

MEMORANDUM

TO: Livingston Board of Zoning Appeals (BZA) Members
FROM: Tommy Lee, Staff Planner
DATE: July 25, 2023
SUBJECT: July 31, 2023 BZA Meeting

The Livingston Board of Zoning Appeals (BZA) will hold a special meeting on Monday July 31, 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 24, 2022 minutes.
3. Close meeting for public hearing to consider the following request:

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

4. Reopen BZA meeting.
5. Consideration of request for four (4) individual nineteen (19) foot lot size variances for properties located on School Mountain Road. (Stephens Request)
6. Adjourn.

***Agenda Review**

Agenda Review

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

Stephens Division—Final

Zac Stephens submitted a final subdivision plat for the purpose of subdividing 5.19 acres into five (5) proposed new lots for property located on School Mountain Road. 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.

**REPORT OF MEETING
LIVINGSTON BOARD OF ZONING APPEALS
OCTOBER 24, 2022**

MEMBERS PRESENT

Tommy Rooker
Cynthia Julian-Simmons
Shirley Myers
Daniel Elder

MEMBERS ABSENT

David Langford

STAFF PRESENT

Tommy Lee, Staff Planner

OTHERS PRESENT

Phyllis Looper, City Recorder
Kristian Mansell, Codes Enforcement
Matt Hill
Ron Lane
Jason Whited

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 AUGUST 22, 2022 MINUTES

After the meeting was called to order, Chairman Elder asked for approval of the minutes for the meeting held on August 22, 2022. Shirley Myers made a motion to approve the minutes as presented. Cynthia Julian Simmons 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:

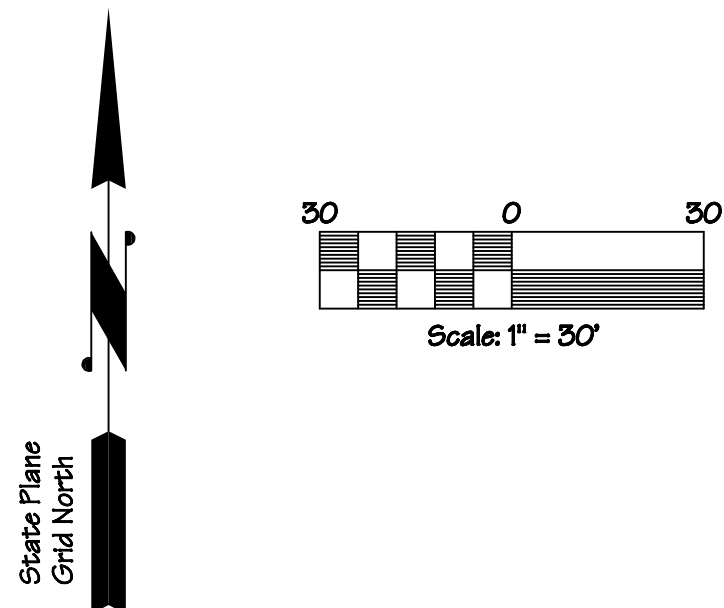
Request for a 7,785 square foot lot size variance to establish a day care in an R-1 (Low Density Residential) zone for property located at 105 Lee Dillion Drive (Hill Request).

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 A 7,785 SQUARE FOOT LOT SIZE VARIANCE TO ESTABLISH A DAY CARE IN AN R-1 (LOW DENSITY RESIDENTIAL) ZONE FOR PROPERTY LOCATED AT 105 LEE DILLION DRIVE (HILL REQUEST).

Codes Enforcement Officer Kristian Mansell presented a request on behalf of Matt Hill for a 7,785 square foot lot size variance to establish a day care in an R-1 (Low Density Residential) zone for property located at 105 Lee Dillion Drive. Staff Planner stated that the current lot size is does not meet the minimum requirements for a daycare in an R-1 zone as established by the zoning ordinance. Jason Whited, the prospective purchaser of 105 Lee Dillion Drive, stated that the proposed daycare would be a two-story structure consisting of approximately 9,600 square feet. Whited stated that the purpose of a two-story structure is to allow for more playground area. Whited then addressed several questions from members regarding state requirements for daycares. Whited assured the members that the daycare would meet or exceed all state requirements. Staff Planner stated that if the variance was granted, Whited must present a site plan to the Planning Commission for approval. Staff Planner stated that he had received no calls regarding the matter. After discussion, Shirley Myers made a motion to approve the aforementioned variance request. Cynthia Julian Simmons seconded and the motion passed with a vote of all ayes.

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



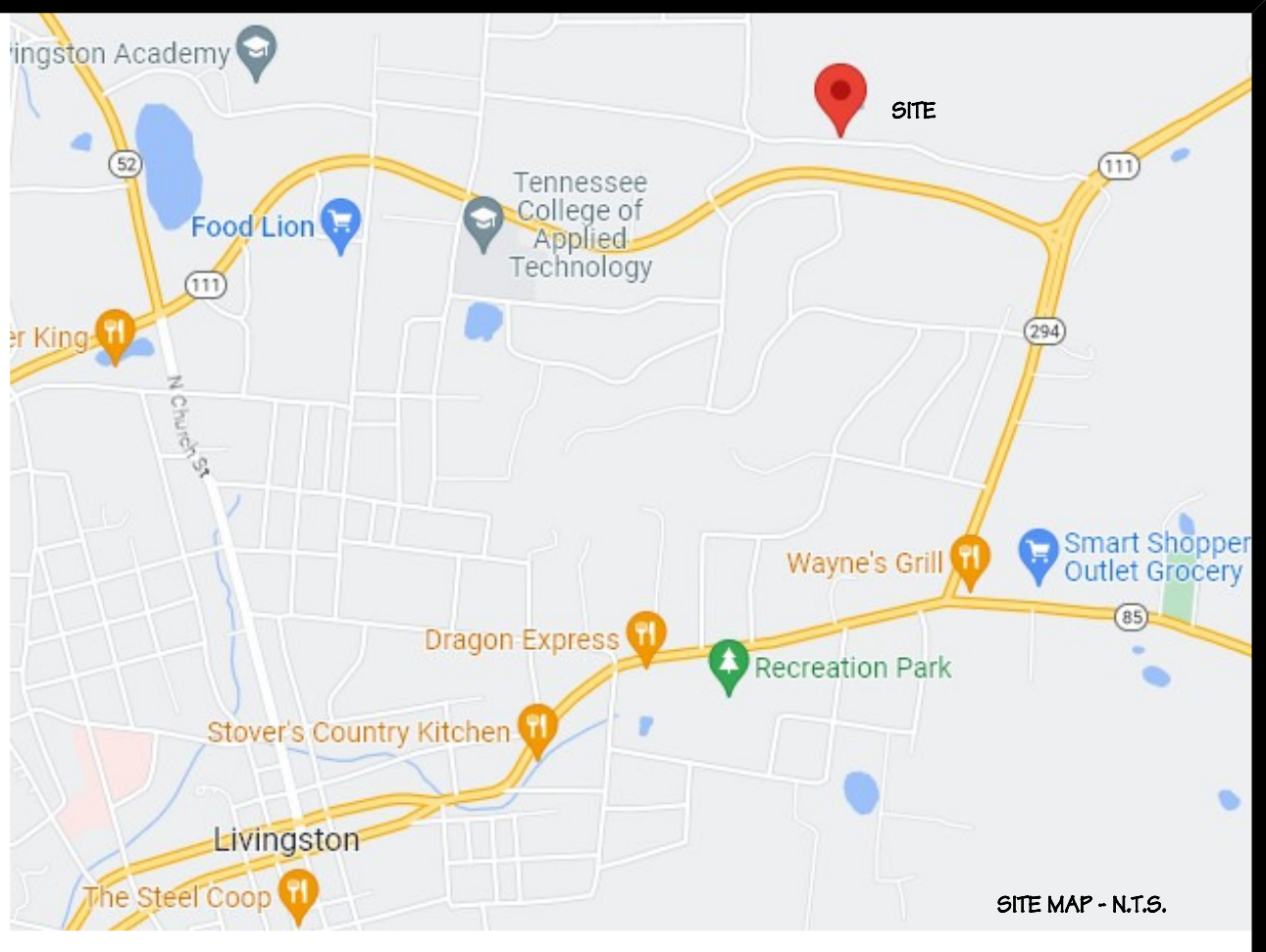
GPS CERTIFICATION:
 I, Christopher M. Vick, hereby certify that this map was drawn under my supervision from an actual GPS survey made under my supervision and the following information was used to perform the survey:
 (a) Type of Survey: Real Time Kinematic
 (b) Positional Accuracy: 0.02 feet
 (c) Date of survey: 17 July 2023
 (d) Datum/Epoch: NAD83(2011) Epoch 2010.00
 (e) Published/Field-control used: TDOT CORS Network
 (f) Geoid Model: Geoid8
 (g) Combined grid factor(s): 0.99999496

Any new construction or additions to any current structures or any replacement of a depicted structure encroaching on setback requirements must abide by current setbacks.

ZONED - R-1
 Residential R-1 Districts (Low Density)
 Setbacks
 Front - 30' Minor Streets
 Rear - 30'
 Side - 15' for 1 or 2 story buildings

REQUESTED DESIGN VARIANCES FOR LOTS #1-4
 1. Front setback 12 feet
 2. Side setback 10 feet
 3. Lot width at building line 57 feet
 4. Left side setback line on Lot #1, 7 feet
 (Lot #5 will not require any variances)

Lots #1 - 5 have not been evaluated pursuant to the plat review for an SSD system and plat approval does not constitute approval of the lot or the existing systems. The systems as shown here on were derived from information provided by others and has not been field verified by Vick Surveying LLC.



CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the property shown and described hereon and that we hereby adopt this plan of subdivision with our free consent, establish the minimum building restriction lines, and dedicate all streets, alleys, walks, and parks as shown to the public or private use noted. We further acknowledge that any change to this subdivision constitutes a re-subdivision and requires the approval of the Planning Commission.

Date Signed _____ Owner's Signature _____
 Date Signed _____ Owner's Signature _____

CERTIFICATION OF EXISTING STREET

I hereby certify that the street shown on this plat has the status of an accepted public street regardless of current condition.

Date Signed _____ Mayor or City Road Supervisor _____

CERTIFICATION OF EXISTING WATER LINES AND/OR OTHER UTILITIES

I hereby certify that the water lines, sewer lines and/or other utilities shown hereon are in place.

Date Signed _____ Water/Sewer Utility District Representative _____

CERTIFICATION OF STREET NAMES AND PROPERTY ADDRESSES

I hereby certify that the subdivision as shown hereon and properties therein have been assigned street names and addresses as per the Overton County and/or Town of Livingston Street Naming and Property Numbering System, that street name signs have been installed, and that hereafter properties shall be addressed as shown hereon.

Date Signed _____ Director Overton County E-911 Board or Town of Livingston Road Supervisor _____

CERTIFICATE OF APPROVAL FOR RECORDING

I hereby certify that the Subdivision Plat shown hereon has been found to comply with the Subdivision Regulations of the Livingston Municipal Planning Commission with the exception of such variances, if any, as are noted in the Official Minutes of the Livingston Municipal Planning Commission, and that said plat has been approved for recording in the Office of the Register of Deeds of Overton County, Tennessee.

Date Signed _____ Secretary, Livingston Municipal Planning Commission _____

CERTIFICATE OF ACCURACY AND PRECISION

I hereby certify that the plan shown and described hereon is a true and correct survey to the level of accuracy required by the Livingston Planning Commission. I further certify that the degree of precision (linear and angular) meets the standards required of an Urban and Subdivision as established by the Tennessee Board of Examiners for Land Surveyors. I also hereby certify that the monuments and pins have been placed as shown hereon, to the specifications of the Livingston Municipal Planning Commission.

Date Signed _____ Surveyor's Signature _____

ROGER D. LANGFORD & PATRICIA A. LANGFORD
 Map 45 Parcel 29.00
 RB 39 Page 60B
 Zoned - R-1

ROGERS GROUP, INC.
 Map 45 Parcel 25.00
 RB 240 Page 66B
 Not Zoned - Outside City Limits

ROGERS GROUP, INC.
 Map 45 Parcel 25.00
 RB 240 Page 66B
 Not Zoned - Outside City Limits

ALISHA FINLEY LOOPER & THOMAS WAYNE GORE
 Map 45 Parcel 27.00
 RB 89 Page 90B
 Book 283 Page 44B
 Book 287 Page 4B
 Zoned - R-1

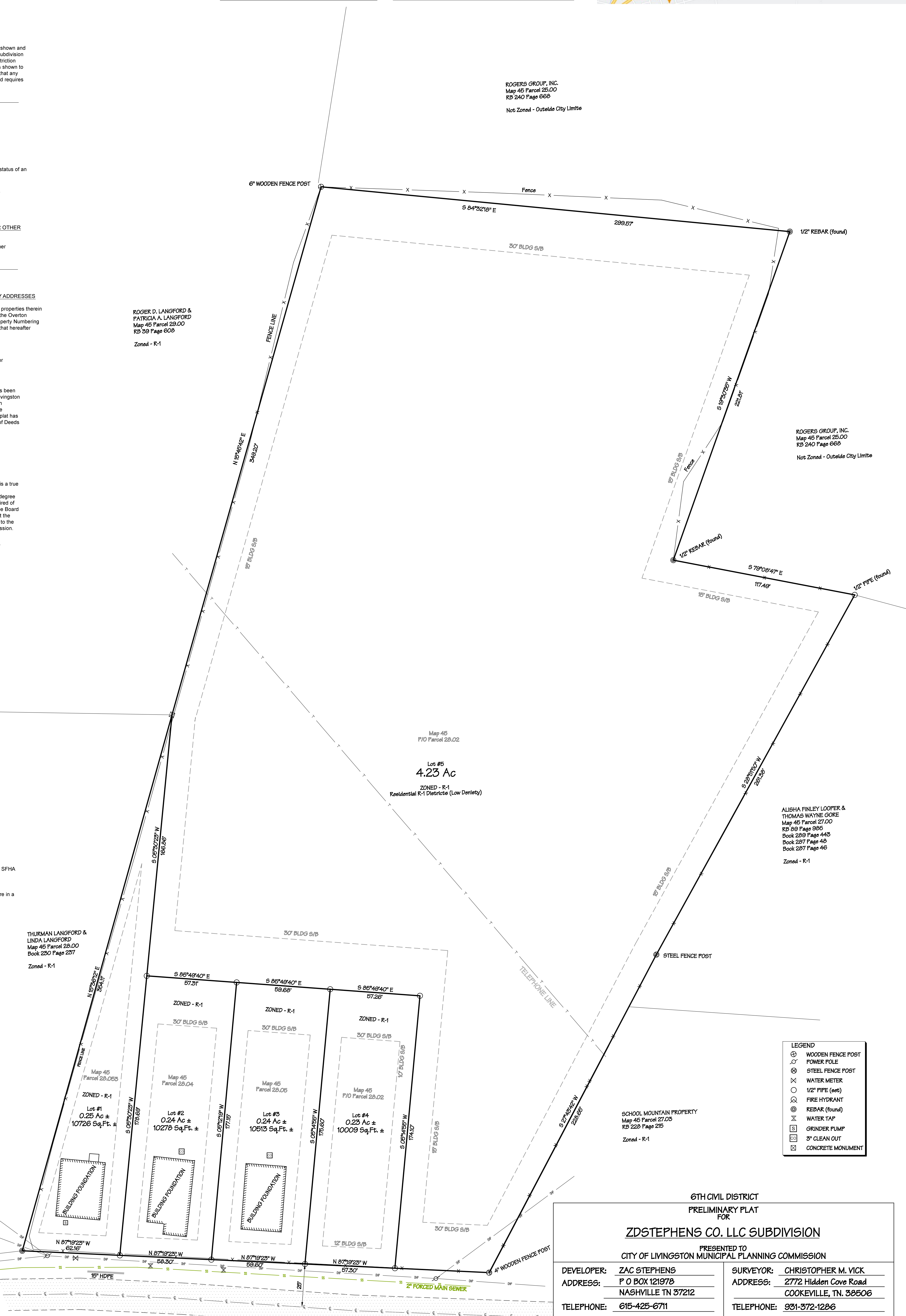
THURMAN LANGFORD & LINDA LANGFORD
 Map 45 Parcel 29.00
 Book 250 Page 237
 Zoned - R-1

SCHOOL MOUNTAIN PROPERTY
 Map 45 Parcel 27.00
 RB 228 Page 215
 Zoned - R-1

SPECIAL FLOOD HAZARD AREA (SFHA) DETERMINATION

According to the FEMA FIRM # 47133C01188B,
 Dated: 05/18/2009
 Check One:
 No areas of the subject property depicted on this plat are in a SFHA
 All of the subject property depicted on this plat is in a SFHA
 Shaded area(s) of the subject property depicted on this plat are in a SFHA

Note: Every document of record reviewed and considered as a part of this survey is noted hereon. This survey is prepared from the current deed of record and does not represent a title search or a guarantee of title and is subject to any state of facts that a current accurate title search will reveal. Furthermore, the boundary as shown hereon is subject to change if the surveyor is presented with or made know of any additional information or evidence not represented hereon and deemed essential to establishing the correct boundary line.
 This is a boundary line survey. There is absolutely no certification made as to the existence or non-existence of the following: wetlands; easements or rights-of-way unless otherwise noted hereon; sub-surface utilities or streams; above ground utilities other than those which are clearly shown and labeled as such hereon; buildings, structures, ponds, lakes or streams other than those which are clearly shown and labeled as such hereon; flood areas or designated flood zones unless otherwise noted; or any and all other land features that could be deemed topographic.
 Note: The plat drawn hereon is subject to regulatory authority and is subject to change according to physical evidence. (i.e. bluffs, painted lines, roads, lakes, ponds, indicia of ownership, etc.)
 Note: This property may be subject to utility ingress/egress and/or right-of-ways.
 The surveyor is not responsible for any determination or location of any underground conditions not visible and including but not limited to soils, geological conditions, physical devices and pipelines or buried cables and shall not be responsible for any liability that may arise out of the making of or failure to make such determination or location of any subsurface conditions. For underground utility location call 1-800-351-1111 (TN ONE CALL).
 I hereby certify that this is a category II & IV survey and that the ratio of precision of the unadjusted survey is at minimum 1:7500 as shown hereon and has been performed in compliance with current Tennessee Minimum Standards of Practice.
 Note: This survey and its representations are intended solely for the benefit of the surveyor's client.
 Drawn by: CDM File No: 22-5204



LEGEND

- ⊙ WOODEN FENCE POST
- ⊙ POWER POLE
- ⊙ STEEL FENCE POST
- ⊙ WATER METER
- ⊙ 1/2" PIPE (east)
- ⊙ FIRE HYDRANT
- ⊙ REBAR (found)
- ⊙ WATER TAP
- ⊙ GRINDER PUMP
- ⊙ 3" CLEAN OUT
- ⊙ CONCRETE MONUMENT

**6TH CIVIL DISTRICT
 PRELIMINARY PLAT
 FOR**

ZDSTEPHENS CO. LLC SUBDIVISION

PRESENTED TO
 CITY OF LIVINGSTON MUNICIPAL PLANNING COMMISSION

DEVELOPER: ZAC STEPHENS ADDRESS: P O BOX 12197B NASHVILLE TN 37212 TELEPHONE: 615-425-6711	SURVEYOR: CHRISTOPHER M. VICK ADDRESS: 2772 Hidden Cove Road COOKEVILLE, TN. 38506 TELEPHONE: 931-372-1286
OWNER: ZDSTEPHENS COMPANY, LLC ADDRESS: P O BOX 12197B NASHVILLE TN 37212 TELEPHONE: 615-425-6711	OWNER: EAST HIGHLAND LLC ADDRESS: P O BOX 12197B NASHVILLE TN 37212 TELEPHONE: 615-425-6711

ACREAGE SUBDIVIDED: 5.19 LOTS: 5 TAX MAP: 45 PARCEL NO: 28.02, 28.03, 28.04, 28.05
 DEED BOOK REFERENCE: RB 231/924, RB 230/417 SCALE: 1"=30'-0" DATE: 17 JULY 2023