

REPORT TO THE BOARD OF ZONING APPEALS

DATE: May 21, 2026

SUBJECT: 1287 Braywind Drive – Request Approval of a Variance to allow an accessory structure closer than five (5) feet from a detached dwelling unit

INTRODUCTION:

- The property owner/applicant, Meade Moore, is requesting a variance to allow a 54 square foot greenhouse to be less than the required five (5) feet from the primary dwelling.
- The property is located in the Braystone Subdivision, on the corner of Braywind Drive and Bridge Pointe Drive (see Exhibit 1).
- The property is zoned R1: Low Density Residential and is not within a Planned Development (PD).

BACKGROUND:

- The property owner constructed the greenhouse in January 2026 without the required building permit. Since the structure is only 54-square feet and does not have its own plumbing or electrical supply, the property owner did not realize a permit was required.
- The property owner later applied for a building permit, and he was informed accessory structures are required to be at least five (5) feet from the house.

KEY POINTS:

1. Section 151.025 (D)(1)(b)(3)(a) of the Zoning Ordinance states an accessory structure shall be no closer than five (5) feet from another building or structure.

- The greenhouse is currently 18 inches from the primary dwelling.
- The legislative intent of this requirement meant to preserve adequate light, air, and open space between buildings. It is also aimed at improving fire protection.
- The Fire and Building Codes do not require a five-foot separation for accessory structures from residential buildings.
- If the greenhouse was permanently attached to the primary dwelling, it would be considered part of the principal structure and the five-foot separation requirement would not be applicable.

2. The greenhouse is in a side yard functioning more like a rear yard due to the atypical shape of this lot and its proximity to public streets and common open space (see Exhibits 4 & 6).

- The property is a corner lot sitting at the intersection of Braywind Drive and Bridge Pointe Drive where the northern and eastern lot lines are the front yards, the southern lot line is the rear yard, and the western lot line is the side yard.
- The southern lot line (rear yard) abuts the neighboring property's side yard, and the western lot line (side yard) abuts a common open space (COS) directly adjacent to Bray Station.
- Even though the western property line abuts a COS, the lot is surrounded by three (3) public rights-of-way.
- The greenhouse is approximately 49.5 feet from the Bray Station right-of-way and approximately 60 feet from the Braywind Drive right-of-way.
- Staff conducted a site visit and verified the greenhouse is setback 22.5 from the masonry wall

abutting the COS along Bray Station. The applicant must provide a "plot plan" with the building permit application to accurately demonstrate the existing and proposed setbacks of all structures on the lot (see condition in Exhibit 2).

3. The Braystone Subdivision has a 50-square foot landscaping easement encroaching five (5) feet into the side yard (see Exhibit 4).

- The Braystone Subdivision final plat created private landscaping easements in the rear yards of Lots 50-54. The rear yards of these lots abut Bray Station.
- The plat did not create an easement in the side yard of Lot 55 but there is COS landscaping and masonry wall encroaching into Mr. Moore's side yard.
- In March 2026, the HOA removed the unhealthy trees from the Bray Station side of the landscaping easement. This made the greenhouse visible from the Bray Station right-of-way. New, young trees were planted but they do not screen the greenhouse yet.
- The HOA's private restrictions require the greenhouse to be screened. To accomplish this, the applicant planted five cypress trees along his side of the landscaping easement.
- The landscaping easement and the trees required for screening limit the buildable space in the side yard to roughly 20 feet.
- Placing the greenhouse five (5) feet from the primary dwelling would limit the buildable space to 15 feet and make the greenhouse more visible from the Bray Station right-of-way.

4. The greenhouse being 18 inches from the main house will not be detrimental to other properties in the Braystone neighborhood.

- The Braystone HOA has approved the greenhouse on the condition a variance is granted from the Town, the structure is screened from the Bray Station right-of-way and a building permit is issued.
- Placing the greenhouse in the side yard abutting Bray Station minimizes the impact on the neighboring property, and with proper screening the greenhouse will not be visible from the right-of-way.
- Staff spoke with the Town's Building Inspector and Fire Marshal, and they do not have concerns about the greenhouse's proximity to the primary dwelling.

5. There are alternatives to having the greenhouse 18 inches from the primary dwelling.

- The greenhouse could be permanently affixed to the house in which case the greenhouse would only need to meet the side yard setback requirement of 7 feet. This would require attaching the seven (7) foot tall greenhouse to the dwelling's soffits or removing the brick veneer and attaching the greenhouse to the dwelling's structural joists.
- The greenhouse could be placed five (5) feet from the primary dwelling. This would limit the applicant's use of his yard and would make the greenhouse more visible from the right-of-way.
- The greenhouse could be moved into the rear yard with more buildable space, but this would have a greater impact on the neighboring property.

STAFF RECOMMENDATION: Approval of the variance is recommended because the Standards for Variances have been satisfactorily addressed (Exhibit 3), and the conditions of approval (Exhibit 2) will limit potential adverse impacts. The physical characteristics of this atypical property make a strict application of the Zoning Ordinance an undue hardship or practical difficulty depriving the owner of reasonable use of the property.

ATTACHMENTS:

[Exhibit 1: Vicinity Map](#)

[Exhibit 2: Conditions of Approval](#)

Exhibit 3: Standards for Variances Test

Exhibit 4: Plat

Exhibit 5: Applicant's Coverletter

Exhibit 6: Applicant's Site Photos

PROPOSED MOTION:

To approve the variance request to allow an accessory structure to be placed 18 inches from the western exterior wall of the principal structure, located at 1287 Braywind Drive, subject to the condition of approval in Exhibit 2.