



The Town of Coopertown
2525 Burgess Gower Road
Springfield, TN 37172
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Meeting Minutes

COOPERTOWN BOARD OF ZONING APPEALS

May 20, 2013

I. Call to Order

The meeting was called to order by Chairman, Jim Bice at 5:00 p.m.

II. Pledge of Allegiance

The meeting attendees pledged allegiance to the flag.

III. Roll Call

Members Present:

Jim Bice, Chairman
Thomas King, Vice Chairman
Peggy Ruth
Martha Wall, Secretary
Sam Childs, Mayor

Other Attendees:

Bryan Collins, City Planner
Vicky Bumgardner, Building Commissioner

IV. Approve Meeting Minutes from April 15, 2013.

Chairman Bice asked for a motion to approve the meeting minutes from April 15, 2013.

Mayor Childs made the motion to accept the minutes as presented.
Thomas King seconded the motion.

All those in favor signified so by saying, "Aye".

The motion passed unanimously.

V. New Business:

1. Brenda Rahrer with Sure Fire Fireworks – Temporary Use Application RE: Seasonal Fireworks Sales.

Chairman Bice asked for a motion to approve the application for Temporary Use Seasonal Fireworks Sales.

Thomas King made the motion to approve the Sure Fire Fireworks permit.
Secretary Wall seconded the motion.

All those in favor signified so by saying, "Aye."
The motion passed unanimously.

2. **Life of Leisure Limousines, LLC of 2733 Joe Mac Lipscomb Rd. – Major Home Occupation – Change in Originally Approved Use**

Building Commissioner Bumgardner stated a citizen complaint was lodged regarding the appearance of the property at 2733 Joe Mac Lipscomb as well as her own observation of limos being stored outside rather than in the garage per the agreement in 2011 when a Major Home Occupation was approved for Life of Leisure Limousine Service. After receiving a letter to clean the lot and house the limos a Mr. Chambers came to City Hall to discuss the issue. During that discussion it was disclosed by Mr. Chambers that a construction company was also working out of the garage. Ms. Bumgardner advised Mr. Chambers to come before the Board of Zoning Appeals for a decision on the second, unapproved business and the need to house the limos out-of-sight. Jimmy Chambers told the Board he is a general contractor and that he has a small office in the garage but doesn't actually work out of the garage. The office is used for taking and bidding jobs; he leaves the premises every day. The garage is used for the limo service. Mayor Childs ask what vehicles are used for the construction business. Jimmy Chambers stated his truck, his dad's truck and his son's truck are parked in front of the house. Martha Wall mentioned a bobcat is visible on site. Jimmy Chambers responded that that is his friend's bobcat and it's there only while they are remodeling the basement which should be done in another month or so. Jim Bice asked about the construction trailer parked out back. Jimmy Chambers said he does have a 16 ft. enclosed trailer with the business name on the side; it's used for the construction company but it isn't there all the time. Jimmy Chambers said he'd build an 8 foot fence so that people couldn't see the equipment. Mayor Childs asked if he understood the regulations. Mr. Chambers said he did; he didn't intend to violate any laws. Mayor Childs stated the parcel is not zoned for commercial use and that home occupations should not be visible to passers-by. Jim Bice asked how many people are employed. Jimmy Chambers stated that besides himself and his son, there is one other full-time person employed and everybody else is sub-contractors. As for the limousine service there are two full-time employees and 1 part-time. Jimmy Chambers indicated there is no one is on site but himself.

State Planner Collins stated that he wasn't the State Planner in 2011 when the limousine service was granted approval by the BZA. But records indicate that at that time, the approval by the Board was only for a limousine service. One of the conditions for approving the limo service was the requirement that there be no outside storage. There was approval to allow an accessory building be constructed to house the limousines. The suggestion of building a fence was not part of the conditions discussed in 2011. A home based business must meet the requirements outlined in Section 4.042, item 5. Major Home Occupations of the Coopertown Zoning Ordinance. Regarding a second activity, while Coopertown's regulations don't specifically state you cannot have a second home occupation, by virtue of the limitations on how much of the house can be contributed to the home occupation (25%) or no more than 500 square feet of floor area of the dwelling, (see 4.042, item c) Scale), a second home occupation, by implication, would not be allowable. Mr. Collins went on to say he had researched about a dozen other community's regulations regarding the number of allowable home occupations, before coming to the meeting tonight; all but one were the same as Coopertown. Mr. Collins explained it's limiting the home occupation to where the home occupation doesn't tip the scales as far as the principal intent of that property, which is for a residence. To have a second home occupation is starting to steer away of from the spirit and intent of the residential district.

Jimmy Chambers stated he has an 8 x 10 office and he does everything out of the office. He stated his business is based on a telephone; all over this town, TN, KY, AL and GA. He sits in the office and bids jobs.

Mr. Collins reiterated that the limousine service has been rectified by moving those back into the garage and out-of-sight, however, the second business was not. He went on to say the Board must determine if the second home occupation meets the requirements as outlined in the Zoning Ordinance. He stated that having that second activity could be interpreted as allowing for only one home occupation.

Mr. Chambers stated he'd do whatever it takes to make Coopertown his permanent home and make everyone happy with him because he loves living here. He will do whatever he can do to but he cannot quit his construction company and the limousine service.

Peggy Ruth asked when he started the construction company. Mr. Chambers stated that he was working for a company but they were keeping his money. When they bought the home, within 30 – 90 days after moving here, they pulled a business license and that's when he started working for himself. He stated he was not a storm chaser but he is now on a preferred list with a lot of major insurance companies and is called when needed.

Martha Wall asked if both businesses combined fit the 500 feet maximum regulation. Mr. Chambers said yes. The offices each measure 160 square feet.

Peggy Ruth questioned whether or not the entire garage would need to be included as business space. Mr. Chambers stated his boat, cars, lawn mower, and four wheelers, plus the limos.

Mayor Childs asked for clarification regarding the offices. Mr. Chambers said he uses one office for the limousine service and the other for the construction company.

Mayor asked if he had any signs up visible from the street, for either business. Jimmy Chambers stated, "No." Mayor Childs asked if he could get the enclosed trailer inside because it has signage on it. Jimmy Chambers stated he could if he were allowed to install a fence so that no one would see it.

Jim Bice asked if an addition could be added to the end of the structure. Jimmy Chambers stated he could do that. Mayor Childs asked about moving the boat out to make room for the trailer. Jimmy Chambers said he would not put the boat outside. Some discussion incurred regarding whether or not an addition would be allowable. Jim Bice asked what the physical size of both the garage and house. Jimmy Chambers stated the garage is 100 x 40 (4,000) and the house is 2,600 square feet.

Mr. Collins suggested measuring the limos and other business equipment parked in the garage to determine how much space is being utilized for the businesses vs. the residential activity. He went on to explain that if the enclosed trailer wasn't stored on the property then the business could meet the qualifications for a Minor Home Occupation. The Board is reviewing the first case (Life of Leisure Limousines), which now appears to be in compliance. The Board must now review the second business and whether it meets all requirements of the Zoning Ordinance. In this case, they would need to determine if a second home occupation is allowed.

Peggy Ruth asked about the trucks that have signage, too. Jimmy Chambers stated that his truck and his dad's truck have signage. Mr. Collins stated those equipment vehicles need to be stored inside, as well. Jimmy Chambers said that he cannot put the trucks in the garage and he's not building another building just to store pickup trucks. Mr. Collins advised that the limo service complies with home occupation number one but home occupation number two does not.

Mayor Childs stated we should table the topic for further review.

Jimmy Chambers asked that the Town work with him and explained that the reason the office is in the garage is because of his father's health. Everything I do is out of my truck.

Mayor Childs asked the Building Commissioner the nature of the complaint. Ms. Bumgardner stated the complaint was that the site looked like a construction site. The limousines have been moved inside the garage since a letter of complaint was mailed.

Mr. Collins stated that this case is an *Administrative Review*, rather than a Special Exception; the Board has 60 days to review and make a final determination. Mayor Childs suggested a site visit occur.

Building Commissioner Bumgardner stated the applicant wished to rezone but she advised against it, in part, due to the neighbors not wanting commercial near their homes, and the parcel isn't designated for commercial use per Illustration 13.

Peggy Ruth motioned to table the application for a special exception for a construction business pending administrative review.
Thomas King seconded the motion

All those in favor signified so by saying, "Aye".

The motion passed unanimously.

VI. Old Business

None

VIII. Comments from Members/Citizens

IX. Adjournment

Chairman Bice asked for a motion to adjourn.

Peggy Ruth motioned to adjourn the meeting.
Thomas King seconded the motion.

All those in favor signified so by saying, "Aye".

The motion passed unanimously.

The meeting adjourned at 6:05 p.m.

Original notes generated by Vicky Bumgardner, Building Commissioner.

These minutes are respectfully submitted by: Martha W. Reed 7/19/13
Secretary Date