

**AGENDA FOR THE MEETING  
OF THE  
TIPTON COUNTY REGIONAL BOARD OF ZONING APPEALS**

**May 18, 2009  
New Justice Complex  
5:00 PM**

- I. Establishment of a Quorum and Call to Order
- II. Approval of Minutes
- III. Old Business
- IV. New Business
  - A. Mike Jones Requesting a Nine (9) Foot Side Yard Setback Variance for Property Adjacent to a Residentially Zoned Parcel Located at 5847 Atoka-Idaville Road.
- V. Other Business
- VI. Adjournment

**MINUTES OF THE TIPTON COUNTY BOARD OF ZONING APPEALS MEETING  
MAY 18, 2009**

**PRESENT**

**STACEY MAX  
ROGER WARMATH  
ARZELL TEAMER  
JAMES ADKINS  
ARNOLD MCINTYRE**

**OTHERS PRESENT**

**WILLIAM VEAZEY, TC PLANNER  
PAT HIBDON, ADMIN. ASSIST. TC PLANNER  
RICK ERWIN, BUILDING INSPECTOR  
KEITH BEASLEY, BUILDING INSPECTOR**

**THE TIPTON COUNTY BOARD OF ZONING APPEALS WAS CALL TO ORDER AT 5:00 P.M.**

Arnold McIntyre made the motion and Roger Warmath seconded said motion to approve the April 27, 2009 minutes.  
Vote: For-Unanimous

**MIKE JONES REQUESTING NINE (9) FOOT SIDE YARD SETBACK VARIANCE/TAX MAP 130  
PARCEL 38.05/5847 ATOKA IDAVILLE RD. /ZONED C-1.**

Mike Jones is requesting a variance for property located at 5847 Atoka Idaville Road. The request is for a variance of 9 feet to the side yard setback. The side yard setbacks for commercial zones are 5 feet, except where a side yard abuts a residential district, in which case the side yard shall not be less than twenty (20) feet. The building is located approximately 11 feet from the side property line. The permit that was issued states that side setbacks are 20<sup>7</sup>/5<sup>7</sup>. The remarks portion of the permit states "side setback see site plan Lot 1 Crosscreek Subdivision." The footing was inspected on 5/2/08 and an engineer's letter was presented for the monolithic reinforced concrete foundation dated 5/28/08. Don Cole provided an "As Build" drawing while working on a new site plan for the property, and discovered the building being 9 feet too close to the side property line. The adjacent property owner will not sell any of his property to correct the problem. All documentation has been provided in the packet concerning this issue. Mike Jones stated he was not aware of the side yard setback of 20' being incorrect until a new proposed site plan was being drawn up with changes to be resubmitted. He stated that his contractor contacted the Building Inspector's Office requesting that the building be moved due to speaking with Leo Smith with the Environmental and Conservation office for septic systems. He needed more field lines to operate the business he wished to open. Mr. Jones also stated he felt that the contractor he hired was at fault for the mistake. Mr. Leggett, the owner of the adjacent R-1 zoned property, requested a retainer wall of at least 4' high. Roger Warmath made the motion and James Adkins seconded said motion to table matter until the June 22, 2009 meeting giving the Chairman, Vice Chairman, County Planner and County Attorney time to meet on how to proceed with this matter. Vote: For-Unanimous

**ADJOURNMENT: 5:35 P.M.**