

**City of White House
Municipal Board of Zoning Appeals
MINUTES
Tuesday, August 16, 2011**

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

Approval of prior minutes-May 17, 2011: Motion was made to approve by Bob Dorris, seconded by Dolly Peay. Motion passed unanimously.

AGENDA

PUBLIC HEARING:

Item # 1 **G. E. Leftwich:** Requests an administrative appeal to remove a mobile home from the property. Applicant requests to use the mobile home as a storage facility. Property is referenced as Sumner County Tax Map 97, Parcel 10.01. Property is zoned R-20, Low-Density Residential and is located at 208 Rolling Acres Drive.

Chairman Wilkinson opened the public hearing.

Larry Leftwich-Millersville TN-Son of G E Leftwich stated that his dad would like to keep the mobile home for storage use and a wood shop. Mr. Leftwich stated that his dad is unclear with what the city would like for him to do with the trailer.

Staff stated they receive complaint regarding the condition of the property including junk, inoperable vehicles, and the mobile home. Staff stated that the hearing tonight is just regarding the mobile home. Staff stated that he did not have photo evidence or written records, but recalls the trailer previously being at 2798 Hwy 31W in front of the current Leftwich property. Staff stated a front portion of the property was rezoned to a commercial classification in 2005. Staff asked Mr. Leftwich if this was the same mobile home that at one time set in front of the property on Hwy 31W. Mr. Leftwich stated yes, and then it was moved behind the property at 208 Rolling Acres Dr. Staff stated that

was rezoned to a commercial classification in 2005. Staff asked Mr. Leftwich if this was the same mobile home that at one time set in front of the property on Hwy 31W. Mr. Leftwich stated yes, and then it was moved behind the property at 208 Rolling Acres Dr. Staff stated that the property is zoned R-20, Low-Density Residential and the Zoning Ordinance prohibits mobile homes in this zoning unless the mobile home was a legally permitted non-conforming use. Staff stated the property is approximately 2 acres with a 3,900 sq ft house on the property. Staff stated the mobile home is located behind the house at 540 sq ft. Staff stated a notice was sent to Mr. Leftwich requesting to have the property cleaned up, which included to remove the trailer from the property. Staff stated that Mr. Leftwich is requesting to keep the trailer for a storage facility. Staff discussed with the Board even if the trailer is not being lived in as a residence should Mr. Leftwich be allowed to keep it as storage. Staff stated that the Zoning Ordinance does not contain a detailed definition for a storage building, but the definition of a dwelling does include a sub-section for mobile home/trailers. Mr. Leftwich asked if he could remove the wheels off of the trailer and keep it there as storage. Staff explained that it still considered a mobile home, which are not allowed in this zoning district. The board discussed and asked the question that if Mr. Leftwich owned the property that fronts 31-W which originally had the trailer located on it, would it be grandfathered in at this point since it never left his property. The board, staff, and David Amonette, City Attorney had lengthy discussion regarding the request and the property line location. Staff stated that a plat may have been approved by the county, but did not get approved by the city. Staff stated the intention when the front property at 31W was cut off was to create a separate tract. Staff stated there were no permits obtained to move the mobile home onto the property at the current location. Mr. Amonette asked Mr. Leftwich when the trailer was moved to current location. Mr. Leftwich stated in 2001. Staff stated that the front property was rezoned to commercial in 2005. Mr. Amonette stated that neither the detached garage or mobile home are located on the same tract as the house. Staff stated that per the county's tax records this property is shown as one tract. Staff stated that he would need to do research to see if a nonconforming structure, if moved to another location on the property, is still a nonconforming use. Staff and the Board had discussion regarding if a tract of land is less than 5 acres and it is subdivided, it has to be approved by the City's Planning Commission. Staff stated that he would have to research to see if this was ever approved by the City. The board had discussion to defer this item until staff could research and see if there are two separate tracts and if the mobile home is on separate tract. The board had discussion

if Mr. Leftwich were allowed another accessory building since he is already at the maximum size allowed by the Zoning Ordinance. Staff and board discussed if a mobile home could be used as an accessory structure even if it is not used as residential use. Staff and board had lengthy discussion on the definition of a mobile home as defined in the Zoning Ordinance. Mr. Leftwich stated that the mobile home has not been gutted and that it still has a kitchen and bathroom. Mr. Leftwich stated that it is not tied to sewer services. Mr. Leftwich asked if he stripped the mobile home down and built a storage building to the frame could it be used as an accessory structure. Staff stated it would be different at that point and it would have to be anchored to the ground and the structure could not be moved.

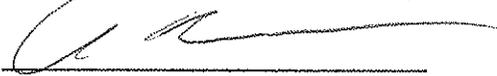
Motion was made to defer until next month's meeting by Dolly Peay, seconded by Matthew West. Motion passed unanimously.

Motion was made to adjourn by Bob Dorris, seconded by Matthew West.

Meeting adjourned at 7:54 p.m.

ATTEST:

Addam McCormick, Secretary



Chairman, John Wilkinson

