

**City of White House
Municipal Board of Zoning Appeals
MINUTES
Tuesday, February 17, 2009**

Call to order 7:00 p.m.
Roll Call
Members Present **Dolly Peay, Matthew West, Chairman-Mike Arnold, Bill Colvin**

Members Absent **John Wilkinson**

Others Present **Addam McCormick-Secretary, David Amonette, City Attorney**

Approval of prior minutes-November 18, 2008: Motion was made to approve by Matthew West, seconded by Dolly Peay. Motion passed unanimously.

AGENDA

PUBLIC HEARING:

Item # 1 The Bar B Que Place/Karen & Richard Berry: Requests a variance regarding sign height. Property is referenced on Sumner County Tax Map 77-I, Group B, Parcel 6.00 and is located at 138 Clif Garrett Drive. Property is zoned C-1, Central Business District.

Chairman Arnold opened the public hearing.

Richard Berry-138 Clif Garrett Drive- owner of the Bar B Que Place stated that he would like to raise the present sign higher to have better visibility from Highway 31-W.

There being no one else to speak for or against Chairman Arnold closed the public hearing.

Motion was made to discuss by Matthew West, seconded by Bill Colvin.

Staff stated that this request is unique because the visibility is not limited on the roadway providing access to the property, which is Clif Garrett Drive, but to Highway 31-W. Staff stated the sign is 500 feet from Highway 31-W. Staff stated the property is 135 feet in width and based on sign regulations the maximum sign height is 6 feet. Staff explained the variance procedure as stated in the Zoning Ordinance. Staff stated that there are two other lots below this lot that drop even lower and that a decision on this request could set precedence for other owners to request sign height variances. The board had discussion on the topography of this lot and that it does apply to the variance requirements as stated in the zoning ordinance.

Motion was made to deny by Matthew West, seconded by Dolly Peay.

Matthew West voted yes, Dolly Peay voted yes, Chairman Arnold voted no, Bill Colvin voted no.

Motion failed.

David Amonette, City Attorney, discussed issue of topography of the lot. Staff and board discussed if the variance request were for less square footage it may be more reasonable to grant request, due to setting precedence for the other properties on that street.

Motion was made to approve a (2) two- foot sign height variance, seconded by Dolly Peay.

Bill Colvin voted yes, Chairman Arnold voted yes, Matthew West voted no, Dolly Peay voted yes.

Motion passed.

PUBLIC HEARING:

Item # 2 **Staff:** Requests an interpretation of permitted uses for I-1, Light Industrial.

Chairman Arnold opened the public hearing.

Todd Winters, owner of Surface Koatings, stated that his business blends concrete coatings and explained how coatings are stored in enclosed tanks and then filled into 5-gallon buckets/drums. Mr. Winters stated that there is a 15-second open time with limited odor. Mr. Winters stated that his business would be zoned light industrial with a total of 7 employees. Mr. Winters stated that he is looking at starting his business at the existing building at 202 Union Road. Mr. Winters stated that the building is set up for this type of operation. Mr. Winters stated that all the blending operation would be done in the rear 5,000 to 10,000 square feet of the building. Mr. Winters stated the front 20,000 square foot section of the building would be for finished goods and distribution materials.

There being no one else to speak to the issue Chairman Arnold closed the public hearing.

Staff explained the three Industrial Zoning districts in the city which are: I-1, Light Industrial, I-2, Heavy Industrial, and I-3, Industrial District Special. Staff explained some of the uses permitted in these districts. Staff stated that the proposed business would include 4 outside storage of tanks of flammable and combustible liquids enclosed and piped containers. Staff stated the mixing of the chemicals would be inside of the building in enclosed containers and filling 5-gallon containers for sale and shipping between 3,600 to 7,200 gallons of finished materials in 5-55-gallon containers stored on site. Staff stated that there would not be a problem with the front 20,000 square foot section of the building

being used to store finished goods and distribution of materials. Staff stated the rear section of the building would store flammable materials that would be classified as a hazardous building use per the City's adopted International Building Code due to the volume of liquids. Staff explained that an air quality permit would have to be issued from TDEC. Staff stated that they would not be venting any chemicals outside. Mr. Winters explained the procedure for pumping the chemicals into the storage tanks and the safety features involved. Mr. Winters stated there would not be any noise or vibrations from the use that would cause any problems with area property owners. Mr. Winters explained that the storage of the 4-4,000 gallon tanks and that would be ½ to ¼ full and be in a docked in area and the safety features with the tanks regarding spills or leaks. Mr. Winters stated that one tank would be flammable and the other would be labeled combustible with a flammable rating. Mr. Winters stated there would be 10 feet separation between each tank. Mr. Winters stated the tanks would be 25 feet from the property line on the north side and 700 feet from the hotel. Staff explained the only reference to chemical manufacturing is in the I-3 zoning district based on used permitted as radioactive, hazardous, and refineries. Staff stated this would apply to raw or large scale chemical manufacturing. Staff and the board had discussion on if this use would be permitted in the I-1 District description. Staff discussed the Industrial performance standards and the maximum storage of the liquids in I-1 Zoning would apply due to the design of the use with the separate closed tanks versus the singular large tanks. Mr. Winters stated that the largest flash point of 3 tanks would be 108 and the other would be 80. The board asked if the fire Inspector and fire chief had any concerns. Staff stated that he had met with the City Fire Inspector, Jeremy Sisk, and the Fire Code is set up to prevent any explosions. Staff stated the building is sprinkled. The main concern was the containment of the outside tanks. The board had discussion that they did not see this business use not being a permitted use in the I-1 zoning. The board had discussion that the outside storage tanks of chemicals would be no more dangerous than those chemicals stored at a paint store or a discount store.

BZA Members Matthew West and Bill Colvin attended a Board of Zoning Appeals Workshop, February 9, 2009.

Meeting adjourned at 7:49 p.m.

ATTEST:

Addam McCormick, Secretary

Chairman, Mike Arnold
