

**City of White House
Municipal Board of Zoning Appeals
MINUTES
Tuesday, February 15, 2011**

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

Approval of prior minutes-November 16, 2010: Motion was made to approve by Matthew West, seconded by Bob Dorris. Motion passed unanimously.

Chairman Arnold stated that Item #3 and Item # 4 were requested to be withdrawn by the property owners/representatives.

AGENDA

PUBLIC HEARING:

Item # 1 **Steve and Jeana Nicholson:** Requests a rear building setback variance regarding an accessory building location. Property is referenced on Sumner County Tax Map 97-L, Group C, Parcel 33.00. Property is zoned SRPUD, Suburban Residential Planned Unit Development and is located at 206 Hunterwood Drive.

Staff stated this property is a Planned Unit Development zoning, which has different criteria than the other residential zoning districts. Staff stated the Planned Unit Development District permits 5 ft side and rear setbacks and 25 ft rear perimeter setbacks for the primary house structure. Staff stated it is permitted for accessory buildings in Planned Unit Development Districts to be 5 ft off the property lines, except where limited by an easement. Staff stated the property owners have requested to build 4 ft from the property line. Staff stated that it would be a 6 ft variance due to the 10 ft easement at the rear property line. Staff stated to build within the easement would require approval to reduce the rear easement from 10 ft to 5 ft. Staff stated the City requires drainage and utility easements on all property lines when properties are subdivided. Staff stated the easements are to provide

Motion was made to approve the request for a (5) five foot rear setback variance due to the shallowness of the lot by Matthew West with the stipulation that the owner submit a signed approval from utility providers to use the easement or the property owner reduce the size of the accessory structure, seconded by Bob Dorris. Motion passed unanimously.

PUBLIC HEARING:

Item # 2 **Donnie Nolen:** Requests a variance for additional signage to a non-conforming sign. Property is referenced on Sumner County Tax Map 77-P, Group A, Parcel 9.00. Property is zoned C-2, General Commercial and is located at 2902 Highway 31-W.

Chairman Arnold opened the public hearing.

Donnie Nolen-Nolen Construction: Mr. Nolen stated his request is to install a sign underneath an existing sign, which is located at Herb Lord Realtors. Mr. Nolen stated he requests to drop the sign 3 feet underneath the existing sign. Mr. Nolen stated that at the northern end of the building, the karate studio has an existing sign, and to install another sign would block it. Mr. Nolen stated that he proposed to install an acrylic sign that would be similar in style to the existing sign for Herb Lord Realtors. Mr. Nolen stated that he is proposing a 24 sq ft sign, but could reduce the size to 3ft x 6 ft. The board asked Mr. Nolen if he could add his sign to the karate studio sign. Mr. Nolen stated probably not because the sign is the karate studio's sign and they would not want to change the looks of it. Mr. Nolen stated he would rather add his signage to the existing sign for Herb Lord because it is a better looking sign and he could make his sign look similar to the one that is already there. Staff stated in 2004 the City deleted provisions for pole signs, but the existing sign at Herb Lord Realtors was permitted prior to the ordinance amendment and the sign is now a legal non-conforming sign. Staff stated that the property is a corner lot with 181 ft of roadway frontage on Highway 31-W and 170 feet on Brookside Drive with a total of 351 feet of street frontage. Staff explained that per the existing zoning ordinance, a second sign on the property would not be permitted unless the property has 400 feet of street frontage. Staff stated the existing zoning ordinance allows 1 sq ft of sign per 2 linear feet of street frontage up to a maximum of 65 sq ft for an individual monument sign. Staff stated the existing pole sign is 50 sq ft in area and 14 ft above street level. Staff stated the property also contains a 50 sq ft monument sign that is within 130 ft of the pole sign. Staff stated that the sign section of the Zoning Ordinance contains provisions for sign variances to be

increased by up to 25% of maximum height or area allowed for such signs: as unusually shaped lots, unusual topography, or types of physical characteristics that would prevent legal signage. David Amonette, City Attorney asked Staff to clarify, from the Zoning Ordinance, if a non-conforming sign could be allowed a variance request. Staff stated based on the Standard of Review, in the Zoning Ordinance, all requests can be considered for a variance by the Board if special physical conditions exist. Staff stated the request would be tied to the property conditions. Staff stated that he did not recommend granting the variance since the existing 2 signs exceed the existing sign ordinance provisions and the non-conforming sign is proposed to be increased in sign area.

Motion was made to deny the request for the variance by Bob Dorris, seconded by Matthew West. Motion passed unanimously.

Mr. Nolen asked Staff what other options he would have for signage. Staff asked Mr. Nolen if he could add a wall sign to the building. Staff and Board had discussion that Mr. Nolen could add signage to the front of the building with the owner's permission. Staff stated he would be allowed 10 % of the face of the building for a wall sign. Staff stated that based on the size, the size of the sign allowed could be approximately 4' x 6'. Staff explained that a wall sign would not be a nonconforming sign and would not require a variance.

PUBLIC HEARING:

ITEM # 3 **June Martin:** Requests a setback variance for an accessory building. Property is referenced on Robertson County Tax Map 96-P, Group A, Parcel 3.00 and is located at 515 Calista Road. Property is zoned NCRPUD, Neighborhood Center Residential Planned Unit Development.

Staff stated that he had received a request from the owner to withdraw the request. Staff stated a meeting was requested by the builder for staff to meet on the site regarding moving the structure. Staff stated that the builder did not attend the day of scheduled meeting. Staff stated the Board could either; defer this meeting until next month, withdraw the item, or deny the item.

Motion was made by Bob Dorris to withdraw item from the agenda, seconded by Matthew West. Motion passed unanimously.

areas for maintenance of existing drainage improvement and utilities and installation of future drains and utilities. Staff stated that 90% of easements are vacant easements, which do not contain any drainage pipes, ditches, or utilities. Staff stated for the property owner to build within the 10 ft easement, they would need written approval from the utility providers that the easement is unused. Staff stated he had contacted the Wastewater Department, Piedmont Gas, and White House Utilities, and was told there are no utilities in the easement. Staff discussed that the Board would need to review the standards for the variance request to review if the property is uniquely limited by shape or physical conditions. Staff stated the property owner is requesting the variance due to the limited amount of rear yard available based on the lot size and location of the house on the property. Staff stated that the Board would need to review if the property owner could reduce the size of the accessory building to prevent the need for the variance or if the proposed building could be 7 to 9 ft off the property line, which would limit the amount of variance requested. Chairman Arnold spoke to the uniqueness of the lot, in that the lots on that side of the subdivision are the shallowest lots in the development. Chairman Arnold stated that he did not see any future need for a drainage ditch at the end of the property because it is outside of the property. Staff stated that the Building Code requires an accessory building that is less than 5 ft from the primary structure to have a 1-hr exterior fire wall. Dolly Peay stated that the lots in this section of the subdivision are smaller; but that she did not see anything unusual/unique with this lot and that the lots adjacent to this one are similar in size. Ms. Peay stated concerns with if this were approved that other property owners would make similar requests. Staff stated that this lot is approximately 127 ft long on the north side and 130 feet on the south side. The board asked the property owner if he could reduce the size of the building. Mr. Nicholson stated that he could reduce the size of the structure. Mr. Nicholson stated that the proposed structure would be in the rear right side of the yard. Mr. Nicholson stated that he is proposing to build the garage more than 5 ft from the house. The Board and staff had lengthy discussion on meeting the setbacks if the accessory structure size were reduced.

Item # 4 **Prince of Peace Lutheran Church:** Staff Requests this item be formally withdrawn due to a written request to withdraw this item. (A Church representative requested to formally remove this item after the December Meeting.)

Motion was made to withdraw this item by Matthew West, seconded Bob Dorris. Motion passed unanimously.

David Amonette, City Attorney, stated that requests, such as Item # 2, should be made at Staff level instead of coming before the Board. Staff stated that some requests are made by individuals who want to have discussion and present their requests to the Board.

Meeting adjourned at 7:53 p.m.

ATTEST:

Addam McCormick, Secretary



Chairman, Mayor Mike Arnold
