



**City of Millersville Board of Zoning Appeals
Regular Meeting Agenda
Tuesday, July 2, 2019 5:30 pm
Millersville City Hall**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Disclosure of Ex-parte Communications
5. Approve the Minutes of the Board of Zoning Appeals Meeting(s) for the following dates:
 - a. May 7, 2018
6. Public Comments (Limited to 3 minutes per speaker for item[s] on this agenda)
7. Action Items:
 - a. Variance to minimum setbacks and location for a carport at 202 Winding Way
8. Development Services Department Report
 - a. Planning & Zoning Activities.
9. Board Members Comments & General Discussion
10. Public Comments (Limited to 3 minutes per speaker only for items not on this agenda)
11. Next Board of Zoning Appeals Meeting TBD
12. Adjournment

In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Recorder at 615-859-0880 at least 72 hours prior to the meeting.



**City of Millersville Board of Zoning Appeals
Meeting Minutes
Tuesday, May 7, 2019 5:30 pm
Millersville City Hall**

1. **Call to Order:** Vice Chairman Petty called the Meeting of the Board of Zoning Appeals to order at 5:40pm.
2. **Pledge of Allegiance:** Lead by Vice Chairman Petty
3. **Roll Call:** Lead by Secretary Mr. Bolton

Present: Mr. Larry Petty
Mr. Gary Bolton
Ms. Helen Nash

Absent: Ms. Sierra Munday

Staff: Mr. Michael Barr
Mrs. Michelle Bernard

4. **Disclosure of Ex-parte Communications:** No comments were made by any of the members.
5. **Approve the Minutes of the Board of Zoning Appeals Meeting(s) for the following dates:**
 - a. **April 2, 2019:** Vice Chairman Petty requests the Board to approve the April 2, 2019 minutes. Secretary Bolton made the motion to “approve the April 2, 2019 meeting minutes as presented.” Ms. Nash seconded the motion.
Motion carried by Unanimous Vote.
6. **Introduction of newly appointed BZA Member Ms. Sierra Munday:** No introduction as Ms. Munday was absent.
7. **Public Comments (Limited to 3 minutes per speaker for item[s] on this agenda):**
No comments were made.
8. **Action Items:**
 - a. **Nominations and Election of a Chairman to the Board of Zoning Appeals:**

Vice Chairman Petty called for nominations for Chairman. Secretary Bolton called to nominate Mr. Larry Petty as Chairman. **Motion carried by Unanimous Vote.**

Chairman Petty called for nominations for Vice Chairman. Chairman Petty called to nominate Ms. Helen Nash as Vice Chairperson.

Motion carried by Unanimous Vote.

Official Results:

- a) **Chairman: Mr. Larry Petty**
- b) **Vice Chairperson: Ms. Helen Nash**
- c) **Secretary: Mr. Gary Bolton**

b. Special Exception Request to allow for New and used motor vehicle sales, rental, leasing and repair at 1402 Louisville Hwy (SC 118 136.00):

Mr. Barr stated that the applicant is requesting a Special Exception to allow for on-site sales of vehicles in conjunction with the existing auto salvage, used vehicle parts sales and vehicle repairs. At this time, the Ace Auto Salvage business is transporting repaired vehicle to a location in Madison for sale. The business owner desires to consolidate all business operations onto one site.

The owner has agreed to begin downsizing the salvage operation on this property. He has agreed to remove all salvage vehicles from the hillside that can be seen from the roadway. He intends to let these areas return to their natural state. Additionally, the owner proposes to reconfigure the business entrances and on-site parking and add a truck loading and unloading area away from the highway shoulder. Also, the owner proposes to remove all salvage vehicles from lower parking areas which can be seen from the highway. New fencing with fabric covers are proposed in areas not open to the public. Other site improvements are planned to bring the property into conformity including updating the stormwater system, cleaning up that property to become more visually appealing for their customers and the public traveling on Louisville Highway.

This parcel is zoned Industrial I-1 (Light Industrial). This property's commercial or industrial use is considered a "legal non-conforming use" as the salvage, parts sales and repair operations have been active since before the city adopted its current Zoning Ordinance in 1999 per T.C.A. 13-7-208. Also, it has been the practice of the city to allow for "less intense" uses in related zoning districts. In this case, a "commercial" use is allowed in "industrial" zoning districts.

The city's current Codes setting Standards and Restrictions for granting Special Exceptions for vehicle sales, repair, etc. are geared for new businesses on smaller parcels in commercial districts. The Board of Zoning Appeals has the authority to establish its own Standards and Restrictions but is cautioned to keep with the "spirit" or vision of the city and its businesses.

Mr. Barr is recommending approval of this Special Exception request to allow for vehicle sales at 1402 Louisville Hwy (SC 118 136.00) on the Condition that the

applicant shall complete the hard surface improvements including new pavement & rocked areas and stormwater system. New fences and any changed fencing shall be completed. And all salvage vehicles shall be removed from the hillsides visible from the highway before a Vehicle Sales Business License is issued by the City of Millersville.

Vice Chairperson Nash asked owner Ben & builder Brian if they were cleaning up behind all the cars taken down. Brian replied that they have cleaning crews going behind him to make sure everything is picked up. Secretary Bolton asked if they were planning on moving the fencing off the road, to which Ben & Brian both stated yes.

Chairman Petty calls for a motion for a Special Exception Request to allow for New and used motor vehicle sales, rental, leasing and repair at 1402 Louisville Hwy (SC 118 136.00) Vice Chairperson Nash made the motion to approve the special exception site plan. Secretary Bolton seconded the motion. Chairman Petty stated that this is conditioned upon the applicant completing the hard surface improvements including new pavement & rocked areas and stormwater system. New fences and any changed fencing shall be completed. And all salvage vehicles shall be removed from the hillsides visible from the highway before a Vehicle Sales Business License is issued by the city of Millersville. **Motion carried by Unanimous Vote.**

9. Development Services Department Report

a. Planning & Zoning Activities:

Mr. Barr presents the Board Members with a handout of the Development Services Department Report of recent updates pertaining to the City.

10. Board Members Comments & General Discussion: No comments were made.

11. Public Comments (Limited to 3 minutes per speaker only for items not on this agenda): No comments were made.

12. Next Board of Zoning Appeals Meeting TBD

13. Adjournment:

Vice Chairperson Nash makes the motion to adjourn.

Secretary Bolton seconded the motion.

Meeting adjourned at 6:15pm.

Motion carried by Unanimous Vote.

Chairman Larry Petty

Secretary Gary Bolton

Recording Secretary Michelle Bernard

Approval Date



City of Millersville Development Services

BZA Agenda Item #7a

Summary & Recommendation

Date: July 2, 2019

Reviewer: Michael Barr, Community Development Director

Subject: A variance request to reduce the minimum side setbacks for a carport for 202 Winding Way RC Map 126P Group A Parcel 020.00

Background:

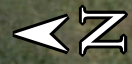
The applicant is requesting a reduction of the minimum side yard setback distance of 5 feet for an accessory structure, as well as the minimum 5 feet separation from the principle structure. This carport is located next to the house's garage and shares the driveway. This appears to be the only appropriate location for a carport due to the lot's shape and topography and the home's septic system. The applicant will finish the carport's framing with material that is complimentary with the house's exterior.

Attachments: Aerial Image of Subject Parcel

Public Notice Sign Posted: yes

Recommendation: Approve this variance granting a reduction the minimum side yard setback and separation distance for a carport.

Conditions, if any: None.



200 ft

Hickory Ct

Deep Wood Dr

Google Earth

© 2018 Google

Gary Kufel
202 Winding Way
Goodlettsville, TN 37072

Summary of 202 Winding Way:

In May 2017, I inquired to the City in reference to constructing a 24x30 Metal Workshop on my property.

I was directed to the Building Inspector / Fire Chief Thomas King. Mr. King informed me that a metal work-shop would not meet code, as the City does not allow metal enclosed structures. With that being said, my \$10,000 work-shop just became a \$25,000 under taking. My contractor pulled the required permit on May 22, 2017, permit #N17-002R for \$355.00

On June 7, 2017, while working out of town, I received a call from my contractor saying that a stop work-order had been posted on my work shop. He said that we needed to pull an additional permit because the city required the shop to be attached to the house. I called the city and spoke to Mr. King and he did confirm that a stop work order had been posted. I asked him if I could pay the permit fee by phone so work could resume. I paid \$757.05 by credit card over the phone. A few days later, I was back in town, I looked at the stop work-order that was still on my shop, and it indicated no permit was pulled.

On June 13, 2017, I met with Mr. King, and he informed me that a permit was pulled, but the check from my contractor bounced, and the contractor failed to get it resolved. So technically, no permit was pulled, that is why I paid the \$757.05 (double permit fee of \$355.00 plus \$25.00 returned check fee). He also informed me that my contractor did not follow city building codes by installing split face cinder block at the base of my building. He stated that he informed my contractor of this standard when the original permit was pulled. He told me that once construction is completed, that he could not issue a C/O, until the cinder block issue is resolved. I asked him what could be done to resolve this since the building is already well under construction. He said I could meet with the City Manager, Caryn Miller to try to come to some resolution. She was not in that day (due to either her or her son having broken her arm). A few days later, I met with Ms. Miller and Mr. King.

Ms. Miller said that split face cinder block is against building codes. I showed her pictures of other homes in my neighborhood that have exposed split face block as well as basic cinder block. She said, regardless, split face cinder block is not allowed. I offered to plant shrubs in front of the cinder block to conceal it; Ms. Miller said that is not acceptable. I offered to paint the block to match the vinyl siding, once again was told not acceptable. I then offered to paint it brick red and once again told not acceptable. Ms. Miller and Mr. King said the only solution would be to have a brick similar to the brick on my house installed in front of all exposed cinder block. She even went as far as giving me a business card of another contractor that could take care of the issue, Mid-South Maintenance.

I have had several conversations with Ms. Miller. During one of my conversations with Ms. Miller, I inquired about constructing a free standing carport. She stated that since it is not an enclosed metal building, it wouldn't be an issue and no permit would be needed. After threatening my contractor with legal action, he finally installed red brick.

202 Winding Way
Goodlettsville, TN 37072

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As construction began once again, my neighbor at 403 Hickory Ct., directly behind my home, had constructed an enclosed metal building. I asked him if he had a permit for his building and he said that he indeed pulled a permit. I stated that something doesn't seem right. I am having to pay \$15,000 more than I had planned to meet what the city told me was required, yet he has the type of building I originally wanted.

In late August / early September 2017, Mr. King conducted a final inspection and issued C/O.

Based on my previous conversations with City Officials, I purchased a free standing carport in March 2018. Since there are numerous similar carports in my neighborhood, some of which were recently installed, I did not foresee any issues with mine. However, in January 2019, I received notice that my carport was not in compliance with city codes. I called Codes Enforcement and spoke to Jeff Edwards in regards to the notice. He stated that he "didn't know what the big deal is" with carports, and directed me to Mr. Michael Barr. I spoke to Mr. Barr, and we are trying to come to an amicable resolution. My carport is approx. 2' from my home and 5' from my rear property line. It has no electrical power and is open on all sides. I am willing to encase all exposed columns with wood, and paint to match my home. The roof of the carport already compliments the vinyl siding on my home.

If it were a new development under construction, and no metal carports are allowed from the beginning, there would be no issue. However, once a standard has been set and accepted in a neighborhood, in my opinion, all homes should be allowed to follow the same standards that have been routinely accepted.

I have recently been informed that neither Ms. Miller nor Mr. King is affiliated with the City of Millersville.

Respectfully submitted,
Gary Kufel