

AGENDA
CITY BOARD OF ZONING APPEALS
JACKSON CITY HALL—101 EAST MAIN STREET—FIRST FLOOR
GEORGE A. SMITH MEETING ROOM
JANUARY 23, 2023 – 3:30 P.M.

- I. CALL TO ORDER/DETERMINATION OF QUORUM
- II. APPROVAL OF MINUTES OF THE OCTOBER 24, 2022 MEETING
- III. PUBLIC HEARINGS:
 - 1. Consideration of a permitted use determination request by Lawrence Pierce for approval to establish a tailor shop on the property located at 29 or 32 Weatherford Square within the O-C (Office-Center) District.
 - 2. Consideration of a special exception request by the Jackson-Madison County School System for approval to construct and operate a new Pre-K through 8th grade school on the property located at 1081 Ashport Road within the R-S (Single-Family Residential) District. Attached is a copy of the letter of justification submitted by the applicant.
 - 3. Consideration of an appeal of the decision by the Zoning Administrator to not allow a yard for the processing of tree waste into mulch on the property located at 324 Williams Street within the I-2 (Light Industrial) District. Attached is a copy of the letter of justification submitted by Sam Spence.
- 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
OCTOBER 24, 2022--3:30 P.M.**

Members Present: Mamie Hutcherson
Janna Hellums
Pat Ross

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 September 26, 2022 were unanimously approved on motion of Pat Ross and seconded by Janna Hellums.

Consideration of a special exception request by Gary Taylor for approval to establish a home for the aged on the property located at 447 Cheyenne Drive within the RG-2 (General Residential) District. The Board of Zoning Appeals may permit as special exceptions nursing homes, homes for the aged, and assisted living facilities within the RG-2 District. Attached is a copy of the letter of justification submitted by the applicant.

Mr. Hollis presented the request to the board. Mr. Hollis stated that applicant has submitted a site plan that shows one building containing approximately 8,860 square feet on 1.77 acres. It also has 14 rooms with 33 parking spaces. Mr. Hollis stated that the planning staff needs an approval letter from TVA granting permission for a parking lot and a driveway to be constructed under their powerline. The planning staff also needs an approval letter from JEA granting permission for a dumpster to be placed on top of their 30' Easement. It appears that all zoning requirements can be met. All preliminary design aspects of the driveways are acceptable to the staff. Therefore, the planning staff recommended approval of this request with the following conditions:

1. The applicants need to receive approval from TVA & JEA concerning the parking lot and dumpster sites.
2. There must be a zero net increase in storm water runoff from the post-development of this site.
3. The proposed development must go through the site review process.
4. The site shall be provided with a 20% minimum of green space.

Mr. Mickey Evans, Civil Engineering Manager for Clay Williams & Associates, stated that they are in the process of getting approval from TVA & JEA concerning the parking lot and dumpster sites.

The motion was made by Janna Hellums and 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 appeals under review by the Board of Zoning Appeals at the January 23, 2023 meeting:

Lawrence Pierce

Consideration of a permitted use determination request by Lawrence Pierce for approval to establish a tailor shop on the property located at 29 or 32 Weatherford Square within the O-C (Office-Center) District. Attached is a copy of the letter of justification submitted by the applicant.

Mr. Pierce is proposing to either construct and operate a tailor shop on the property located at 29 Weatherford Square or occupy an existing building at 32 Weatherford Square. The operation involves tailoring suits for his clients and having some clothing items available for sale. The O-C (Office Center) District allows sewing and alteration shops as uses permitted as special exceptions. The retail portion of his business is not allowed outright in this district. Since the O-C District allows some retail uses such as: bookstores, camera shops, drugstores, gift shops, and office supply stores, the Planning Staff would recommend approval of the tailor shop and the retail of clothing items.

Jackson-Madison County Pope Replacement Project

Consideration of a special exception request by the Jackson-Madison County School System for approval to construct and operate a new Pre-K through 8th grade school on the property located at 1081 Ashport Road within the R-S (Single-Family Residential) District. Attached is a copy of the letter of justification submitted by the applicant.

The Jackson-Madison County School System is requesting permission to construct and operate a new Pre-K through 8th grade school on the property located at 1081 Ashport Road (Map 33 Parcel 2.00) consisting of 41.5 acres. The property is situated in the R-S (Single-Family Residential) District which allows schools subject to approval by the City Board of Zoning Appeals. The applicants have submitted a site plan of the proposed Jackson-Madison County Pope Replacement Project which shows a Pre-k through 8th grade school building that will contain approximately 142,700 square feet in gross floor area and it will have 71 classrooms along with 12 administrative offices. The school will accommodate 1,200 students. There will be 432 parking spaces provided on the site. The loop around the site will also provide a third lane to be used for parallel parking during events occurring on the site. It appears that all zoning requirements can be met. All preliminary design aspects of the driveways are acceptable to the staff. However, at the preliminary stage, the review is limited to only the

fundamental aspects of the site, such as setbacks, lot coverage, number of parking spaces, driveway access points, buffering, and green space. A more detailed review will be conducted during the site plan review process for permitting. Therefore, there could be additional requirements or modifications needed once the final site plan is submitted. Phase 2 will include a high school to accommodate the student body from the Pre-K through 8th grade school, a baseball field, a softball field, a football field with a track, and a field house. Phase 2 will have to come back before the BZA for approval and the JMCSS will be required to submit another traffic study at that time.

KCI Technologies was hired by the Jackson-Madison County School System to conduct a traffic impact study for Phase 1. The purpose of this study is to analyze the access plan and the traffic impacts associated with this proposed development. The analyses presented in this study indicate that the impacts of the proposed project on the existing street network will be manageable by providing the following recommendations:

As part of the construction of the project, all internal and external driveway connections should be designed such that the departure sight triangles, as specified by AASHTO, will be clear of all sight obstructions, including landscaping, existing vegetation, monument signs/walls, fences, etc. Traffic control officers should be utilized during school pick-up and drop-off times to direct traffic.

Ashport Road and Driveway A

- The southbound approach of Driveway A is planned to operate as ingress only and include two receiving lanes.
- Provide an eastbound left-turn lane on Ashport Road with a storage length that extends to the intersection of Ashport Road and Pleasant Plains Road.
- Provide a westbound right-turn lane on Ashport Road with a minimum of 75 feet of storage length.

Ashport Road and Driveway B

- The southbound approach of Driveway B should be stop-controlled, and a stop bar should be installed on the egress approach.
- Driveway B is planned to operate as egress only and should be designed to include sufficient width for two exiting lanes. The exiting approach should include one shared through/left-turn lane and one right-turn lane.

Ashport Road and Pleasant Plains Road

- Convert the stop-controlled intersection into a single-lane roundabout.

Old Humboldt Road and Ashport Road

- Provide a northbound left-turn lane on Old Humboldt Road with a minimum of 75 feet of storage length.
- Provide an eastbound right-turn lane on Ashport Road with a minimum of 175 feet of storage length.

Old Humboldt Road and US Highway 45 Bypass

- Upon completion of the development, optimize the signal splits in the AM peak hour. Furthermore, since this intersection is located along a coordinated corridor, the signal timings along the entire corridor should also be evaluated and updated as needed.
- Extend the eastbound right-turn lane to the intersection of Old Humboldt Road and Frontage Road/Nolan Cove.

Additional Recommendations

- Per discussions with the City of Jackson, an updated traffic impact study should be completed prior to the approval of Phase 2 of the development to determine if additional improvements are needed to accommodate the traffic generated by the high school.
- Parking should be developed per code.
- Final design of internal roadways and parking should meet all City of Jackson standards and the latest version of "A Policy of Geometric Design of Highways and Streets" published by AASHTO. Any parking lots and streets associated with the development should ensure that passenger cars and emergency vehicles are capable of making all turning movements. Internal intersections should be two-way stop-controlled unless all-way stop control warrants are met.

Barry Alexander, Alexander Engineering Inc., was hired by the City of Jackson Engineering Department to review the traffic impact study conducted by Meghan Sigler, KCI Technologies. According to Mr. Alexander, the study methodology and assumptions are generally in accordance with the City of Jackson's Traffic Study Guidelines, and the recommendations are reasonable given the nature of the

project, the context of the area, and the City's criteria for mitigation. Mr. Alexander is recommending the acceptance of the study as presented. He said that the mitigation improvements recommended in the study can be summarized as follows:

Ashport Road @ Driveway A (school entrance driveway)

- Widen Ashport Road to 3-lanes to provide an eastbound left-turn lane into the school driveway, extending west to meet the existing 3-lane section at Pleasant Plains Road. This will provide a continuous 3-lane section (two travel lanes plus center two-way-left-turn lane) between Pleasant Plains Road and the school entrance driveway.
- Widen Ashport Road to provide a westbound right-turn lane into the school driveway (minimum 75 foot storage length).

Ashport Road @ Driveway B (school exit driveway) / Ivybrook Drive

- No mitigation improvements recommended.

Ashport Road @ Pleasant Plains Road

- Reconstruct intersection as a single-lane roundabout.

Old Humboldt Road @ Ashport Road South

- Widen Old Humboldt Road to provide a northbound left-turn lane with minimum 75 foot storage length.
- Widen Ashport Road to provide an eastbound right-turn lanes with minimum 175 foot storage length.

Hwy 45 Bypass @ Old Humboldt Road

- Widen Old Humboldt Road to extend the existing eastbound right-turn lane back to the intersection with Frontage Road.
- Update signal timings after school is in operation so that timings can be based on actual traffic volumes, rather than theoretical projections. This may also necessitate re-timing of other signals operating in the same coordinated group (Hwy 45 Bypass @ Channing Way / Union University Drive), Hwy 45 Bypass @ Oil Well Rd, Hwy 45 Bypass @ Ashport Road, Oil Well Road @ Walker Road).

General Recommendations

- JMCSS should provide "crossing guard(s)" to assist with control of traffic at the school driveways.
- It is my understanding that the City intends to recommend BZA approval that applies to the initial (Phase 1) construction of the K-8 school on the site only. The assumed future construction of a high school on the same site (analyzed in the study as 2026 Phase 2 development), will require an updated traffic study, which may recommend additional mitigation measures. The study report makes reference to this under the Additional Recommendations.

The planning staff recommends approval to construct and operate a new Pre-K through 8th grade school on the property located at 1081 Ashport Road with the following conditions:

1. The Jackson-Madison County School System must complete all improvements recommended above by KCI and Alexander Engineering. These recommended improvements must be completed by the school system prior to the school being occupied.
2. There must be a zero net increase in storm water runoff from the post-development of this site.
3. The proposed development must go through the site review process.

Sam Spence

Consideration of an appeal of the decision by the Zoning Administrator to not allow a yard for the processing of tree waste into mulch on the property located at 324 Williams Street within the I-2 (Light Industrial) District. Attached is a copy of the letter of justification submitted by Sam Spence.

Mr. Spence currently operates at 510 Riverside Drive which is situated in the I-3 (General Industrial) District. However, Mr. Spence would like to expand his business by utilizing the parking lot area of the property referenced as Map 77K Group A Parcel 4.00. New Holding, LLC, the current owner, purchased the property from Armstrong Flooring, Inc. on October 29, 2019. This property consists of multiple parcels and address numbers. UNIJAX, Inc., which was the successor corporation to the Carroll Paper Company, sold this property to Triangle Pacific Corporation on November 15, 1978. They conveyed it to Bruce Hardwood Flooring, Inc. which became known as Hartco Flooring Company, then Armstrong Hardwood Flooring Company. This company closed at the later part of 2017 (the article is included in the packet).

According to Mr. Spence, the previous use of the property was nonconforming. Therefore, it is his opinion that the BZA can permit him to change from one nonconforming use to another. According to the City of Jackson Zoning Ordinance, Article V. Section 16 B. Uses Permitted, the manufacturing of wood flooring is permitted outright in the I-2 (Light Industrial) District. The drying of lumber was ancillary and part of process of manufacturing wood flooring. Therefore, the Armstrong operation was a conforming use.

According to the City of Jackson Zoning Ordinance, Article V. Section 17 B. Uses Permitted, a sawmill is a use permitted outright in the I-3 (Light Industrial) District. It is the opinion of the Planning Staff that Mr. Spence's proposed use is similar in nature to a sawmill. Therefore, a yard for the processing of tree waste into mulch would not be allowed at this location. In fact, yards or lots for scrap or salvage operations or for processing, storage, display or sales of any scrap, salvage, or secondhand building materials are prohibited.

Included in your packet is the page from the Zoning Ordinance that talks about appealing the Zoning Administrator's decision. The language is fairly broad with no specific restrictions. It just says you can appeal any decision or refusal. I also checked state law and it reads the same:

*13-7-207. Powers of **board of appeals**.*


The **board of appeals** has the power to:

- (1) Hear and decide **appeals** where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the municipal building commissioner or any other administrative official in the carrying out or enforcement of any provision of any ordinance enacted pursuant to this part and part 3 of this chapter;

In his letter, Mr. Spence states. "My appeal is based on the **continuance of nonconforming use** as provided in **Article III, Section H in the zoning resolution**." The section he references is the county's regulations, not the city. The city regulations (included in the packet) related to nonconforming uses of land are different than the county regulations (included in the packet). In the city regulations, there is no provision to change from one nonconforming use of land to another nonconforming use of land. There are only provisions for changing from one nonconforming use of structure, or structure and premises, to another. As stated above, the Armstrong operation was not a nonconforming use.

Mr. Spence's appeal is not justified based on the following:

- 1) The Armstrong use was not nonconforming.
- 2) His proposed use is prohibited in the I-2.
- 3) His use requires an I-3 classification, the property is zoned I-2.
- 4) Rezoning is the only remedy, which is not within the authority of the BZA.

 City of Jackson, TN

12/05/2022

JBZA-22-7

Board of Zoning Appeals Application

Status: Active**Date Created:** Dec 5, 2022**Applicant**

Lawrence Pierce
lpierce57@yahoo.com
17 Brentshire Sq
Suite A4
Jackson, Tennessee 38305
9013350823

Applicant Information**Applicant Name**

same

Applicant Address

same

Applicant City

same

Applicant State

same

Applicant Zip

same

Applicant Phone

same

Applicant Email

same

Property Information**Type of Request**

Special Exception Request

Planning Region

City

Describe and Justify Request

Use Determination of a Tailor Shop

Address of Subject Property

29 Weatherford Sq

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.

Planning Department Information

Meeting Date

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Contingencies

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Attachments

No attachments

History

Date	Activity
Dec 5, 2022 at 9:31 am	Lawrence Pierce started a draft of Record JBZA-22-7
Dec 5, 2022 at 9:36 am	Lawrence Pierce submitted Record JBZA-22-7
Dec 5, 2022 at 9:36 am	approval step Planning Staff Acceptance was assigned to Elvis Hollis on Record JBZA-22-7
Dec 5, 2022 at 9:37 am	Elvis Hollis approved approval step Planning Staff Acceptance on Record JBZA-22-7
Dec 5, 2022 at 9:49 am	completed payment step BZA Application Fee on Record JBZA-22-7
Dec 5, 2022 at 9:49 am	approval step Data Entry was assigned to Brittany Alexander on Record JBZA-22-7

Timeline

Label	Status	Activated	Completed	Assignee	Due Date
 Planning Staff Acceptance	Complete	Dec 5, 2022 at 9:36 am	Dec 5, 2022 at 9:37 am	Elvis Hollis	-
 BZA Application Fee	Paid	Dec 5, 2022 at 9:37 am	Dec 5, 2022 at 9:49 am	-	-
 Data Entry	Active	Dec 5, 2022 at 9:49 am	-	Brittany Alexander	-
 Applicant Letter	Inactive	-	-	-	-
 Data Entry	Inactive	-	-	-	-
 BZA Approval	Inactive	-	-	-	-
 Approval Letter	Inactive	-	-	-	-

December 6, 2022

To the Board of Zoning Appeals:

Special Exception Request

E. Daniel Tailors is a family owned business started by E. Daniel Pierce in 1924. E. Daniel Pierce , my father, was a Master Tailor, trained by a Bohemian Tailor in Pine Bluff Arkansas. I, Lawrence Pierce, the youngest son of E. Daniel Pierce, acquired the business in 1983 from my father. I studied under my father as an apprentice from 1968 until 1978 when I made my first pair of pants.


I opened E. Daniel in 2009 as a tailor shop offering full service alterations as well as custom clothing. In 2014, I began to offer a line of suits and accessories to accommodate those customers that just wanted a basic suit and shirt. My tailoring is my main source of income for my business. 75% of my shop revenue is tailoring and alterations, and 25% is retail sales. Because of the services I offer, my business is a destination so there is no need for me to be in areas like Thomsen Farms. I don't have walk-in customers. As a rule, 70% of my customers are referrals or repeat customers and 30% are those who found me via Google search while seeking a tailor.

I feel confident that E.Daniel Tailor would be a good fit for the parcel of land at Weatherford Sq. I plan on fashioning the shop after the Tailors of Savile Row in London. I ask this board to approve this application to give me the ability to sell retail along with my tailoring service.

Sincerely,

Lawrence Pierce

Owner and President of E. Daniel Tailors

 City of Jackson, TN

12/05/2022

JBZA-22-6

Board of Zoning Appeals Application

Status: Active**Date Created:** Nov 30, 2022**Applicant**

Mickey Evans
mevans@cwandassociates.com
2796 N. Highland Ave, B
Jackson, TN 38305
731-664-6335

Applicant Information**Applicant Name**

Jackson-Madison County School System

Applicant Address

310 N. Parkway

Applicant City

Jackson

Applicant State

TN

Applicant Zip

38305

Applicant Phone

731-506-2639

Applicant Email

jebridgeman@jmcass.org

Property Information**Type of Request**

Special Exception Request

Planning Region

City

Describe and Justify Request

Request for use as school on subject property in RS zone

Address of Subject Property

1081 Ashport Road

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.

Planning Department Information





Meeting Date

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Contingencies

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Attachments

-  Letter of Justification.pdf
 Uploaded by Mickey Evans on Nov 30, 2022 at 1:29 pm
-  Site layout (11-29-22).pdf
 Uploaded by Mickey Evans on Nov 30, 2022 at 1:29 pm
-  Building elevations.pdf
 Uploaded by Mickey Evans on Nov 30, 2022 at 1:29 pm
-  Jackson Madison County Pope Replacement Pre K-8 - TIS - DRAFT.pdf
 Uploaded by Mickey Evans on Nov 30, 2022 at 1:29 pm

History

Date	Activity
Nov 30, 2022 at 9:47 am	Mickey Evans started a draft of Record JBZA-22-6
Nov 30, 2022 at 1:29 pm	Mickey Evans added attachment Building elevations.pdf to Record JBZA-22-6
Nov 30, 2022 at 1:29 pm	Mickey Evans added attachment Jackson Madison County Pope Replacement Pre K-8 - TIS - DRAFT.pdf to Record JBZA-22-6
Nov 30, 2022 at 1:30 pm	Mickey Evans submitted Record JBZA-22-6
Nov 30, 2022 at 1:30 pm	approval step Planning Staff Acceptance was assigned to Elvis Hollis on Record JBZA-22-6
Nov 30, 2022 at 1:30 pm	Mickey Evans added a guest: ewing.d@owp.com to Record JBZA-22-6
Dec 5, 2022 at 8:29 am	Elvis Hollis approved approval step Planning Staff Acceptance on Record JBZA-22-6
Dec 5, 2022 at 8:54 am	completed payment step BZA Application Fee on Record JBZA-22-6
Dec 5, 2022 at 8:54 am	approval step Data Entry was assigned to Brittany Alexander on Record JBZA-22-6

Timeline

Label	Status	Activated	Completed	Assignee	Due Date
 Planning Staff Acceptance	Complete	Nov 30, 2022 at 1:30 pm	Dec 5, 2022 at 8:29 am	Elvis Hollis	-
 BZA Application Fee	Paid	Dec 5, 2022 at 8:29 am	Dec 5, 2022 at 8:54 am	-	-
 Data Entry	Active	Dec 5, 2022 at 8:54 am	-	Brittany Alexander	-
 Applicant Letter	Inactive	-	-	-	-
 Data Entry	Inactive	-	-	-	-
 BZA Approval	Inactive	-	-	-	-
 Approval Letter	Inactive	-	-	-	-



**CLAY WILLIAMS &
ASSOCIATES, INC.**

Consulting Engineers

November 29, 2022

City of Jackson, Board of Zoning Appeals
111 E. Main St., Suite 201
Jackson, TN 38301

***Re: Pope School Replacement
Appeal on Use
Statement of Justification***

Dear sir or madam:

On behalf of the Jackson-Madison County School System, owner of the properties, located at 1081 Ashport Road, we request a special exception for the use of the property to provide a school in an RS zone as shown in the attached drawings.

Sincerely,

***Clay Williams & Associates, Inc.
Consulting Engineers***

Mickey Evans, P.E.
Civil Engineering Manager

City of Jackson, Board of Zoning Appeals
111 E. Main St., Suite 201
Jackson, TN 38301

January 12, 2023

To Whom it May Concern,

On behalf of the Jackson-Madison County School System, owner of the properties, located at 1081 Ashport Road, we request an appeal for the use of the property to provide a Pre-K through 8th grade school on the property listed as shown in the attached drawings and as described below.

The current phase - Phase 1 - of this site is to include a Pre-K through 8th grade school to accommodate a student body of 1,200, drop-off/dismissal lanes of both cars and busses, parking, three playgrounds, and a soccer field. The school is to be roughly 142,700 square feet in size and parking to accommodate 432 cars.

The future phase – Phase 2, to be completed at a later date – is to include a high school to accommodate the student body from the Pre-K through 8th grade school, baseball field, softball field, football field with track, and a field house.

The loop around the site will also provide a third lane to be used for parallel parking during events occurring on the site.

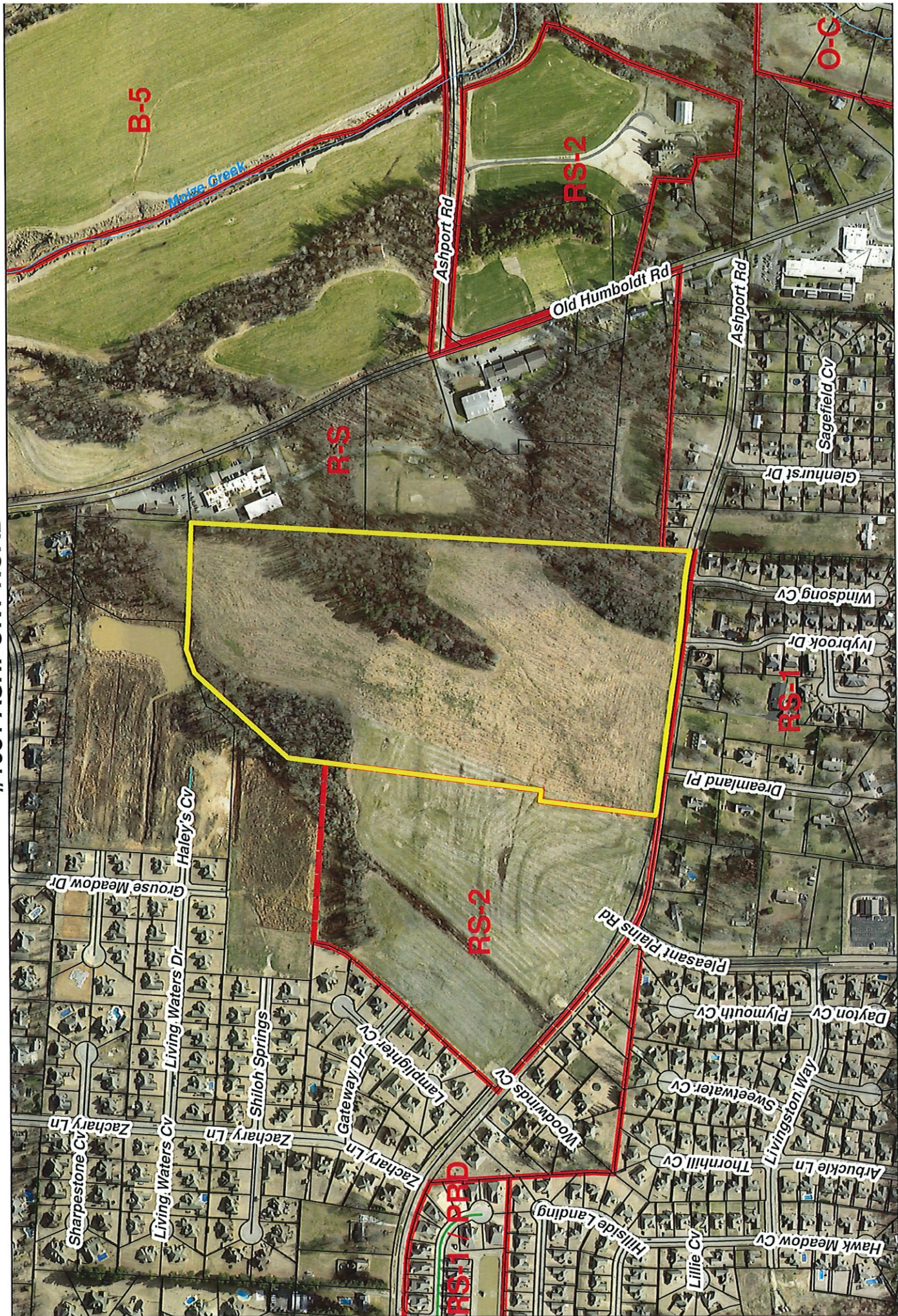
Sincerely,

Orcutt|Winslow



Drew Ewing, AIA
Project Manager

CITY B.Z.A. SITE LOCATION MAP
SPECIAL EXCEPTION REQUEST - NEW POPE SCHOOL IN R-S (SINGLE FAMILY RESIDENTIAL) DISTRICT
#1081 ASHPORT ROAD



orcutt | winslow

10114 commercial blvd
first floor
mashville, tn 37009
orcutt@orcuttwinslow.com
615.262.1225
www.orc.wins.com

NOT FOR
CONSTRUCTION

MEMORANDUM

TO: *Mr. Elvis Hollis – City of Jackson Planning Department*
Mr. Stan Pilant – City of Jackson Planning Department
Mr. Tom Wolf, P.E. - City of Jackson Engineering Department

FROM: *Barry Alexander, P.E., PTOE*



DATE: *January 11, 2023*

SUBJECT: *Review of Traffic Impact Study for JMCSS Pope School Replacement*

As requested, I have completed a review of the revised traffic impact study prepared by KCI Technologies, Inc. for the Jackson Madison County School System's proposed Pope School Replacement, dated 1/10/2023. My review of the report generally consisted of checking that the assumptions used and methodologies employed appeared to be reasonable, and that the findings and recommendations logically follow from the analysis results; I have not attempted to verify the analysis calculations in detail.

From my review of the revised report, it appears that all of the comments and questions that I had regarding the original report have been adequately addressed. The study methodology and assumptions are generally in accordance with the City of Jackson's Traffic Study Guidelines, and the recommendations are reasonable given the nature of the project, the context of the area, and the City's criteria for mitigation. I recommend acceptance of the study as presented.

The mitigation improvements recommended in the study can be summarized as follows:

- Ashport Road @ Driveway A (school entrance driveway)
 - Widen Ashport Road to 3-lanes to provide an eastbound left-turn lane into the school driveway, extending west to meet the existing 3-lane section at Pleasant Plains Road. This will provide a continuous 3-lane section (two travel lanes plus center two-way-left-turn lane) between Pleasant Plains Road and the school entrance driveway.
 - Widen Ashport Road to provide a westbound right-turn lane into the school driveway (minimum 75 foot storage length).
- Ashport Road @ Driveway B (school exit driveway) / Ivybrook Drive
 - No mitigation improvements recommended.
- Ashport Road @ Pleasant Plains Road
 - Reconstruct intersection as a single-lane roundabout.

- Old Humboldt Road @ Ashport Road South
 - Widen Old Humboldt Road to provide a northbound left-turn lane with minimum 75 foot storage length.
 - Widen Ashport Road to provide an eastbound right-turn lanes with minimum 175 foot storage length.
- Hwy 45 Bypass @ Old Humboldt Road
 - Widen Old Humboldt Road to extend the existing eastbound right-turn lane back to the intersection with Frontage Road.
 - Update signal timings after school is in operation so that timings can be based on actual traffic volumes, rather than theoretical projections. This may also necessitate re-timing of other signals operating in the same coordinated group (Hwy 45 Bypass @ Channing Way / Union University Drive), Hwy 45 Bypass @ Oil Well Rd, Hwy 45 Bypass @ Ashport Road, Oil Well Road @ Walker Road).
- General Recommendations
 - JMCSS should provide “crossing guard(s)” to assist with control of traffic at the school driveways.

It is my understanding that the City intends to recommend BZA approval that applies to the initial (Phase 1) construction of the K-8 school on the site only. The assumed future construction of a high school on the same site (analyzed in the study as 2026 Phase 2 development), will require an updated traffic study, which may recommend additional mitigation measures. The study report makes reference to this under the Additional Recommendations.

If you have any questions or need any additional information, please let me know.





TRAFFIC IMPACT STUDY - UPDATED

JACKSON MADISON COUNTY POPE REPLACEMENT

JACKSON, TENNESSEE



PREPARED FOR:
JACKSON MADISON COUNTY SCHOOL SYSTEM
JANUARY 2023

**TRAFFIC IMPACT STUDY - UPDATED
JACKSON MADISON COUNTY POPE REPLACEMENT
JACKSON, TENNESSEE**

**PREPARED FOR:
JACKSON-MADISON COUNTY SCHOOL SYSTEM**



PREPARED BY:
KCI TECHNOLOGIES, INC
500 11th Avenue North, Suite 290
Nashville, TN 37203
615.370.8410 office 615.370.8455 fax
www.kci.com

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EXECUTIVE SUMMARY

Project Description

The proposed Jackson Madison County Pope Replacement development is located along Ashport Road in Jackson, Tennessee. According to the developer, full build of the proposed development includes two phases, Phase 1 of the development includes one prek-8 school with approximately 1,260 students and Phase 2 of the development includes one high school with approximately 1,000 students. Access to the development is planned to be provided by two driveways on Ashport Road. The purpose of this study is to analyze the access plan and the traffic impacts associated with this proposed development.

Data Collection

In order to provide data for the traffic impact analysis, manual traffic counts were conducted at the following intersections:

1. Ashport Road and Pleasant Plains Road (unsignalized)
2. Ashport Road and Dreamland Place (unsignalized)
3. Ashport Road and Ivybrook Drive (unsignalized)
4. Old Humboldt Road and Passmore Lane
5. Old Humboldt Road and Ashport Road North (unsignalized)
6. Old Humboldt Road and Ashport Road South (unsignalized)
7. Old Humboldt Road and US Highway 45 Bypass (signalized)

Specifically, Marr Traffic Data Collection. conducted the traffic counts from 7:00 – 9:00 AM and 4:00 – 6:00 PM on a typical weekday in November 2022 while local schools were in session. From the counts, it was determined that the peak hours of traffic flow for the majority of the study intersections occurred from 7:15 – 8:15 AM and 5:00 – 6:00 PM. It should be noted that typical school dismissal is between 2:00 – 3:00 PM; however, in order to be conservative, the PM peak of the roadway was utilized.

Projection of Future Traffic Volumes

In order to account for the traffic growth prior to the completion of the proposed project, background traffic volumes were established. Then, the estimated total project-generated traffic volumes for the proposed development were added to the background peak hour traffic volumes in order to obtain the total projected peak hour traffic volumes for the study area intersections.

Conclusions and Recommendations

The analyses presented in this study indicate that the impacts of the proposed project on the existing street network will be manageable by providing the recommendations below. These specific recommendations will provide safe and efficient traffic operations within the study area following the completion of the proposed project. The recommendations are as follows:

Site Driveways

- As part of the construction of the project, all internal and external driveway connections should be designed such that the departure sight triangles, as specified by AASHTO, will be clear of all sight obstructions, including landscaping, existing vegetation, monument signs/walls, fences, etc.
- Traffic control officers should be utilized during school pick-up and drop-off times to direct traffic.

Ashport Road and Driveway A

- The southbound approach of Driveway A is planned to operate as ingress only and include two receiving lanes.
- Provide an eastbound left-turn lane on Ashport Road with a storage length that extends to the intersection of Ashport Road and Pleasant Plains Road.
- Provide a westbound right-turn lane on Ashport Road with a minimum of 75 feet of storage length.

Ashport Road and Driveway B

- The southbound approach of Driveway B should be stop-controlled, and a stop bar should be installed on the egress approach.
- Driveway B is planned to operate as egress only and should be designed to include sufficient width for two exiting lanes. The exiting approach should include one shared through/left-turn lane and one right-turn lane.

Ashport Road and Pleasant Plains Road

- Convert the stop-controlled intersection into a single-lane roundabout.

Old Humboldt Road and Ashport Road

- Provide a northbound left-turn lane on Old Humboldt Road with a minimum of 75 feet of storage length.
- Provide an eastbound right-turn lane on Ashport Road with a minimum of 175 feet of storage length.

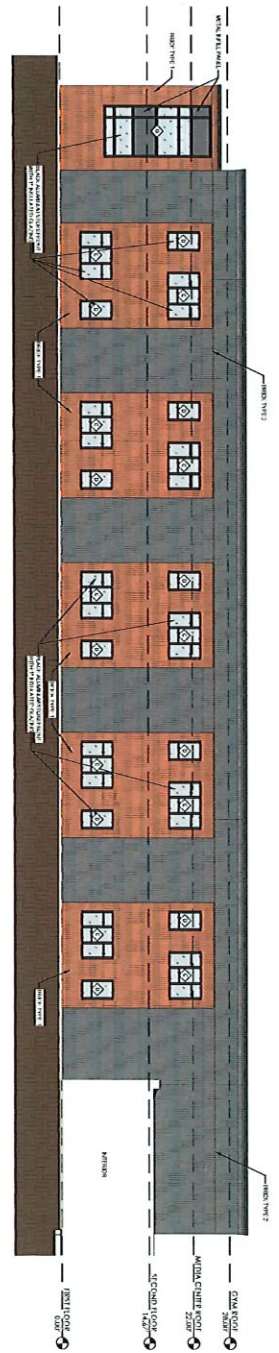
Old Humboldt Road and US Highway 45 Bypass

- Upon completion of the development, optimize the signal splits in the AM peak hour. Furthermore, since this intersection is located along a coordinated corridor, the signal timings along the entire corridor should also be evaluated and updated as needed.
- Extend the eastbound right-turn lane to the intersection of Old Humboldt Road and Frontage Road/Nolan Cove.

Additional Recommendations

- Per discussions with the City of Jackson, an updated traffic impact study should be completed prior to the approval of Phase 2 of the development to determine if additional improvements are needed to accommodate the traffic generated by the high school.
- Parking should be developed per code.
- Final design of internal roadways and parking should meet all City of Jackson standards and the latest version of "A Policy of Geometric Design of Highways and Streets" published by AASHTO. Any parking lots and streets associated with the development should ensure that passenger cars and emergency vehicles are capable of making all turning movements. Internal intersections should be two-way stop-controlled unless all-way stop control warrants are met.

In summary, based on the analyses conducted, no further recommendations are presented for the proposed Jackson Madison County Pope Replacement development.



4 ELEVATION D

SHEET KEYNOTES

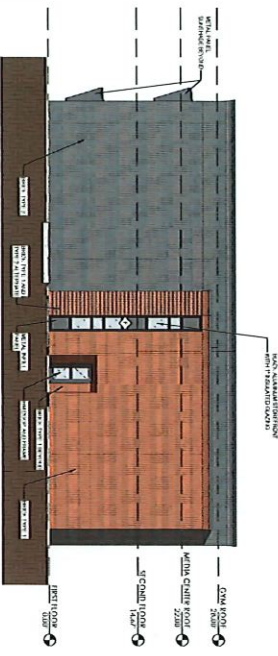
GENERAL SHEET NOTES

- As indicated by notes, all steel bar of reinforcing type shall be used.
- Standard of loading and specifications shall be taken from British Standards and design from the building.
- Foundations and ground level shall be as indicated in sections, for any change.
- As per approved drawings and be the best quality.
- Use of steel reinforcement shall be as per approved drawings and sections.

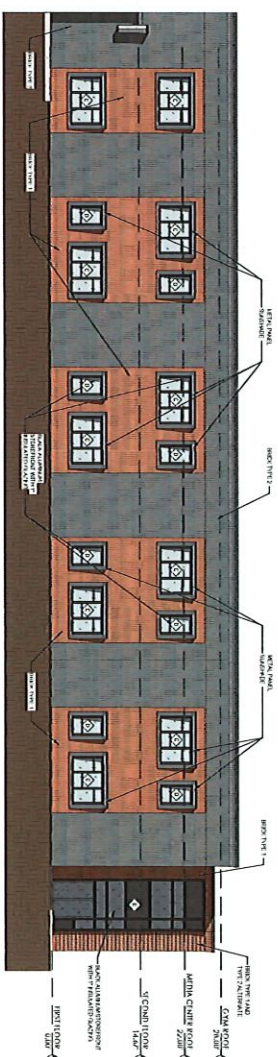
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third floor
northridge, tn 37358
mow@orcwin.com
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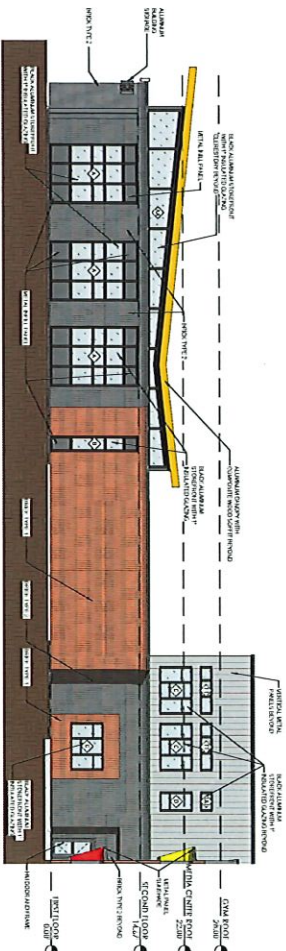


3 ELEVATION C



2
ELEVATION

SHEET KEYNOTES

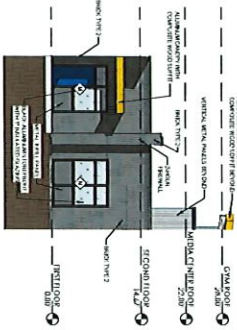


1 ELEVATION.

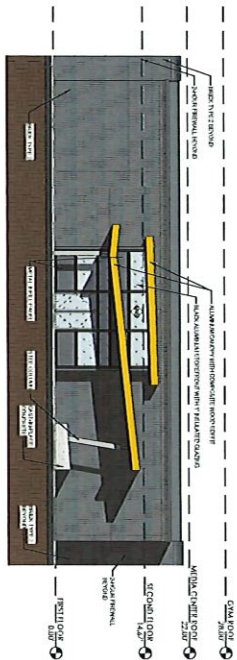
JACKSON/MADISON COUNTY
POPE REPLACEMENT SCHOOL
1081 ASHPORT ROAD, JACKSON TN 38305
OWNER PROJECT NO.: 00-123456789

PROJECT TEAM	DESIGNED BY
TEAM NAME	AUTHOR
PROJECT NAME	
SCHEMATIC DESIGN	
SHEET COUNT/REVISIONS	
BUILDING ELEVATIONS	
SHEET NO.	
A-201	

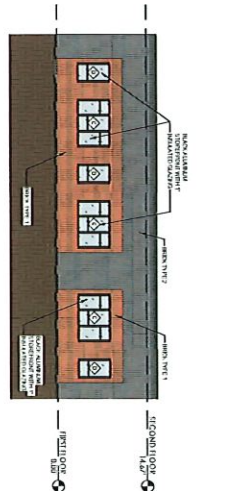
3 ELEVATION J



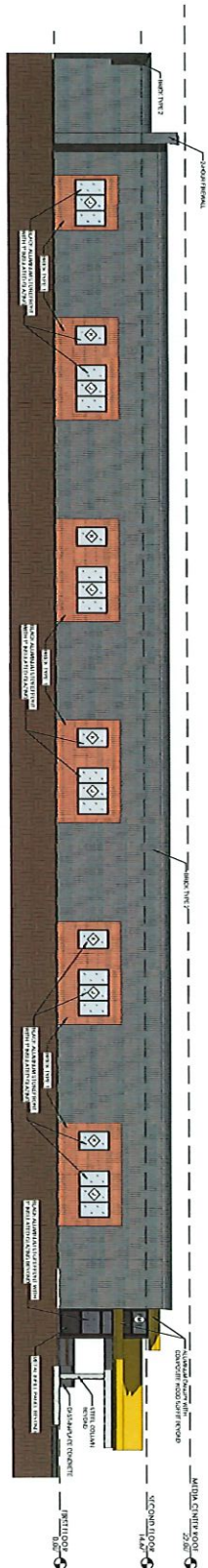
2 ELEVATION G



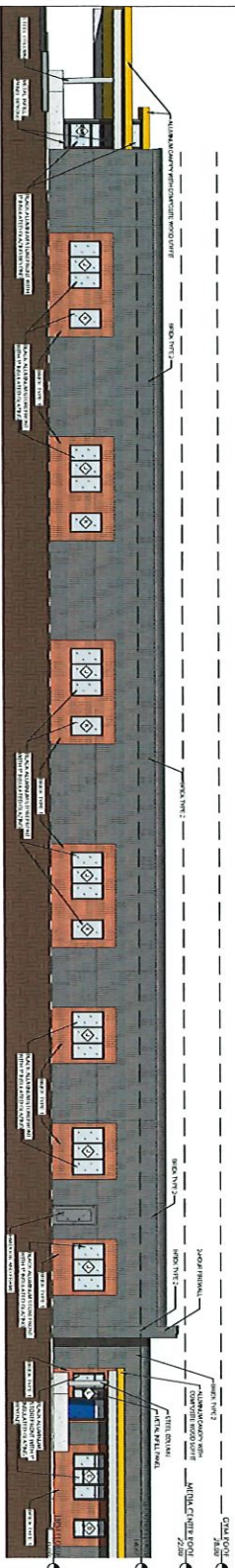
1 ELEVATION E



4 ELEVATION F



5 ELEVATION H



REFERENCE NOTES

SHEET ANNOTES

GENERAL SHEET NOTES

- A. All dimensions are in feet and inches.
- B. All dimensions are to the center of the member unless otherwise noted.
- C. All dimensions are to the finished surface unless otherwise noted.
- D. All dimensions are to the center of the member unless otherwise noted.
- E. All dimensions are to the center of the member unless otherwise noted.

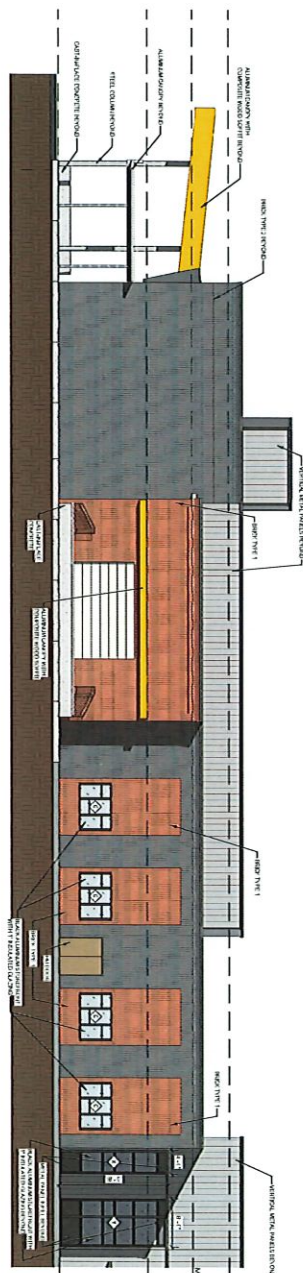
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JACKSON/MADISON COUNTY
POPE REPLACEMENT SCHOOL
1081 ASHPORT ROAD, JACKSON TN 38305
OWNER PROJECT NO.: 00-123456789

PROJECT TEAM
PROJECT MANAGER
ARCHITECT
SCHEMATIC DESIGN
BUILDING ELEVATIONS

A-202



3 ELEVATION M

For the 10^6 and 10^4 orders per second, the

SHEET KEYNOTES

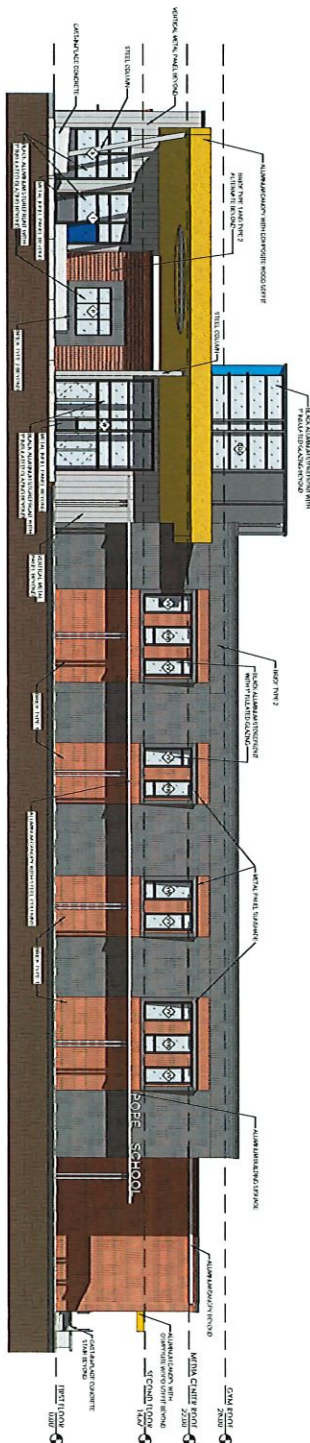
GENERAL SHEET NOTES

- At exposed 1:101 ratio of air to primary type and age for EC2 box.
- Survival of fish fry and shad fry will not increase from decrease and change away from feeding.
- Fry of exposed to 10:1 and not exposed to stream being
- At exposed feeding will be better treated.
- Use Fryer will provide for EC2 and water type and stream.

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② ELEVATION L

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OWNER PROJECT NO.: 00-123456789

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310 NORTH PENNY	
JACKSON, TN 38305	
731-604-2500 T tpedmon@comcast.net	
731-604-2502 F	
OWP PROJECT NO. DATE OF RESULT	
2022_080	08.16.2022
REVERSE	
DATE	TIME

PROJECT TEAM	DRAWN BY
TEAM NAME	AUTHOR
PROJECT PHASE	
SCHEMATIC DESIGN	
SHEET CONTENTS	
BUILDING ELEVATIONS	

SHEET NO.
A-203

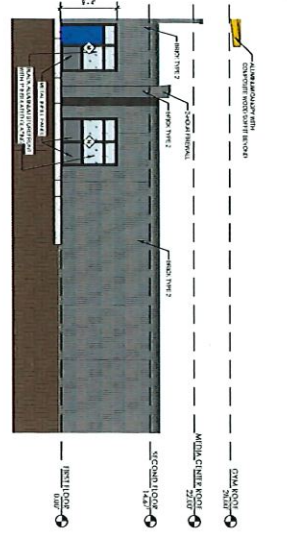
1 ELEVATION K
0 100
Scale in 1/8" = 1'-0" unless printed full size.

Stomach is 100% or 100% when peristalsis is seen.

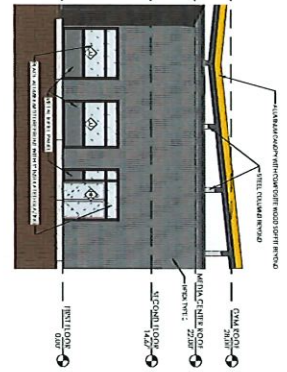


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ELEVATION K
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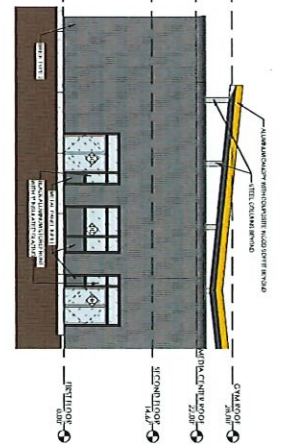
Stomach is 100% or 100% when peristalsis is seen.



8 ELEVATION V



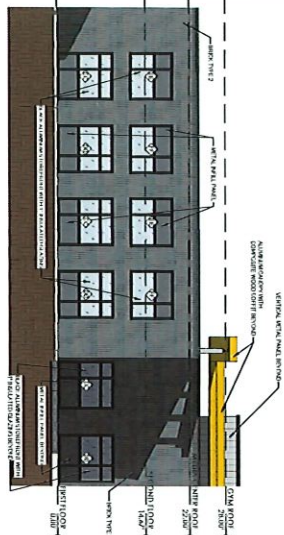
7 ELEVATION U



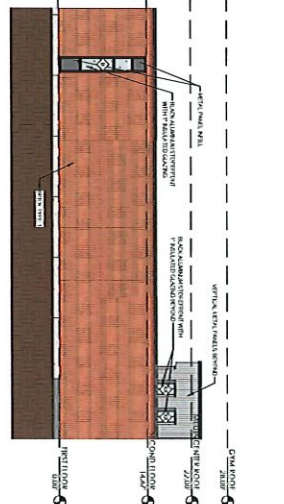
6 ELEVATION T

REVISIONS

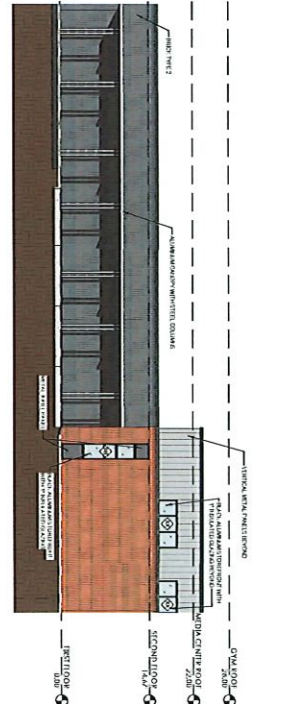
- GENERAL SHEET NOTES
1. All dimensions are in feet and inches. Round up to the next whole number.
 2. Standard of finish is as shown on the schedule.
 3. Standard of finish is as shown on the schedule.
 4. Standard of finish is as shown on the schedule.
 5. Standard of finish is as shown on the schedule.
 6. Standard of finish is as shown on the schedule.
 7. Standard of finish is as shown on the schedule.
 8. Standard of finish is as shown on the schedule.
 9. Standard of finish is as shown on the schedule.
 10. Standard of finish is as shown on the schedule.



5 ELEVATION S



4 ELEVATION R



3 ELEVATION Q



2 ELEVATION P



1 ELEVATION N

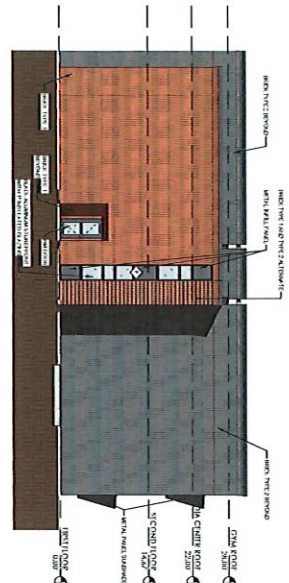
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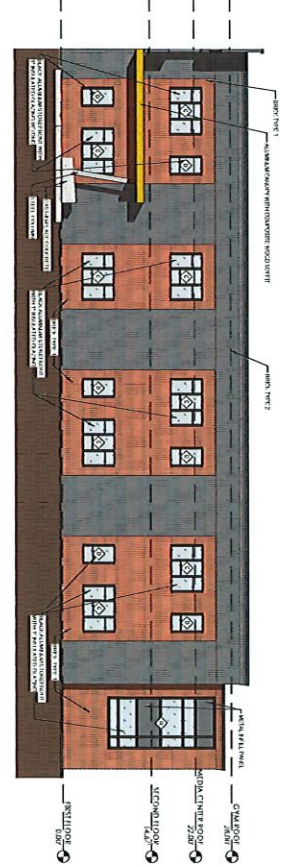
2025 International Building Code
Standard
Jackson, TN 38305
orcutt@orcuttwinslow.com
615.298.2085
www.orcuttwinslow.com

JACKSON/MADISON COUNTY
POPE REPLACEMENT SCHOOL
1081 ASHPORT ROAD, JACKSON TN 38305
OWNER PROJECT NO.: 00-123456789

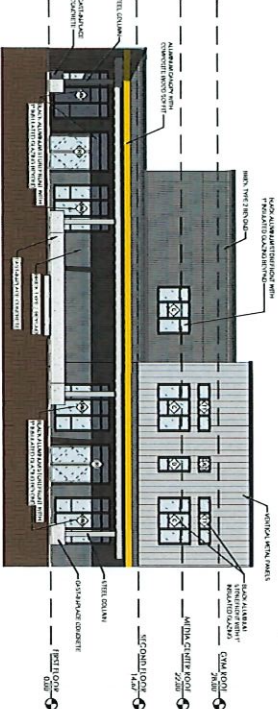
PROJECT TEAM
PROJECT NAME: POPE REPLACEMENT SCHOOL
PROJECT NUMBER: 00-123456789
SCHEMATIC DESIGN
BUILDING ELEVATIONS
SHEET NO. A-204



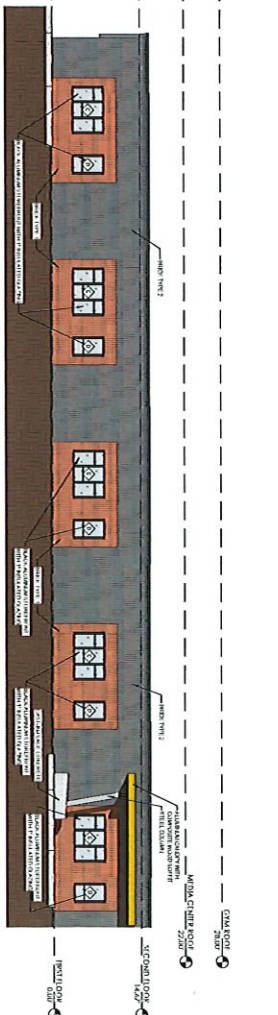
6 ELEVATION BB
Scale: 1/8" = 1'-0" (not printed to scale)



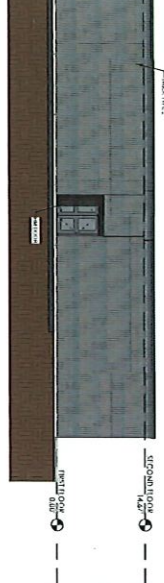
5 ELEVATION AA
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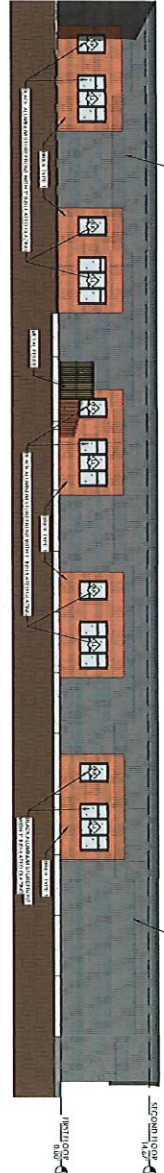
4 ELEVATION Z
Scale: 1/8" = 1'-0" (not printed to scale)



3 ELEVATION Y
Scale: 1/8" = 1'-0" (not printed to scale)



2 ELEVATION X
Scale: 1/8" = 1'-0" (not printed to scale)



1 ELEVATION W
Scale: 1/8" = 1'-0" (not printed to scale)

- GENERAL NOTES
1. All dimensions are in feet and inches. Round up to the next inch.
 2. Materials and finishes are as shown on the schedule.
 3. All work shall be in accordance with the latest edition of the International Building Code (IBC) and the International Residential Code (IRC).
 4. All work shall be in accordance with the latest edition of the International Building Code (IBC) and the International Residential Code (IRC).
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POPE REPLACEMENT SCHOOL
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OWNER PROJECT NO.: 00-123456789

PROJECT NO. A-205

DATE: 08.16.2022

PROJECT NAME: POPE REPLACEMENT SCHOOL

PROJECT LOCATION: 1081 ASHPORT ROAD, JACKSON, TN 38305

PROJECT OWNER: JACKSON/MADISON COUNTY

PROJECT ARCHITECT: ORCUTT | WINSLLOW

PROJECT ENGINEER: ORCUTT | WINSLLOW

PROJECT CONTRACTOR: [REDACTED]



- At request 14, the judge will file all necessary forms and ask for \$100 fee.
- Subpoena is mailed and returned filed and known from the district court and kept away from the judge.
- Form of request and the fee is not required to be returned. The judge will return the request to the judge.
- All request forms will be kept by the judge.
- See Page and Form for the judge and judge forms and fees.

By 1987, the Ford team had begun planning a re-orientation of its strategy to protect and extend past and future brand equity. The strategy involved the development of a new brand architecture. Consequently, the Ford brand was positioned to support the company's new business strategy. The brand architecture was designed to leverage the strength of the Ford brand and extend it into new markets. The brand architecture was designed to support the company's new business strategy. The brand architecture was designed to support the company's new business strategy. The brand architecture was designed to support the company's new business strategy.



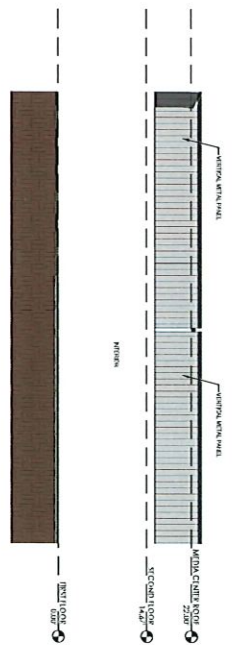
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310 NORTH PERRY	
JACKSON, TN 38305	
731-664-2500 T jaccs@jaccs.com	
731-664-2502 F	
OWN PROJECT NO. DATE OF RELEASE	2022, 080 08.10.2022
MEMBERS	
PROJECT TEAM	DESIGNED BY
TEAM NAME	AUTHOR
PRODUCT FAMILIES	
SCHEMATIC DESIGN	
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BIENT CONTEXTS	

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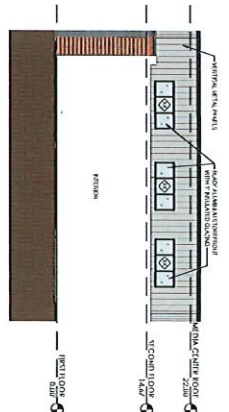
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C. All argument backing that he be let by himself.



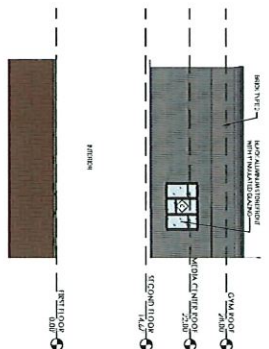
6 ELEVATION TT

SHEET KEYNOTES



4 ELEVATION RR

Smaller is $1/4^{\circ}$ or $1/4^{\circ}$ when period had been.



① ELEVATION NN

Scale is 1 cm = 100' when printed full size.

CLIENT CONTACT	
JMC3B	
310 NORTH PERRY	
JACKSON, TN 38305	
731-684-2500 T. 731-684-2502 F.	
731-684-2502 F.	
OWP PROJECT NO.	DATE OF ISSUE
2022_080	09.16.2022
REVISED	

A-207

01/03/2023

JBZA-22-8

Board of Zoning Appeals Application

Status: Active

Date Created: Dec 22, 2022

Applicant

Sam Spence
sam@deltatree.com
PO BOX 11813
Jackson, TN 38308
7312257805

Applicant Information

Applicant Name

Sam Spence

Applicant Address

PO BOX 11813

Applicant City

Jackson

Applicant State

TN

Applicant Zip

38308

Applicant Phone

7312257805

Applicant Email

sam@deltatree.com

Property Information

Type of Request

Review of Action of Zoning Administrator

Planning Region

City

Describe and Justify Request

Wrong application of nonconforming use

Address of Subject Property

Williams St

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.

Planning Department Information

City of Jackson Board of Zoning Appeals:

My name is Sam Spence, owner and operator of Delta Tree Service based in Jackson. As a result of our tree pruning and removal operations, we generate a significant amount of tree debris in the form of wood chips and logs. In the past, we have disposed of the tree remnants at varying sites all across west Tennessee from landfills, farmers, gardeners, nurseries and firewood processors. Our company has now grown to the point that it is no longer a feasible option due to the amount of debris we generate.

After conducting extensive research into best methods for reusing the tree debris, I determined that recycling into landscaping mulch seemed to offer the most utilization and most complete conversion into a reusable product. All materials from my jobsites will be transported to a central location where the chips and wood are processed by a grinder before being colorized and sold in bulk. This process is one used nationwide to cut down on useful debris ending up in landfills and into products beautifying the local landscape. From Memphis to Bristol every sizeable town in Tennessee has at least one recycling yard for tree waste, many cities having multiple sites. I found it odd that a city the size of Jackson had no such resource and decided to undertake a plan to start my own operation.

The first order of business was to locate a property that could support such an operation. First on my list was the site of Bruce Hardwoods/Armstrong Flooring facilities bordering Airways Blvd and Hollywood Dr. I had assumed the property was vacant, but soon discovered it was in fact still operational but on a smaller scale than before. After making contact with the owners, we began negotiations to lease some of the open property. The owners were excited to see that someone wanted to invest in Jackson and put the property to use. Before executing any lease agreement, I reached out to the planning department at the city of Jackson to ensure compliance with any zoning regulations. Considering the site's long history of heavy industrial use, I had thought this would be just a formality. I was wrong.

The zoning map deems this site I-2 Light Industrial property. I was astounded that such an operation would ever be zoned light industrial. Going back to the 1930's this property has been used as a sawmill, lumber drying yard and has hundreds of thousands of square feet of warehouse space and production facilities. Since it predated the zoning ordinances adopted in 1967, I came to the conclusion that the property must have been grandfathered into compliance by the nonconforming use allowances in the zoning regulations. The planning administrator has made the determination that the site was always in compliance with the I-2 zoning requirements and that no such nonconforming use had occurred or would be allowed to continue.

I disagree with this assessment and can use a multitude of examples taken directly from the zoning ordinance as to why this position is incorrect. I will use the example of my own shop facility on Riverside Dr to illustrate my point. When I purchased the tree business in 2018, I wanted to move the operation from Medina to Jackson since the vast majority of our business was conducted in Jackson. I spoke to the planning administrator and was informed that any

location I wish to operate in must be zoned I-3 General Industrial. My tree business shop where I simply park trucks overnight was required to have a higher level of zoning than a major industrial facility encompassing 80 acres with hundreds of heavy trucks coming and going at all hours of the day and a tremendous amount of outdoor storage. That is the position of the planning department and a position that I feel is void of any reasonable justification.

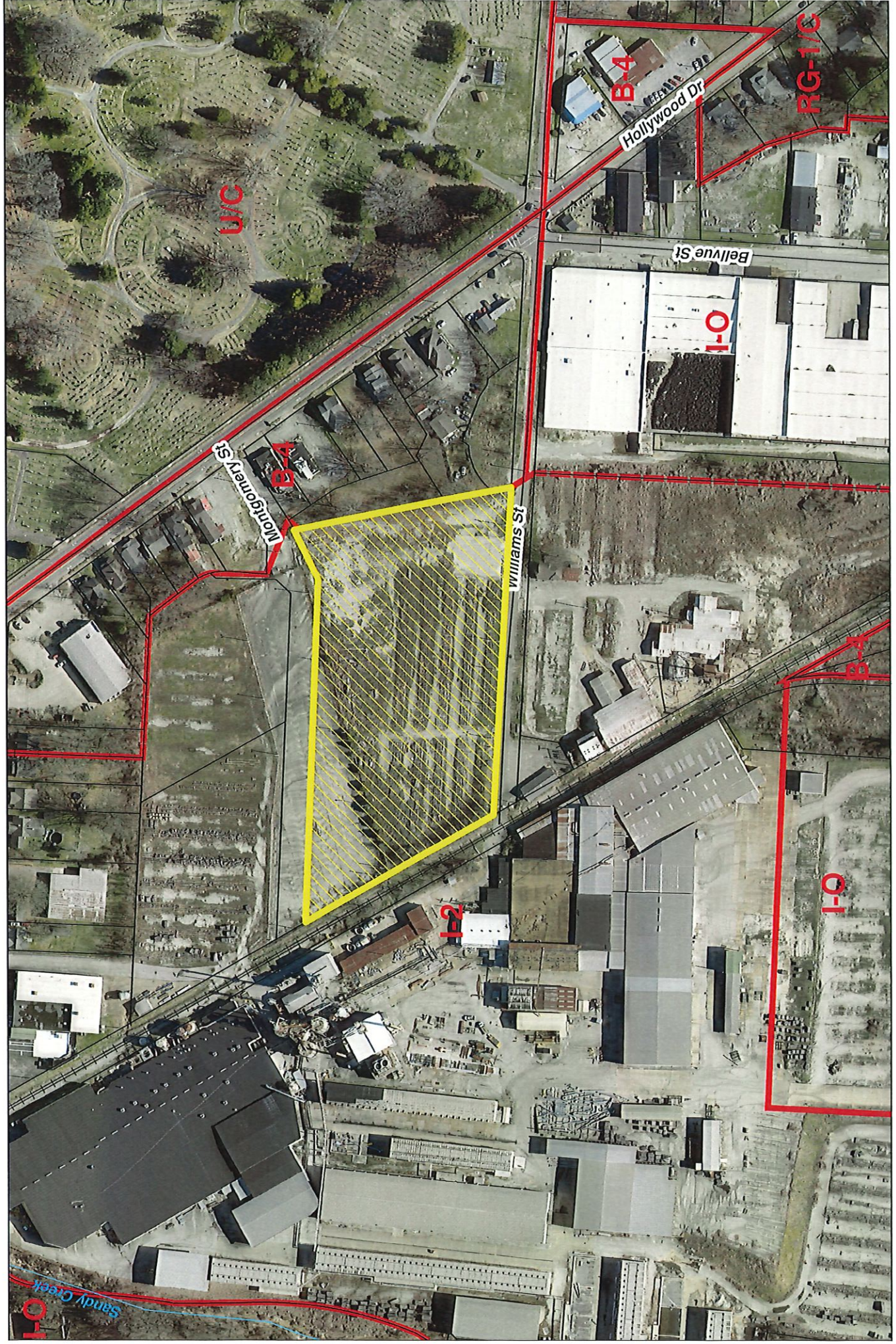
My position is that the site should have been zoned I-3 industrial since the adoption of the zoning ordinance in 1967. Since it was not, the site then falls under a provision for nonconforming use. My appeal is based on a continuance of nonconforming use as provided in Article III Section H of the zoning resolution. I appreciate your consideration of this matter and look forward to your input.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sam Spence', with a long horizontal flourish extending to the right.

Sam Spence

CITY B.Z.A. SITE LOCATION MAP
APPEAL OF DECISION BY ZONING ADMINISTRATOR
324 WILLIAMS STREET



Floor manufacturer in Jackson to close after 70 years, lay off 215 workers

August 7, 2017

JACKSON, Tenn. — The gate at the entrance to the Armstrong Flooring plant in west Jackson will soon be closed for the last time.



“This is very difficult news and not something that we wanted to do, but it is something that is necessary for the business based on changes in the market,” said Steve Trapnell, corporate communications manager at Armstrong Flooring Inc.

Trapnell said 215 employees work at the Jackson plant. They will now be out of a job by the end of the year.

“We’ll be working with local workforce development groups to try to make that as easy a transition as possible,” Trapnell said.

Representatives say the product manufactured at the Jackson location is just not the type of flooring people are buying anymore, and the owner of a local flooring retailer agrees.

“These products right here — two and a quarter and three and a quarter of solid oak hardwood — that was produced here for a number of years, and they’re not nearly as popular today as they were 10, 15 years ago,” said Gary Deaton, owner of Deaton’s Carpet One. “There’s other

things that have taken their place — wider plank, 5 to 6 to 7 inch.”



Deaton says this consolidation of plants does not surprise him. He says, from a national level, consumers are moving more toward vinyl flooring that resembles wood.

“It’s very regretful to see Armstrong leaving, because they’ve been a part of our county for a long, long time,” Deaton said.

The company says the production that would occur in Jackson will be handled at their other six plants across the U.S.

“It’s certainly difficult to deliver this message to a team of people who’ve really done a good job for us,” Trapnell said.

The Chamber of Commerce says they are working to coordinate programs with Armstrong Flooring that will help employees from the Jackson plant get trained for and find already existing manufacturing jobs in Jackson and across West Tennessee.

would, in his opinion, cause imminent peril to life and property. In such cases proceedings shall not be stayed otherwise than be a restraining order which may be granted by the Board of by a court of record on application, on notice to the official from whom the appeal is taken, and on due cause shown. Prior to taking action on a request for a variance the Board of Zoning Appeals shall hold a public hearing. The Board shall fix a reasonable time for the hearing on any application. It shall give at least ten (10) days public notice of the time and place of hearing, with said notice being published on the City of Jackson's website at <http://www.cityofjackson.net>.

In the exercise of its approval, the Board of Zoning Appeals may impose such conditions regarding the location, character, or other features of the proposed use or buildings as it may deem advisable in the furtherance of the general purpose of this Ordinance.

3. Powers and Duties

The Board of Appeals shall have only the following powers:

- a. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the Zoning Administrator or any other administrative official in the carrying out or enforcement of any provision of this Ordinance.
- b. To hear and decide, in accordance with this Ordinance, requests for interpretation of the map and for the review and issuance of permits for Uses Permitted on Review as provided in this Ordinance.
- 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.

4. Appeal from Decision

All decisions and findings of the Board of Zoning Appeals on appeals or upon application for a variance shall in all instances be final administrative decisions. Any person or persons, or any board, taxpayer, department, board or bureau of the city aggrieved by any decision of the Board may seek review by a court of record of such decisions, in the manner provided by the laws of the State. (Ord. No. 1978-37, 1(d), 11-21-78)

D. PLANNING COMMISSION

Duties and Authority with Respect to Zoning

- *1. To review all applications for amendment to this Ordinance and to make findings and recommendations thereon, to the City Council.
2. To initiate, direct, and review, from time to time, a study of the provisions of this Ordinance and to make reports of its findings and recommendations as to amendments to the City Council.

*Revised: 7/26/84 & 4/2/91

ARTICLE VII

NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES, AND NONCONFORMING USES OF STRUCTURES AND PREMISES

Within the districts established by this Ordinance or amendments that may later be adopted, there exists lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment.

SECTION I

INTENT

It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after the passage of this Ordinance by attachment on a building or premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actually construction, provided that work shall be diligently carried on until completion of the building involved.

SECTION 2

NONCONFORMING LOTS OF RECORD

In any district in which the single-family dwellings are permitted, notwithstanding other limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance subject to the following conditions:

- A. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership.
- B. Side yards may be reduced by the same percentage the area of such lot bears to its zone district requirements, provided no side yard shall be less than five (5) feet. If two or more lots or combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be

Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

SECTION 3

NONCONFORMING USES OF LAND

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- C. If any such nonconforming use of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

SECTION 4

NONCONFORMING STRUCTURES

Where a lawful structures exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged or altered in a way which increases its nonconformity.
- B. Should such structure be destroyed by any means to an extent of more than fifty (50) per cent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- C. Should such structures be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

SECTION 5

NONCONFORMING USES OF STRUCTURES

If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.

- C. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that the Board of Zoning Appeals, either by general rule or by making findings in the specific case, 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 Board of Zoning Appeals may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.
- D. Any structure, or structure and land in combination, in which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- E. When a nonconforming use of a structure, or structure and premises in combination, is discontinued, or abandoned for six (6) consecutive months or for eighteen (18) months during any three (3) year period the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- F. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

SECTION 6

REPAIRS AND MAINTENANCE

On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

SECTION 7

USES UNDER EXCEPTION PROVISIONS NOT NONCONFORMING USES:

Any use for which a special exception is permitted as provided in this Ordinance shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

END OF ARTICLE VII.

G. Future Street Lines

For the purpose of providing adequate space for widening major streets in the future,

the required building setback shall be determined in accordance with the rights-of-way width as shown on the Official Major Street and Road Plan for the Jackson Planning Region recorded in the Recorder's Office of Madison County, Tennessee as follows: One half the distance of the designated rights-of-way plus a front yard of at least twenty-five (25) feet in width. This setback including front yard shall be open, unoccupied and unobstructed by buildings from the ground to the sky and shall extend across the entire width of the lot between the centerline of the street and the nearest part of the structure.

H. Continuance of Nonconforming Uses

It is the intent of this resolution to recognize that the gradual elimination of existing buildings or structures or land uses that are not in conformity with the provisions of this resolution is as much a subject of health, safety and welfare as is the prevention of the establishment of new uses that would violate the provisions of this resolution. It is also the intent of this resolution to so administer the elimination of nonconforming uses, buildings and structures as to avoid any unreasonable invasion of private property rights.

1. Lawful nonconforming uses, buildings and structures existing at the time of the passage of this resolution or any amendment thereto shall be allowed to remain subject to the following provisions:

*a. Change of Use

A nonconforming use shall not be changed to another nonconforming use which would be more detrimental to the district in which it is located as determined by the Board of Zoning Appeals. When a nonconforming use has been changed to a conforming use, it shall not be changed again to any nonconforming use.

b. Extension

- (1) A nonconforming use of land shall be restricted to the lot occupied by such use as of the effective date of this resolution. A nonconforming use of a building or buildings shall not be enlarged to include either additional land or buildings after the effective date of this resolution.
- (2) A nonconforming building shall not be extended unless such extension shall comply with all requirements of this resolution for the district in which it is located.

c. Structural Alteration

A nonconforming building or buildings housing a nonconforming use shall not be structurally altered. This provision shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety.

d. Destruction

A nonconforming building or nonconforming use which is damaged by fire, flood, wind, or other act of God or man to more than seventy-five (75) percent of the fair sales values of the building immediately prior to damage shall not be rebuilt or repaired.

*e. Discontinuance

When a nonconforming use of any land or building has been discontinued for a period of one (1) year it shall not be reestablished or changed to any use not in conformity with the provisions of the district in which it is located. Condemnation of a structure shall constitute complete discontinuance waiving the one (1) year period. In cases where a nonconforming mobile home on an individual lot is removed, said removal shall constitute discontinuance waiving the one (1) year requirement. Any removal of a nonconforming mobile home from an individual lot shall eliminate its nonconforming status and said mobile home shall not be replaced.

I. Conformance to Minimum Off-Street Parking Requirements

1. Existing land uses not in conformity with the following minimum off-street parking requirements but otherwise a conforming use as stated in this resolution shall use any available land which is a part of any use to conform to these minimum off-street parking requirements. Available land existing as part of any use requiring off-street parking may be used for building purposes only after the off-street parking requirements have been complied with.
2. There shall be provided, at the time of the erection of any building or structure, or at the time any main building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area; or before conversion from one zoning use or occupancy to specified below. Such space shall be provided with vehicular access to a street.
3. The off-street parking spaces required shall be permanent open space and shall not be used for any other purposes.
 - a. Required off-street parking spaces assigned to one use may not be assigned to another use at the same time, except that one half of the parking space required for churches, theaters or assembly halls whose peak attendance will be at nights or Sundays may be assigned to a use which will be closed at nights or on Sundays.
 - b. No portion of any street rights-of-way shall be considered as fulfilling or partially fulfilling area requirements for off-street parking required by the terms of this resolution.
4. Parking spaces maintained in connection with an existing and continuing main building or structure on the effective date of this resolution up to the number required by this resolution shall be continued and may not be counted as serving a new structure or addition.