



# TOWN OF BRIGHTON

139 NORTH MAIN \* POST OFFICE BOX 277 \* BRIGHTON, TENNESSEE 38011

## BOARD OF ZONING APPEALS MEETING

March 9, 2021

5:30 PM

### CALL TO ORDER

The meeting was called to order by Dave Huffman at 5:30pm.

### ROLL CALL

#### Present

Mayor Chapman-Washam  
Dave Huffman  
John Pate  
Hunter Scott

#### Absent

**Others Attending:** Rick Stieg, City Planner;

**Guests:** David Boone, Town of Brighton Alderman; Dan and Jeri Taylor, 251 Portersville Rd, Brighton; Jerry and Joyce Price, 243 Portersville Rd, Brighton; Donald and Tina Fowler, 142 Jamestown, Burlison; Mary, David, Miranda and Blake Brandt, 247 Portersville Rd, Brighton;

Rick Stieg spoke about the Board of Zoning Appeals. He stated the Board of Zoning Appeals is very important. The only appeal for decisions made by this Board is through Circuit Court. Any results from the Board of Zoning Appeals are documented in a "Finding of Fact". The Chairman and members sign approving or disapproving which becomes a permanent record.

This Board hasn't met in almost six years. **Mr. Huffman made a motion to nominate John Pate as Chairman of the Brighton Board of Zoning Appeals. Mr. Scott seconded the motion. All approved. Motion passed.**

### **APPROVAL OF MINUTES**

**Minutes Approval: Board of Zoning Appeals Meeting March 30, 2015.** Mr. Huffman made a motion to approve the minutes as written with the exception that none of the current committee members were present at that meeting. The motion was seconded by Mr. Scott. All approved. Motion carried.

### **NEW BUSINESS**

#### **1. Donald Fowler, Lot 2 Brighton Commercial Subdivision**

The owner is requesting a variance in the required 30 ft. front yard setback and 15 ft. side yard setback on the Old Highway 51 property due to the irregular shape of the property. The B-2 General Commercial zoning in place on this section of Old Highway 51 requires a 50 ft. front yard setback and 25 ft. side yards. The applicant will be present to explain the reasons for his request.

#### **Recommendation**

The Board should take whatever action it deems advisable. The relevant section of the Zoning Ordinance that applies in this instance is ARTICLE V Section 2 **B-2 (General Commercial District)** Subsections 5 and 6 relating to minimum setbacks required.

Mr. Fowler presented a diagram of the lot along with the size of the building he wishes to build. The current variances was limiting him to a 50 x 60 building. He would like to build a 100 x 60. This would be big enough for his business plus two additional businesses. The building will actually be a 95 x 55 with a 5 ft. covered porch.

**Mr. Pate made a motion to approve as presented. Mr. Huffman seconded the motion. All approved. Motion carried.**

#### **2. Jason McDonough, Parcel #97-005.04, Intersection of Portersville and Old Portersville Rd.**

The owner is requesting a variance in the required 30 ft. front yard setback on the Old Portersville to 10 ft. to facilitate construction of a new single family residence. As noted on the survey provided there is a restricted building area due to the irregular shape of the property. The applicant will be present to explain the reasons for his request.

#### **Recommendation**

The Board should take whatever action it deems advisable. The relevant section of the Zoning Ordinance that applies in this instance is ARTICLE IV Section 2 **R-1 (Low Density Residential District)** subsection 7 relating to minimum depth of required front yard.

Mr. McDonough presented a survey of 0.24 acres. It does not match the Tipton County site which shows 0.63 acres. He used a footprint of the house (40x 42) to show where he would to place his house on the lot. Mr. Pate wanted to know why they didn't want to build in the middle of their property. Mr. McDonough said with the overpass it would look like they were living under the railroad. Mr. Pate mentioned a possible State Regulation Code that states you can't pour a concrete pad at least 6 ft. of a property line. If Mr. McDonough's property line is correct, then the placement of the home would violate this code.

Mr. Pate asked if any other citizens had comments. Mr. Price commented that Mr. McDonough has only 0.24 acres to build on due to the railroad ROW and the State ROW for Portersville bridge.

After much discussion, Mr. Pate announced the Board of Zoning Appeals would not be making a decision tonight. There are a couple of issues that need to be researched. Mr. Pate stated that we need to find out (1) if Old Portersville Rd was deeded to the Town of Brighton. Then depending on when it was deeded, the ROW could be 25 ft. from center or 30 ft. from center. And (2) do we have State Law requiring construction a minimum distance from a property line and/or ROW. Mr. McDonough also needs to find out if the correct lot size is 0.24 acres or 0.63 acres.

**Mr. Pate made a motion for this meeting to be continued until March 22, 2021 at 5:30pm. Mr. Scott seconded the motion. All approved. Motion carried.**

#### **ADJOURNMENT**

Mr. Huffman made a motion to adjourn the meeting at 6:45pm. The motion was seconded by Mr. Pate. All approved. Motion carried.

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**Stephanie Chapman-Washam, Mayor**

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**Tammy McKinney, CMFO**