

AGENDA
CITY BOARD OF ZONING APPEALS
JACKSON CITY HALL—101 EAST MAIN STREET—FIRST FLOOR
GEORGE A. SMITH MEETING ROOM
SEPTEMBER 27, 2021 – 3:30 P.M.

- I. CALL TO ORDER/DETERMINATION OF QUORUM
- II. APPROVAL OF MINUTES OF THE AUGUST 23, 2021 MEETING
- III. PUBLIC HEARINGS:
 - 1. Consideration of a special exception request by Gerald Collier for approval to operate a sewing and alteration shop located at 105 Devonshire Square within an O-C (Office- Center) District.
 - 2. Request by Pastor Barry Chaney for a building setback variance and a maximum lot coverage variance for the property located at 15 Falconwood Cove within the RS-1 (Single Family Residential) 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
AUGUST 23, 2021--3:30 P.M.**

Members Present: Mamie Hutcherson
Pat Ross
Max Hart

Staff Present: Elvis Hollis, Senior Planner

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

The minutes of July 26, 2021 were unanimously approved on motion of Pat Ross and seconded by Max Hart.

Consideration of a special exception request by Josh LeFevre to approve the construction of an automobile tire retail, wholesale and distribution establishment on the property located at 37 Tyre Cove within the B-5 (Highway Business) District. As required by the ordinance, the applicants have submitted all the proper documentation for review. (See packet)

The property located at 37 Tyre Cove (Wendham Business Center Section II Lot 2) contains approximately 4.61 acres. The applicants have submitted a site plan that shows a proposed building containing 65,000 square feet. The building includes approximately 3,000 square feet of office space and the remaining space would be used for retail sales, service and the wholesale distribution of tires. The applicants are requesting BZA approval to use more than 5,000 square feet of space for the wholesale and distribution of tires.

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 appear to be able to meet the provisions of the City of Jackson Zoning Ordinance. Therefore, the planning staff would recommend approval of the wholesale and distribution establishment at this location, as proposed by the applicants.

Mr. Josh LeFevre, Josh LeFevre Construction, attended the meeting to represent this appeal.

Mr. Max Hart questioned if he was the owner of the property. Mr. LeFevre stated that he is the owner.

The motion was made by Pat Ross and seconded by Max hart 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 appeals under review by the Board of Zoning Appeals at the September 27, 2021 meeting:

Gerald Collier

Consideration of a special exception request by Gerald Collier for approval to operate a sewing and alteration shop located at 105 Devonshire Square within an O-C (Office Center) District. Attached is a copy of the letter of justification submitted by the applicant.

Mr. Collier plans to make custom tailor pastoral robes, choir attire, clergy wear and other garments for men and women.

A sewing and alteration shop is one of the uses permitted as special exceptions within the O-C (Office Center) District. Therefore, the planning staff recommends approval of this request.

Pastor Barry Chaney

Request by Pastor Chaney for a building setback variance and a maximum lot coverage variance for the property located at 15 Falconwood Cove within the RS-1 (Single Family Residential) District. Attached is a copy of the letter of justification submitted by the applicant.

Pastor Chaney and his wife purchased this property on April 24, 2000. Since that time, they have hired contractors to make improvements to their home. Pastor Chaney stated that he trusted the contractors to obtain the necessary permits to do the work.

This property is referenced as Chevy Chase Subdivision Section XIII-A Lot 26. According to the Real Estate Assessment Data, the existing single-family home on the property contains approximately 4,329 square feet. The base of the house covers 3,100 square feet of the 9,467 square foot lot, representing 32.7% of lot coverage. According to the City of Jackson Zoning Ordinance Article V. Section 3, dwelling and buildings accessory thereto shall cover not more than thirty (30%) percent of the lot area. The applicants are requesting a variance from this requirement.

According to a survey prepared by Surveying Services, the north back corner of the house is located 4.98 feet from the property line. According to the City of Jackson Zoning Ordinance Article V. Section 3, dwellings less than two stories, located on an interior lot, each side yard shall not be less than eight (8) feet. The applicants are requesting a variance from this requirement.

In an attempt to rectify this problem, Pastor Chaney was willing to buy a portion of his neighbor's property. However, the adjacent lot would not be in compliance with the minimum lot size and lot width requirements. Therefore, Pastor Chaney will not be able to acquire any additional property from his neighbor. Without BZA approval, there is no remedy to this problem other than demolishing a portion of this house.

According to the City of Jackson Zoning Ordinance Article VIII Section 1, C, 3, the City of Jackson Board of Zoning Appeals is given the following power:

c. Where, by reason of exceptional narrowness, shallowness or shape of specific piece of property at the time of the enactment of the zoning regulations, or **by reason of exceptional situation** or condition of such piece of property, the strict application of any regulation enacted under this Ordinance would result in peculiar and exceptional practical difficulties to or exception or undue hardship upon the owner of such property, to authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardships, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance.

Due to this exceptional situation, the planning staff recommends approval of this request with the following conditions:

1. The applicant needs to remove the privacy fence and driveway encroachments on the property owner to the north.
2. The applicant needs to remove the accessory building that is sitting on the 7.5' Utility, Drainage & Cable TV Easement.

Stan Pilant
111 E. Main St.
Suite 201
Jackson, Tennessee 38301



Telephone: 731-425-8286
Fax: 731-927-8781
Email: spilant@jacksontn.gov

Board of Zoning Appeals Application

REQUIREMENTS:

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.

Applicant Information

Name: Barry Chaney
First Last

Address: 15 Falconwood Cove
Street Address Apartment/Unit #

Jackson TN 38301
City State ZIP Code

Phone: 731-298-9418 Email: barrytchaney@gmail.com

Property

Address: 15 Falconwood Cove
Address of Subject Property

0066 E 003.33 012A 00 Residential
Tax Map Number Parcel Number Block Number Zoning

Type of request (please check the appropriate box):

- ☒ Special Exception Request
- ☒ Variance Request
- ☐ Review of Action of Zoning Administrator

Applicant Signature

NOTE: A PRE-APPLICATION CONFERENCE WITH ELVIS HOLLIS IS REQUIRED BEFORE SUBMITTAL OF THIS APPLICATION TO MAKE AN APPOINTMENT PLEASE CALL 731-425-8283 OR EMAIL AT ehollis@jacksontn.gov

Signature: Barry Y. Chaney

Initial of Planning Staff: E.H.

Date Application Accepted: 8/27/2021

Letter of Intent
In Support of Request for Variance
15 Falconwood Cove, Jackson, TN 38301

To Whom it may concern:

This Letter of Intent is in support of my request for variance.

Approximately 13 years ago we hired a licensed contractor to add an addition to our home. He agreed to pull the permit and to make sure that the addition met city codes. We as homeowners were not aware of how many feet were required for setback. We thought because of his experience as a builder that he knew the required guidelines. It has been brought to our attention that the addition encroaches North side setback and lot coverage exceeds the 30% in which we were not aware of that percentage allowance.

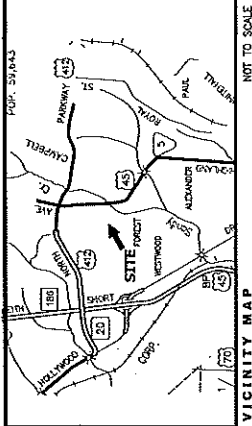
We are asking for a variance concerning these matters. It was not our intention to be in any violations with the city as it relates to this situation. We are attempting to get in compliance with the city ordinance.

Thank you for your consideration.

Barry T. Chaney

Barry T Chaney

[illegible]



VICINITY MAP

NOTES:

1. Bearings are relative to the T.S.P.C.S.
2. This survey was prepared without benefit of an abstract of title. No liability is assumed by the undersigned for loss resulting to any matter that might be discovered by an abstract or title search of the property. This survey is based on the deeds of record as shown.
3. We have made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or other facts that may affect an accurate and current abstract or title search may disclose.
4. All iron pipe set are 18" long, 1/2" ribbed with an identification cap stamped Surveying Services.

PROPERTY INFORMATION

TAX MAP 66, GROUP B, PARCEL 0333 - DEED BOOK 607, PAGE 378
 CHEVY CHASE - SECTION XIIIA - PLAT BOOK 6, PAGE 189
 OWNER: BARRY CHANEY
 OWNER'S ADDRESS: 151 FALCONWOOD COVE, JACKSON, TENNESSEE 38305
 ACRES: LOT 26 - 0.22 ACRES / 9,467.20 SQ. FT.
 CURRENT ZONING: RS-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT
 SETBACK REQUIREMENTS:
 FRONT: 10' MINIMUM
 SIDE: 10' MINIMUM
 REAR: 10' MINIMUM
 MAXIMUM LOT COVERAGE: BUILDINGS SHALL NOT COVER MORE THAN 30% OF THE SITE AREA
 BUILDING AREA - HOUSE = 2,850 S.F. (2,650)
 DECK = 242 S.F. (2,650)
 TOTAL = 3,100 S.F. (32.7%)

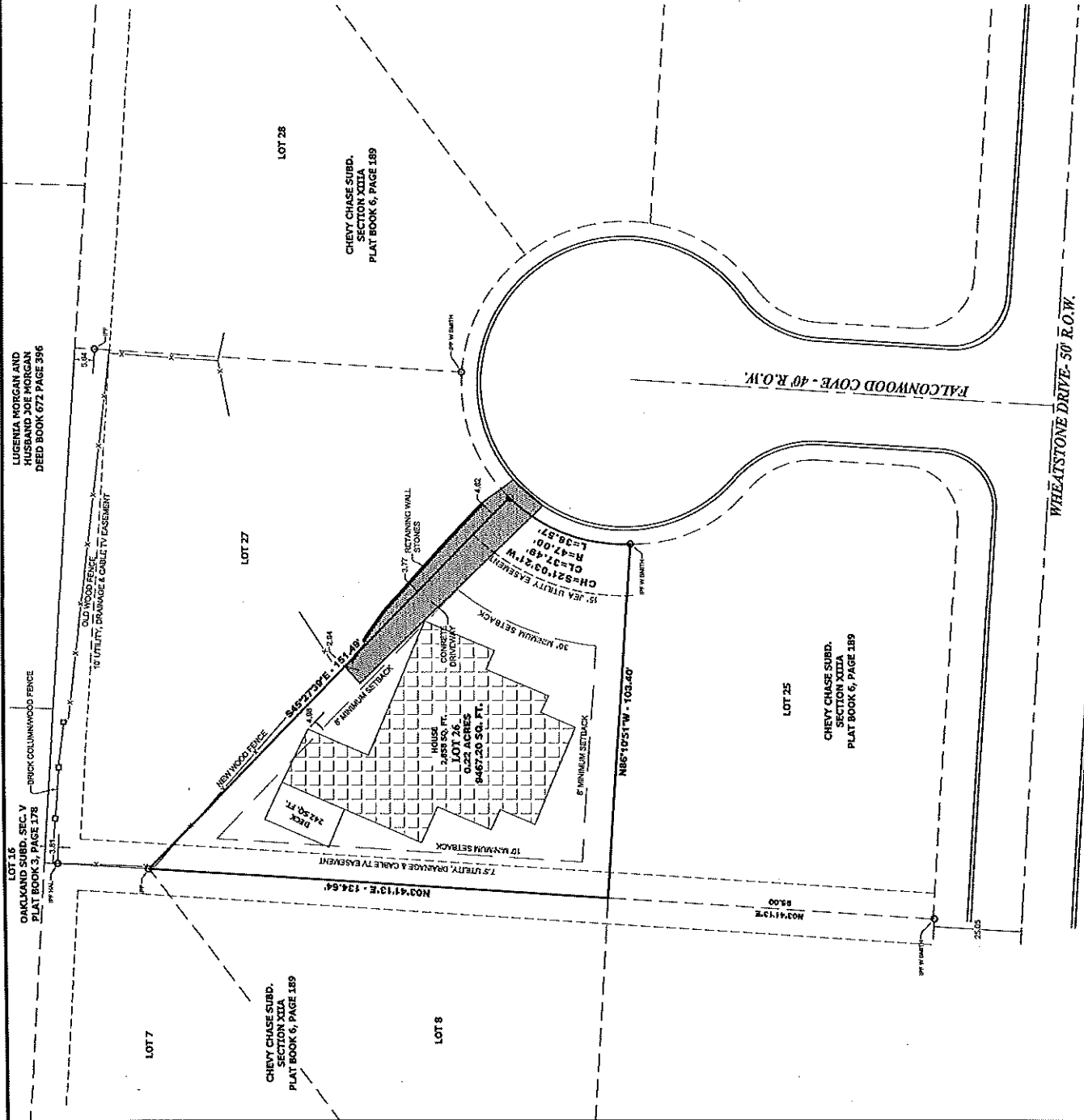


I hereby certify that this is a plat of a survey and that the title of the plat is correct and that the survey is a true and correct survey of the land herein. This survey is in compliance with the current Tennessee Minimum Standards of Practice and is correct to the best of my knowledge and belief.

SCALE 1" = 20' DATE 8-1-21
 DRAWN BY TRACE DOBBS

PLAT OF PROPERTY
 SURVEY PREPARED FOR:
 BARRY CHANEY

5TH CIVIL DISTRICT, MADISON COUNTY, TENNESSEE
 TAX MAP 66, GROUP B, PARCEL 333 - DEED BOOK 607, PAGE 378
 DRW. NO. 2021-036 BARRY CHANEY
 SURVEYING SERVICES, INC.
 JACKSON, TENNESSEE
 (601) 944-0887



WHEATSTONE DRIVE - 50' R.O.W.

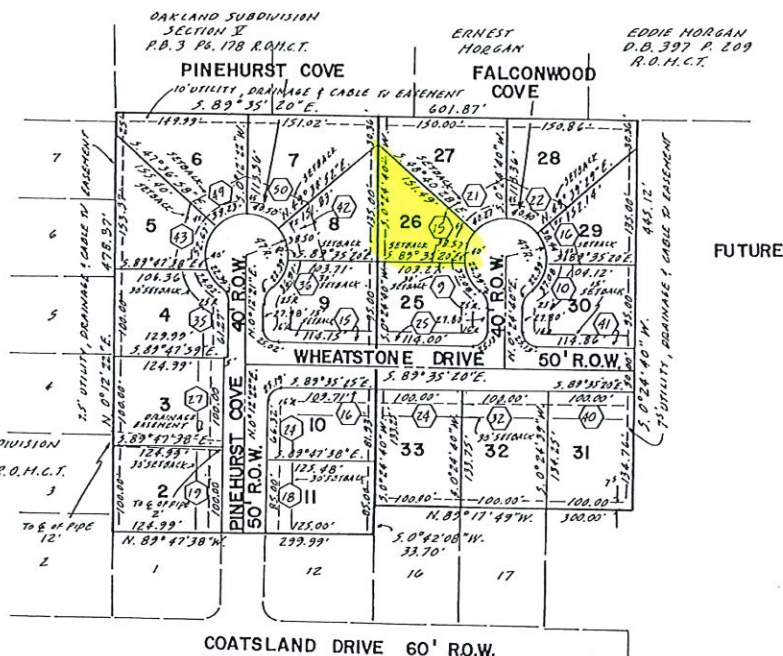
LEGEND:

○	IRON PIN FOUND
○	POINT NOT SET

SECTION XII-A

LOT NUMBER	ACRES
2	0.29 AC.
3	0.29 AC.
4	0.29 AC.
5	0.26 AC.
6	0.30 AC.
7	0.31 AC.
8	0.22 AC.
9	0.27 AC.
10	0.24 AC.
11	0.24 AC.

OAKLAND SUBDIVISION
SECTION I
P.B. 2 PG. 25 R.O.H.C.T.



FUTURE

COATSLAND DRIVE 60' R.O.W.

CHEVY CHASE SUBDIVISION
SECTIONS XIII & XIV
P.B. 6 PG. R.O.H.C.T.

SECTION XIII-A

LOT NUMBER	ACRES
25	0.27 AC.
26	0.22 AC.
27	0.31 AC.
28	0.31 AC.
29	0.22 AC.
30	0.27 AC.
31	0.31 AC.
32	0.31 AC.
33	0.31 AC.

(State of Tennessee) I, Curtis White, Registrar of said County, do hereby certify that the foregoing instrument, with Notary Public Seal, was filed in my office for recording on the day of June at 3:15 p.m., and is now on file in Book 57, Page 216, and was duly recorded in the Book of Plat No. 266, Page 174, and is now on file in the Book of Registrar's Fee No. 10.00, Registrar's Fee No. 10.00.

LEGEND

- 00 LOT NUMBER
02 HOUSE ADDRESS
04 IRON PIN

ZONE - RS-1

ACRES - 6.36 AC.

TOTAL LOTS - 19

THIS PROPERTY DOES NOT LIE IN A F.E.M.A. DESIGNATED
100 YEAR FLOOD ZONE

THESE IS A 15 FOOT JACKSON UTILITY DIVISION EASEMENT
IN FRONT OF ALL LOTS

CERTIFICATE OF OWNERSHIP AND DEDICATION

I hereby certify that I am the owner of the property shown and described hereon as recorded in Deed Book No. 548, at page 176, in the Register's Office of Madison County, Tennessee, and that I hereby adopt this plan of subdivision with my free consent, established the minimum building restriction lines and dedicate all streets, alleys, walks, parks, and other open spaces to public or private uses as noted.

DATE 5-14-95 OWNER Montie Matlock

CERTIFICATE OF ACCURACY

I hereby certify that the plan shown and described hereon is a true and correct survey to the accuracy required by the Jackson Regional Planning Commission and the monuments have been placed as shown hereon to the specifications set forth in the Subdivision Regulations for the Jackson, Tennessee Planning Region.

DATE 5-22-95

R. J. McAlexander
Tennessee Registered Engineer No. 11935
David A. Hall
Tennessee Registered Surveyor No. 943

ACKNOWLEDGEMENT OF SIGNATURES

STATE OF TENNESSEE
COUNTY OF MADISON

Personally appeared before me, the undersigned, NOTARY PUBLIC, in and for the State and County aforesaid, Montie Matlock, R. J. McAlexander & David A. Hall, the within named bargainors with whom I am personally acquainted and who acknowledged that they executed the same for the purpose therein contained.

WITNESS MY HAND and Official Seal, at office, in Madison County, Tennessee, this 26th day of May, 1995.

My commission expires: 5/24/96

Notary Public

CERTIFICATE OF APPROVAL OF WATER AND/OR SANITARY SEWERAGE SYSTEM

I hereby certify that the water and/or sanitary sewer system or systems installed or proposed for installations, fully meet the requirements of the Jackson Utility Division.

DATE JUNE 7, 1995

James Orman
Jackson Utility Division

CERTIFICATE OF APPROVAL OF STREETS AND STORM DRAINAGE

I hereby certify that a construction bond in the amount of \$16,000.00 has been posted to insure completion and quality of all required improvements. Following satisfactory completion of all construction items, the street and drainage improvements and their rights-of-way shall be accepted by the Governing Authority in accordance with the existing policy of the Governing Authority relative to street acceptance.

DATE 6-8-95

Authorized Representative of the Jackson Municipal
Regional Planning Commission

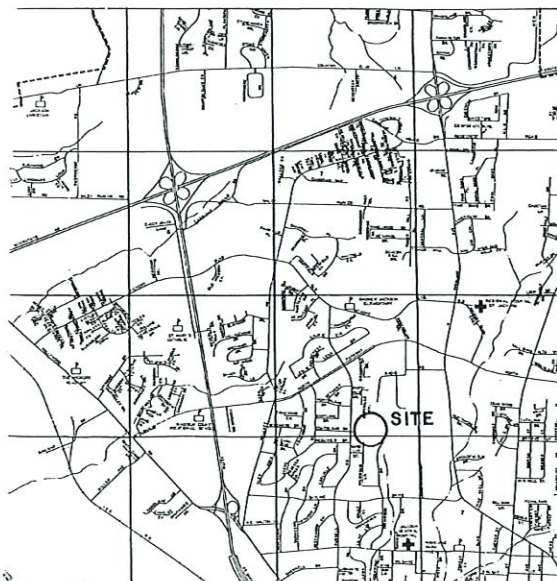
DATE June 8, 1995 City Engineer

CERTIFICATE OF APPROVAL FOR RECORDING

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations for the Jackson Tennessee Planning Region with the exception of such variances, if any, as are noted in the minutes of the Planning Commission and that it has been approved for recording in the office of the County Register.

DATE 6-8-95

Authorized Representative of the Jackson Municipal
Regional Planning Commission



LOCATION MAP 1" = 3000'

FINAL PLAT

CHEVY CHASE SUBDIVISION SECTIONS XII-A, XIII-A
WHEATSTONE DRIVE JACKSON, TN.

McALEXANDER ENGINEERING

384-C CARRIAGE HOUSE DRIVE JACKSON, TENNESSEE 38305 PHONE 901-668-8878

SCALE

DATE

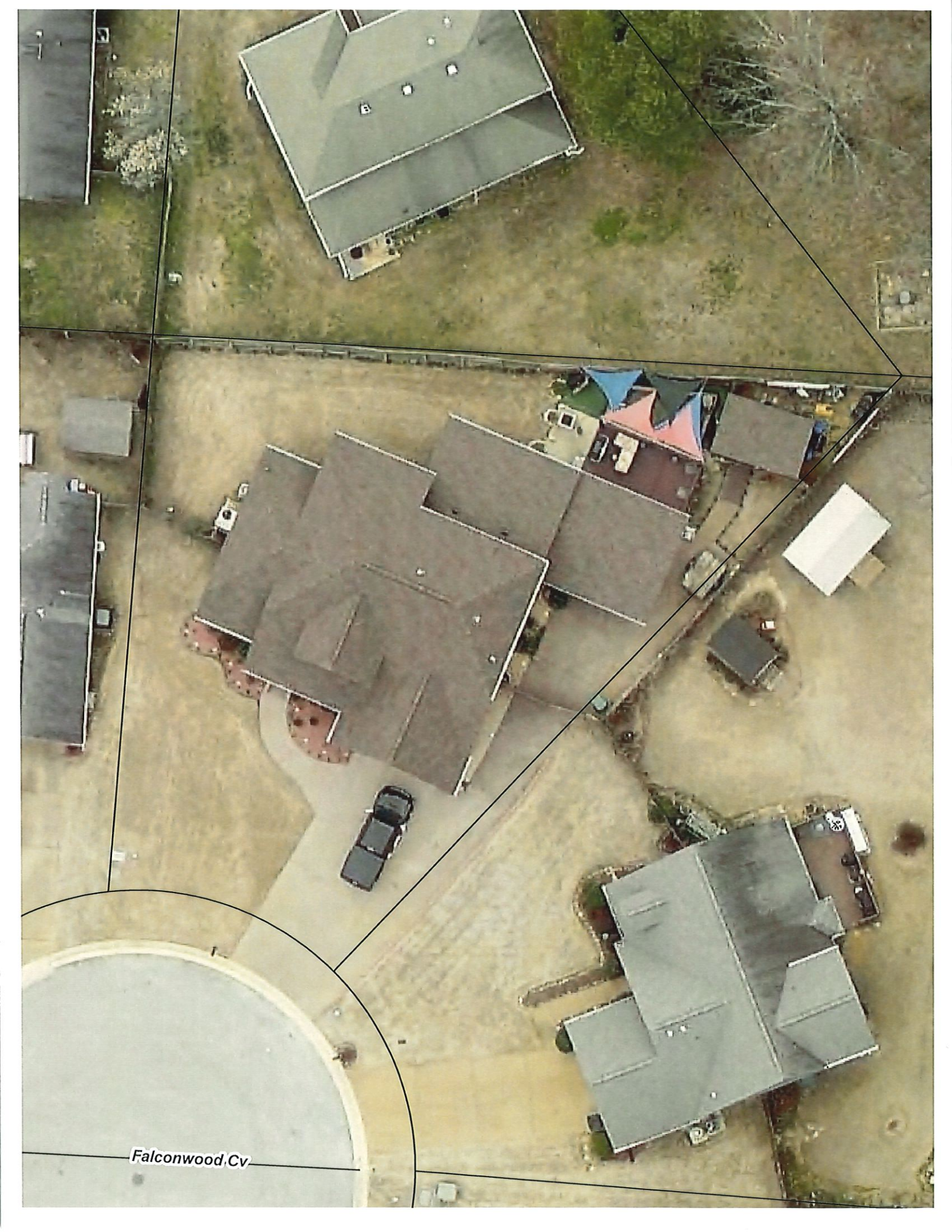
REVISIONS

FILE NO.

1" = 100'

5-21-95

4717-66L



Falconwood Cv

This is an aerial photograph of a residential property. The central feature is a large, multi-sectioned house with a brown roof. To the left of this house is a large, light-colored circular pool. A dark-colored SUV is parked on a paved driveway in front of the central house. To the right of the central house is a smaller, single-story building with a white roof. In the background, there are other houses, including one with a grey roof and another with a red roof. The property is surrounded by a mix of grass and bare earth. A black line runs diagonally across the image, possibly indicating a boundary or a road. The text 'Falconwood Cv' is located in the bottom left corner of the image.





