



CITY OF MCMINNVILLE, TENNESSEE

101 EAST MAIN ST.
P.O. Box 7088
MCMINNVILLE, TN 37111
WWW.MCMINNVILLETN.GOV

COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING & ZONING DIVISION

PH. 931.473.1204
COMDEV@MCMINNVILLETN.GOV

To: Board of Zoning Appeals Members
From: Community Development
Subject: June 30, 2020 Public Hearings and Meeting
Date: June 25, 2020

The McMinnville Board of Zoning Appeals will meet and hold public hearings on Tuesday, June 30, 2020 at 11:00 am. The BZA meeting will be held at the Park Theater (115 W. Main Street).

1. McMinnville Board of Zoning Appeals meeting called to order
2. Approval of Minutes from May 26, 2020 meeting
3. Review – Variance request for property located at Peers Street (Tax Id: 059K C 01000)
4. Public Hearing - Variance request for sign on property located at Peers Street
5. Review – Variance request for property located at S. Chancery Street (Tax Id: 077 044.03)
6. Public Hearing – Variance request for property located at S. Chancery Street
7. Review – Special Exception request for 401 W. Main Street (Tax Id: 068S E 025.00)
8. Public Hearing – Variance request for property located at 401 W. Main Street
9. New/Old Business
10. Adjourn

Staff Report

Variance request for Peers Street to build a duplex on a lot of 11,250 sf in R-2

The McMinnville Board of Zoning Appeals is reviewing a variance request for a property located at Peers Street, further identified as Map 059K, Group C Parcel 010.00 of Warren County Tax Maps. The property is zoned R-2 Medium Density Residential. The proposed request is a variance to build a duplex on a lot of 11,250 sf; the Zoning Code requires a 14,500 sf lot for duplexes in R-2. The owner came to the Community Development Department for a building permit, and it was determined his plans to build a duplex would require a variance from the BZA.

The property is regularly-shaped, and its dimensions are 75 ft x 150 ft which amounts to an area of 11,250 sf (see attached parcel map and Images 1-3). Along the left side of the parcel, the City of McMinnville has an easement the full length of the property line for a stormwater concrete swale. This easement does not appear to infringe on the buildable area of the parcel. The area of the lot meets the required 7,500 sf minimum for a single-family home in this zoning district. As mentioned above it does not meet the minimum lot size for a duplex, but it does meet the required 75 ft width at the building line required for a duplex with the easement included. The surrounding lots are not uniform, but there are a number of similarly sized lots on the street. When mapping out the required setbacks on this property, the owner is left with 4,050 sf of buildable area.

Recommendation: Denial Based on Criterion A and Criterion D

When granting a variance, it is important that the BZA base their decision on the standards set out in the Zoning Code to avoid appearing arbitrary or inconsistent. When reviewing the criteria for variance, the Board of Zoning appeals shall ascertain that the following are met:

- a. The particular physical surrounding, shape, or topographic conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of the zoning resolution were carried out;
- b. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same zoning district;
- c. The variance will not authorize, in a zone district, activities other than those permitted by the zoning ordinance;
- d. Financial returns only shall not be considered as a basis for granting a variance;
- e. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of the zoning code;
- f. The granting of the variance requested will not confer on the applicant any special privilege that is denied by the zoning code to other lands, structures, or buildings in the same zoning district;
- g. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;
- h. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which property is located; and
- i. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion of public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

The staff finds that the variance does not meet Criterion A. This lot is regularly shaped, has no obvious topographical challenges, or surroundings which would impede the development of this lot. It is

developable, as it meets the minimum requirements for building a single-family home in the R-2 zoning district. Additionally, at only 11,250 sf, the lot is significantly smaller than the required 14,500 sf needed for a duplex. A duplex might bring a greater financial return on the parcel, however as noted in Criteria D for granting variances, variances should not be granted on the basis of financial return. Since there is nothing exceptional in the physical surrounding, shape, or topographic conditions of the property, this request does not meet Criterion A.

Variance request for S. Chancery Street for reduction in parking spots from 45 to 31

The McMinnville Board of Zoning Appeals is reviewing a variance request for a property located at S. Chancery Street, further identified as Map 077 Parcel 044.03 of Warren County Tax Maps. The property is zoned C-2 General Commercial. The request is a variance to reduce the number of required parking spots from 45 to 31. The developer is working with the Community Development staff on their commercial building permit.

The property is slightly irregularly-shaped lot (see attached site plan), and its dimensions are approximately 210 ft x 340 ft which amounts to an area of 2 acres. It sits at the corner of Liberty Lane and South Chancery Street. The property has notable topographic changes along the north and east property lines (see Images 4 and 5), and the whole site is a natural pathway to a drainage basin located in the adjoining parcel owned by Dennis Mayfield.

The proposed building on site will be a 9,100 sf Dollar General. In the Parking Requirements section of the Zoning Code, there isn't a category of use that lines up well with the convenience store and general store use. Staff decided the traffic and amount of time spent at a Dollar General was more akin to a retail bakery or drug store (rather than a grocery store), and this determination gave us the requirement of 1 spot per 200 sf. This would mean the building would require 45 spots. The site plan shows accommodation for 31 spots.

Recommendation: Approval Based on Criterion A

When granting a variance, it is important that the BZA base their decision on the standards set out in the Zoning Code to avoid appearing arbitrary or inconsistent. When reviewing the criteria for variance, the Board of Zoning appeals shall ascertain that the following are met:

- a. The particular physical surrounding, shape, or topographic conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of the zoning resolution were carried out;
- b. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same zoning district;
- c. The variance will not authorize, in a zone district, activities other than those permitted by the zoning ordinance;
- d. Financial returns only shall not be considered as a basis for granting a variance;

- e. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of the zoning code;
- f. The granting of the variance requested will not confer on the applicant any special privilege that is denied by the zoning code to other lands, structures, or buildings in the same zoning district;
- g. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;
- h. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which property is located; and
- i. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion of public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

The staff finds that the variance does meet Criterion A. From discussing the site plan with our staff, we determined that the unique topography and physical conditions of the site create a scenario where significant infrastructure is necessary to process stormwater on site. The site plan shows two detention ponds needed for stormwater management which takes up land that might otherwise be available for more parking. Additionally, the developer has chosen to use a subsurface sewage disposal system instead of tying into the sewer system. While generally speaking hardships created by developers (such as choosing a SSD over a sewer connection) are not grounds for awarding a variance, the stormwater run-off created by the natural topography along the north and east edge of the property is better served by the pervious surfaced needed for the SSD than the impervious surface of a parking lot. To pave this area would require more stormwater infrastructure that would have to extend off site. Because of these reasons, we believe the variance is warranted based on Criterion A.

Special Exception Request for 401 West Main Street for automobile sales

The McMinnville Board of Zoning Appeals is reviewing a special exception request for a property located at 401 W. Main Street, further identified as Map 068S Group E Parcel 025.00 of Warren County Tax Maps. The property is zoned C-1 H-1 Central Business District with the Historic District overlay. The request is to allow the use of the property for automobile sales. The representative, Donna Turner of Turner Automotive, has operated an automobile sales establishment and is familiar with the provisions regulating the servicing, storage repair or sales of automobiles.

The parcel is approximately 20,800 sf in size and sits at the edge of the Historic District (see attached Special Exception Map). The stretch of W. Main Street in front of the parcel is classified by TDOT as a minor arterial. The parcel is flanked by Hardees to the north and Tire Mart to the south across Morrison Street. The building has most recently been used as an automobile repair establishment, Redmond's Automotive Repair (see Image 6). Express Motors, another automobile sales business, is located down the block on East Morford Street.

Recommendation: Approval of Automobile Sales Use

When granting a special exception, it is important that the BZA base their decision on the standards set out in the Zoning Code to avoid appearing arbitrary or inconsistent. When reviewing a special exception, the BZA shall determine there will be compliance with the specific standards for the special exception of automobile sales and rentals in C-1, the rules are as follows:

1. Shall be in conformance with the provisions of Section 14-601 of this Official Zoning Code.
2. Shall not be located on public street of a classification of less than major collector status.
3. Shall be in conformance with the provisions of Section 14-604.6 of this Official Zoning Code.

Additionally, the BZA shall determine that satisfactory provision and arrangement has been made concerning:

1. It is so designed, located and proposed to be operated so that the public health, safety, and welfare will be protected;
2. It will not adversely affect other property in the area in which it is located;
3. It is within the provision of "Uses Permitted on Appeal" as set forth in this Official Zoning Code;
4. It conforms to all applicable provisions of this Official Zoning Code for the district in which it is to be located.

The staff recommends approval of this Special Exception request, as the use meets the requirements of the Zoning Code. An automobile sales establishment would not be detrimental to the surrounding buildings and in fact is similar to the previous use. Traffic, noise, and activity would be compatible with car-oriented surrounding businesses. It meets the street classification requirement as a minor arterial street. It is also a recognized "Use Permitted on Appeal" for the C-1 district. Additionally, the operator is familiar with the provisions regulating businesses selling and surfacing automobiles.