

MEMORANDUM

TO: Baxter Board of Zoning Appeals Members

FROM: Tommy Lee, Staff Planner

DATE: August 29, 2024

SUBJECT: September 5, 2024 Board of Zoning Appeals Meeting

The Baxter Board of Zoning Appeals will hold a special called meeting on Thursday September 5, 2024 at 5 P.M. at Baxter City Hall. The agenda for the BZA meeting is as follows:

1. Call to order.
2. Approval of June 6, 2024 minutes.
3. Close meeting for public hearing to consider the following request:

Request for a five (5) foot lot width variance and an eight (8) foot side setback variance for property located at 416 Magnolia Street (Bryant Request).

4. Re-Open BZA meeting.
5. Consideration of request for a five (5) foot lot width variance and an eight (8) foot side setback variance for property located at 416 Magnolia Street (Bryant Request).
6. Close meeting for public hearing to consider the following request:

Request for a 439 square foot lot size variance for property located at 321 Broad Street (Live Well Medical Clinic and Spa Request).

7. Re-Open BZA meeting.
8. Consideration of request for a 439 square foot lot size variance for property located at 321 Broad Street (Live Well Medical Clinic and Spa Request).
9. Election of Officers
10. Adjourn.

CTL

Richard Waller-Chairman ___ Peggy Huddleston ___ Danny Holmes-Mayor ___ Robert Vinson ___

Jeff Herald ___ Greg Phillips ___ Bob Lane-Building Inspector ___

**REPORT OF MEETING
BAXTER BOARD OF ZONING APPEALS
JUNE 6, 2024**

MEMBERS PRESENT

Greg Phillips
Jeff Herald
Robert Vinson
John Martin, Mayor
Peggy Huddleston
Richard Waller

MEMBERS ABSENT

Danny Holmes

STAFF PRESENT

Tommy Lee, UCDD Staff Planner

OTHERS PRESENT

Bob Lane, Building Inspector
Matt White, Fire Chief
Bavien Parker
Emma Speck
Tom Bennett, City Engineer
John Ramsey, Public Works Director

ITEM 1: CALL TO ORDER

Upon determining a quorum was present, the Baxter Board of Zoning Appeals (BZA) meeting was called to order by Chairman Richard Waller on Thursday June 6, 2024 at 5:00 P. M. at the Baxter City Hall.

ITEM 2: APPROVAL OF THE APRIL 6, 2023 MINUTES

After the meeting was called to order, Chairman Waller asked for approval of the minutes from the April 6, 2023 meeting. After discussion, Jeff Herald made a motion to dispense with the reading of the minutes and to approve the minutes as presented. Greg Phillips seconded and the motion passed with a vote of all ayes.

Chairman Waller closed the BZA meeting in order to open a public hearing on the following request:

Request for a fifteen (15) foot rear setback variance for property located at 554 4th Avenue South (Scavo Request).

With no public comments regarding the aforementioned variance request, Chairman Waller reopened the BZA meeting to take-action on the following BZA request:

ITEM 3: CONSIDERATION OF A REQUEST FOR A FIFTEEN (15) FOOT REAR SETBACK VARIANCE FOR PROPERTY LOCATED AT 554 4TH AVENUE SOUTH (SCAVO REQUEST).

Staff Planner presented a request on behalf of Vicki Scavo for a fifteen (15) foot rear setback variance for property located at 554 4th Avenue South. Scavo submitted a final subdivision plat for the purpose of subdividing 0.49 acres into two (2) proposed new lots located on 4th Avenue South and Willow Street. The proposed lot 1 has an existing residential structure and would require that aforementioned variance. Lot 2 is currently vacant. Scavo stated that she intends to establish a residential structure on the proposed vacant lot. Building Inspector Bob Lane requested that Scavo build a six (6) foot wooden privacy fence on the common boundary line of the proposed new lots. Scavo agreed to the request. After discussion, Jeff Herald made a motion to grant the aforementioned variance request on the condition that Scavo build a six (6) foot wooden privacy fence on the common boundary line of the proposed new lots before the Certificate of Occupancy is issued. Peggy Huddleston seconded and the motion passed with a vote of all ayes.

ITEM 4: ELECTION OF PLANNING COMMISSION SECRETARY

Staff Planner opened the floor for nominations for the office of Chairman. Peggy Huddleston nominated Richard Waller for the office of Chairman. Mayor John Martin made a motion that the nominations cease and that Waller be elected by acclamation. Greg Phillips seconded and the motion passed with a vote of all ayes. Then, Staff Planner opened the floor for nominations for the office of Vice-Chairman. Greg Phillips nominated Robert Vinson for the office of Vice-Chairman. Jeff Herald made a motion that the nominations cease and that Vinson be elected by acclamation. Greg Phillips seconded and the motion passed with a vote of all ayes.

Mayor John Martin announced that Danny Holmes had resigned from the BZA. Staff Planner opened the floor for nominations for the office of Secretary. Greg Phillips nominated Jeff Herald for the office of Secretary. Richard Waller made a motion that the nominations cease and that Herald be elected by acclamation. Robert Vinson seconded and the motion passed with a vote of all ayes.

With no other business, Robert Vinson made a motion to adjourn. Greg Phillips seconded and the motion passed with a vote of all ayes.

CTL

City of Baxter BZA Request Application

The Board of Zoning Appeals meets the 4th Thursday of each month when there are agenda items. Applications must be turned into the Office of the City Recorder no later than 12 p.m. the 1st Thursday of the month prior to the 4th Thursday. In most cases, it will be necessary to submit additional material (photos, example, sketch, floor plan, survey, etc.) to help explain the request. A non-refundable fee of \$50.00 must be submitted with this application for a special exception or variance request.

GENERAL INFORMATION: KC Construction Cookeville, LLC

Name of applicant Bryant Chasity A
(last) (first) (middle)

Applicant's Interest in Property: Owner Lessor
 Prospective Purchaser Option Holder

Other: (State Relationship) _____

If interest in property is other than owner, please list owner(s) name:

NATURE AND CHARACTER OF APPLICATION:

Board of Zoning Appeals

Requested Action: Appeal alleging error of building inspector
 Variance
 Special Exception
 Interpretation of Building Inspector
 Interpretation of Ordinance

PROPERTY INFORMATION:

Address: 4116 Magnolia St Baxter TN 38544

Parcel Information: 0516 K 7
District Map Ctl Gp Parcel No. SI

Present Zoning Classification _____

Property Description: Attach map showing dimensions and topographic characteristics**, street right-of-way and street pavement, the location of existing and proposed structures or uses including setbacks, yards and heights.

Describe the Request Below (Attach any accompanying information):

A width variance & setback variance

* see attached *

I hereby certify that the statements made by me herein and the maps and other accompanying data submitted herewith are true and correct.

Cheryl Bryant
Applicant's Signature

8/21/24
Date

**Required only in the case of variance.

REVIEW AND ADMINISTRATION:

Meeting Date Set For: 9-5-24

Recommendations from Other Agencies, Boards or Departments:

Application Reviewed by Building Inspector
Comments and Action:

Date _____

Application Reviewed by Planning Staff
Comments and Action:

Date _____

DISPOSITION

Publication Date of Hearing _____ (Attach newspaper notice)

Public Hearing Commentary _____

ACTION BY PLANNING COMMISSION:

8/21/24

City of Baxter
Planning Commission

416 Magnolia Street
Baxter TN 38544

Applicant is requesting a width and a NW setback variance. A boundary survey completed by Whittenburg Land Surveying is included with this packet.

Applicant builds small spec homes with upgrades.

The home to be built on Magnolia is a duplicate to the homes built on 4th Ave S, Cherry St. and 6th St.

The home that was built there 66 years ago was built on the property line and sat very close to the street. The home has been neglected for some time and was an eye sore to the neighborhood. Applicant has since torn the house down and cleaned up the lot. The home that applicant plans to build will not only improve the value and look of the neighborhood but will also bring more revenue in taxes to the City of Baxter. The home to be built will set further back from the street and line up with the neighboring homes. This home and lot is already under contract and hopes to be completed by the end of the year.

I have attached photos of the Magnolia home that shows where the NW corner of the home was on the line and also a photo of the newly completed home on 6th St. The Magnolia home will be a duplicate of 6th St.

The width of the property surveyed out to be 75' (runs this width the length of the property).

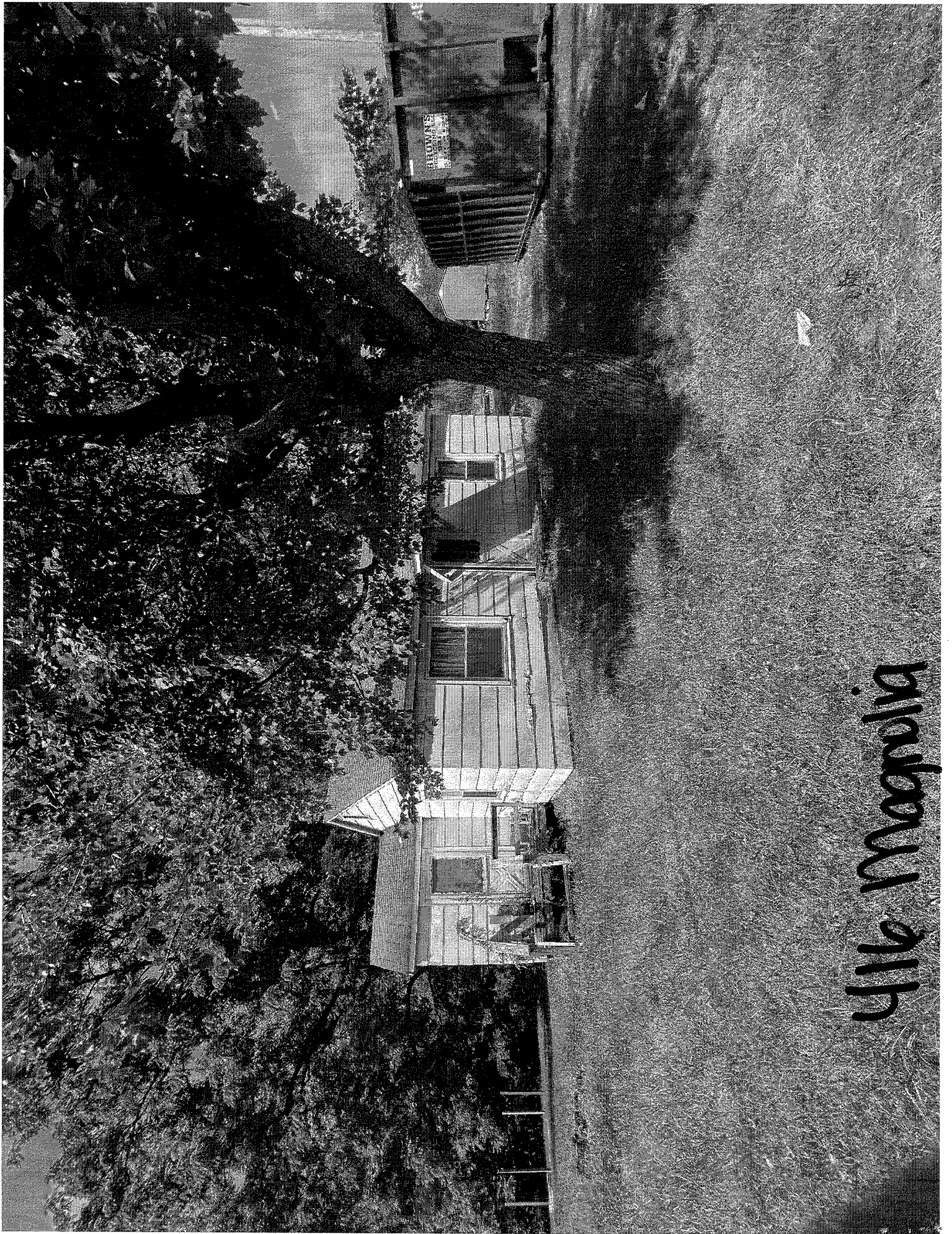
We would need a width variance of 5' to meet the required building width dimensions.

In order to build the home to line up properly and aesthetically with the neighboring homes we would need a variance in the NW corner of 8' of the required 15' setback. Applicant hopes that the planning commission would approve this variance to continue to build.

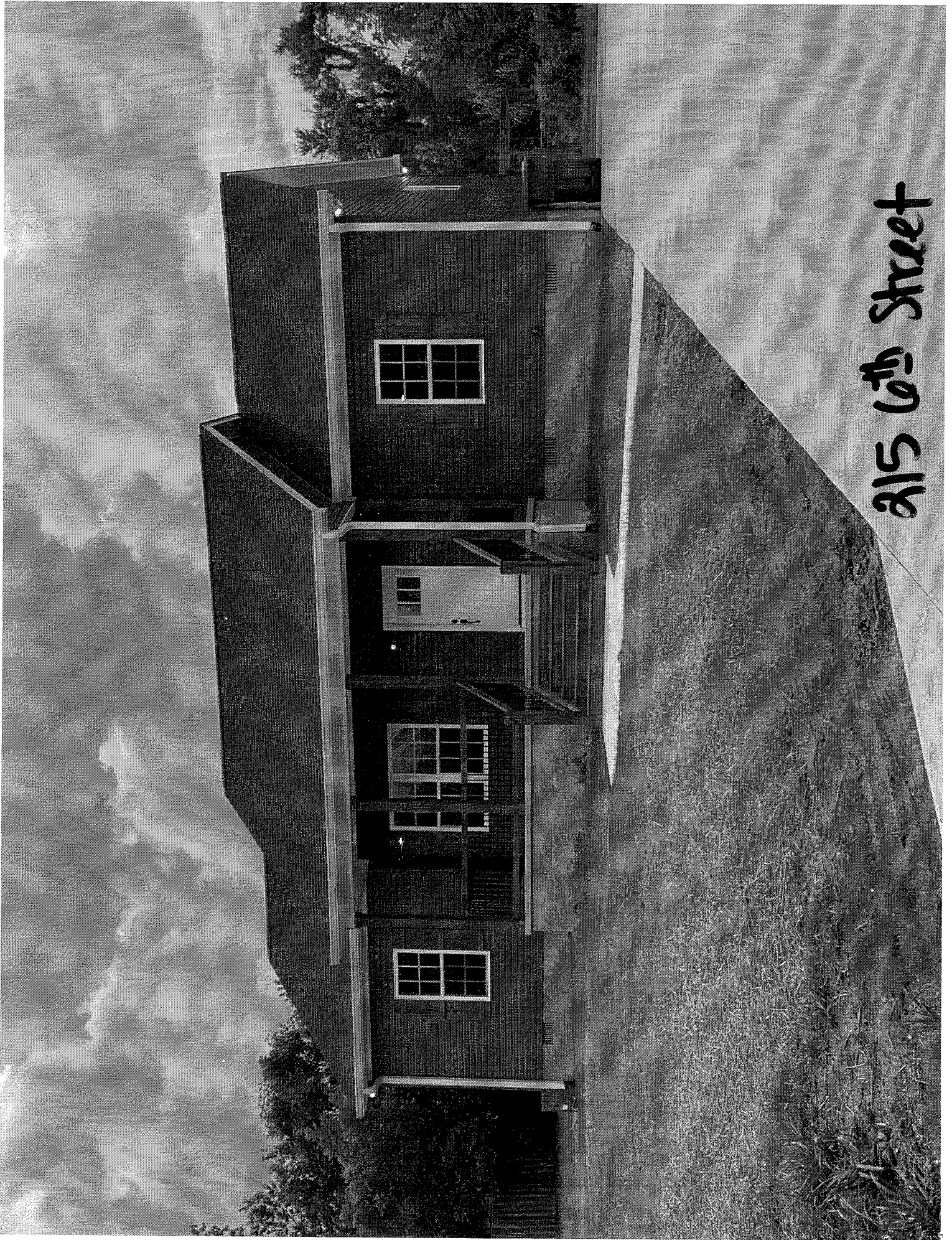
Thank you for your time in reviewing this request.



Chasity Bryant
KC Construction Cookeville, LLC



416 Magnolia



215 6th Street

City of Baxter
Miscellaneous Receipt

Misc. Receipt No: 14813
POS Receipt No: 16336
Receipt Date: 08/21/2024

Received By: Amber Julian
Received On: 08/21/2024 1:50 PM

Customer ID: 4209
Name: KC Construction Cookeville, LLC
Description: Variance Request

Miscellaneous Receipt Total
\$50.00

GL Account Number	GL Account Description	Debit	Credit
110-32400	Misc. Permits	\$0.00	\$50.00
Miscellaneous Receipt Totals:		\$0.00	\$50.00

Thank You!

City of Baxter APPLICATION FOR BZA REQUEST

The Board of Zoning Appeals meets the 4th Thursday of each month. Applications must be turned into the Office of the City Recorder no later than 12 p.m. the 1st Thursday of the month prior to the meeting. In most cases, it will be necessary to submit additional material (photos, example, sketch, floor plan, survey, etc.) to help explain the request. A non-refundable fee of \$50.00 must be submitted with this application for a special exception or variance request.

GENERAL INFORMATION:

Name of applicant DILLON TAYLOR
(last) (first) (middle)

Applicant's Interest in Property: Owner Lessor
 Prospective Purchaser Option Holder

Other: (State Relationship) SURVIVOR

If interest in property is other than owner, please list owner(s) name:

LIVE WELL MEDICAL CLINIC & SPA LLP

NATURE AND CHARACTER OF APPLICATION:

Board of Zoning Appeals

Requested Action: Appeal alleging error of building inspector
 Variance
 Special Exception
 Interpretation of Building Inspector
 Interpretation of Ordinance

PROPERTY INFORMATION:

Address: 321 BROAD STREET

Parcel Information: 2014 050 N C 10.00
District Map Ctl Gp Parcel No. SI

Present Zoning Classification CB0


Property Description: Attach map showing dimensions and topographic characteristics**, street right-of-way and street pavement, the location of existing and proposed structures or uses including setbacks, yards and heights.

Describe the Request Below (Attach any accompanying information):

4391 SQ. FT. VARIANCE FOR LOT 1A.
1500 REQUIRED 1,061 ACTUAL SQ. FT.

I hereby certify that the statements made by me herein and the maps and other accompanying data submitted herewith are true and correct.


Applicant's Signature


Date

**Required only in the case of variance.

REVIEW AND ADMINISTRATION:

Meeting Date Set For: _____

Recommendations from Other Agencies, Boards or Departments:

Application Reviewed by Building Inspector
Comments and Action:

Date _____

Application Reviewed by Planning Staff
Comments and Action:

Date _____

DISPOSITION

Publication Date of Hearing _____ (Attach newspaper notice)

Public Hearing Commentary _____

ACTION BY PLANNING COMMISSION:
