

**City of White House
Municipal Board of Zoning Appeals
MINUTES
Tuesday, October 18, 2011**

Call to order 7:00 p.m.
Roll Call
Members Present **Dolly Peay, Bob Dorris, John Wilkinson, Matthew West, Chairman John Decker**

Members Absent

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

Approval of prior minutes-August 16, 2011: Motion was made to approve with corrections by John Wilkinson, seconded by Matthew West. Motion passed unanimously.

AGENDA

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 Decker discussed the request in detail from last month's meeting. Chairman Decker stated that the Board would need to consider if the mobile home is permissible and not the history of private property being moved around.

Motion was made to deny by Dolly Peay based on that it is a nonconforming structure, seconded by John Wilkinson.

Chairman Decker asked staff if Mr. Leftwich could strip the mobile home down to the frame and rebuild it as a storage building. Staff stated that the trailer used to set on the front of the Leftwich property on Highway 31-W. Staff stated per the provisions of the non-conforming use section of the zoning ordinance, staff would interpret the residential use of the trailer including the non-conforming use protection expired and no longer valid since the trailer was moved without a permit. Staff stated that the trailer would need to be made into a non-residential use to be able to be used as a storage structure. Staff stated that he would recommend the sq ft of the trailer be

allowed to be re-built on the site. Staff stated the storage building would have to be permitted and built with a secure foundation. Staff stated that he would not recommend the existing trailer to be permitted to remain on site. Staff stated if the Commission approved the trailer to remain on site, the kitchen and bedroom facilities would be required to be removed from the trailer. The Board discussed the detailed code requirements are staff's responsibilities.

Glen Leftwich was permitted to speak on the request and regarding the process of determining what improvements are required to be completed.

Chairman Decker asked for a vote on the motion made. Dolly Peay voted yes and John Wilkinson voted yes. Matthew West voted no. Bob Dorris voted no. Chairman Decker voted no. Motion died for lack of approval.

Motion was made by Matthew West to approve the appeal to allow a mobile home to remain on property with the stipulation that the structure have a permanent foundation and be stripped down with no kitchen and bedroom facilities and with a six (6) month time line for completion, seconded by Bob Dorris. Motion passed unanimously.

PUBLIC HEARING:

Item # 2 **Ryan Kozlowski**: Requests a special exception for attached residential family living quarters. Property is referenced on Sumner County Tax Map 77-G, Group E, Parcel 14.00. Property is zoned R-15, Medium Density Residential and is located at 312 Christian Drive.

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

Staff stated that in previous requests the Board of Zoning Appeals has interpreted that a separate kitchen facility part of a residential unit set-up including a bedroom and bathroom would be considered a separate dwelling unit under the provisions of the zoning ordinance. Staff stated the requirements of the zoning ordinance regulating residential accessory living quarters would be required to be met and that is a condition of the approval.

Motion passed unanimously.

Item # 3 **Staff:** Requests a review of staff's interpretation of the zoning ordinance regarding when yard and garage sales in residential zoning districts are considered a business.

Staff stated that the City does not have written regulations for yard sales. Staff stated that he has interpreted the zoning ordinance; including definitions from planning related documents, to permit no more than four (4) yard sales per year. Staff stated that recently there has been an issue with the length of a yard sale. Chairman Decker recommended that staff put together an ordinance that focuses on the violators and not citizens who having a yard sales periodically. The Board and staff discussed that parking can become an issue and that yard sales can become more like a business. Staff stated that he contacted the City's Finance Department staff regarding city and state business permit regulations including that state laws are based on the value of the sales (\$6,000) versus the length of the sales. Staff and the Board discussed that staff would work on putting together an ordinance for the next meeting for the Board to review.

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

Meeting adjourned at 7:25 p.m.

ATTEST:

Addam McCormick, Secretary



Chairman, John Decker
