

AGENDA
CITY BOARD OF ZONING APPEALS
JACKSON CITY HALL—101 EAST MAIN STREET—FIRST FLOOR
GEORGE A. SMITH MEETING ROOM
August 22, 2022 – 3:30 P.M.

- I. CALL TO ORDER/DETERMINATION OF QUORUM
- II. ELECTION OF OFFICERS
- III. APPROVAL OF MINUTES OF THE SEPTEMBER 27, 2021 MEETING
- IV. PUBLIC HEARINGS:
 - 1. Consideration of a special exception request by Kim Jones for approval to establish a group day care home located at 37 Henderson Road within the RS-1 (Single Family Residential) District.
- V. OTHER BUSINESS
- VI. ADJOURNMENT

**MINUTES
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.**

Members Present: Mamie Hutcherson
Tara Skinner
Pat Ross
Mike Singleton

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 August 23, 2021 were unanimously approved on motion of Pat Ross and seconded by Mike Singleton.

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. Hollis presented the request to the board.

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 recommended approval of this request.

Mr. Larry Hern, owner of the building, attended the meeting in support of the request.

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

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. Attached is a copy of the letter of justification submitted by the applicant. - Mr. Hollis presented the request to the board. He stated that 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.

Afterwards, Mr. Hollis further explained that within the past two weeks, he has been to the property twice and noticed that the applicant was able to complete all conditions needed for approval.

Mr. Dan Bond, nearby property owner, attended the meeting in opposition of the request. After hearing what the applicant had accomplished over the short period of time, Mr. Bond was in support of the applicant's request.

Pastor Barry Chaney attended the meeting to represent his appeal. Mr. Chaney explained that 21 years ago, a fence was put up by the original owner of the home and he thought that the water hydrant was the indication of the property line. Mr. Chaney stated that once a surveyor was hired, he found out that there was an encroachment. Mr. Chaney also stated that the property is now back in its original state and there is no encroachment.

The motion was made by Pat Ross and seconded by Mike Singleton 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 August 22, 2022 meeting:

Kim Jones

Consideration of a special exception request by Kim Jones for approval to establish a group day care home at 37 Henderson Road within the RS-1 (Single Family Residential) District. Attached is a copy of the letter of justification submitted by the applicant.

The City of Jackson Zoning Ordinance states that a group day care home can receive a minimum of eight (8) and a maximum number of 15 children. The existing single-family house on the property contains approximately 1,310 square feet. The property contains approximately four (4) acres which exceeds the minimum lot area requirement of 15,000 square feet for a group day care home.

It appears that all zoning requirements can be met. Therefore, the planning staff recommends approval of this request with the following conditions:

1. The applicant receives a license from the State of Tennessee to operate a group day care home.
2. All applicable building permits must be obtained before any modification of the buildings.



City of Jackson, TN

08/01/2022

JBZA-22-3**Board of Zoning Appeals Application****Status:** Active**Date Created:** Jul 28, 2022

Applicant

Kim Jones
268joneskim@gmail.com
3027 Riverside Dr
Jackson, TN 38301
7312171647

Applicant Information**Applicant Name**

Kim Jones

Applicant Address

3027 Riverside Dr

Applicant City

Jackson

Applicant State

TN

Applicant Zip

38301

Applicant Phone

7312171647

Applicant Email

268joneskim@gmail.com

Property Information**Type of Request**

Special Exception Request

Planning Region

City

Describe and Justify Request

child care (group/family home) A Maximum of 15 Children

Address of Subject Property

37 Henderson Road Jackson TN 38305

Statement of Justification

Kim Jones
3027 Riverside Drive
Jackson, TN 38301

RE: Child Care (Family/Group)

To the Planning Department,

I am requesting to the Board of Zoning Appeals for this location:

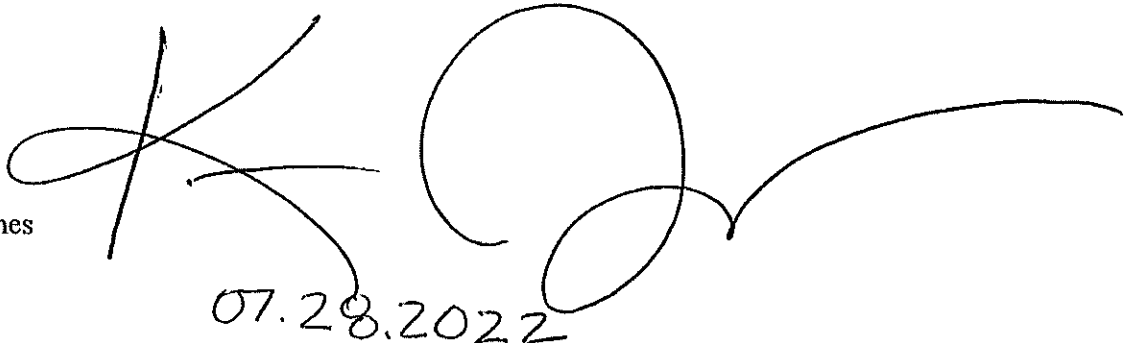
37 Henderson Road
Jackson, TN 38305

I would like to open a childcare facility to care for small children. In caring for small children, all state of Tennessee Department of Human Services rules and regulations will be followed and maintained, including the Keeping Kids Safe curriculum.

I greatly appreciate your attention concerning this matter.

Thanks,

Kim Jones



07.28.2022

CITY B.Z.A. SITE LOCATION MAP
SPECIAL EXCEPTION REQUEST - GROUP DAY CARE
37 HENDERSON ROAD

