AGENDA CITY BOARD OF ZONING APPEALS JACKSON CITY HALL—101 EAST MAIN STREET—FIRST FLOOR GEORGE A. SMITH MEETING ROOM SEPTEMBER 26, 2022 – 3:30 P.M.

- I. CALL TO ORDER/DETERMINATION OF QUORUM
- II. APPROVAL OF MINUTES OF THE AUGUST 22, 2022 MEETING
- III. PUBLIC HEARINGS:
 - Consideration of a variance request by John Allen for approval to establish an accessory
 dwelling unit (ADU) that exceeds the 25% maximum gross floor area of the house and the
 30% maximum lot coverage of the property located at 33 Baker Drive 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 22, 2022--3:30 P.M.

Members Present: Mamie Hutcherson

Janna Hellums

Max Hart

Mike Singleton

Councilwoman Marda Wallace

Staff Present: Elvis Hollis, Senior Planner

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

Election of Officers: A motion was made by Janna Hellums and seconded by Max Hart to elect Mamie Hutcherson as Chair. Motion passed unanimously.

A motion was made by Mamie Hutcherson to elect Pat Ross as Vice Chair. Motion passed unanimously.

The minutes of September 27, 2021 were unanimously approved on motion of Max Hart and seconded by Janna Hellums.

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. - Mr. Hollis presented the request to the board. Mr. Hollis stated that 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.

The motion was made by Janna Hellums 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 the appeal under review by the Board of Zoning Appeals at the September 26, 2022 meeting:

John Allen

Consideration of a variance request by John Allen for approval to establish an accessory dwelling unit (ADU) that exceeds the 25% maximum gross floor area of the house and the 30% maximum lot coverage of the property located at 33 Baker Drive within the RS-1 (Single Family Residential) District. Attached is a copy of the letter of justification submitted by the applicant.

The property, referenced as Carroll Station Section IX Lot 16, is situated in the RS-1 (Single Family Residential) District which allows an accessory dwelling unit as a use permitted outright. According to the Real Estate Assessment Data, the existing two story single-family home contains approximately 2,808 square feet of gross floor area.

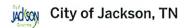
Mr. Allen would like to build a sunroom addition containing 480 square feet and an ADU containing 730 square feet. As a result, the ADU would represent 26% of the 2,810 gross floor area of the remodeled home, excluding garage/carports and utility space. According to the City of Jackson Zoning Ordinance Article VI. Section 27, a maximum of twenty-five (25%) percent of the gross floor area, excluding garage/carports and utility space may be used for the ADU, not to exceed eight hundred (800) square feet in area, unless in the opinion of the Board of Zoning Appeals, a greater amount of floor area is warranted by the circumstances of a particular building. The applicants are requesting a variance from this requirement. According to Mr. Allen, the base of the remodeled house would cover 3,108 square feet of the 9,807 square foot lot, representing 31.7% of lot coverage. According to the City of Jackson Zoning Ordinance Article V. Section 3, the 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 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.

According to Mr. Allen, the extra space is needed in order to make the ADU handicap accessible for the homeowner's mother. Due to this exceptional situation, the planning staff supports the variance request for the ADU to exceed the 25% maximum gross floor

area by 1% and for the remodeled home to exceed the 30% maximum lot coverage area by 1.7%. The planning staff has reviewed the appeal and would recommend approval of the request as submitted by the applicant.



08/19/2022

JBZA-22-4

Board of Zoning Appeals Application

Status: Active Date Created: Aug 19, 2022

Applicant

John Allen John@johnhallen.com 156 Airways Blvd Suite A Jackson, TN 38301 731-616-1228

Applicant Information

Applicant Name

John H Allen

Applicant City

Jackson

Applicant Zip

38301

Applicant Email

John@johnhallen.com

Applicant Address

156 Airways Blvd, Suite A

Applicant State

TN

Applicant Phone

7316161228

Property Information

Type of Request

Planning Region

City

Describe and Justify Request

Special Exception Request

construct additional handicap accessible living space on the first-floor level to home

Address of Subject Property

33 Baker Drive

John H. Allen Company, Inc.

156-A Airways Blvd. • Jackson, TN 38301 • Phone (731) 427-1120 • FAX (731) 427-0853

Date:

August 17, 2022

To:

Board of Zoning Appeals

From:

John H. Allen, President

John H. Allen Construction Co., Inc.

Re:

Pat Orphanides (Mother of Matthew Orphanides)

33 Baker Street Jackson, TN 38305

Matthew & Jennifer Orphanides purchased their home at 33 Baker Street Jackson, TN, in October of 2012. They reside with their two children. Mr. Orphanides's mother and father resided in Ohio. His mother, Pat Orphanides, was diagnosed with multiple sclerosis, degenerated disc disease, and other auto immune disorders 12 years ago. As her health declined, it became necessary for them to move to their son's home for assisted care. They did so in July 2021.

The current residence is a two-story home. Climbing stairs is becoming an impossibility as her condition continues to decline.

Due to her disabilities, they have contracted with my firm To construct additional living space on a first-floor level. The addition, is living space for Matthew's parents.

The addition is attached to their existing home and allows all family members access to one another. They will share utilities. Addition will be handicap accessible and considered a single family. Floor plans is attached.

John H. Allen Company, Inc.

156-A Airways Blvd. • Jackson, TN 38301 • Phone (731) 427-1120 • FAX (731) 427-0853

I respectfully ask you to approve our request.

Respectfully,

John H./Allen

State of TN General Contractor #16800

Certified Remodeler #877

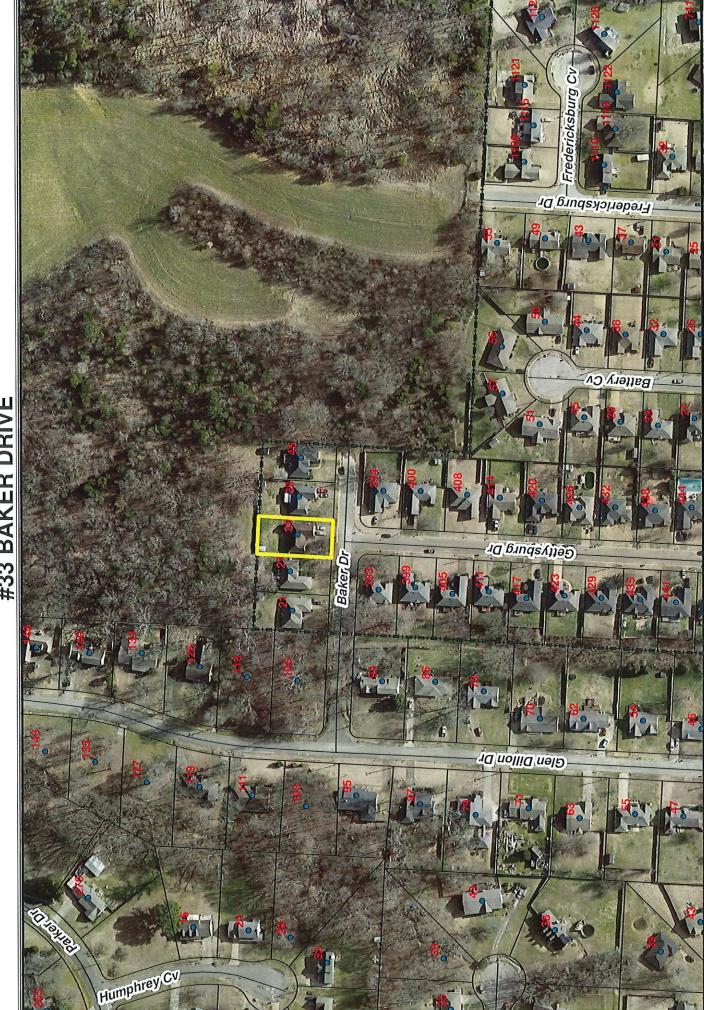
Certified Restorer #349

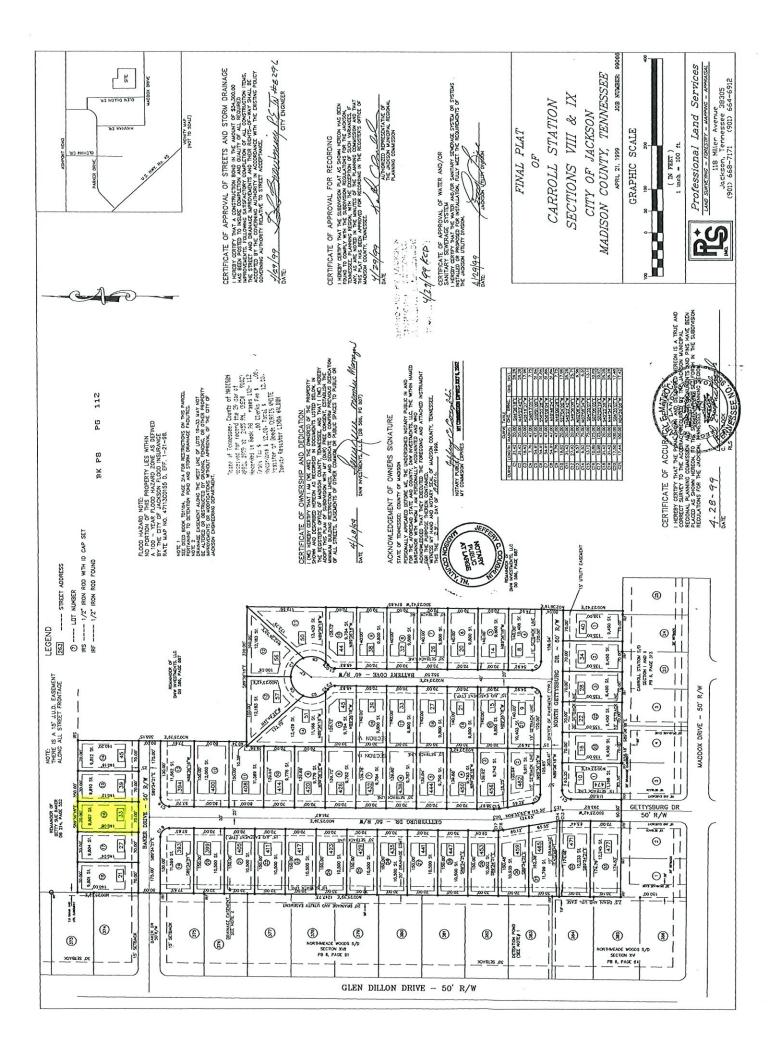
Mold Remediation Tech.

Master Electrician

Master Plumber

CITY BZA SITE LOCATION MAP SPECIAL EXCEPTION REQUEST FOR A.D.U. #33 BAKER DRIVE





State of Tennessee (Comptroller of the Treasury **Real Estate Assessment Data**

About New Search Return to List Home

County Number: 057

County Name: MADISON

Tax Year: 2022

01 - PUBLIC

Property Owner and Mailing Address

Jan 1 Owner: ORPHANIDES MATTHEW J ETUX 33 BAKER DR JACKSON, TN 38305

Property Location

Address: BAKER DR 33

Map: 034H Grp: A Ctrl Map: 034H Parcel: 018.00 PI: S/I: 000

Value Information

Reappraisal Year: 2022

Land Mkt Value: \$25,000 Improvement Value: \$178,900 Total Market Appraisal: \$203,900 Assessment %: 25 Assessment: \$50,975

General Information

Class: 00 - RESIDENTIAL

City #: 359 City: **JACKSON** SSD1: SSD2: 000 000 District: 03 Mkt Area: D68 # Bldgs: # Mobile Homes: 0 Utilities - Water / Sewer: 01 - PUBLIC / PUBLIC

Utilities - Electricity:

Utilities - Gas / Gas Type: 01 - PUBLIC - NATURAL GAS Zoning:

Subdivision Data

Subdivision: CARROLL STATION

Plat Bk: 0008 Lot: 0016 Plat Pg: 0112 Block: 0009

Additional Description

Building Information

Building # 1

Exterior Wall:

Improvement Type: 01 - SINGLE FAMILY Stories: 1.50

Living/Business Sq. Ft.: 1,969

Heat and A/C: 07 - HEAT & COOLING SPLIT Plumbing Fixtures: 6

> 11 - COMMON BRICK Quality: 01 - AVERAGE

Act Yr Built: 1999 Condition: A - AVERAGE

Building Areas:

 Area: BAS
 Sq Ft: 1,428

 Area: USH
 Sq Ft: 902

 Area: GRF
 Sq Ft: 462

 Area: OPF
 Sq Ft: 16

Extra Features

Bldg/Card# Type		Description	Units	
1	PATIO	15X12	180	
1	STOOP	4X4	16	

Sale Information

Sale Date	Price	Book	Page	Vac/Imp	Type Instrument	Qualification
09/28/2012	\$125,900	715	1573	IMPROVED	WD	Α
02/04/2000	\$120,600	604	949	IMPROVED	WD	Α
12/16/1999	\$0	603	738			
12/15/1999	\$0	603	736			
06/04/1999	\$30,000	597	231	VACANT	WD	Р
07/13/1998	\$0	586	887			

Land Information

Deed Acres: 0.00 Calc Acres: 0.00 Total Land Units: 1.00 Land Type: 01 - RESIDENTIAL Soil Class: Units: 1.00

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SECTION 27

ACCESSORY DWELLING UNIT (ADU)

A self-sufficient housekeeping unit shall be considered accessory to a single family residential use of property, subject to the following conditions:

- 1. The property owner must occupy either the principal residential unit or the ADU as their permanent and principal residence.
- 2. A maximum of twenty-five (25%) percent of the gross floor area, excluding garage/carports and utility space my be used for the ADU, not to exceed eight hundred (800) square feet in area, unless in the opinion of the Board of Zoning Appeals, a greater amount of floor area is warranted by the circumstances of a particular building.
- 3. Both the single family residential dwelling and the ADU must be occupied by persons that are family members related by blood, marriage, or legal adoption.
- 4. Only one (1) ADU shall be allowed on any lot zoned for residential purposes.
- *5. There is free and clear access between the single family residence and the ADU without going outdoors. However, an accessory dwelling unit that is located above a detached garage is exempt from this requirement.
- 6. Both the single family home and the ADU shall be served by the same utility meter, for each type of utility service provided, excluding any services for telephone or television.
- 7. No entrance, which would be visible from the street, may be located on the ADU, in order to maintain the single family residential appearance of the property.
- 8. An ADU shall be designed to maintain the architectural design, style, appearance and character of the single family residence.
- 9. An instrument shall be recorded with the Madison County Register's Office covenanting that the ADU is being established as an accessory use and may only be used under the conditions listed above.

END OF ARTICLE VI, SECTION 27.

*Approved: 1/2/01