



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

### COOPERTOWN BOARD OF ZONING APPEALS

July 15, 2013

#### I. Call to Order

The meeting was called to order by Chairman, Jim Bice at 5:08 p.m.

#### II. Pledge of Allegiance

The meeting attendees pledged allegiance to the flag.

#### III. Roll Call

Members Present:

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

Other Attendees:

Bryan Collins, City Planner  
Vicky Bumgardner, Building Commissioner

#### IV. Approve Meeting Minutes from May 20, 2013

Chairman Bice asked for a motion to approve the meeting minutes from May 20, 2013.

Vice Chairman King made the motion to accept the minutes as presented.  
Secretary Wall seconded the motion.

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

The motion passed unanimously.

#### V. Review BZA By-Laws - Formal acceptance

Bryan Collins explained he had been unable to ascertain a copy of the Coopertown Board of Zoning Appeals By-laws therefore he felt it best to re-adopt this document.

Mayor Childs made a motion to approve the By-laws for the Board of Zoning Appeals as presented.

Vice Chairman King seconded the motion.

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

## VI. Old Business

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

Jimmy Chambers, owner of Life of Leisure Limousines and resident at 2733 Joe Mac Lipscomb Road presented his case for conducting two businesses on the same parcel. Staff Comments were supplied by Bryan Collins, State Planner. The Board of Zoning Appeals presented the following facts to the applicant:

- Life of Leisure Limousine service was approved for a Conditional Use permit as a Major Home Occupation in June 2011, contingent upon a structure being built for the purpose of housing the limousines out-of-sight.
- During the May 2013 meeting the applicant was brought before the Board with regard to a violation of the limousine service; the violation involved the limousines being parked outside of the detached garage thus making them visible to passersby. That violation has since been corrected.
- The construction company was only identified after complaints about the appearance of the property were received by the Building & Codes Department.
- The intent of the law governing Major Home Occupations is for only one (1) business, not two (2) or more.
- The maximum square footage allowable for a Major Home Occupation to occupy a principal structure is 500 feet, or 25%.

The applicant stated he could not afford to move his construction company off site but he would be willing to install a 10 or 12 foot wall around the property so that no one would see his construction vehicles, equipment and supplies, or, be allowed to build onto the current garage so that all equipment could be stored out-of-sight.

The Board of Zoning Appeals reviewed the guidelines stated in Zoning Ordinance Article IV, Section 4.042, 5. that are currently in violation with regard to this property.

Item c) *A home occupation shall be conducted within a dwelling and shall be clearly incidental to the use of the structure as a dwelling.*

The applicant stated he had two offices in the out building used to house the limousines.

Item h) *There shall be no display of products visible in any manner from outside the dwelling.*

Multiple vehicles and a trailer have a sticker of the company logo *JSC, LLC* applied to them.

Item k) *No home occupation shall involve the on-site use or storage of tractor trailers, semi-trucks, or heavy construction equipment.*

After some discussion the Board asked that the applicant decide if they wish to forfeit the limousines service and come back before the Board of Zoning Appeals to request a Conditional Use Permit for the construction company. The applicant would be granted 30 days to submit his decision in writing and come back before the Board at their next meeting on August 19, 2013 with his decision. Mr. Chambers asked if he forfeited the limousine service, would he be allowed to do his construction businesses. The Board

explained that all conditions for that Major Home Occupation would need to be met, just as the limousine service was evaluated.

Jim Bice asked for a motion to grant Mr. Chambers 30 days to submit his decision -- whether he wanted to forfeit the limousine company and come back before the Board to apply for a Conditional Use permit for the construction business.

Thomas King made the motion to grant Jimmy Chambers 30 days to submit his decision in writing.

Mayor Childs seconded the motion.

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

The motion passed unanimously.

## **VII. New Business**

### **1. John Grosvenor – Special Exception Request for Church Revival Tent & Signage at 2023 Old Hwy 431 S., Greenbrier, TN**

Applicant was not present when called. Bryan Collins stated that in the past, the Board has tabled discussion on an agenda item until the applicant can be present. Mayor Childs called the applicant who was enrooted. Chairman Bice temporarily tabled this item and moved onto New Business agenda item 2.

### **2. Michael and Becca Werner of 3060 Hwy 49 W., Pleasant View – Application for an Accessory Apartment for In-Laws**

The Werner's explained they wished to construct a detached Accessory Apartment for Becca Werner's parents based on newly approved Ordinance 2013-002 which allows for mother-in-laws quarters be constructed for an immediate family member either in the primary dwelling or as or inside a separate, detached building. The structure would be added to the existing garage – parents to live in the front portion, the laundry room will invade the existing garage space, allowing for one vehicle to park in the garage. The setbacks and square footage met the requirements of the ordinance. The original garage is 36 x 27.5 and with the modification the addition the structure will be just under 1,200 square feet with the entire structure measuring just under 2,400 square feet. The original garage's inside dimensions are 990 sq. ft. - 1008 sq. ft. The addition will measure 1120 sq. feet for a total of 2128 sq. ft.

Chairman Bice stated the ordinance states that you are limited to 1200 square feet or 50% of the first floor of the principal dwelling. Mr. Werner stated he has approximately 2400 sq. ft. of the first floor.

The question was posed - does the square footage include garage space? Bryan Collins stated the regulations allow for a 1200 square feet accessory apartment based on the applicants' first floor measurement of the primary dwelling. This requirement is met if the applicant builds according to the blueprint presented which reflects 1120 sq. ft. Members of the Board suggested that clarification be made to the ordinance with regard to allowable square footage for heated/aired living space versus garage and/or storage space. The applicants' Accessory Apartment plans fall under Level 4 of Ordinance 2013-002.

Bryan Collins asked the applicants about the septic system. The Werners stated they installed a new septic system for the existing house and plan to attach the Accessory Apartment to the old septic system. Chairman Bice asked if the electric is included to which Mr. Werner stated, "Yes". Mr. Collins noted they'd be sharing the same driveway. Ownership will remain under the applicants' names.

Peggy Ruth suggested that a motion be made to approve this Conditional Use Permit application for an Accessory Apartment at 3060 Hwy 49 W., Pleasant View, TN based upon the applicants' responses to the requirements as interpreted during this meeting.

Chairman Bice asked for a motion to approve the Werner's request to construct an Accessory Apartment.

Peggy Ruth made a motion to approve the Werner's request to construct an Accessory Apartment.

Mayor Childs seconded the motion.

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

The motion passed unanimously.

Michael Werner asked if a formal letter would be provided to them from City Hall stating the accessory apartment must be de-commissioned if the in-laws die or move away, or if they sell their property. The Board confirmed that this conditional use is for the Werner's only. Yes, a letter would be sent to them outlining the requirements for compliance, signed by the Board of Zoning Appeals Secretary. A new buyer would need to submit an application to use the space for an Accessory Apartment. Renting the space is prohibited.

The Board continued discussion regarding confusion over the allowable size of an Accessory Apartment and the meaning of the term "structure". Bryan Collins suggested drawing up a few scenarios and see how it applies to various scenarios. The topic will be added to the Planning Commission agenda and if changes are deemed necessary it will be recommended to the Board of Mayor & Aldermen for approval via two readings.

*Agenda Item 1. of New Business was heard at this point in the meeting.*

**John Grosvenor – Special Exception Request for Church Revival Tent & Signage at 2023 Old Hwy 431 S., Greenbrier, TN.**

Mr. Grosvenor requested a Temporary Use Permit to erect a church revival tent on his property from August 15 to September 15, 2013. The applicant said the tents will be set up three (3) days prior to use and will be down before September 15<sup>th</sup>. The church revival times will be from 6:00 p.m. – 9:00 p.m., Sundays 9:00 a.m. – 12 Noon.

Mr. Grosvenor also submitted a sign application for a temporary sign measuring 3' x 4'. Chairman Bice asked Mr. Grosvenor if he planned to illuminate the signs. Mr. Grosvenor stated he had no plans to illuminate the sign. Bryan Collins indicated that if the applicant does change his mind and wishes to illuminate, the regulations state the illumination cannot be directed toward residential properties. Such a change in the original sign application would require the applicant see the Building Commissioner. Chairman Bice asked for a motion to approve the Temporary Use Permit (Special Exception) to erect a temporary church revival tent and temporary sign.

Secretary Wall made a motion to approve Mr. Grosvenor's application for a temporary church revival tent and temporary sign.

Vice Chairman King seconded the motion.

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

The motion passed unanimously.

Before exiting Mr. Grosvenor asked about the status of the Accessory Apartment ordinance. Mayor Childs stated it had passed and suggested Mr. Grosvenor get a copy of the ordinance, review the regulations to see if he meets the requirements, and consult the Building Commissioner with questions.

**VIII. Comments from Members/Citizens**

**IX. Adjournment**

Chairman Bice asked for a motion to adjourn.

Mayor Childs motioned to adjourn.

Peggy Ruth seconded the motion.

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

The motion passed unanimously.

The meeting adjourned at 6:20 p.m.

**Original notes generated by Vicky Bumgardner, Building Commissioner.**

These minutes are respectfully submitted by: Martha Wall 8/19/13  
Secretary Date