

**City of White House  
Municipal Board of Zoning Appeals  
MINUTES  
Tuesday, November 16, 2010**

<b>Call to order</b>	7:00 p.m.
<b>Roll Call</b>	
<b>Members Present</b>	<b>Dolly Peay, Bob Dorris, John Wilkinson-Vice-Chairman, and Matthew West</b>
<b>Members Absent</b>	<b>Mike Arnold</b>
<b>Others Present</b>	<b>Addam McCormick-Secretary and David Amonette, City Attorney.</b>

**Approval of prior minutes-August 17, 2010:** Motion was made to approve by Matthew West, seconded by Bob Dorris. Motion passed unanimously.

**AGENDA**

**PUBLIC HEARING:**

**Item # 1** **Prince of Peace Lutheran Church:** Requests a special exception for a church use on a residential zoned property located at Tyree Springs Road. Property is referenced on Sumner County Tax Map 96, Parcel 77.03. Property is zoned R-20, Low-Density Residential.

Vice-Chairman Wilkinson opened the public hearing.

**Randy Sakach- 904 Tyree Springs Rd:** Mr. Sakach stated that he is a representative of the church. Mr. Sakach stated that the church is proposing to build a 5,000 square foot building on the property. Mr. Sakach stated that the proposed building would be a steel/brick building with approximately 150 seats in the worship area. Mr. Sakach stated that his is also a resident close to this property and also has drainage concerns. Mr. Sakach stated that the City requires there to be a detention pond on the property, which the church would comply with. Mr. Sakach stated that there would only be one church building on the property and it would set back off of the road. Mr. Sakach stated that several churches in the City of White House are in residential areas and close to neighborhoods. Mr. Sakach stated that he did not feel that that traffic would be adversely affected on Tyree Springs with the church meeting on Sunday mornings at 9:00 am. Mr. Sakach stated that he did not feel that a church qualifies as a

commercial business and would not affect residential property values. Mr. Sakach stated that the parking lots would not affect the neighborhood. Mr. Sakach stated that he did not feel that there would be increased crime with a church building. Mr. Sakach stated that the increased parking lot lights would help deter any criminal activity. Mr. Sakach stated that there would not be any noise concerns with the church. Mr. Sakach stated that the church meets on Sunday mornings and that meet on Wednesday evenings only certain times of the year.

**Debbie Carpenter-941 Tyree Springs Rd.-** she lives across from the proposed property and has concerns regarding increased traffic on the road. Ms. Carpenter stated that she is not sure that a church would be a good use for the property.

**Cary Quakenbush-934 B. Tyree Springs Rd.-** he lives behind the property and would not like to see anything built on this property, which would disturb the natural beauty of the area.

**Chris Jacobsen-938 Tyree Springs Rd.-**has lived at his current address for 15 years and has seen increased growth in traffic due to the school. Mr. Jacobsen stated concerns with potential increase in criminal activities. Mr. Jacobsen stated concerns with drainage runoff and lighting.

**Vicki Sanders-935 Tyree Springs Rd.-** she stated that she is down from this site and has lived at her address for 21 years. Ms. Sanders stated that as this area has built up she has had increased water run off problems. Ms. Sanders stated she is against a church building on this property due to increased run off problems and increased traffic.

**Cindy Jacobsen-938 Tyree Springs Rd.-**she stated that she lives beside the proposed building site. Ms. Jacobsen stated concerns with drainage and traffic. Ms. Jacobsen stated concerns with decline in property values.

**Curtis Kizer-934 A. Tyree Springs Rd.-** his driveway runs beside proposed property. Mr. Kizer stated concerns with increased drainage with a church building and parking lot.

**Holly Kizer-934 A. Tyree Springs Rd.-**has a shared driveway beside proposed property. Ms. Kizer stated concerns with drainage problems. Ms. Kizer stated that this would be a bad location for the church.

**Lori Salvati-939 Tyree Springs Rd.-** stated that she lives directly across the street from the proposed site. Ms. Salvati stated concerns with water drainage issues. Ms. Salvati stated that the proposed site is a swampy area. Ms. Salvati stated concerns with future growth of the church and the drainage and traffic effects.

**Chris Florek-936 Tyree Springs Rd.-**Mr. Florek stated concerns with water backing up the property. Mr. Florek stated concerns with increase in traffic, noise, and a decrease in his property value. Mr. Florek stated that he has lived at his property for 10 years and his property runs adjacent to the proposed site. Mr. Florek stated concerns that he would be looking at the rear of the building and parking lot from his property.

There being no one else to speak for or against this item, Vice-Chairman Wilkinson closed the public hearing.

Staff stated that this property is zoned R-20, Low-Density Residential. Staff explained that a church use is a permitted use in a residential zoning by special exception. Staff explained that the purpose of the special exception is to authorize uses in compliance with the requirements of this ordinance as well as any additional requirements imposed by the Board to limit the effects onto adjoining properties. Staff stated in 2006 the City adopted special review criteria for churches in residential zoning districts. Staff stated one requirement was for churches to be located on properties over two (2) acres and located on major local roadways. Staff stated the proposed site is 5.41 acres. Staff stated per TDOT 2009 traffic maps the average daily roadway traffic on Tyree Springs Road is approximately 4,500-5,000 per day. Staff stated that the lot size requirement would have to be a minimum of 150 feet wide and staff discussed set back requirements. Staff discussed accessory structures are prohibited in the front yard and that a minimum of 25 percent of the required parking is permitted in the front yard. Staff stated that a 15 ft minimum landscape buffer is required around the perimeter of the property and the exterior of the facility shall be designed and constructed of typical residential materials and meet provisions of commercial design standards. Staff reviewed procedure that the Board uses for authorizing special exceptions. Staff discussed the state's religious land use act. Staff stated that the review of the request and any special conditions placed upon the approval shall be based on the least restrictive means for achieving a compelling government interest. Staff stated the state's adopted rule was in addition to the Federal Religious Land Use Protection Act. Staff discussed the drainage concerns from the adjoining property owners and that the Board could request an engineered drainage study be done by the church and present that back to the Board. Staff explained that the church would have to provide its own paved driveway entrance onto the site. Staff discussed that the Board could place requirements such as berms and landscape buffers to reduce noise and reducing the intensity of the parking lighting and placement of the lights. The board had lengthy discussion on the drainage of this property and if the church could provide a rough site plan draft so they could view the proposed placement of the building in relation to the property. Staff stated that he could have the city engineer to provide a drainage report for this site for the board to review. Staff stated that if the church needed more time then they could write a request to the board for an extension to the deferral.

The board discussed with staff to notify the adjacent property owners if this request gets deferred later than the December Meeting.

**Motion was made by Dolly Peay to defer this item until the December meeting for the church to provide a drainage study and preliminary site plan, seconded by Matthew West.**

**Motion passed unanimously.**

Meeting adjourned at 8:20 p.m.

**ATTEST:**

Addam McCormick, Secretary

Vice-Chairman, John Wilkinson

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