

**City of White House  
Municipal Board of Zoning Appeals  
MINUTES  
Tuesday, August 17, 2010**

**Call to order** 7:00 p.m.

**Roll Call**

**Members Present** **Dolly Peay, Chairman-Mike Arnold, Bob Dorris, John Wilkinson, and Matthew West**

**Members Absent**

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

**Approval of prior minutes-February 16, 2010:** Motion was made to approve by Bob Dorris, seconded by John Wilkinson. Motion passed unanimously.

Chairman Arnold amended the agenda for staff to discuss the discussion item on the agenda.

Staff stated the State of Tennessee recently passed a new law affecting the Planning Commission regarding motions. Staff stated the Board of Zoning and Appeals motion process should be consistent with the Planning Commission. Staff stated that all motions would need to define the reason for the approval or denial within the motion to be recorded in the meeting minutes.

**AGENDA**

**PUBLIC HEARING:**

**Item # 1** **Zanger Law Firm:** Requests a variance for a sign setback. Property is referenced on Sumner County Tax Map 77-I, Group B, Parcel 2.00. Property is zoned C-1, Central Business District and is located at 135 Clif Garrett Drive.

Chairman Arnold opened the public hearing.

**Joe Zanger- 775 McCurdy Road:** Mr. Zanger explained the request for the sign variance and presented photos showing signage and discussed the property easement versus the property line. Mr. Zanger stated that the sign has a bar at the top of it and that they had measured from the point on the ground where it comes down out to the curb. Mr. Zanger explained the topography of the front yard and that there is a curve and that the property drops off in the back. Mr. Zanger stated according to staff's measurements they are off by 2.5 feet to be in compliance of City's codes. Staff explained that the sign is 2.5 to 3 feet from the property line. Staff stated that it was difficult to measure due to the curve in the property and the property stakes. Staff explained that sign setbacks are for aesthetics, clear visibility, and to ensure that the sign is not located on public property. Staff stated that Clif Garret Drive has a 50 feet right-of-way. Staff stated that this sign does not create a visibility issue, but it does not meet the Zoning Ordinance requirement of being 5 ft off of the property line. Staff stated that there are utilities in the right-of-way. Staff and Board discussed that if the sign were pushed back to the monument that the sign would be 4 feet from the property line

and a variance would not be required. Mr. Zanger explained that the sign is welded to the pole and for them to move it back to the brick pillar would be a significant cost due to dismantling the sign. Board had discussion that most of the lots on this street are non-conforming lots and that the Board had granted a sign variance for another business on this street. Board discussed driver visibility leaving the site with the sign in the current location versus moving the sign back to meet the 5ft setback requirement.

**Motion was made to approve the variance for the sign setback by Bob Dorris due to the curve of the lot, seconded by Matthew West.**

**Motion passed unanimously.**

**PUBLIC HEARING:**

**Item # 2** **Al Carmen/Don Bean:** Requests a variance from the minimum parking requirements. Property is referenced on Sumner County Tax Map 77-P, Group A, Parcel 8.01. Property is zoned C-2, General Commercial and is located at 2910 C. Highway 31-W.

Chairman Arnold opened the public hearing.

**Don Bean-2959 North Mt. Pleasant Rd, Greenbrier TN-** Mr. Bean stated he is for the variance. Mr. Bean stated that Al Carmen is the owner of the property and that he had spoken to Mr. Carmen regarding the proposal. Mr. Bean stated that he is proposing to construct 4 batting cages on the property. Mr. Bean stated that hardly anyone parks in the front of the site unless it is a few of Al's employees. Mr. Bean stated that there are some parking spaces behind the building that might satisfy the parking requirement. Mr. Bean stated that would be a significant expense to add the parking out in the front of the property due to the filling in of the ditch work. Mr. Bean stated that he is proposing 4 batting cages which would require 10 parking spaces per planning staff.

**Joan Kirkham-108 Brooklawn Dr., White House TN:** Ms. Kirkham stated that she objects to the proposal due to the noise of the shopping center due to the dumpsters being emptied at the rear of the center. Ms. Kirkham stated that she gets woke up at least 3 to 4 times a night due to the noise. Ms. Kirkham stated concerns with parking around back of the building which would be close to her home.

Staff stated when he was contacted regarding the proposed use he thought they would be able to use the existing parking spaces in front of the site. Staff stated after reviewing the site plan for the site, it contains less parking spaces than what was required. Staff stated the existing parking lots contains 210 parking spaces and is required to have 235 parking spaces. Staff stated that the variance request explanation by the owner is that the existing parking spaces in the front of the site are never fully used and batting cage development would not necessitate additional parking spaces. Staff stated that the Zoning Ordinance does not reference batting cages; staff had to use comparable type uses for 2 spaces per batting cage and 2 for employees. Staff stated the variance would be for 10 parking spaces. Staff stated that shopping centers sometimes have a mixture of low and high uses that reduces the need for the parking. Staff stated the existing

uses might not require the full use of the parking spaces, but the property zoning and building construction would permit uses that could increase the need for parking. Mr. Bean explained that with the proposed batting cage they would close the business November 15 until February 15 due to the weather. Mr. Bean stated that when school is in session that they would probably not open until 2 pm or 3 pm and would close by 9 pm. David Amonette, City Attorney, asked staff if this proposal would be apart of the shopping center property and would it meet the minimum parking requirements in the zoning ordinance. Staff stated that the minimum parking spaces for the shopping center is 1 space per 200 sq ft for shopping centers. Staff stated that parking is calculated for the entire shopping center not each individual tenant due to expected changes in tenants. Staff addressed the noise issue concern from the property owner on Brook Lawn Drive. Staff stated that when this was brought to the Codes Office attention a few years ago he spoke with the dumpster company about picking up at a more reasonable time of the day. Staff stated that he had spoken to them again recently regarding the noise complaint. Staff stated that they might consider re-stripping some areas of the parking lot to add the additional 10 spaces. Mr. Bean discussed what would be involved in adding new asphalt because of the ditch/wet land area in front of the shopping center. The board had discussion on the possibility of re-stripping the parking lot to meet the parking requirements. Mr. Bean explained that it could be another year when he would begin the business if he receives variance.

**Motion was made by Matthew West to approve the parking lot as it exists and if problems arise then the parking lot would need to be re-stripped, seconded by Bob Dorris.**

**Motion passed. John Wilkinson voted no.**

Meeting adjourned at 7:57 p.m.

**ATTEST:**

Addam McCormick, Secretary

Chairman, Mike Arnold

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