

MEMORANDUM

TO: Livingston Board of Zoning Appeals (BZA) Members
FROM: Tommy Lee, Staff Planner
DATE: September 19, 2023
SUBJECT: September 25, 2023 BZA Meeting

The Livingston Board of Zoning Appeals (BZA) will hold a special meeting on Monday September 25, 2023 at 5:30 PM at Livingston City Hall. The agenda for the BZA meeting is as follows:

1. Call to order.
2. Approval of July 31, 2023 minutes.
3. Close meeting for public hearing to consider the following request:

Request for a five (5) foot setback variance for an existing accessory structure for property located on 305 Windle Street. (Arnold Request)

4. Reopen BZA meeting.
5. Consideration of request for a five (5) foot setback variance for an existing accessory structure for property located on 305 Windle Street. (Arnold Request)
6. Adjourn.

Tommy Rooker___ Shirley Myers___ Cynthia Julian Simmons___ David Langford___ Daniel Elder___
Others: _____

**REPORT OF MEETING
LIVINGSTON BOARD OF ZONING APPEALS
JULY 31, 2023**

MEMBERS PRESENT

Tommy Rooker
Cynthia Julian-Simmons
Shirley Myers
Daniel Elder
David Langford

MEMBERS ABSENT

None

STAFF PRESENT

Tommy Lee, Staff Planner

OTHERS PRESENT

Phyllis Looper, City Recorder
Ron Lane
Kristian Mansell, Codes Enforcement
Zach Stephens

ITEM 1: CALL TO ORDER

Upon determining a quorum was present, a meeting of the Livingston Board of Zoning Appeals was called to order by Chairman Daniel Elder at 5:30 p.m. on Monday, October 24, 2022 at the Livingston City Hall Conference Room.

ITEM 2: APPROVAL OF THE OCTOBER 24, 2022 MINUTES

After the meeting was called to order, Chairman Elder asked for approval of the minutes for the meeting held on October 24, 2022. Shirley Myers made a motion to approve the minutes as presented. Tommy Rooker seconded and the motion passed with a vote of all ayes.

Chairman Elder closed the BZA meeting in order to open a public hearing on the following BZA requests:

Request for four (4) individual nineteen (19) foot lot width variances for properties located on School Mountain Road. (Stephens Request)

With no public comments regarding the aforementioned request, Chairman Elder reopened the BZA meeting to take-action on the following BZA request:

ITEM 3: CONSIDERATION OF REQUEST FOR FOUR (4) INDIVIDUAL NINETEEN (19) FOOT LOT WIDTH VARIANCES FOR PROPERTIES LOCATED ON SCHOOL MOUNTAIN ROAD. (STEPHENS REQUEST)

Zach Stephens presented a request for four (4) individual nineteen (19) foot lot width variances for properties located on School Mountain Road. Stephens presented a proposed subdivision plat as a companion exhibit with the variance request. The submitted plat would subdivide 5.19 acres into five (5) proposed new lots. Lot 1 would consist of 0.25 acres and an existing foundation of a residential structure. Lot 2 would consist of 0.24 acres and an existing foundation of a residential structure. Lot 3 would consist of 0.24 acres and an existing foundation of a residential structure. Lot 4 would consist of 0.23 acres and an existing foundation of a residential structure. Lot 5 would consist of 4.23 acres and is currently vacant. Lots 1, 2, 3 and 4 would each require a nineteen (19) foot Lot width variance from the Board of Zoning Appeals (BZA). The proposed new lots are zoned R-1 (Low Density Residential) and are served by as existing six (6) inch water line, an existing two (2) inch sewer line and would comply with all other requirements of the subdivision regulations and the zoning ordinance. After discussion, David Langford made a motion to approve the aforementioned variance request. Daniel Elder seconded and the motion passed with a vote of all ayes.

With no other business to discuss, Shirley Myers made a motion to adjourn. Cynthia Julian Simmons seconded and the motion passed with a vote of all ayes.

APPLICATION FOR REZONING REQUEST

1. Owner's name and address: Sandra Arnold
305 Windle Street Livingston, TN 38570 Phone 931-704-0418

2. Developer's name and address _____

3. Location of property under consideration 305 Windle St
(Attach a sketch on letter size paper and show adjacent land uses.)

4. Legal description of property under consideration 305 Windle St -
Aerial map OS16 Parcel 021.00 -

5. Size of area (in acres or square feet) _____

6. Application is for: Side set back variance of S^o
_____ Rezoning Request

A request for a Rezoning is a claim that the existing zone is unsuitable. Therefore, the petitioner should be prepared to present a detailed justification showing the change is needed and will benefit the general welfare of the community and not the vested interests of a few persons.

7. Existing Zone R-2 Desired Zone _____

8. Existing Use Residential Proposed Use _____

9. Date Received 9-7-2023 Date Rejected _____

Date of Public Hearing 9-25-2023 Date Approved _____

10. Remarks: List any special features which will help the Planning Commission or Board of Mayor and Aldermen in its decision. A portion of property is being sold
This makes an accessory structure out of compliance

11. Fee for advertising and examination: \$50⁰⁰

Signed: Kayla Brun

CERTIFICATION OF EXISTING WATER SYSTEM

I HEREBY CERTIFY THAT THE WATER LINE(S) SHOWN HEREON IS (ARE) IN PLACE AND MAINTAINED BY THE WEST OVERTON UTILITY DISTRICT APPROVAL OF THIS PLAT DOES NOT CONSTITUTE APPROVAL OF ANY FUTURE WATER METER(S) AND IS APPROVED SUBJECT TO ANY SUBDIVISION REGULATIONS/POLICIES IF ANY EXISTS OR IMPROVEMENTS AS REQUIRED BY THIS UTILITY DISTRICT.

GENERAL MANAGER OF WEST OVERTON UTILITY DISTRICT _____ DATE _____

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (WE) HEREBY CERTIFY THAT I(WE) ARE THE OWNERS OF PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I(WE) HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH (MY/OUR) FREE CONSENT, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND ANY OTHER OPEN SPACES TO PUBLIC AND PRIVATE USE AS NOTED HEREON, ALONG WITH ALL NECESSARY EASEMENTS/RIGHT-OF-WAYS FOR THE CONSTRUCTION OF CUT AND FILL SLOPES, CUT AND FILL RAMP(S), INLET AND OUTLET DITCHES OR CHANNEL CHANGES BEYOND THE RIGHT-OF-WAY LIMITS OF THE ROAD(S).

OWNER _____ DATE _____

CERTIFICATE OF APPROVAL FOR RECORDING

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE REGULATIONS OF OVERTON COUNTY, TENNESSEE, WITH THE EXCEPTION OF SUCH VARIANCES, IF ANY, AS NOTED IN THE MINUTES OF THE OVERTON COUNTY REGIONAL PLANNING COMMISSION AND THAT IT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE COUNTY REGISTER.

SECRETARY, OVERTON COUNTY PLANNING COMMISSION _____ DATE _____

CERTIFICATE OF APPROVAL OF STREETS/ROADS

I HEREBY CERTIFY (1) THAT STREETS AND ROADS HAVE BEEN INSTALLED IN AN ACCEPTABLE MANNER AND ACCORDING TO OVERTON COUNTY SUBDIVISION REGULATIONS AND SPECIFICATIONS (2) THAT AN ACCEPTABLE SURETY INSTRUMENT IN THE AMOUNT OF \$ _____ HAS BEEN PROPERLY POSTED WITH THE PLANNING COMMISSION TO ASSURE COMPLETION OF ALL REQUIRED IMPROVEMENTS IN THE CASE NON-COMPLIANCE DEFAULT, OR (3) THAT THE STREET(S) AND ROAD(S) SHOWN HEREON APPEARS ON THE OFFICIAL OVERTON COUNTY ROAD MAP AND THEREBY HAS (HAVE) THE STATUS OF AN ACCEPTED COUNTY MAINTAINED ROAD(S).

PLANNING COMMISSION ENGINEER OR APPROVED DESIGNATED OFFICIAL _____ DATE _____

CERTIFICATE OF EXISTING SEPTIC SYSTEM

I(WE) (OWNER/OWNERS) AM(ARE) THE OWNER(S) OF THE PROPOSED LOT(S) SHOWN HEREON THIS PRESENTED PLAT AND TO THE BEST OF MY KNOWLEDGE THERE IS AN EXISTING SEPTIC TANK LOCATED ON LOT(S) _____ IT (THEY) IS (ARE) IN SATISFACTORY OPERATING CONDITION AND IT (THEY) HAS (HAVE) NOT BEEN EVALUATED BY THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION.

OWNER(S) _____ DATE(S) _____

CERTIFICATE OF ACCURACY

I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY TO THE ACCURACY REQUIRED BY THE OVERTON COUNTY REGIONAL PLANNING COMMISSION (AS WELL AS THE TENN STATE BOARD OF LAND SURVEYORS) AND THAT THE MONUMENTS HAVE BEEN PLACED AS SHOWN HEREON TO THE SPECIFICATIONS OF THE OVERTON COUNTY REGULATIONS.

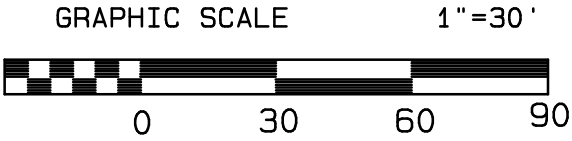
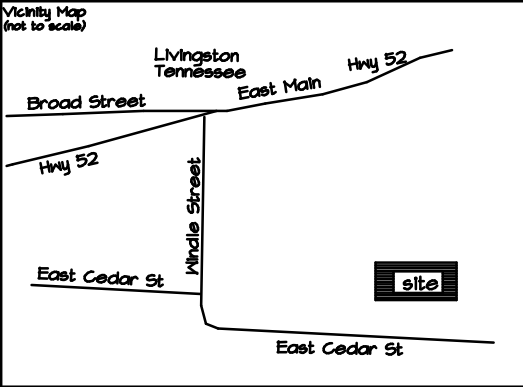
TENNESSEE REGISTERED LAND SURVEYOR _____ DATE _____

General Notes

THIS SURVEY BEING SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAYS AND ANY OTHER CONVEYANCES WHICH MAY AFFECT THE SAME.

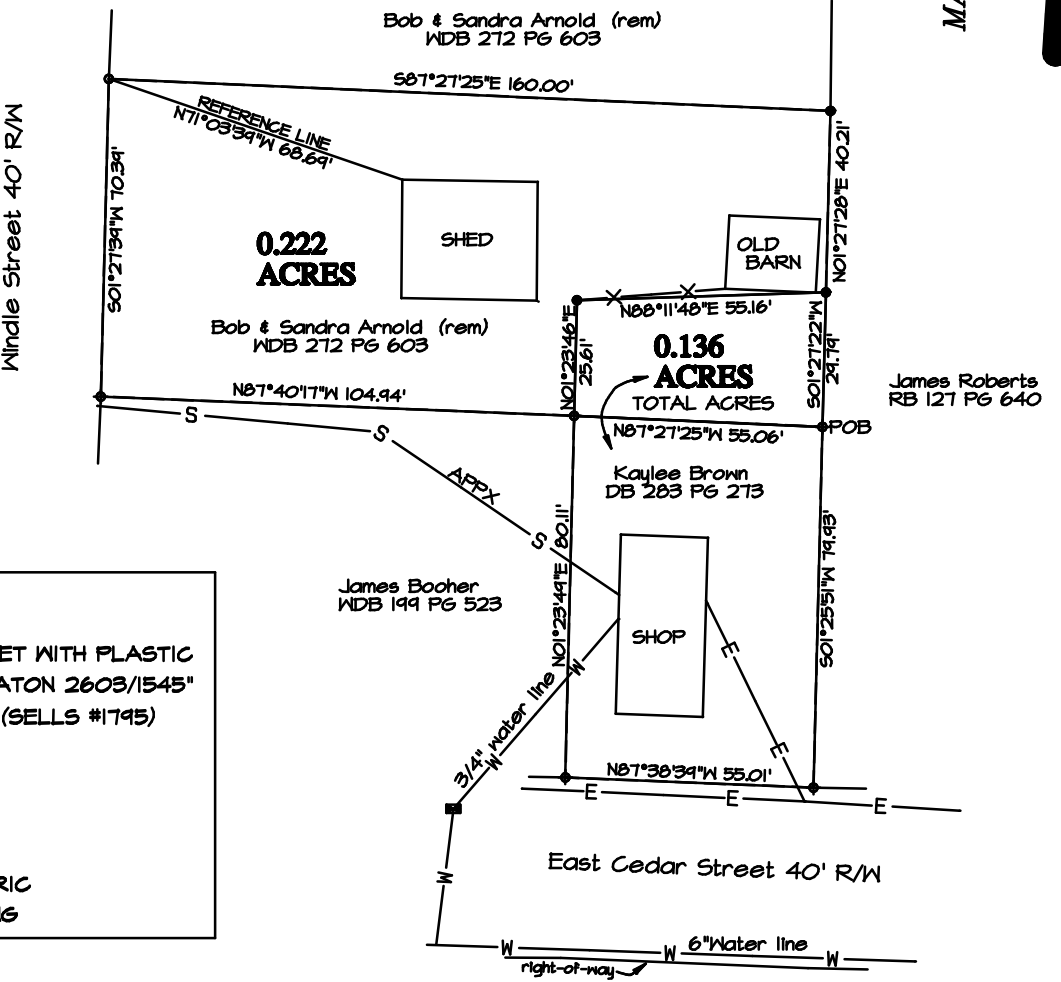
THIS SURVEYED TRACT BEING SUBJECT TO THE RIGHT-OF-WAY WHICH IS SHOWN HEREON IN THE MOST SOUTHEASTERN CORNER OF THE TRACT AND WHICH IS DEPICTED BY THE CALLS IN THE LINE TABLE BELOW.

Being located in the sixth civil district and being parcel # 21, Tax map #054 G of the Overton County Tax Assessor's Office.



Source of Title

Being a part of the same lands as described in Warranty deed book 272 page 603, of the Register of deeds of Overton County Tenn.



- Legend**
- 1/2"X1/8" IRON PIN SET WITH PLASTIC CAP STAMPED "STATON 2603/1545"
 - ◆ 1/2" REBAR FOUND (SELLS #1795)
 - MEANDER POINT
 - WATER METER
 - W- WATER LINE
 - S- SEWER LINE
 - E- OVERHEAD ELECTRIC
 - P.O.B. POINT OF BEGINNING

Certification

I do hereby certify that this is a category 1 survey and the ratio of precision of the unadjusted survey is 1:15145 as shown hereon and that this survey was done in compliance with current Tennessee Minimum standards of Practice.

J.A. Staton, P.L.S. # 1545 Date _____

DATE OF FIELD SURVEY: 08-12-23

SURVEY PLAT FOR:			
Kaylee Brown			
302 Cedar Street Livingston Tennessee 38570			
PLAT PREPARED BY:			
Clinton Surveying			
J.A. Staton, R.L.S. # 1545 498 Ky Hwy 90 West Albany KY 42602 Ph. (606)-587-1024			
SCALE	DATE	DRAWN BY:	DRAWN NO.
1"=30'	08/22/23	R.B.	23-121