



**City of Millersville Board of Zoning Appeals
Regular Meeting Agenda
Tuesday, January 2, 2018 5:30 pm
Commission Chambers**

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. November 10, 2017
6. Acceptance of the Official Record of Member & Staff Annual Training and Continuing Education per § 13-7-205 T.C.A.
7. Public Comments (Limited to 3 minutes per speaker for item[s] on this agenda)
8. Action Items:
 - a. Variance Request for Reduction of the Minimum Side Yard Setback & Minimum Landscape Buffer (side yard) for 1246 Louisville Hwy aka SC Map 121 Parcel 62.01
9. Discussion of Commercial & Industrial Accessory Structure Standards
10. Development Services Department Report
 - a. Planning & Zoning Activities.
 - b. 201 Glenwood Dr Status
 - c. Summary of Cobble v. Greene County
11. Board Members Comments & General Discussion
12. Public Comments (Limited to 3 minutes per speaker only for items not on this agenda)
13. Next Board of Zoning Appeals Meeting
14. 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, November 7, 2017 5:30 pm
Commission Chambers**

1. **Call to Order:** Chairperson Coleman called the November 7, 2017 meeting for Board of Zoning Appeals to order at 5:32pm.
2. **Pledge of Allegiance:** Lead by Chairperson Coleman
3. **Roll Call:** Lead by Secretary Uldrich

Present: **Bonnie Coleman**
 Larry Petty
 Sam Uldrich
 Gary Bolton

Absent: **Adam Fiegle**

Staff: **Rob Wheeler**
 Michael Barr
 Michelle Bernard

Other attendees: **Thomas King - Building Official**

4. **Disclosure of Ex-parte Communications:** No comments were made from any of the members.
5. **Approve the Minutes of the Board of Zoning Appeals Meeting(s) for the following dates:**

a. September 3, 2017

Mr. Barr stated to the Board that he made a correction on the minutes taken for September for Action Item 8a. Mr. Barr corrected the word from installation to insulation.

Vice Chairman Petty made the motion to “approve the October 3, 2017 meeting minutes as presented”. Mr. Bolton seconded the motion.

Motion carried by Unanimous vote. (4-aye, 0-nay)

6. City Attorney’s Explanation of BZA Quasi-Judicial Hearing Process

City Attorney, Mr. Wheeler, discusses the procedures of how the meeting should run. Anyone who speaks should give their name and address. Mr. Wheeler also mentioned that the Board of Zoning Appeals does not make recommendations, they make decisions; this is a Quasi-Judicial body that is bound to follow the law as it pertains to the board of zoning appeals. The Board of Zoning Appeals has two things that it is centered around, whether or not to grant a special exception or special variance. The difference between the two is that a special exception is legal to begin with, but there is some quirk in the circumstances of the project. In requesting a variance, the condition of the project starts out illegal and then asking for a variance from the law based on certain criteria that is statutory.

7. Public Comments (Limited to 3 minutes per speaker for items on this agenda):

Testimony in favor-

There were none.

Testimony in opposition-

Robert Mobley – 205 Glenwood Drive

Crystal Laemont – 109 Glenwood Drive, who also provided the Board with copies of emails between her and the builder, Emory Thompson.

Helen Nash – 214 Glenwood Drive

8. Action Items:

- a. Variance Request for reduction of the Minimum Front Yard & Side Yard Setbacks Standards & to exceed the Maximum Number of Bedrooms for this Lot 65 of the Deep Wood Glen Section III Subdivision Plat aka 201 Glenwood Dr.**

Attorney Mr. Gregg Treadway introduces himself and states that he is affiliated with Haynes, Freeman & Bracey. Mr. Treadway, who is representing builder Mr. Emory Thompson, opens discussion regarding his client. Mr. Treadway mentions a checklist that Mr. Barr had prepared and discusses why they oppose each item in his written response. Mr. Treadway introduces his client, Mr. Emory Thompson, who gives a few details about himself.

City Attorney, Mr. Wheeler asks the members of the board if they had any questions. Vice Chairman Petty stated he had a few questions for builder, Mr. Thompson. Vice Chairman Petty asks Mr. Thompson why he couldn’t just move the home. Mr. Thompson stated that the structure of the house would not be supported by moving. Mr. Thompson stated by picking up the house and having to move the basement, it would become more detrimental to the home. Vice Chairman Petty asks Mr. Thompson if it would be more detrimental for the home or for him financially.

Vice Chairman Petty mentions to the builder about moving the transformer and knowing it can be done as he retired from NES and they did this all the time. Mr. Thompson stated he had this conversation with engineer Mr. Alan Powell with Cumberland Electric Membership Corporation who told him this could not be done.

Mr. Michael Barr, the City's Development Services Director, gives a little background on himself and this issue with Mr. Thompson. Mr. Barr states that there are three items that the board members would be voting on, which are: The front setback encroachment according to the plat and to our subdivision standards. The side setback encroachment, which is also in violation of the subdivision plat and the R-4 zoning standards. Additionally, the two bedroom restriction that is shown on the plat as note 9 for this lot. Mr. Barr explained he would like the board to vote on each item separately.

Mr. Barr proceeds to address, item by item, the Variance Standards checklist in regards to Mr. Treadway's response with the City's positions. Mr. Barr also stated in regards to Vice Chairman Petty's question about moving the transformer box that he spoke with Mr. Powell with CEMC. Mr. Powell stated to Mr. Barr that he recalls the conversation with Mr. Thompson and that at no time did he say that it could not be moved. Mr. Powell mentions that it's not uncommon for developers or home builders to relocate utilities while it may be expensive, the electric company could do it but it would be at Mr. Thompson's expense.

Mr. Barr stated that he has correspondences between our City Manager, Caryn Miller, and Robert Mobley from July 2016, where Ms. Miller had informed Mr. Mobley that the City has attempted to communicate with the builder requesting verification of the location of the footprint of the house. Mr. Barr also stated that we are not professional engineers and that it is not the City's roll to act as surveyors.

Chairperson Coleman calls Chief Building Inspector, Thomas King, regarding what happened in July 2016. Mr. King stated that there were multiple attempts to make contact with Mr. Thompson. Mr. King also stated they followed the same procedures as what was shown to him when he joined the City of Millersville. Mr. King states that he is not a surveyor and that horizontal matters are left up to the surveyors, not the City. Chairperson Coleman states that this is a very tough decision for the BZA board members to make. She also stated that she is a licensed realtor and that a survey is always to be done first before any building is to begin.

Mr. Barr requests the Board to make specific motions to either approve or deny the Variance Requests and the Appeal of the Building's Certificate of Occupancy's Denial.

Chairperson Coleman calls for a vote on the plat requirement of two bedrooms opposed to the three bedrooms that were built. Vice Chairman Petty makes a motion to deny the Variance request. Secretary Uldrich seconds the motion.

Motion carried to Deny Minimum Bedroom Variance Request. (3-aye, 1-nay, Chairperson Coleman dissents)

Chairperson Coleman calls for a vote on the Setback. Vice Chairman Petty makes the motion to deny the front yard setback. Secretary Uldrich seconds the motion.
Motion carried to Deny Front Yard Setback Variance Request by Unanimous vote. (4-aye, 0-nay)

Chairperson Coleman calls for a vote on the side Setback. Secretary Uldrich makes the motion to deny the side yard setback. Vice Chairman Petty seconds the motion.
Motion carried to Deny Side Yard Setback Variance Request by Unanimous vote. (4-aye, 0-nay)

b. Appeal of the Denial of a Residential Building Certificate of Occupancy for 201 Glenwood Dr.

Chairperson Coleman calls for a vote to Appeal of the Denial the Building's Certificate of Occupancy. Mr. Bolton makes the motion to deny the Appeal of the Denial of the Building's Certificate of Occupancy. Vice Chairman Petty seconds the motion. **Motion carried to Deny the Appeal of the Denial of the Certificate of Occupancy by Unanimous vote. (4-aye, 0-nay)**

9. Development Services Department Report

a. Planning & Zoning Activities.

Mr. Barr mentions that there are a couple Commercial projects that are underway & have moved through the Planning Commission board. We also continue to have some Residential permits being issued which means Millersville is growing. We are also moving forward on the grant for the sidewalk project. Mr. Barr also stated that we are updating our permits to PDF form for easier filling out process.

b. Upcoming BZA & Planning Commission Training - November 27, 2017 5:00 pm – 9:00 pm @ Gallatin City Hall (dinner included)
Mr. Barr mentions to the board members about this upcoming event.

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:

No meeting scheduled for December.

13. Adjournment

Mr. Bolton made the motion to adjourn.

Mr. Uldrich seconded the motion.

Meeting adjourned at: 7:45pm

Chairperson Bonnie Coleman

Secretary Sam Uldrich

Recording Secretary Michelle Bernard

Approval Date



January 1, 2017

Mayor Timothy Lassiter
City of Millersville

Re: Planning Commission & Board of Zoning Appeals (BZA) Member Training

Mayor Lassiter,

Per the Tennessee Statutes, I am providing this record of training certifications. The following individuals have met the minimum state training and continuing education requirements per T.C.A. § 13-4-101(c) & § 13-7-205(c) for 2017:

- | | |
|----------------------|---|
| ○ Frank Fox | Planning Commission Chairman |
| ○ David Gregory | Planning Commission Secretary & City Commissioner |
| ○ Brent Uldrich | Planning Commissioner |
| ○ Larry Petty | Planning Commissioner & BZA Member |
| ○ Bonnie Coleman | BZA Chairman & City Commissioner |
| ○ Samuel B. Uldrich | BZA Secretary |
| ○ Mayor Tim Lassiter | City Commissioner (not required) |
| ○ Milton Dorris | City Commissioner (not required) |

Planning Commissioners and BZA Members not in attendance:

- | | |
|-------------------------|---|
| ○ Vice Mayor Keith Bell | Planning Commissioner & City Commissioner |
| ○ Lee Smith | Planning Commissioner |
| ○ Adam Fiegle | BZA Member |
| ○ Gary Bolton | BZA Member |

Please see the attached Training Session Agenda for program information and details.

Additionally, I have also met the minimum training and continuing education requirements detailed in the attached Summary.

This record will be maintained by the Secretaries of each respective Board as required by the Statute. Let me know if you have any questions.

A handwritten signature in blue ink, appearing to read "Michael Barr".

Michael Barr
Development Services Director
development@cityofmillersville.com

Cc: Planning Commission Secretary
Board of Zoning Appeals Secretary

2017

Sumner County Planning Commissioners

and

Board of Zoning Appeals Members

Training Session

Monday, November 27, 2017

Gallatin City Hall

5:00 p.m. – 9:00 p.m.

Program Agenda

4:30 -5:00 Registration/Check-in

- 5:00 p.m. – 6:15 p.m. - Mr. J. Bryan Echols, Esquire. – “Horizontal Property Regimes in Tennessee”
- 6:15 – 6:30 – Break/Dinner
- 6:30 – 7:30 p.m. – Brett Smith, RLA, AICP - Ragan -Smith – “Site Analysis 101” – The Site Analysis and Design Process
- 7:30 p.m. – 7:45 p.m. - Break
- 7:45 p.m. - 9:00 p.m. – Dr. Christopher Sarkin, Vanderbilt Univ. – “Private Property Rights – Exactions and Takings”

Tennessee Code Annotated Title 13, Chapter 3, Section 101 and Chapter 7, Section 205 (c)(2) Section requires all members of the Planning Commission and Boards of Zoning Appeals to obtain at least four hours of planning related training each year (see attached).



January 1, 2017

Mayor Timothy Lassiter
City of Millersville

Re: Development Services Director Training

Mayor Lassiter,

Per the Tennessee Statutes, I am providing this record of training certifications I obtained in 2017. The following meets the minimum state training and continuing education requirements per T.C.A. § 13-4-101(c) & § 13-7-205(c) for 2017:

- Local Government Guidelines Manual **6.0 hrs**
Nashville, TN TDOT 02/07/2017
- Local Public Agency Right-of-Way **2.5 hrs**
Nashville, TN TDOT 02/08/2017
- Robertson County Housing Summit – Residential Growth & Strategies **3.0 Hrs**
Springfield, TN Robertson County Assoc. of Realtors 04/13/2017
- Land Use Law: Current Issues in Subdivision, Annexation & Zoning **6.0 hrs**
Nashville, TN National Business Institute 08/03/2017
- Floodplain & Stormwater Management **11.0 hrs**
Spencer, TN TN Association of Floodplain Mgmt. 08/23/2017
- Annual Planning Commission Training **4.0 hrs**
Gallatin, TN Sumner County Assoc. of Planners 11/27/2017

This record will be maintained by the Secretaries of each respective Board as required by the Statutes.

Please let me know if you have any questions.

Michael Barr
Development Services Director
development@cityofmillersville.com

Cc: Planning Commission Secretary
Board of Zoning Appeals Secretary



City of Millersville Development Services

BZA Agenda Item #8a

Summary & Recommendation

Date: January 2, 2018

Reviewer: Michael Barr, Development Services Director

Subject: A variance request to reduce the minimum side yard setback and reduce the minimum landscape buffer for 1246 Louisville Hwy (SC Map 121 parcel 62.01).

Background:

The City of Millersville Public Works Department is requesting Variances on the subject parcel for the following:

- a. A reduction of the minimum side yard setback distance to 10 feet for an expansion of an existing non-conforming use.
- b. A reduction of the minimum landscape / buffer to 10 feet for an expansion of an existing non-conforming use.

The City is proposing to expand the Public Works facility with two additional buildings bordering the southerly property line.

The parcel is currently zoned Residential (R-2) per Ord 98-322 with Non-profit / Government / Religious Use (NP-1) Overlay District per Ord 06-487. The existing City Hall and Public Works buildings or portions thereof were constructed in the late 1990's before the current zoning ordinance and amendments for this parcel were approved and thus are considered existing non-conforming (grandfathered) uses. While the City's Zoning Ordinance allows for the expansion of non-conforming uses, it does not clearly identify Development Standards for this proposed expansion. Additionally, the Board should consider these matters in light of T.C.A. § 13-7-208 (c) which allows for such expansion where "*Industrial, commercial or other business establishments in operation and permitted to operate under zoning regulations or exceptions thereto in effect immediately preceding a change in zoning shall be allowed to expand operations and construct additional facilities which involve an actual continuance and expansion of the activities of the industry or business which were permitted and being conducted prior to the change in zoning; provided, that there is a **reasonable amount of space for such expansion on the property.***"

By examining the Ordinance's language for intent and based on other similar standards, the above requested Variances should be considered by the Board of Zoning Appeals.

As City Hall and its related facilities would normally be located in Commercial or Industrial Districts, those minimum standards should control the development of the property. Using the Commercial standards, which in this case of having an R-2 Residential District Zoning designation and abutting a Residential zoned parcel (R-1), a minimum side setback distance would be 25 feet. Also, there is a minimum landscape buffer of 25 feet required when commercial development abuts residential zoned parcels. A 10 foot landscape buffer is the minimum allowed by the Code. However, the landscaping materials and standards will still need to be met per the definition. The project's Engineer will submit a detailed Landscape Plan along with the Site Plan for consideration and approval by the City's Planning Commission before permitting.

Please note: With the ambiguity of the Code in this case, these Variance Requests are being made without the benefit of a Letter of Denial to a Site Plan or Building Permit Application

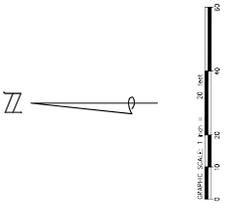
Attachments: Conceptual Site Plan
Aerial Image

Public Notice Sign Posted: 12/18/2017

Recommendation: Approve both Variance Requests.

Conditions, if any: None.

DATE	DESCRIPTION
12/27/17	ISSUE 1 - 2020
03/27/18	ISSUE 2 - 2020
07/27/18	ISSUE 3 - 2020
10/27/18	ISSUE 4 - 2020
01/27/19	ISSUE 5 - 2020
04/27/19	ISSUE 6 - 2020
07/27/19	ISSUE 7 - 2020
10/27/19	ISSUE 8 - 2020
01/27/20	ISSUE 9 - 2020
04/27/20	ISSUE 10 - 2020
07/27/20	ISSUE 11 - 2020
10/27/20	ISSUE 12 - 2020



1246 Louisville Hwy

Millersville City Hall

Legend



Millersville City Hall



600 ft

