

MINUTES OF THE CITY OF LEBANON
BOARD OF ZONNING APPEALS MEETING

November 25, 2019

The City of Lebanon Board of Zoning Appeals met at the City of Lebanon Town Meeting Hall.

Chairperson Marilyn Bryant called the City of Lebanon Board of Zoning Appeals meeting to order at 5:00 PM.

Board members are Marilyn Bryant, Cliff Carey, Lisa Noble, and Zabrina Seay. Absent was Paul Stumb. Also present were Planner 1 Seth Harrison, Planner 1 Matt Schenk, Planning Director Paul Corder and Plans Examiner Tyler McDaniel.

Motion was made by Cliff Carey and seconded by Zabrina Seay to approve the minutes of the August 26, 2019 Board of Zoning Appeals Meeting. Motion was passed.

OLD BUSINESS

None

NEW BUSINESS

CASE # 19-19 Corey Trout
309 Babb Dr.
Gravel Lot Variance

Planner Seth Harrison Spoke on behalf of staff on this matter. The applicant is requesting a variance at 309 Babb Dr. to create a new gravel lot. The new lot will be contiguous with the current existing gravel lot and will run parallel to Babb Dr. The code states that off-street parking lots shall be surfaced with asphalt, concrete, or other hard surface material and be constructed to provide adequate drainage for both on and off site. The parking lot shall also prevent the release of dust. Staff is not opposed to the gravel lot addition due to the existing gravel lot and the current use of the project on the condition that the gravel be treated with a dust-free agent, any debris be removed from the public right of way, and the lot be properly screened in accordance with parking lot screening requirements.

Corey Trout, with Hamilton Machine CO. spoke in favor of this request. Mr. Trout stated that the additional lot would serve for overflow of the large machinery and equipment waiting to be serviced or picked up. Mr. Trout stated that the lot would need to be gravel in order to prevent large equipment from damaging a concrete or asphalt surface. Cliff Carey made a motion to approve the variance subject to the approve the applicants abiding according to the staff recommendations. Zabrina Seay Second. Motion Passed.

CASE # 19-20

Vick Shah

110 Willard Hagan Dr.

Sign Variance

Planner Seth Harrison spoke on behalf of staff. The applicant is requesting a sign variance to increase the total allowable square footage. The proposed sign is a 7'11" freestanding wall sign with a display surface of 62.67 sq. ft. The maximum allowable square footage of display surface is 40 square feet. The applicant has stated that because of the limited visibility caused by the sloped ground of the interstate ramp, a taller sign is needed. Staff is not opposed to this request due to the topographic conditions to the South of the property and the limited visibility.

Kevin Karoni spoke in favor of this request, stating the limited visibility caused by the interstate ramp. Cliff Carey made the motion to grant the variance. Lisa Noble second. Motion passed.

CASE 19-21

Gray's Auto Unlimited

120 Rocky Road

Zoning Code Violation

Seth Harrison, Planner 1, spoke on this matter. This item has been brought to the Board of Zoning Appeals for a zoning code violation. The current use on the property has been determined by the staff to be a junkyard. Junkyards are classified as a heavy industrial activity and are only allowed by conditional use in the IH zoning district. The property is currently zoned IL which does not support this current use. Alongside the violation of use, the parking requirements for a junkyard have not been met. Parking required for this use is determined by the board during the conditional use permit process. The owner is claiming to be operating as an auto repair shop. Parking requirements for an auto repair shop are 1 space for every 2 employees and 2 spaces for every service bay.

Paul Corder, Planning Director, spoke on the process for the Board of Zoning Appeals handling zoning code violations. Zoning Violations were being taken to City Court until it was realized that city court did not have jurisdiction over zoning cases. A new procedure has been established with help from Andy Wright, City Attorney, to conform with state requirements. If a violation is determined, the City staff will contact the property owner to try and come to a resolution. If the resolution is not met a letter is sent to the property owner to appear before the Board of Zoning Appeals. Once the Board of Zoning Appeals makes their decision, the property owner would be compelled to comply with that decision. If the property owner fails to comply, the next step would be Chancery Court.

Mr. Corder reiterated that in staff's opinion on this matter the property is being used as a junkyard. A video of the site in question was presented to the board. Mr. Corder did receive word that the State of Tennessee would be requiring same permitting at the state level as a salvage yard. The video and photo presented showed the storage of parts and tires which would be more consistent with a junk yard. If the board ruled the site an auto repair shop, parking spaces would still be required.

Thomas Maynard, spoke on this matter representing Mr. Bridges, the leaser of the property. Mr. Maynard stated that the video was taken behind the fence and behind the garage. Since the video was taken the conditions of the property have considerably changed as of the meeting according to Mr. Maynard. Mr. Maynard stated all vehicles on the property are either being repaired or being worked on. It was acknowledged by Mr. Maynard that the lack of parking spaces is an issue but there is room to add spaces. No pictures were presented of the property condition on the day of the meeting. Mr. Maynard

agreed that if this was a junkyard or salvage yard the property would be in violation, but he and his client believe this property is classified as an auto repair. Lisa Noble asked Mr. bridges if he had a dismantler license. Mr. Bridges stated that he did not have a dismantlers license because he would only need one in order to buy vehicles incapable of being repaired. Mr. Corder stated that the storage of parts is what makes staff consider this property a salvage yard. Mr. Bridges stated that they do a lot of restorations and parts are rare for older vehicles, therefore when he finds a part, he buys it and stores them. Mr. Bridges did state they have receipts from taking parts to Lebanon Scrap Yard which would show that progress is being made. Mr. Maynard asked the board for time for his client to show improvement on the property. Mr. Corder stated that Mr. Bridges was contacted about the parking issues in either January or February and stressed to Mr. Bridges that a salvage yard would need to be in the Heavy Industrial District.

The board is to decide interpretation on this property on whether it is to be classified as a salvage yard or an auto repair shop. Zabrina Seay stated that with the video shown by staff and lack of evidence from the owner of the business, they can only assume it is a salvage yard. Mr. Corder stated that it is reasonable to allow the owners to come back to the December 16th meeting with a reasonable course of action. Zabrina Seay made a motion that the board deems the property a salvage or junkyard, but no action is taken until the next meeting when the owner comes back with a plan on how to come into compliance. Lisa Noble seconded. Motion passed.

Request by Staff to set the 2020 calendar for the Board of Zoning Appeals Meetings.
Lisa Noble made the motion to approve the calendar as written. Zabrina Seay second. Calendar passed.
December 12th there is a training from 2pm-6pm.

There being no further business to come before the board. The meeting was adjourned.


Marilyn Bryant, Chairman


Danny Raines, Secretary