



Agenda
Town of Atoka Board of Zoning Appeals
Tuesday, July 21 2020
5:30 p.m.

1. Dimensional Variance request for 71 Stephanie Street in Loft Estates by D. R. Horton.



**ATOKA BOARD OF ZONING APPEALS
Meeting**

**March 12, 2020
7:00 pm
Minutes**

The **Atoka Board of Zoning Appeals** met with the following members present:

Absent: Bob Hatton Danny Feldmayer
Freeman Weems

Also attending:
Shelly Johnstone, Town Planner
Amanda Faurbo, Clerk
*Attached Sign In sheet

Previous Minutes – January 16,2020 – Mr. Feldmayer made a motion to approve previous minutes as presented. Mr Hatton seconded. All approved. Motion carried.

OLD BUSINESS

Any properly presented Old Business

NEW BUSINESS

Use on Appeal in the R-1 Zoning District, for an Incidental Home Occupation at 92 Elizabeth Drive –Town Planner, Shelly Johnstone presented

Mr. Feldmayer made motion to approve the use on appeal. Mr. Hatton seconded. Motion Passed. Use on appeal for an incidental home occupation granted.

OTHER BUSINESS NONE

ADJOURNMENT

Mr. Feldmayer made a motion to adjourn. Mr Hatton seconded. All approved.

Meeting adjourned at 7:15 pm.

Bob Hatton, Chair

Danny Feldmayer

Johnstone & Associates
Shelly Johnstone, AICP
3469 Countrywood Road
Belden, MS 38826
662.419.0161
Sjohnstone73@icloud.com

Memorandum

To: Atoka Board of Zoning Appeals
From: Shelly Johnstone, AICP, Atoka Town Planner
Date: July 17, 2020
Re: Staff Report for a Request for a Dimensional Variance pursuant to Town of Atoka Zoning Regulations, for the July 21 BZA Meeting

Zoning Classification: R-3

Situation: John Martin is applying for a dimensional variance for the rear setback on Lot 7 in Loft Estates from 20' to 17', 2". The reason for the request is noted in the application, which is attached.

*"Ability to maintain the same streetscape and same plan type already present throughout the community. Also, as not to disturb existing property behind and above Lot 7. We will be installing small retaining wall and landscape buffer on side where the variance is requested."
(from application for a variance).*

Regulating Language:

Atoka Zoning Ordinance

Regulations: 16.4.2 Variance - *Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of this Ordinance 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 provision of this Ordinance would result in peculiar and exceptional practical difficulties to or undue hardship upon the owner of such property, to authorize upon appeal related to said property a variance from such strict application so as to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance. Before any variance is granted it shall be shown that circumstances are attached to the property, which does not generally apply to other property in the neighborhood. Financial disadvantage to the property owner is not sufficient proof of hardship.*

Definitions: *"Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this Ordinance or a request for a variance.*

"Variance" is a grant of relief from the requirements of this Ordinance which permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.

In the R-3, high density residential, zone, the rear yard setback requirement is 20'.

Test for applicability of a variance:

1. The variance will not be detrimental to the public safety, health, or welfare, or be injurious to other property or improvements in the neighborhood in which the property is located.
2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
3. Because of the particular physical surroundings, shape, or topographical condition of the specific property involved, a particular hardship (not self-imposed) to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.

Appendix

A -2 - PETITION FOR CHANGE OR RELIEF UNDER THE MUNICIPAL ZONING ORDINANCE OR MAP OF THE TOWN OF ATOKA

1. Applicant Name JOHN W. MARTIN (D R HORTON INC.)
Address 5901 SHELBY OAKS DR. MEMPHIS TN

2. Owner Name D R HORTON INC.
Address 5901 SHELBY OAKS DR MEMPHIS TN

3. Nature of Petition: Rezoning Use on Appeal Variance
Ordinance Amendment Ordinance Interpretation

4. If requesting a **Rezoning**, fill out the following section:
a. Street Address: 71 Stephanie St.
b. Tax Map Number: 144 H Parcel Number: 044.00 Area in Acres: 0.21
c. Vicinity Roads: Tracy Road and Vivian Way
d. Zoning: Present: (R-1) (R-2) (R-3) (G-C) (N-C) (M) Requested: (R-1) (R-2) (R-3) (G-C) (N-C) (M)
e. Available Utilities: Water (yes) (no) Sewer (yes) (no) Electric (yes) (no)
f. Map of affected property: (yes) (no)

5. If requesting a **Use on Appeal**, fill out the following section:
a. Property address affected _____
b. Present Zoning: _____
c. Reason for request _____

d. Attach Site Plan of existing or proposed structure for the use on appeal

6. **Any other request**, fill out the following section:
a. Present Zoning: R-3 Variance Request
b. Reason for request: ABILITY TO MAINTAIN SAME STREET SCAPE AND SAME PLAN TYPE ALREADY PRESENT THROUGHOUT COMMUNITY. ALSO, AS TO NOT DISTURB EXISTING PROPERTY BEHIND & ABOVE LOT 7. WE WILL BE INSTALLING SMALL RETAINING WALL + LANDSCAPE BUFFER ON SIDE WHERE VARIANCE IS REQUESTED.

I, JOHN MARTIN hereby certify that the statements made here in by me herein and the maps other accompanying data submitted herewith are true and correct. I will be responsible for the cost of publishing and filing this application.

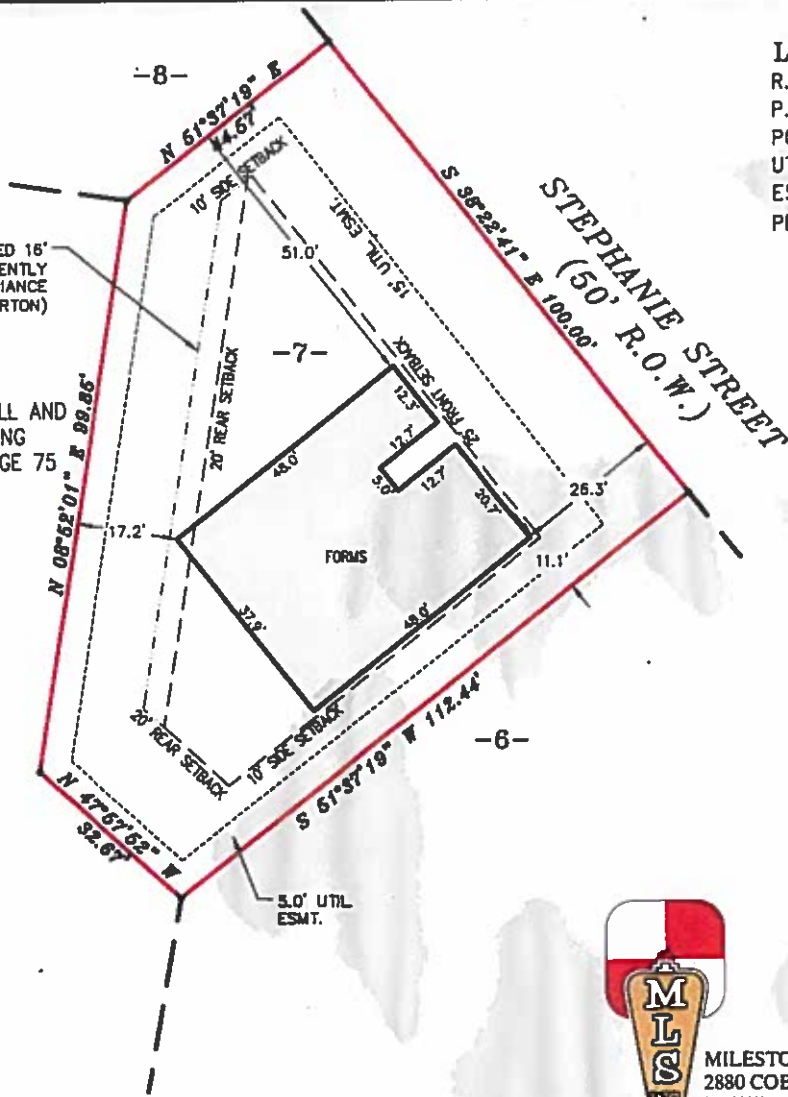
John W. Martin
Signature of Applicant

LEGEND:

- R. O. W. RIGHT-OF-WAY
- P. B. PLAT BOOK
- PG. PAGE
- UTIL. UTILITY
- ESMT. EASEMENT
- PED. PEDESTRIAN

PROPOSED 15'
SETBACK (CURRENTLY
APPLYING FOR VARIANCE
BY D. R. HORTON)

CORA L. RUSSELL AND
RUTH FLEMING
BOOK 448, PAGE 75



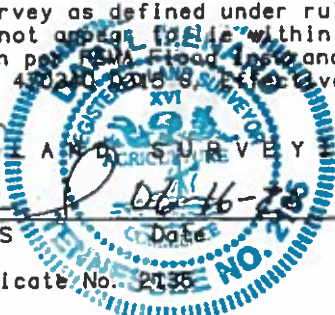
MILESTONE LAND SURVEYING, INC.
2880 COBB ROAD
LAKELAND, TN 38002
PHONE: (901) 867-8671
FAX: (901) 867-9889

CERTIFICATION:

I hereby certify that this Form Survey has been prepared in accordance with the provisions of Title 62, Chapter 18, Section 126 of the Tennessee Code. This plot is not a General Property Survey as defined under rule 0820-3-.07. This property does not appear to lie within the F. E. M. A. 100 Year Flood Plain per FEMA Flood Insurance Rate Map, Community Panel No. 430240 0015 8. Effective Date: May 4, 2009.

MILESTONE LAND SURVEYING, INC.

By *Daryl Menard*
Daryl Menard, RLS
President
Tennessee Certificate No. 2136



FORM SURVEY OF
LOT 7
LOFT ESTATES
SUBDIVISION
RECORDED IN
PLAT CABINET H, PAGE 1210
ATOKA,

TIPTON COUNTY, TENNESSEE
SCALE: 1" = 30' DATE: JUNE 16, 2020

