



MEMORANDUM

TO: Livingston Board of Zoning Appeals (BZA) Members

FROM: Tommy Lee, Staff Planner

DATE: November 20, 2023

SUBJECT: November 27, 2023 BZA Meeting

---

The Livingston Board of Zoning Appeals (BZA) will hold a special meeting on Monday November 27, 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 October 23, 2023 minutes.
3. Close meeting for public hearing to consider the following request:

**Request for a sixteen (16) foot front setback variance, twelve (12) foot intersection variance and a sixteen (16) foot right-of-way variance for a multi-family development located on McHenry Street and Miller Street. (Mitchell Request)**

4. Reopen BZA meeting.
5. Consideration of request for a sixteen (16) foot front setback variance, twelve (12) foot intersection variance and a sixteen (16) foot right-of-way variance for a multi-family development located on McHenry Street and Miller Street. (Mitchell Request).
6. Election of Officers.
7. Adjourn.

Tommy Rooker\_\_\_ Shirley Myers\_\_\_ Cynthia Julian Simmons\_\_\_ David Langford\_\_\_ Daniel Elder\_\_\_  
Others: \_\_\_\_\_

---

**REPORT OF MEETING  
LIVINGSTON BOARD OF ZONING APPEALS  
OCTOBER 23, 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  
Kristian Mansell, Building Inspector  
Ron Lane  
Charles Cobb

**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 23, 2023 at the Livingston City Hall Conference Room.

**ITEM 2: APPROVAL OF THE SEPTEMBER 25, 2023 MINUTES**

After the meeting was called to order, Chairman Elder asked for approval of the minutes for the meeting held on September 25, 2023. 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:

**Special exception request to establish a residence in the rear of a commercial building located in the C-2 (Central Business District) on 211 North Church Street. (Jowers 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 SPECIAL EXCEPTION REQUEST TO ESTABLISH A RESIDENCE IN THE REAR OF A COMMERCIAL BUILDING LOCATED IN THE C-2 (CENTRAL BUSINESS DISTRICT) ON 211 NORTH CHURCH STREET. (JOWERS REQUEST)**

Staff Planner presented a special exception request on behalf of Danny Jowers for the purpose of establishing a first-floor residence in a C-2 (Central Business District) zone for property located at 211 South Church Street. Staff stated that the proposed residence would be in the rear of the building and that the front of the building would remain a commercial use. Staff Planner also stated that the residence would have its own entrance (in the rear of the building) separate from the entrance of the commercial use. Staff Planner stated that the building was formally the John Meadows Law Office. Staff also stated that there would be off-street parking for the residence in the rear alley behind the building. After discussion, Cynthia Julian Simmons made a motion to approve the aforementioned special exception request. Shirley Myers seconded and the motion passed with a vote of all ayes.

With no other business to discuss, Daniel Elder made a motion to adjourn. Tommy Rooker seconded and the motion passed with a vote of all ayes.

CTL

APPLICATION FOR VARIANCE REQUEST

1. Owner's name and address: MITCHELL HOLDINGS, INC.  
464 O'NEAL LA, LIVINGSTON, TN 38570 Phone 931-397-5908
2. Location of property under consideration CORNER OF McHENRY AND MILLER STREETS  
(Attach a sketch on letter size paper and show adjacent land uses.)

3. Legal description of property under consideration SEE ATTACHED

4. Size of area (in acres or square feet) 195x145 (28,275 SQ FT APPROX)

5. Application is for:  
Variance

A request for a Variance will go before the Board of Zoning Appeals. Variances are considered only in cases of exceptional conditions of a piece of property, where strict application of the provisions of the Livingston Zoning Ordinance would result in undue hardship upon the owner.

6. Existing Zone R-2

7. Existing Use TRAILER PARK

Proposed Use GROUP HOMES / POCKET NEIGHBORHOOD

8. Date Received \_\_\_\_\_

Date Rejected \_\_\_\_\_

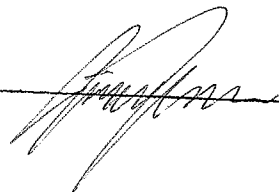
Date of Public Hearing \_\_\_\_\_

Date Approved \_\_\_\_\_

9. Remarks: List any special features which will help the Board of Zoning Appeals in its decision. (Use back if necessary). SEE ATTACHED

10. Fee for advertising and examination: \$50.00

Signed: \_\_\_\_\_





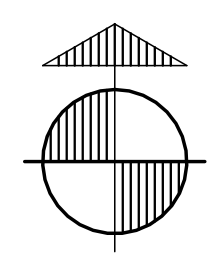
Matthew K. Cummins  
phone: 931-284-2115  
matthew@matthewshomedesign.com  
www.matthewshomedesign.com

THESE DRAWINGS ARE A GRAPHICAL GUIDE FOR THE REFERENCED BUILDING TO USE AS REFERENCE FOR BUILDING THE PROJECT. THEY ARE NOT TO BE USED FOR ANY OTHER PURPOSES. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL LOCAL, COUNTY, STATE AND FEDERAL AGENCIES. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL LOCAL, COUNTY, STATE AND FEDERAL AGENCIES. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL LOCAL, COUNTY, STATE AND FEDERAL AGENCIES. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL LOCAL, COUNTY, STATE AND FEDERAL AGENCIES.



SITE PLAN - OPTION B

SCALE: 1/16" = 1'-0"



BUILDING NORTH

PROPOSED SITE PLAN  
POCKET NEIGHBORHOOD FOR  
MTI PROPERTIES

PROJECT:	23028
DRAWN:	PKC
CHECKED:	-
ISSUE DATES:	
10-11-2023	PRELIMINARY
10-25-2023	REVISIONS

SD1

**Mitchell Holdings, Inc.**  
202 McHenry Street  
Pocket Neighborhood Development  
Variance Request

Summary

The Thompson trailer park property, located at 202 McHenry Street (corner of Miller and McHenry streets), was purchased in 2022. There were six existing trailers on the site with one still being rented, and one had previously burned. Two were sold and the other four were demolished to clean up the area.

Several options were considered for development. The area is zoned for multi-use residential, and the square footage allows for eight housing units under the current zoning. Instead of developing a townhouse apartment complex, a pocket neighborhood, consisting of several small cottages, was decided upon to, a.) beautify the area; b.) provide affordable housing; and c.) attract retirees. The units will be one story and leased.

Variances

The neighborhood is in the development phase, with main access being from McHenry, passing Central Park on the left and turning right into the neighborhood. The minor street will flow through the neighborhood with the main point of exit onto Miller Street. The street will meet current codes and will be two-way. A variance will be necessary under the codes for Group Housing Developments and Mobile Home Parks for the exit/entrance onto/from Miller Street. The minimum footage from the intersection of McHenry and Miller streets is to be 100', but it will be approximately 88' per the site plan. Automobiles will not be able to back up into city streets as a means of egress, as is currently done from rental units both beside and behind the lot, so that hazard will be avoided completely.

Additionally, a small office, approximately 140 sq ft, is proposed at the entrance off McHenry Street. While the code allows for a "service building," it would fall within the minor street right of way and a few feet within one of the cottage's side yard setback. Therefore, a variance would be necessary for the structure.

All the other yard requirements will be met per the existing code. Originally two of the units were to face McHenry, but the design will change so they face the minor street, avoiding the need for a variance for the front yard setback.

Legal Description

The property is located in the Sixth Civil District of Overton County, Tennessee to wit:  
"BEGINNING on the Southeast corner of this lot and on the Miller heirs corner on street; running thence Northward the Miller line to a corner on this lot, Northeast corner and Miller corner; thence Westward with the Miller line fifty (50) steps to a mulberry on the Miller line a stone to be erected where the mulberry stands; thence Southwardly parallel with the east boundary line to a

street on the South which runs East and Westward between this lot conveyed and the old R.R. right-of-way; thence with said street Eastward to the BEGINNING.”

The previous and last conveyance being a Quitclaim Deed from Patti Harlow to Mark Thompson, recorded in Record Book 65, Page(s) 913-914, on February 22, 2022 at 1:10 p.m., Register’s Office, Overton County, Tennessee; and a Warranty Deed from David Scott Thompson, as an Heir-at-Law and Devisee of the Last Will and Testament of Joe W. Thompson, deceased (date of death March 6, 2011), which is of record in Will book O, Page 80 in the Probate Court Clerk’s Office in the Probate Court of Overton County, Tennessee, to Mark Thompson, recorded in Record Book 265, Page(s) 911-912, on February 22, 2022 at 1:10 p.m., Register’s Office, Overton County, Tennessee.