

**MINUTES OF SPECIAL CALLED SESSION  
PIPERTON BOARD OF ZONING APPEALS  
May 21, 2019, 5:30 P.M.**

The Piperton Board of Zoning Appeals met in a special called session on May 21, 2019, at 5:30 p.m. at City Hall, with Board members: Chairman Mike Binkley, Darryl Dixon and Harry Hartwig present. City Building Official Tommie Johnson, Fire Chief Reed Bullock and City Recorder Beverly Holloway were present along with David Baker, Nancy Andre, Victor and Mary Funes in the audience.

**Agenda item 1.** Call to order, establish quorum

**Action taken:** Chairman Mike Binkley called the meeting to order at 5:30 p.m., and established that a quorum was present.

**Agenda item 2.** Any changes to the Minutes of the September 17, 2018; Motion to adopt the Minutes of September 17, 2018

**Action taken:** There were no changes to Minutes of September 17, 2018 and Harry Hartwig moved to approve the Minutes of September 17, 2018 as presented, seconded by Darryl Dixon. The Motion received all affirmative votes.

**Agenda item 3.** Application of Victor and Mary Funes for an Appeal of the Building Official regarding a Residential Addition Permit at 4325 Hwy 196N.

Building Official Tommie Johnson stated the home is located in the R1 district which requires no more than .5 dwelling per unit and it also requires anything that is located on the property is to be a single family dwelling and in the Zoning Ordinance there is not a definition for single family dwelling however there is the definition for Dwelling, Single-Family – Detached and is defined as “a building designed for or occupied exclusively by one (1) family which has no connection by a common wall to another building or structure similarly designed” and in his estimation prior to their submitting; Mrs. Funes had spoken with me regarding their desire to do an addition on the existing property and there are some properties within the City that does have what we call “in-law suites” which usually contain a bedroom, bathroom, some type of a small living area and sometimes a little kitchenette but when their drawing and the site plan were submitted there were somethings in my estimation that did not qualify as an in-law quarters; 1) the size of the structure, 2) the fact that it will require an additional septic system for that building and when you look at the structure it is actually a stand-alone home and it is connected with a breezeway or sunroom but in his determination it was a dwelling that would stand-alone and believes this could be built on any lot by itself without the connection to the existing building and we do want to be sensitive to people needs dealing aging parents or with situations where adult children need to move back home but this is the largest addition to an existing home that he has encountered but you also have to think about the end use in years ahead and in his estimation, he would have been permitting a duplex more or less and I did explain the basis of my decision to Mrs. Funes and told her if she would like to appeal she could.

Mr. Dixon inquired if there was enough area to support the additional sewage.

Mr. Johnson stated TDEC did come out and there is a drawing from TDEC included, the lot is large enough to have a secondary system on it, the applicant had raised question regarding that and he told them the current system would only support a three bedroom home which is what they currently have and they were wanting to adding an additional bedrooms so

the applicant went to TDEC and TDEC did give them a permit to install a secondary system but that has nothing to do with Piperton's regulations that deals with State regulations.

Mr. Hartwig stated in his community there are two homes that have mother in-law wing attached to the existing structures which has a bedroom, living area, private bath and a private dinette and it may have an direct entrance or an entrance into the house and feels we should encourage things like that but looking at the size of this building it doesn't appear to be what I would envision as a mother in-law wing, it is beyond and above and could very easily in the future converted to a duplex or rental property, he inquired if the breezeway was removed and they were ask to knock out the wall and build this at the end of the house and basically double the size of their home, would there be a question on this and would it be approved.

Mr. Johnson stated that was a good question.

Chairman Binkley stated he didn't think so with two kitchens.

Mr. Dixon stated with refurbishing the house they could eliminate one kitchen and build a bigger one in the back, would that be allowed?

Mr. Johnson stated yes to Mr. Dixon's question, there was discussion with her contractor prior to them submitting and even after it came in, it is possible that some things can be changed around because what they are adding is not as large as the existing home, the existing home is 2200 square feet and they are adding 1800 square feet and it was explained that the existing kitchen is to small and doesn't feel the kitchen drives it and as far as Fayette County and some other jurisdictions the kitchen is the kicker on it, and he discussed Shelby County's policy and in the interest of our citizens maybe we should look at other limitations.

Mary Funes stated it is not just an in-law suite, we are a family of five that includes three teenage daughters and the existing house has only three bedrooms (2 of the girls shares a room) so in the addition there is another bedroom for one of the daughters, she stated we are not building an in-laws suite, we are building our house together, we have lived together with her parents until 3 years ago when they purchased the house in Piperton and we came with the thought of building and her parents are getting older and they have a place on the square in Collierville and we wanted them to come and live with us, her father is almost an invalid so he needs us and when you look at the drawing it does look like it is two separate houses but it is not, it is going to be one and the reason on the septic tank is because the existing tank is 30 years old and this addition sounds like an in-laws suite and by looks it does and by looks-it looks two separate dwellings but we are going to make it to where it looks like one and we are connecting it, it will have a roof and will be connected to be a part of everything and the way it is planned you think it is a large kitchen but the previous kitchen is a walk through with an eat in area and it is 30 years old and that would be the family kitchen since we can't afford to updated two kitchens so we want to put the money into the new kitchen and use that as the primary, we can take the stove out of the existing and there is no back way to add on to the back part of the house, there is no backdoor we have two side doors, one through the side (the den) that was the best way to go there is already the porch there to add on to go out that way.

Chairman Binkley states his concerns are the same as Mr. Johnson's, 1) no one stays in their house forever and at some point that could be a rented out apartment or house actually and have two families living there and our job is to protect the City from having two dwellings on one lot.

Nancy Andre stated if you really look at what is happening now there are lots of people who want this kind of setup as very few of us want to go into a nursing home.

Chairman Binkley stated I agree with you and we are going to look into this in detail pretty soon and it is time for us to get set plans of what we are going to allow and what we are not going to allow so right now it is very gray and it is Tommie's job to interpret the codes in our Ordinances, are you willing to make a few changes to make it as more of an addition and not a separate house.

Mrs. Andre stated we can but it is money, the more we have to tear out the brick wall and build it back, it is money.

Mr. Dixon stated one of the main concession seems to be the kitchen area and does not know what would constitute a compromise to get this passed maybe without tearing out any more of your existing home, I don't know we have looked at other of these problems and it has been very gray but this is not as gray as the other issues because this is a separate home, yes it is connected but the 2 kitchens and other things we had to address that in the past and these compromises were made in order for us to make a decisions.

Mrs. Funes stated we want it attached, we want it as one family but as stated money is always an issue and this was the most feasible and expense wise way to go in order to do it and I know that the kitchen seems large in the addition but it is an open room with the kitchen and the eating area and then it has a living room and then it has an attached pantry to it but that is the washer and dryer because the other washer and dryer are upstairs and that is a problem.

Chairman Binkley stated Mr. Hartwig had the best question, if it weren't connected by a breeze way and was actually connected to the house.

Mr. Dixon inquired to Mr. Johnson if there has been direct conversation between the contractor and your office to determine what would be required to.

Mr. Johnson stated we had a discussion and he ask what could we do and I told him since looking at everything that they ask for, I could not approve it and if it is approved it would have to be based on someone else other than me, I wouldn't want 20 years from now something to happen and then they say the Building Official decided this.

Mrs. Funes explained the existing layout of the house including where her parents are staying.

Mr. Dixon inquired the parents are presently living with you.

Mrs. Funes stated they sold their house because we asked about building last August and moved in with us on September 14<sup>th</sup>.

Mr. Hartwig inquired if you will be pulling a new City water meter because right now you have one City water meter for the existing house, will you take the water off that existing water meter and run it to the new addition or are you going to have a separate water meter for the new addition?

Mr. Johnson stated it will probably have to another electric panel also and the possibility of upsizing the meter.

Mr. Hartwig inquired if you will have to have another service entrance and explained the possibilities of what could happen 10 years later but wants it work on to bring under the current guidelines if at all possible.

Mr. Dixon stated this is not an easy one to pass because of its separate water meters, etc. and in fact if concession were made and Mr. Johnson is okay with that would be great but we may need to go through the Mayor and Board to have the law verbiage changed and maybe better to wait after the Mayor and Board has had time to meet but not sure on the timeline involved.

Fire Chief Reed Bullock stated the timeline would be quite a few months, in the middle of new code adoptions, in budget and any changes takes at least two reading which is two months away.

Mr. Johnson stated if you are denied here, there are probably some things you could do to connect the houses better than with a room as proposed and make some adjustments to the way you want to do your kitchen so it may be acceptable.

Chairman Binkley stated it needs to be part of the house and not two separate houses.

Mrs. Funes stated she know there are ways but there is a budget and again this was the best and most feasible way to do it, it's just money and time.

**Action taken:** Mr. Hartwig moved to approve, seconded by Mr. Dixon. The Motion received two affirmative votes and Chairman Binkley opposed. The Motion passed.

**Agenda item 4. Adjournment**

**Action taken:** Harry Hartwig moved to adjourn, seconded by Darryl Dixon. The Motion received all affirmative votes, and the meeting was adjourned at 5:55 p.m.

Respectfully submitted,

*Beverly Holloway*  
Beverly Holloway, City Recorder

Approved: *Mal Bud* date: *6/10/19*

6/10/19 note: The matter concerning the application of Victor + Mary Jones for an appeal of the Building Official regarding a Residential Addition Permit at 4325 Hwy 196 N was brought back up on 6/10/19 please refer to these minutes for additional detail.

Thank you  
*Beverly Holloway*