BOARD OF ZONING APPEALS DECEMBER 7, 2023 6:00 PM 2nd FLOOR BOARD ROOM



Agenda for the Meeting of the City of Covington Board of Zoning Appeals December 7, 2023 6:00 PM

- I. Establishment of a Quorum and Call to Order:
- II. Approval of Previous Minutes:
- III. Old Business
- IV. New Business
 - A. Rebhi (Ron) Shanti 424 Simonton Street Map 025O, Group C, Parcel 18.00 Variance Request
 - B. Demetria and James Genesy 1610 Murphy Avenue Day Care Request
- V. Other Business
- **VI. Adjournment**

The Covington Board of Zoning Appeals met on November 9, 2023, at 6:00 pm with the following present, Chair-woman Sue Rose, Board Members: Maurine Cannon, Avery Jones, and Tyler Wood. Also present were Building Official Lessie Fisher, Code Compliance Officer Jennifer Nolen, Code Compliance Technician Phyllis Mayfield, Angela Norris, and Maurice Darby.

Meeting was called to order by Sue Rose.

Motion was made by Maurine Canon and seconded by Avery Jones that the Minutes of the preceding meeting be approved. Motion passed.

New Business:

Angela A. Cobb-Norris presented her request for day care center as accessory use to Greater St. John MB Church for Special Exception -- Use Permitted on Appeal, at 411 Shelton Street, Parcel 001.00 on Tipton County Tax Map 025O.

Motion was made by Avery Jones and seconded by Tyler Wood to approve to move forward to State requirements the Use Permitted on Appeal, Day-Care. Motion passed.

There being no further business Maurine Cannon made a motion to adjourn, Avery Jones seconded. Motion passed.

Meeting was adjourned at 6:07 pm

Attest

Staff

In Rose



P.O. BOX 112 | Huntingdon, TN 38344 | 731.234.7798 | RadfordPlanning@gmail.com

MEMORANDUM

TO:

The Covington Board of Zoning Appeals

FROM:

Will Radford, AICP

DATE:

November 29, 2023

SUBJECT: Staff recommendations for the December meeting of the Board

of Zoning Appeals.

Rebhi (Ron) Shanti – 424 Simonton Street – Map 0250, Group C, Parcel 18.00 – Variance Request

Criteria for approving a variance request for a "Lot of Record" is listed below:

Lot of Record: A lot which is part of a subdivision recorded in the office of the county register of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the county register of deeds prior to the effective date of this Zoning Ordinance.

11-1001. Lot of Record. Where the owner of a lot of official record at the time of the adoption of this Ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this Ordinance, an application may be submitted to the Board of Zoning Appeals for a Special Exception from the terms of this Ordinance, in accordance with Section 11-1304. Permission to use such lot as a building site may be granted, however, providing that the yard and other requirements of the district are complied with as closely as is possible in the opinion of the Board of Zoning Appeals.

Tennessee Code Annotated 13-7-207 allows for a variance to be granted within the following criteria:

(3) Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of the zoning regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application

of any regulation enacted under this part and part 3 of this chapter would result in peculiar and exceptional practical difficulties to or exception or undue hardship upon the owner of such property, authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship; provided, that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance.

Recommendation

Staff recommends approval of the variance request as the lot appears to be a Lot of Record. In order for a variance to be granted in this instance, the applicants shall demonstrate how the lack of the variance would render the property otherwise unusable. A variance should be granted when there is unique hardship to the property and not for just establishing the most desired use of the property.

B. Demetria and James Genesy – 1610 Murphy Avenue - Day Care Request

Day Cares are allowed as a Use Permitted on Appeal in the R-1 District subject to the following regulations:

- N. Family Day Care Homes and Adult Care Centers; provided, however, a permit for such use shall not be issued until a site plan is submitted to the Board of Zoning Appeals for review, and further subject to the following minimum standards:
 - 1. All dimensional regulations of the district shall apply.
 - 2. A fence play area shall be provided. The size of the play area and the height of the fence shall be in accordance with current state standards. This section is not applicable to Adult Care Centers.
 - 3. Along the site boundary of the facility, buffering, screening, and landscaping must be provided to adequately protect any abutting residential property.
 - 4. All outdoor play activities shall be conducted within the fenced play area. The fenced play area shall not be located within any required front yard. This section is not applicable to Adult Care Centers.

- 5. The facilities' operation and maintenance shall meet the requirements of the Tennessee Department of Human Services.
- Off-street parking shall be provided at the rate of one (1) space for Family Day Care Homes, two (2) spaces for Group Day Care Homes, and three (3) spaces for Day Care Centers caring for up to fifteen (15) children with an extra space for every five (5) children accommodated above fifteen, plus the specific required space(s) for the district in which the facility is located. Adult Care Centers shall require parking to accommodate employees during the most active shift and fifteen percent 15% of the number of residents to accommodate visitor parking.
- 7. In order that the Board of Zoning Appeals may make an accurate determination of the character of the proposed use, the applicant shall submit an accurately and legibly drawn site plan showing existing and proposed buildings, fences, landscaping, parking and access facilities.

APPLICATION TO APPEAR BEFORE THE COVINGTON BOARD OF ZONING APPEALS 901-176-7191 ext. 1046

codecompliance@covingtontn.com

Location of Property:
Street Address: 424 Singston Zoning: R-3
Map# 0250 C Parcel# 018,00
Map of the Property (Please attach a scaled drawing)
Applicant:
Name: Sharott Belohi (RON)
Address: 27 Shelton St
Phone: 901-504-8840 Alternate Phone:
Email: Shantiron Egmail, com
Reason for Application:
Administrative Review (No Charge)
X Special Exceptions (\$200.00 application fee)
a. Lot of Record
b. Front Yards
c. Non-conforming Uses
d. Uses Permitted on Appeal
Variance (\$200.00 Application Fee)
Advertising Fee (\$75.00)
Explanation:
new residence on 5,000 soft lot
I HEREBY CERTIFY THAT THE STATEMENTS ON THIS APPLICATION AND ANY
MAPS, DRAWINGS OR OTHER ACCOMPANYING DATA SUBMITTED WITH THIS
APPLICATION ARE TRUE AND CORRECT. ANY MISREPRESENTATION OF
INFORMATION SHALL BE GROUNDS FOR REVOCATION OF ANY DECISION OF
THE COVINGTON BOARD OF ZONING APPEALS.
SIGNATURE: DATE: 15-35
SOMEONE MUST BE PRESENT AT MEETING TO REPRESENT APPLICATION
SOMEONE MOST BET RESERVE AT MEETING TO REFRESERVE AT LICATION
Date of Meeting: 12-7-23 Time: 6:00
Time.
Meeting Location: Covington City Hall, 200 W. Washington Ave. Covington, TN
Application Fee: \$ 300, Check# Cash Credit Card
Date Paid: 11-13-23 Accepted by: prayfuld
BZA Application revised 5-22

APPLICATION TO APPEAR BEFORE THE COVINGTON BOARD OF ZONING APPEALS 901- 476-7191 ext. 1046

Location of Property: Street Address: \\ 0\0 Map# Map of the Property (Please attach a scaled drawing) Applicant: Name: Demetria + James Genesu Address: 11010 Murchy Alternate Phone: 901 5810 10204 Phone: 901 586 624 Email: <u>Olemetria</u> - Opnesy Byahow. Com Reason for Application: Administrative Review (No Charge) . Special Exceptions (\$200.00 application fee) a. Lot of Record b. Front Yards c. Non-conforming Uses d. Uses Permitted on Appeal Variance (\$200.00 Application Fee) ✓ Advertising Fee (\$75.00) **Explanation**: Enclosing carport for daycare Service I HEREBY CERTIFY THAT THE STATEMENTS ON THIS APPLICATION AND ANY MAPS, DRAWINGS OR OTHER ACCOMPANYING DATA SUBMITTED WITH THIS APPLICATION ARE TRUE AND CORRECT. ANY MISREPRESENTATION OF INFORMATION SHALL BE GROUNDS FOR REVOCATION OF ANY DECISION OF THE COVINGTON BOARD OF ZONING APPEALS. 10-31-2023 SIGNATURE: \ *SOMEONE MUST BE PRESENT AT MEETING TO REPRESENT APPLICATION* Date of Meeting: Dec 7 H Time: (0°00 Meeting Location: Covington City Hall, 200 W. Washington Ave. Covington, TN Application Fee: \$ 300, Check# Cash Credit Card Date Paid: 103/73Accepted by:

BZA Application revised 5-22

Murphy 16" O.C.) (2"X4" (STUD FLARMING) Enclosed CARPORCH 32" door BACK DOON (36") window DAY CARE SPRE 20x20 (400 5/2 ft.) 12000 window ,0-,00