



City of Bartlett
David Parsons, Mayor

BOARD OF ZONING APPEALS AGENDA

Thursday, October 17, 2024 — 6:30 p.m.

Bartlett City Hall Assembly Chamber

Approval of Minutes and Findings of Fact of the August 15, 2024 meeting.

New Business **PUBLIC HEARING**

1. Jose Fajardo, property owner of 8040 Thorne Road, is requesting a variance from the minimum rear yard setback requirement of the Bartlett Zoning Ordinance. The subject property is located within the "RS-15" Single Family Residential Zoning District.

Discussion

Decision

Open Discussion

The public shall be provided an opportunity to address the Board or Commission during an Open Discussion period at the end of each regular and special meeting of the governing body. Prior to the start of the meeting, individuals will be required to complete and present to the Clerk the Open Discussion Citizen form provided at each meeting. The Open Discussion period for regular and special meetings of the Board or Commission shall be limited to twenty (20) minutes. Individuals shall be allowed to speak for up to three (3) minutes each. Open Discussion periods will not be held for any meeting where there are no actionable items on the agenda or meetings where the governing body is conducting a disciplinary hearing for a member of the governing body or a person whose profession or activities fall within the jurisdiction of the governing body.

Adjourn

BOARD OF ZONING APPEALS
THURSDAY, October 17, 2024 - 6:30 P.M.
Staff Comments

New Business
PUBLIC HEARING

- 1. Jose Fajardo, property owner of 8040 Thorne Road, is requesting a variance from the minimum rear yard setback requirement of the Bartlett Zoning Ordinance. The subject property is within the “RS-15” Single Family Residential Zoning District.**

INTRODUCTION: Jose Fajardo, property owner of 8040 Thorne Road, is requesting a variance from the minimum rear yard setback requirement of the Bartlett Zoning Ordinance. The subject property is within the “RS-15” Single Family Residential Zoning District.

BACKGROUND: The subject property is located within the Dr. W. T. Hortons Subdivision, which was recorded in December 5, 1918. Horton Subdivision was annexed by the City of Bartlett in 2004. On July 16, 2024, the applicant submitted plans for a new single family residence. Along with the plans, the applicant submitted a site plan that was compliant with the “RS-15” building setbacks, but the proposed site plan placed the home right on the minimum front and rear yard building setbacks. During construction of the foundation footings, Code Enforcement observed that the footings were encroaching within the front yard building setback, and they informed the applicant to move the footings back in compliance with the minimum front yard building setback. The applicant relocated the footings back from encroaching within the front yard setback, but the applicant poured the concrete for the foundation and began framing the new single family residence prior to obtaining the form board survey. The form board survey revealed an encroachment of one (1) foot seven (7) inches into the required minimum rear yard setback of thirty (30) feet. Code Enforcement placed a stop work order on the subject property once this encroachment was identified.

APPLICANTS’ REQUEST SUMMARY: The applicant is requesting a variance for a new single family residence that encroaches one (1) foot seven (7) inches into the required minimum rear yard setback of thirty (30) feet. The applicant states that he thought he was measuring the minimum front yard setback correctly, but relocating the footings back from encroaching within the minimum front yard setback caused the applicant to push the new single family residence to encroach within the minimum rear yard setback.

The specific request for the variance is from Article V, Section 6, Chart 2 (Bulk Regulations and Permitted Residential Densities) of the Bartlett Zoning Ordinance, "residential properties within the "RS-15" zoning district are required to have a minimum rear yard setback of thirty (30) feet.

Should the Board of Zoning Appeals grant this variance, a one (1) foot seven (7) inch encroachment would be allowed, resulting in a twenty-eight (28) foot three (3) inch rear yard setback at the closest distance from the rear property line.

Comments:

1. Any person or persons, or any board, taxpayer, department, board or bureau of the City aggrieved by any decision of the Board of Zoning Appeals may seek review by a court of record of such decision, in the manner provided by the laws of the State of Tennessee.

ACTION: MOTION BY _____ SECONDED BY: _____

Proposed Motion: To approve the request for a variance to allow a one (1) foot, seven (7) inch encroachment, resulting in a twenty-eight (28) foot, three (3) inch rear yard setback for the property located at 8040 Thorne Road, subject to conditions.

VOTE:	Conroy	Burton	Hunt	Parsons	Kaiser
YES	Yes	Yes	Yes	Yes	Yes
NO	No	No	No	No	No
ABSTAIN	Abstain	Abstain	Abstain	Abstain	Abstain

**Bartlett**

T E N N E S S E E

HOMETOWN PROUD

BZA Variance Application

Date: 09/09/2024**Project Information**

Project Name: New home build

Location: 8049 Thorne road Bartlett tn 38002

Description: Setback variance

Applicant / Owner

Applicant Name: José Rafael Fajardo
Company Name:
Address: 8039 Bourne rd
City, State, Zip: Bartlett tn 38002
Phone: 9014850606
Email: barcagirl1011@yahoo.com

Owner Name: Rafael Fajardo
Company Name:
Address: 8039 Bourne rd
City, State, Zip: Bartlett tn 38002
Phone: 9014850606
Email: barcagirl1011@yahoo.com

I do hereby certify that the information contained herein is true and correct.

Rafael Fajardo
Name

09/09/2024
Date

Variance Checklist

The applicant shall provide the following information twenty (21) days prior to the scheduled hearing date.

This information shall be provided on sheets 8½" x 11" in size or folded to that size. **Ten (10) sets of this information shall be submitted**, with each set containing one copy of each document.

- 1 1. This application form.
- 1 2. A Plot Plan showing subject property and public street rights-of-way. If the property is encumbered by easements, show the type and location on the Plot Plan.
- 1 3. The names and addresses of all property owners within three hundred (300) feet of the applicant's property or a minimum of ten (10) property owners, whichever is greater.
- X 4. One copy of the names and addresses required in #3 above on self-adhesive mailing labels.
- X 5. A Vicinity Map showing the subject property and all parcels within the distances described in #3 above. Every parcel shall indicate the owner's name and the street that each parcel fronts upon.
- X 6. A written explanation demonstrating how the following requirements are met.
 - a. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - b. Literal interpretation of the provisions of this Ordinance would deprive the

applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.

- c. The special conditions and circumstances do not result from the actions of the applicant.
- d. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

(Note: "No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.")

7. Any other information deemed necessary and requested by the Board.

The applicant should attend the meeting of the Board of Zoning Appeals, to present and answer questions on this application. The meeting is normally at 6:30 p.m. on the third Thursday of each month, at City Hall, 6400 Stage Road.

Questions also may be sent by email to the Department's planners:

- Kim Taylor, ktaylor@cityofbartlett.org
- Sam Harris, samharris@cityofbartlett.org
- Leslie Brock, leslie.brock@cityofbartlett.org

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED

To whom it may concern I Rafael Fajardo will briefly explain through this letter the reasoning behind why I have to go through this process. The day we were doing the form for concrete we found the corner lot mark and pulled measurements from it to the curb, the 100 ft Went in front of the curb, aside from that the platform shows that I had to pull 40ft, and 4inches from the front of the curb and that's exactly what we did the platform also indicated that we had to leave a setback of 30ft and 4in in the back yard, but when the time came to do inspection for plumbing the inspector for plumbing said that I had to move back the concrete form 1ft and 6in because he said the set back was not in the correct code measurements. I tried to explain to the plumbing inspector that the 100ft were in front of the curb but he told me that if I didn't move the form I wouldn't be approved for plumbing inspection so that's the reason we had to move it back and due to this we also had to redo some of the plumbing thus causing me more money and currently stopping the job site at 8040 Thorne rd Bartlett, TN 38002 Subdivision

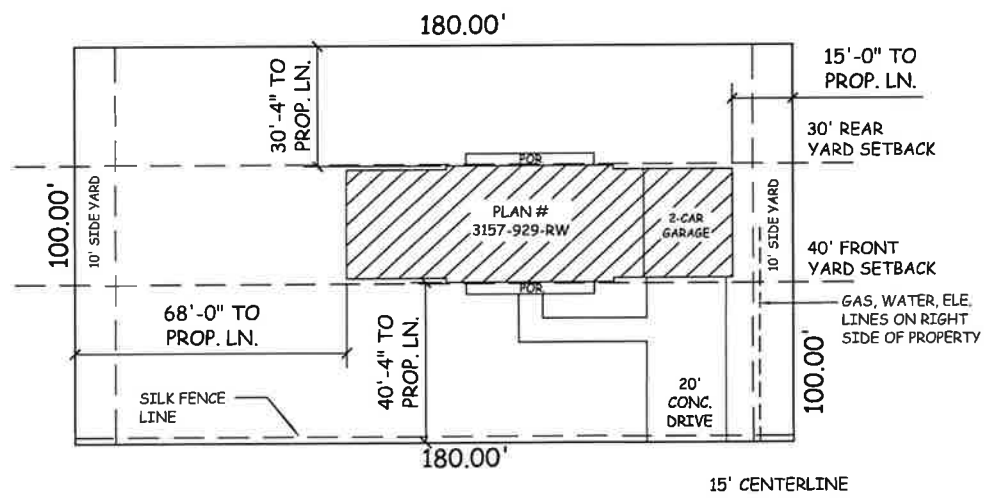
Thank you for your time,

Rafael Fajardo



B0149 A00144C - JORDAN RODNEY A
B0149 A00147C - VELASQUEZ AROLD0
B0149 A00152C - JORDAN RODNEY A
B0149 A00086 - FAJARDO JOSE R & SANDY FRANCO
B0149 A00087 - FAJARDO JOSE R & SANDY FRANCO
B0149 A00101 - WALLS BRENDA
B0149 A00113 - WALLS BRENDA
B0149 00465 - WALLS BRENDA
B0149 A00077C - FAJARDO JOSE R
B0149 A00035C - MACKLIN LAYDELL
B0149 A00039C - CALHOUN TABERNACLE OF PRAISE CHURCH
B0149 A00050C - WATENTEX REALTY LLC
B0149 00854 - DIONISIO ADELA H
B0149 I00001 - RATLIFF THOMAS K & BETTY A
B0149 A00149C - JORDAN RODNEY
B0149 A00088C - FAJARDO JOSE R
B0149 A00092 - BECTON CLARENCE AND WILHEMINA BECTON
B0149 A00093C - BECTON CLARENCE AND WILHEMINA BECTON
B0149 A00030C - CALHOUN LUCINDA L
B0149 00168 - SMITH EUGENIA AND EARNESTINE DARNELL AND
B0149 A00114C - BLAKE DONNA
B0149 A00121C - MACKLIN TERESA
B0149 A00156C - BROWN ROBERT AND TOY PETTY
B0149 A00064 - WESTBROOK REVOCABLE LIVING TRUST
B0149 A00065 - WESTBROOK REVOCABLE LIVING TRUST

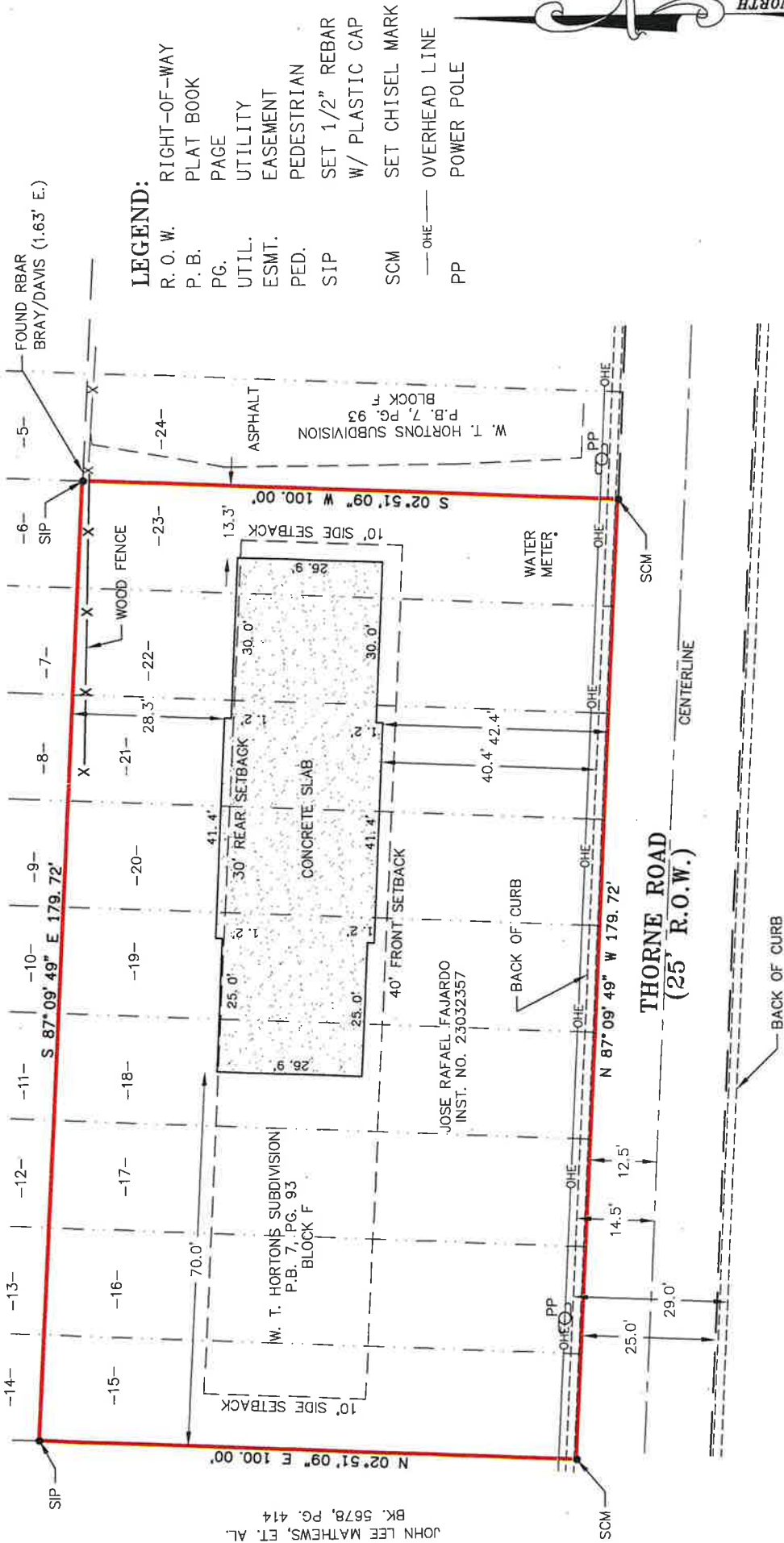
B0149 A00066C - WESTBROOK REVOCABLE LIVING AND
B0149 A00072C - CALHOUN TABERNACLE OF PRAISE CHURCH
B0149 00464C - WALLS BRENDA
B0149 A00130C - BECTON TOMMY & CORAELLA
B0149 A00135C - BECTON WILLIE M AND WILHEMINA BECTON
B0149 A00138C - JORDAN PATRICK T
B0149 A00140 - JORDAN PATRICK T
B0149 A00061C - HOLLOWAY HAZEL AND WILLIE M BECTON
B0149 A00022C - CALHOUN LUCINDA L
B0149 A00004C - BOUCK TRUST
B0149 00066 - FAJARDO JOSE R & SANDY FRANCO
B0149 A00141C - FAJARDO JOSE R
B0149 A00095C - FOWLER HAWARD JR
B0149 A00016C - CALHOUN BENNIE L (ESTATE OF) AND
B0149 A00100C - BECTON TERRELL C
B0149 A00216C - CALHOUN TABERNACLE OF PRAISE CHURCH



THORNE ROAD



RAFAEL FAJARDO	DRAWN BY: RAYMOND
8040 THORNE ROAD	WEST DATE: JULY25, 2024
BARLETT, TN. 38002	SCALE: 1:30
ZONED: RS-15	PLAN NUMBER: 1793-790-RW



LEGEND:

- R. O. W. RIGHT-OF-WAY
- P. B. PLAT BOOK
- PG. PAGE
- UTIL. UTILITY
- ESMT. EASEMENT
- PED. PEDESTRIAN
- SIP SET 1/2" REBAR W/ PLASTIC CAP
- SCM SET CHISEL MARK
- OHE— OVERHEAD LINE
- PP POWER POLE

CERTIFICATION:

I hereby certify that this Foundation 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. 470175 0195 G, Effective Date: February 6, 2013.

MILESTONE LAND SURVEYING, INC.

By *Daryl Menard* Date *08-08-24*
 Daryl Menard, RLS
 President
 Tennessee Certificate No. 21355

FOUNDATION SURVEY OF THE
 JOSE RAFAEL FAJARDO
 PROPERTY RECORDED IN
 INST. NO. 23032357

BARTLETT,

SHELBY COUNTY, TENNESSEE

SCALE: 1" = 30' DATE: AUGUST 8, 2024

