



**Agenda**  
**Town of Atoka Board of Zoning Appeals**  
**Tuesday, October 20, 2020**  
**5:30 p.m.**

1. Dimensional Variance request for Lots 37 and 38, Loch Meade Estates.



**ATOKA BOARD OF ZONING APPEALS  
Meeting**

**August 27, 2020  
5:30 pm  
Minutes**

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

	Bob Hatton	Danny Feldmayer	Freeman Weems
Absent:			
Also attending:			
	Shelly Johnstone, Town Planner	Rex Wallace, Director	
	Amanda Faurbo, Clerk ( Zoom)	Debbie Pickard, Recorder	
	Marc Woerner, Town Administrator	*Attached Sign In sheet	

**Previous Minutes – July 21, 2020** – Mr. Feldmayer made a motion to correct the minutes removing two sentences at the bottom of the document and with the correction to approve previous minutes. Mr. Hatton seconded. All approved. Motion carried.

**OLD BUSINESS**

**Any properly presented Old Business**

**NEW BUSINESS**

1. Dimensional Variance request for 71 Stephanie Street in Loft Estates by D. R. Horton.– Town Planner, Shelly Johnstone presented the case facts. John Martin, D.R. Horton representative was present for questioning. After much discussion, Mr. Hatton made a motion to approve the variance. Mr. Feldmayer seconded. All Approved. Motion Carried.

**OTHER BUSINESS** NONE

**ADJOURNMENT**

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

**Meeting adjourned at 5:50 pm.**

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Freeman Weems, Chair

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BZA Member

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

- 1. **Applicant** Name David Tucker D & D Custom Homes  
Address 8672 Hwy 515 suite B Brighton, TN 38011
- 2. **Owner** Name Mike Griffin  
Address 87 W. Scottsdale CV, Atoka, TN 38004
- 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: \_\_\_\_\_
- b. Tax Map Number: \_\_\_\_\_ Parcel Number: \_\_\_\_\_ Area in Acres: \_\_\_\_\_
- c. Vicinity Roads: \_\_\_\_\_
- 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:**

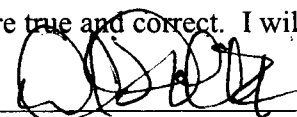
- a. Property address affected \_\_\_\_\_
- b. Present Zoning \_\_\_\_\_
- c. Reason for request \_\_\_\_\_

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

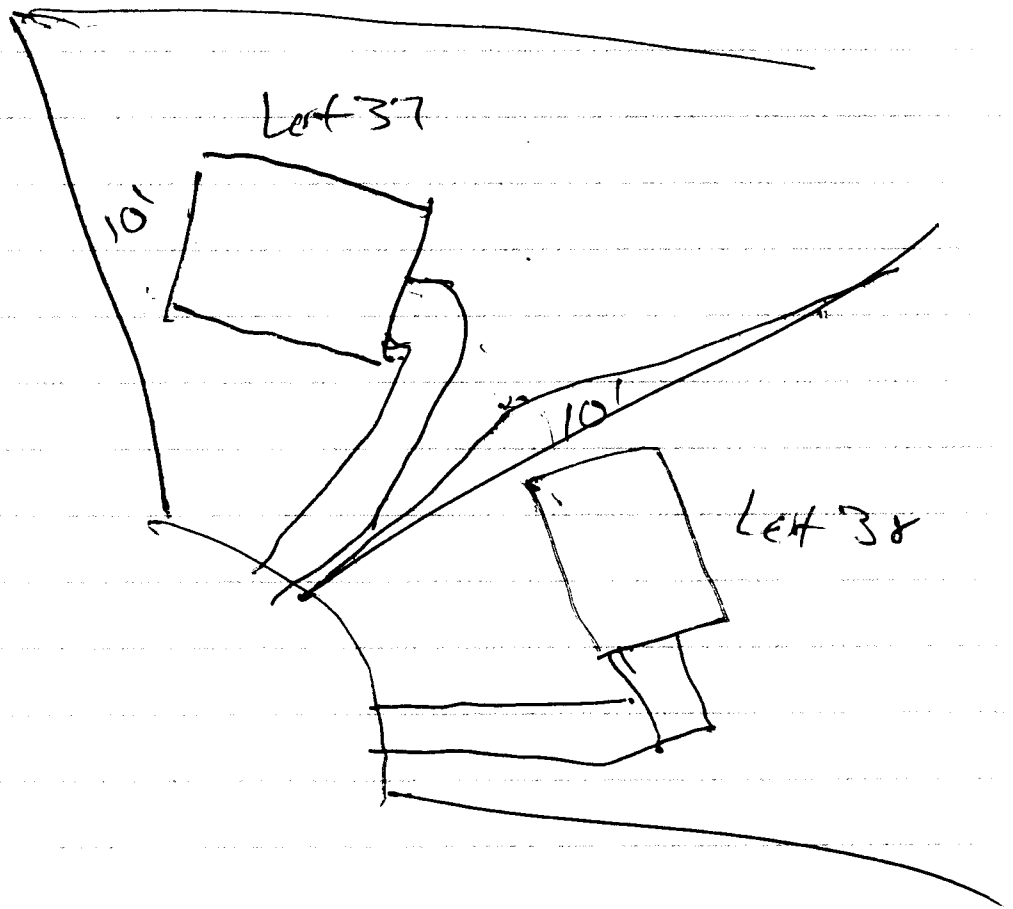
**6. Any other request, fill out the following section:**

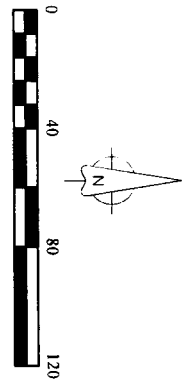
- a. Present Zoning: R-1
- b. Reason for request: Re-Define best property line to accommodate the house being built using the wrong rear pin location. I'd like to request that lot 30 be given a small amount of lot 37 and that they (over)

I, David L. Tucker 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.

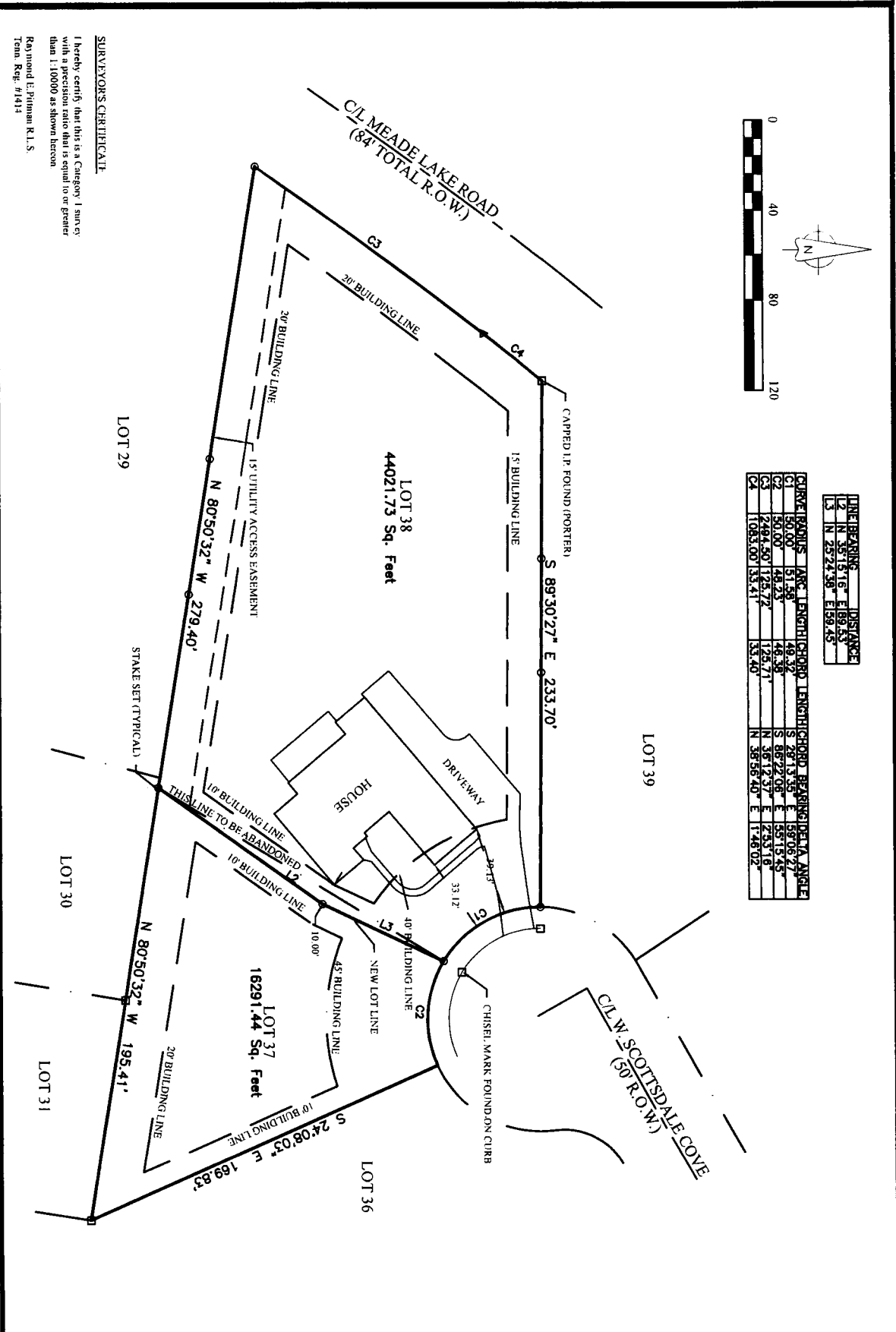
  
\_\_\_\_\_  
Signature of Applicant

side setback be allowed to be 101 on the left side of lot 38 & on the left side of lot 37. This will allow lot 37 to have a larger backyard and not be back as far on the corner lot.





LINE BEARING	DISTANCE	CURVE POINTS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
1	N 38°15'16" E	169.83'				
2	N 25°24'36" E	159.45'				
3	N 80°50'32" W	279.40'				
4	S 89°30'27" E	233.70'				
5	S 24°08'03" E	169.83'				
6	N 80°50'32" W	195.41'				
7	S 24°08'03" E	169.83'				
8	N 80°50'32" W	195.41'				
9	S 89°30'27" E	233.70'				
10	N 80°50'32" W	279.40'				
11	S 89°30'27" E	233.70'				
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21	S 89°30'27" E	233.70'				
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91	S 89°30'27" E	233.70'				
92	N 80°50'32" W	279.40'				
93	S 89°30'27" E	233.70'				
94	N 80°50'32" W	279.40'				
95	S 89°30'27" E	233.70'				
96	N 80°50'32" W	279.40'				
97	S 89°30'27" E	233.70'				
98	N 80°50'32" W	279.40'				
99	S 89°30'27" E	233.70'				
100	N 80°50'32" W	279.40'				



Job No.	2020108	County, State	TIPTON, TN	<b>PITTMAN SURVEYING</b> P.O. BOX 1218 MUNFORD, TENN. 38058 901/837-0282	Plat of:	RESUBDIVISION OF LOTS 37 & 38
File Name:	87 SCOTTS	Scale:	1"=40'		For:	D & D CUSTOME HOMES
Parcel ID#:	SEVERAL	Date:	9-2-20		Address:	87 W. SCOTTSDALE CV., ATOKA, TN
					PLAT CABINET H	SLIDE 1194

**SURVEYOR'S CERTIFICATE**  
 I hereby certify that this is a Category 1 survey with a precision that is equal to or greater than 1:10000 as shown hereon.  
 Raymond E. Pittman R.L.S.  
 Tenn. Reg. #1413

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

**MEMORANDUM**

TO: The Atoka Board of Zoning Appeals  
RE: Staff Report for Lochmeade Lots 37/38 variance request  
FROM: Shelly Johnstone, AICP  
DATE: October 20, 2020  
SUBJECT: Variance Request for Lots 37 and 38 in Lochmeade Estate  
Subdivision

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**Situation:** The property owner of Lot 38 purchased a fence and applied for a fence permit from the Town of Atoka. It was at this point that it was discovered that the wrong pin was used for placement of the house. The builder was notified by the Town and he had a survey done of Lot 38 in order to verify the correct lot lines. David Tucker, D & D Custom Homes, contacted the Town as soon as he received the information. Lot 38 (which has a structure built on it and Certificate of Occupancy issued by the Town) only has a 5-ft side yard on the side in question (a 15' side yard is required in the Zoning Ordinance). Apparently, this error also affected the side yard measurement for Lot 37. Because of the fence application, there will also need to be a plat amendment (see attachment – new plat). This must go before the Planning Commission because it involves a variance application (see subdivision regulation rule) so it cannot be a staff determination. The variance request is from the required 15' side yard to a 10' side yard for both Lot 37 and Lot 38.

**Regulations from the Atoka Zoning Ordinance: 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.*

<b>Minimum Required Front Yard</b>	
<i>Lots fronting on arterial streets</i>	<i>Fifty (50) feet</i>
<i>All other lots</i>	<i>Thirty (30) feet</i>
<b>Minimum Required Side Yard on Each Side of the Lot</b>	
<i>Single-family dwellings</i>	<i>Fifteen (15) feet</i>
<i>All other uses</i>	<i>Twenty- five (25) feet or more as required by the BZA</i>
<b>Minimum Required Rear Yard</b>	
<i>Single-family dwellings</i>	<i>Twenty (20) feet</i>
<i>All other uses</i>	<i>Forty (40) feet or more as required by the BZA</i>

**From the Atoka Subdivision Regulations for Minor Subdivisions:**

*"Whenever subdivision meets the criteria described below, the Secretary of the Atoka Municipal-Regional Planning Commission may approve a subdivided plat without the approval of the planning commission:*

- a. The divided tract involves no more than two (2) lots;*
- b. The planning staff of the planning commission certifies that the subdivision meets all the regulations adopted by the planning commission, and;*
- c. No request for variance from the adopted regulations of the planning commission has been made.*
- d. Re-subdivision involving no more than 2(two) lots or establishing new or additional utility easements.*

The Minor Plat for Lochemeade to re-subdivide lots 37 and 38 does involve a variance, so I interpret this to mean that the case must be heard by the Planning Commission. I understand they need a plat revision/minor subdivision approval in order to legally place a fence on the correct property line.

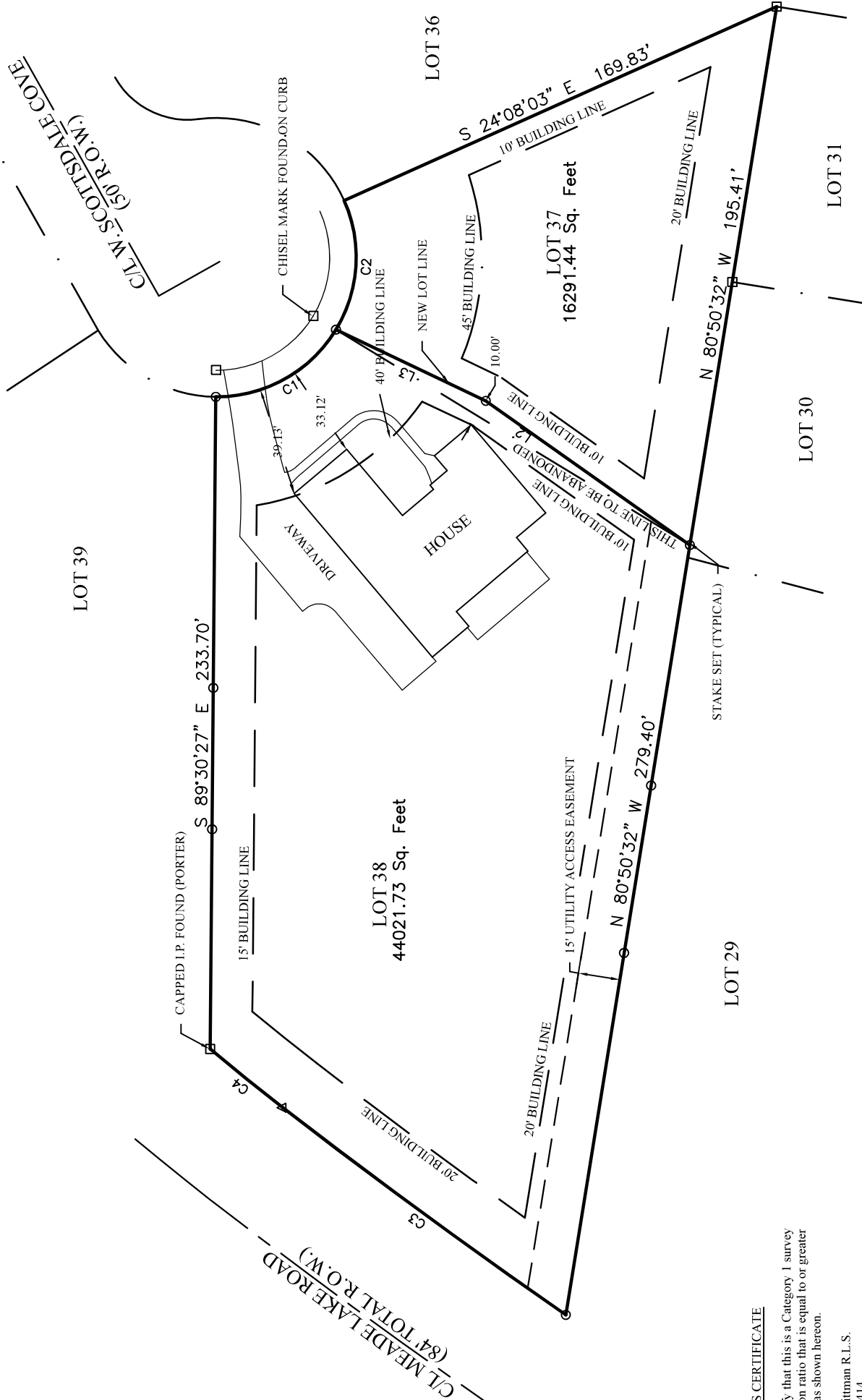
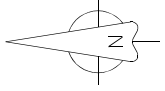
**Attachments:** Application for Variance, amended plat





LINE	BEARING	DISTANCE
L2	N 35°15'16" E	89.53'
L3	N 25°24'38" E	159.45'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	50.00'	51.58'	49.32'	S 29°13'35" E	59°06'27"
C2	50.00'	148.23'	46.38'	S 86°22'06" E	55°15'45"
C3	2494.50'	125.72'	125.71'	N 36°12'37" E	2°53'16"
C4	1083.00'	133.41'	33.40'	N 38°56'40" E	1°46'02"



**PITTMAN SURVEYING**  
 P.O. BOX 1218  
 MURFORD, TENN. 38058  
 901/837-0282

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File Name:	87 SCOTTS
Parcel ID#:	SEVERAL
County, State	Tipton, TN
Scale:	1"=40'
Date:	9-2-20

Plat of: RESUBDIVISION OF LOTS 37 & 38  
 LOCHMEADE SUB. SECTION III  
 For: D & D CUSTOMER HOMES  
 Address: 87 W. SCOTTSDALE CV., ATOKA, TN  
 PLAT CABINET H  
 SLIDE 1194

SURVEYOR'S CERTIFICATE

I hereby certify that this is a Category 1 survey with a precision ratio that is equal to or greater than 1:10000 as shown hereon.

Raymond E. Pittman R.L.S.  
 Tenn. Reg. #1414