to increase the maximum footprint of an accessory building from the required 50%, as stated in Section 4.3.4.C(3)(a) to 73.7% to permit a singular detached garage behind the existing residence to house an RV, lawnmower, a pickup truck, and other yard implements; and

WHEREAS, the request has been given the project number VAR-26-0010, and

WHEREAS, the staff report is attached as exhibit BZA-08-26-A, and

WHEREAS, the variance request letter is attached as exhibit BZA-08-26-B.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS OF THE CITY OF FAIRVIEW, TENNESSEE, AS FOLLOWS:

The City of Fairview Board of Zoning Appeals hereby **approves / denies** this variance request with the following conditions of approval:

BZA Resolution 08-26

City of Fairview

Page 1 of 2

1. The property owner/applicant shall submit a building permit for the construction of a new residence on this property.

Adopted this _____ day of _____, 2026

Board of Zoning Appeals Chairperson

Attest:

City Recorder

Approved As To Form:

City Attorney

EXHIBIT BZA-08-26-A
STAFF REPORT
BZA-08-26

Project: 7106 Cooper Lane

Application Type: Variance

Applicant: Keith Trusty

Owner: Keith Trusty

Initial Submittal Date: 7/02/2026

Final Submittal Date: 8/13/2026

Tax Map: 041 **Parcel:** 014.01

Character District: CD-3L (Neighborhood Large Lot)

Project Summary

Mr. Keith Trusty, property owner, has submitted a Variance Request for the property located at 7106 Cooper Lane. The property at 7106 Cooper Lane contains 1.18 (+/-) acres and is located on the south side of Cooper Lane, east of the intersection of Cooper Lane and Taylor Road. Currently the property contains a single-family detached residence, which is the residence for the owner.

The property is currently zoned CD-3L (Neighborhood Large Lot). The CD-3L character district zoning was placed on this property with the adoption of the new Fairview Development Code and Zoning Map on April 2, 2026. Prior to the adoption of the new development code and zoning map, this property was zoned Residential-40 (RSM-40).

The applicant is desiring to construct a detached garage at the end of the existing driveway, which would place the garage behind the existing residence on the property. The proposed detached garage is 32 feet by 60 feet. In total the proposed detached garage contains 1,920 square feet.

Fairview Development Code: Accessory Building Requirements

The property is currently zoned CD-3L and information and regulations related to accessory buildings are found in Article 4 and more specifically found in Table 4.3.1-D. The Number of Buildings Per Lot or Building Site portion of Table 4.3.1-D states that one (1) accessory building is permitted on a lot. In the Building Standards portion of Table 4.3.1-D it is states that the maximum of height of an accessory building is two (2) stories and “*shall not exceed Principal Building Height.*” The proposed detached garage at 7106 Cooper Lane satisfies both requirements.

A third and final requirement for a detached accessory building is found in Section 4.3.4.C(3)(a) Accessory Buildings & Accessory Structures of the Fairview Development Code. This section states, “*the footprint of a detached Accessory Building shall not exceed 50% of the Building footprint of the Principal Building on the Lot . . .*”. The proposed detached garage at 7106 Cooper Lane does not satisfy this requirement. The existing residence on the property contains 2,607 square feet, per the applicant submitted information, which sets the maximum size for an accessory building at 1,304 square feet. The proposed detached garage contains 1,920 square feet, which is 616 square feet greater than the permitted size based on the requirements in Section 4.3.4.C(3)(a).

Staff spoke with the owner following the submission of the detached garage plan. Those discussions prompted the submission of this variance request. The applicant, in the revised variance request letter, states they are requesting to increase the detached accessory building footprint limit, “*to 73.7 percent of the existing principal building footprint.*”

Previous Zoning Ordinance: Accessory Building Requirements

The requested variance cannot be regulated based on the accessory building requirements of the most recent past zoning ordinance; however, the applicant refers to these requirements in the variance request letter and staff wanted to address the statement that was made.

The applicant referenced Section 6-102.9.2 of the former Fairview Zoning Ordinance and stated that based on their understanding that section would allow them to construct an accessory structure with a footprint of over 10,000 square feet. Section 6-102.9 is titled Permitted Obstructions in Required Yards, therefore the regulations in that section focused on what obstructions could be located within a required front, side, or rear yard area that was required by the zoning of the property.

Section 6-102.9.2 states all accessory structures taken in total may occupy a maximum of 35 percent of the rear yard area. The reference to ‘rear yard area’ in this section does not mean the rear yard of a property. It means 35% of the area located between the rear property boundary and the required rear yard line of 50 feet within the RS-40 zone district.

The definition of accessory structure, in the previous zoning ordinance, starts with the wording “*A subordinate structure*”. This was interpreted to mean smaller than the principal structure located on the same lot. This means under the previous zoning ordinance, the maximum size of an accessory structure would have been less than the size of the principal building on the lot.

Surrounding Zoning and Land Use

All adjacent properties are located within the Fairview municipal boundaries and all surrounding properties are zoned CD-3L (Neighborhood Large Lot) and contain single-family detached residential land uses.

Fairview Forward 2040 Plan

The 2040 Fairview Forward Plan classifies this property as future land use Legacy Neighborhood (Residential- Medium). The Legacy Neighborhood (Residential- Medium) future land use classification lists appropriate zoning districts as RS-40, and R-20, which converted to either CD-2W (Rural) or CD-3L (Neighborhood – Large Lot) character districts within the new development code. The only appropriate land use listed is Single-Family Detached Residential.

Variance Standards

The seven (7) standards for a variance are found in Section 8.5.15.L Variance Specific Requirements. The applicant provides responses to each of these seven (7) standards and those responses have been added under each of the seven (7) standards listed below.

Standard 1: That 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.

Applicant Response: The property has practical site constraints due to its rural wooded setting, rearward slope, and existing tree canopy. The accessory structure was planned under the prior code, and we completed a 2024 property purchase to better position the planned structure on the property. Our exceptional condition is the physical orientation of the existing Primary Structure does not lend itself to simply putting an addition onto our existing home. Strict application of the new limit would prevent a reasonably sized structure needed to shelter the RV, truck, lawn equipment, and yard implements, reduce visible outdoor storage, and prevent the long-term security of our private property.

Standard 2: That the Variance is the minimum Variance necessary so as to relieve such difficulties or hardship and thereby make possible the reasonable use of the land, Building, or Structure.

Applicant Response: The requested variance is the minimum necessary relief. The request is limited only to increasing the allowable accessory building footprint ratio from 50 percent to 73.7 percent of the principal building footprint under Article 4, Section 4.3.4.C.3.a.

Standard 3: That the Variance will not authorize Uses or activities in the applicable District other than those permitted by this Ordinance.

Applicant Response: The proposed accessory building is an accessory residential structure on the same lot as the existing single-family residence and will remain

subordinate to the principal dwelling. The variance will not authorize a separate dwelling unit, commercial use, or any other use or activity not otherwise permitted in the district.

Standard 4: That financial returns alone shall not be considered as a basis for granting a Variance.

Applicant Response: *This request is not based on financial return in any way. The practical difficulty is created by the newly adopted proportional footprint limitation alone and the need for a reasonable accessory structure to support customary residential storage, vehicle shelter, and the safety of our property.*

Standard 5: That the granting of the Variance will not be substantially detrimental to the public good or substantially injurious to other property or improvements in the area in which the subject property is located and will not substantially impair the intent and purpose of the general provisions of the City's Comprehensive Plan, Major Thoroughfare Plan, other Land Use Plans, or this Ordinance.

Applicant Response: *Granting the variance will not be detrimental to the above list and has the support from all our neighbors on our dead-end road who we've spoken to. The request focuses only on the newly adopted footprint ratio while, to our knowledge, preserving the intent of the Development Code and the Fairview Forward 2040 Comprehensive Plan.*

Standard 6: That 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.

Applicant Response: *The proposed accessory building can be placed on the property without impairing light and air to adjacent properties, increasing congestion in public streets, increasing fire danger, or endangering public safety.*

Standard 7: That the alleged difficulty or hardship has not been caused or created by the act or omission of the Applicant or any Person having an interest in the property.

Applicant Response: *The alleged difficulty or hardship was not created by the applicant. The planning for the accessory structure began two years prior to April 2, 2026, when the Development Code changed. This included the January 2024 agreement with the neighboring property owner and the June 2024 plat adjustment. Our difficulty arose from the later adoption of the new 50 percent footprint restriction.*

Staff Summary

Following a review of the request, staff is of the opinion that the requested variance meets all but one (1) of the above stated requirements. The requested variance is not related to the physical nature of the property, Standard 1, meaning the ability to meet the maximum accessory building footprint requirement of 50% of the Principal Building footprint size is not hindered by any physical aspect of the property. The applicant mentions the physical

orientation of the existing residence, the tree canopy, and rural wooded setting, but none of these items are a physical aspect of the lot that restricts compliance with the requirements for an accessory building. The applicant mentions a rearward slope of the property, which is a physical aspect of the property, however that rearward slope will permit an accessory building nearly equal to the size of the existing residence, as requested, then the rearward slope of the lot should not hinder the construction of a smaller detached garage that would be in compliance with the code requirements.

If the Board of Zoning Appeals decides to approve this variance request, there is (1) condition of approval that needs to be included within the approval. This condition of approval is listed in the Resolution and at the end of this staff report.

Staff Recommendation:

Staff **does not** recommend the Board of Zoning Appeals approve the Variance Request for 7106 Cooper Lane due to the request not satisfying Variance Standard #1 as listed Section 8.5.15.L. If the Board of Zoning Appeals approves the request to increase the detached accessory building footprint limit from 50 percent to 73.7 percent, the following condition of approval is required to be satisfied.

1. The property owner/applicant shall submit a building permit for the construction of a new residence on this property.