

**AGENDA**  
**CITY BOARD OF ZONING APPEALS**  
**JACKSON CITY HALL—101 EAST MAIN STREET—FIRST FLOOR**  
**GEORGE A. SMITH MEETING ROOM**  
**June 28, 2021 – 3:30 P.M.**

- I. CALL TO ORDER/DETERMINATION OF QUORUM
- II. APPROVAL OF MINUTES OF THE FEBRUARY 22, 2021 MEETING
- III. PUBLIC HEARINGS:
  - 1. Consideration of a special exception request by Jeany Byth Maxwell for approval to change from one nonconforming use to another nonconforming use at 135 Hawthorne Place within the RG-1/C (General Residential/Conservation) District.
- IV. OTHER BUSINESS
- V. ADJOURNMENT

**MINUTES  
CITY BOARD OF ZONING APPEALS  
JACKSON CITY HALL—101 EAST MAIN STREET—FIRST FLOOR  
GEORGE A. SMITH MEETING ROOM  
February 22, 2021--3:30 P.M.**

**Members Present for Virtual Meeting:**

Mamie Hutcherson, Chairwoman  
Councilwoman Marda Wallace  
Mike Singleton  
Pat Ross

**Staff Present:**

Elvis Hollis, Senior Planner

The meeting was called to order upon Mamie Hutcherson making a determination of a quorum.

The minutes of January 25, 2021 were unanimously approved on motion of Mike Singleton and seconded by Pat Ross.

Consideration of a special exception request by Mahaveer Jackson TN Inc. to approve a wholesale and distribution establishment at 1330 Country Club Lane within the B-5 (Highway Business) District. As required by the ordinance, the applicants have submitted all the proper documentation for review. (See packet)

Mr. Hollis presented the request to the board. He stated that the property located at 1330 Country Club Lane was previously used as the 84 Lumber Company. The property contains approximately six (6) acres with 67 parking spaces. The applicants submitted a site plan showing six (6) existing buildings on the property which includes the main building, two (2) storage buildings, and three (3) storage sheds totaling 61,790 square feet. The applicants are requesting to use this property as a wholesale and distribution business which supplies beverages, tobacco products, and general merchandise to convenience stores and tobacco stores.

In the B-5 District, Board of Zoning Appeals approval is required for wholesale and distribution establishments involving over 5,000 square feet of storage of wares to be wholesaled or distributed. The applicants appeared to be able to meet the provisions of the City of Jackson Zoning Ordinance. Therefore, the planning staff recommended approval of the wholesale and distribution establishment at this location, as proposed by the applicants.

Mr. Ketan Patel, Mr. Amit Patel, and Mr. Mark Patel, who are the owners of the property, attended the meeting. They stated that the proposed wholesale and distribution establishment would be selling products to retail establishments rather than to the general public.

The motion was made by Mike Singleton seconded by Pat Ross to approve this request as recommended by the staff. Motion passed unanimously.

There being no further business, the meeting was adjourned.

## **PLANNING STAFF REPORT**

The following is the staff report for the appeal under review by the Board of Zoning Appeals at the June 28, 2021 meeting:

### **Jeany Byth Maxwell**

Consideration of a special exception request by Jeany Byth Maxwell for approval to change from one nonconforming use to another nonconforming use at 135 Hawthorne Place within the RG-1/C (General Residential/Conservation) District. Attached is a copy of the letter of justification submitted by the applicant.

The Christian Science Church/Library was the previous use of this property. The existing building was constructed in 1950 and it contains approximately 1,612 square feet. This non-residential use was established before the City of Jackson Zoning Ordinance was adopted on April 14, 1967. Therefore, the use was nonconforming in this residential district. According to the City of Jackson Zoning Ordinance Article VII, Section 5,C, any nonconforming use of a structure may be changed to another non-conforming use if the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the BZA may require appropriate conditions and safeguards in accordance with the provisions of the Zoning Ordinance.

Jeany Byth Maxwell has been using this property for her accounting office since she purchased it in March 2008. At that time, Mrs. Maxwell spoke with Mr. Stan Pilant, who is the Planning Director, about her intended use of this property. However, the planning staff could not find any record of approval of the use. She is now seeking official approval from the BZA. The proposed use would be a change from one nonconforming use to another nonconforming use that would be equally appropriate or more appropriate to the district than the former use of this property. The planning staff recommends approval of this request with the following condition:

1. The applicant meets all applicable requirements before any modifications made to the building.



BOARD OF ZONING APPEALS  
APPLICATION

NAME: Jeany Byth Maxwell  
ADDRESS: 135 Hawthorne  
Jackson, TN 38301  
TELEPHONE #: 731.988.9996

Type of request (please check the appropriate box):



1. Special Exception Request



2. Variance Request



3. Review of Action of Zoning Administrator

Address of Subject property: 135 Hawthorne  
Jackson, TN 38301

Tax Map #: 78H ; Block #: K ; Parcel #: 4.00 ; Zoning: RG-1/C

Along with this application, the following information must be submitted:

1. A letter describing and justifying the request. (Please write legible.)
2. If applicable, provide any other supporting documentation relevant to appeal such as site plans, photographs, architectural elevations, plats, topographic data, etc.
3. \$100.00 Filing Fee.

SIGNATURE OF APPLICANT: Jeany Byth Maxwell

IMPORTANT NOTE: A PRESUBMITTAL CONFERENCE IS REQUIRED WITH ELVIS HOLLIS PRIOR TO AND UPON SUBMITTAL OF THIS APPLICATION. FOR AN APPOINTMENT PLEASE CALL 731-425-8283.

DATE: 6/4/21

STAFF INITIAL: [Signature]



CITY B.Z.A. SITE LOCATION MAP  
REQUEST TO CHANGE FROM (1) NON-CONFORMING USE TO ANOTHER  
135 HAWTHORNE STREET









