

AGENDA

La Vergne Board of Zoning Appeals

August 29, 2023 at 5:30 PM

- Call meeting to order.
- Determine quorum.

ORDER OF BUSINESS

1. Approve Minutes: June 27, 2023 Regular Meeting.

NEW BUSINESS

2. Request for Special Exception to Allow a Day Care. Property located at 200 Kirkside Drive (Tax Map 14G, Group G, Parcel 18). R-3 (High Density Residential) Zoning District. Property owned by Deyonna Fairbanks-Duskin.

ADJOURN

MINUTES OF THE REGULAR MEETING OF THE BOARD OF ZONING APPEALS OF THE CITY OF LA VERGNE, TENNESSEE ON JUNE 27, 2023 IN LA VERGNE CITY HALL, LA VERGNE, TENNESSEE

The La Vergne Board of Zoning Appeals met in a regular meeting on June 27, 2023 in La Vergne City Hall starting at 5:30 p.m. The meeting was called to order by Chairman Graeme Coates.

Members Present

Members present: Chairman Graeme Coates, Charles Jones, and Terrence Smith,

Absent: Vice-Chairman Craig Pollock and Alfred Lane.

Staff Members Present

Staff members present: City Attorney Phillip Dodd, City Planner Bo Logan, Engineering Director Gary Lide, Codes Director Randolph Salyers, Executive Assistant Juliet Williams, and Media Services Jerry Davenport.

1. Approve Minutes: May 30, 2023, Regular Meeting

A motion, made by Chairman Graeme Coates, seconded by Terrence Smith, to approve the minutes of the May 30, 2023 Regular Meeting, was adopted with all voting AYE.

OLD BUSINESS

2. Request for Variance to Parking Regulations in the La Vergne Zoning Ordinance. Property located at 703 Waldron Road (Tax Map 29, Parcel 22.02). R-3 (High Density Residential) Zoning District. Parcel owned by John M. Gilliland Living Trust.

Mr. Bo Logan gave his report.

A motion, made by Chairman Graeme Coates, seconded by Charles Jones, to deny the parking variance request as submitted, was adopted with all voting AYE.

NEW BUSINESS

3. Request for Sign Variance - Property located at 503 New Paul Road (Tax Map 17, Parcel 40.03). I-2 (Heavy Industrial) Zoning District. Property owned by AMERCO Real Estate Company.

Mr. Bo Logan gave his report.

Chairman Coates swore in Mr. Chris Harden, 355 Asbury Ln, Murfreesboro.

Chairman Coates made comments about the report and asked if it was correct. Mr. Harden confirmed it was. Mr. Harden explained the needed signs and the original request. Chairman Coates asked the applicant what variance request this was for. Mr. Harden stated that this request was for signage for the building.

Chairman Coates asked Mr. Logan if this was a new sign request and not part of the Planning Commission's acceptance. Mr. Logan confirmed. Mr. Harden stated that the original design plan had all the signs on it. Mr. Logan explained that the Planning Commission cannot approve the signage, only the Board of Zoning Appeals. A discussion ensued.

Chairman Coates asked if this building and signage reflected their other buildings across the Country. Mr. Harden confirmed it did.

A motion was made by Charles Jones, seconded by Terrence Smith, to approve the request for variance, was adopted with all voting AYE.

ADJOURNMENT

There being no further business to come before this meeting, Chairman Coates declared the meeting adjourned at 5:44 p.m.

Chairman

City Recorder

Approved: _____



Item #: 2.

Item Title: Request for Special Exception to Allow a Day Care. Property located at 200 Kirkside Drive (Tax Map 14G, Group G, Parcel 18). R-3 (High Density Residential) Zoning District. Property owned by Deyonna Fairbanks-Duskin.

Reviewed By: Bo Logan

Summary: The applicant is proposing to operate an in-home daycare business at 200 Kirkside Drive. This location is a corner lot at Nixon and Kirkside Drive. The subject property is zoned R-3.

Per Article II, Definitions, of the City of La Vergne’s Zoning Ordinance, “home daycare” is defined as “any place, home, or institution that receives between five and (5) and twelve (12) young children for less than 24 hours a day, conducted for cultivating the normal aptitude for exercise, play, observation, initiation, and construction. Homes having fewer than five children shall be considered an accessory use.”

According to the zoning ordinance, a home daycare is considered a Special Exception in the R-1, R-2 and R-3 districts. Thus, the applicant is asking the Board of Zoning Appeals for approval to operate a home daycare at this location.

The applicant may have operated similar day cares in other jurisdictions in the past.

The size of this lot is only 0.18 acres, which is far below the 0.50 acre/20,000 square feet standard that is printed in the zoning ordinance. However, the 1/2 acre rule that has been used by the City in the past has been mainly applied to commercial properties. The BOZA will need to decide if the 1/2 acre rule applies in this case, but Staff opines that the 1/2 acre rule probably does not apply to R-3 and R-2 districts because the lots in these districts are so tiny that a 20,000 square foot lot would never be found in R-2 or R-3 zoning to begin with.

In the nearly 4 weeks’ time that the sign on the property has been posted, staff has received zero phone calls.

**Background
Information:**

Other Comments:

200 Kirkside Dr

NIXON WAY

KIRKSIDE DR

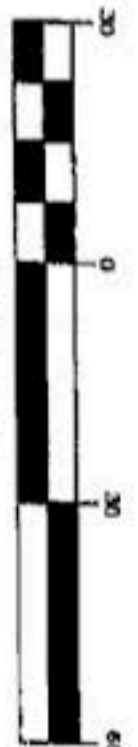


200 Kirkside Dr





MINIMUM BLDG. SETBACKS
 FRONT YARD 15'
 SIDE YARD 5'
 REAR YARD 15'



THIS PLOT PLAN WAS BEEN PREPARED WITHOUT THE BENEFIT OF A SITE INSPECTION OR TITLE REPORT. THEREFORE THIS PLOT PLAN IS SUBJECT TO AN ACCURATE AND UP-TO-DATE TITLE REPORT. THIS PLOT PLAN IS NOT REPRESENTATIVE OF A BOUNDARY SURVEY BY DELTA ASSOCIATES.

WESTCOTT ST
 N 13°08'03" E
 27.80'

NIXON WAY
 N 70°08'45" W
 52.26'
 S 70°08'45" E
 75.02'

KIRKSIDE DR
 S 13°08'03" W
 34.80'

SALES CENTER
 PRELIMINARY
 PLOT PLAN
 HS: ALEXANDER/LHFE/

Owner: LGI Homes

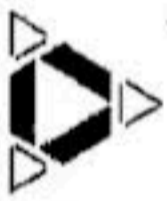
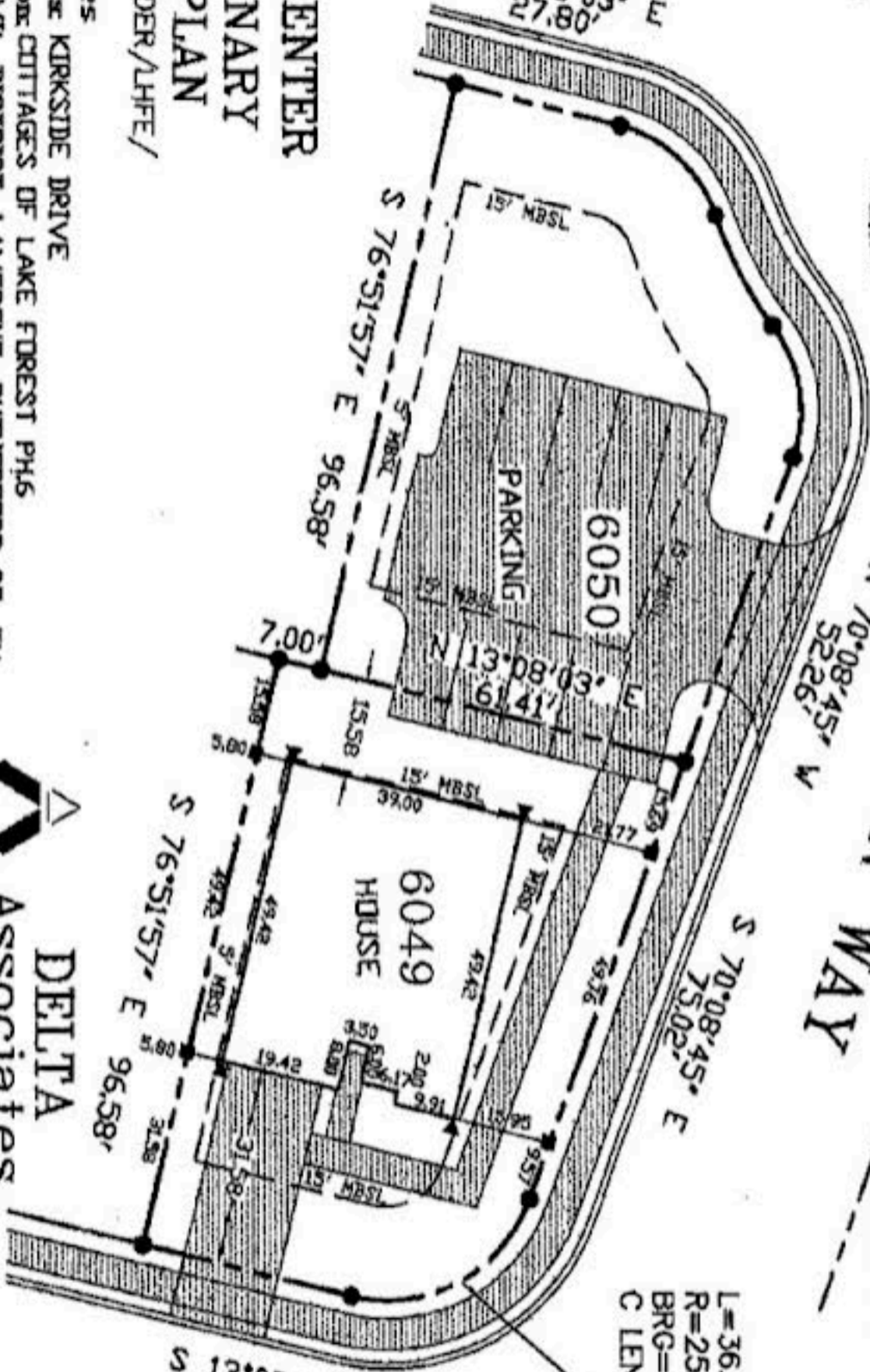
Property Address: KIRKSIDE DRIVE

Property Location: COTTAGES OF LAKE FOREST PH6

Property: 1ST CIVIL DISTRICT, LAVERGNE, RUTHERFORD CO, TN

Recorded: PLAT CAB PG: R.D.R.C., TN

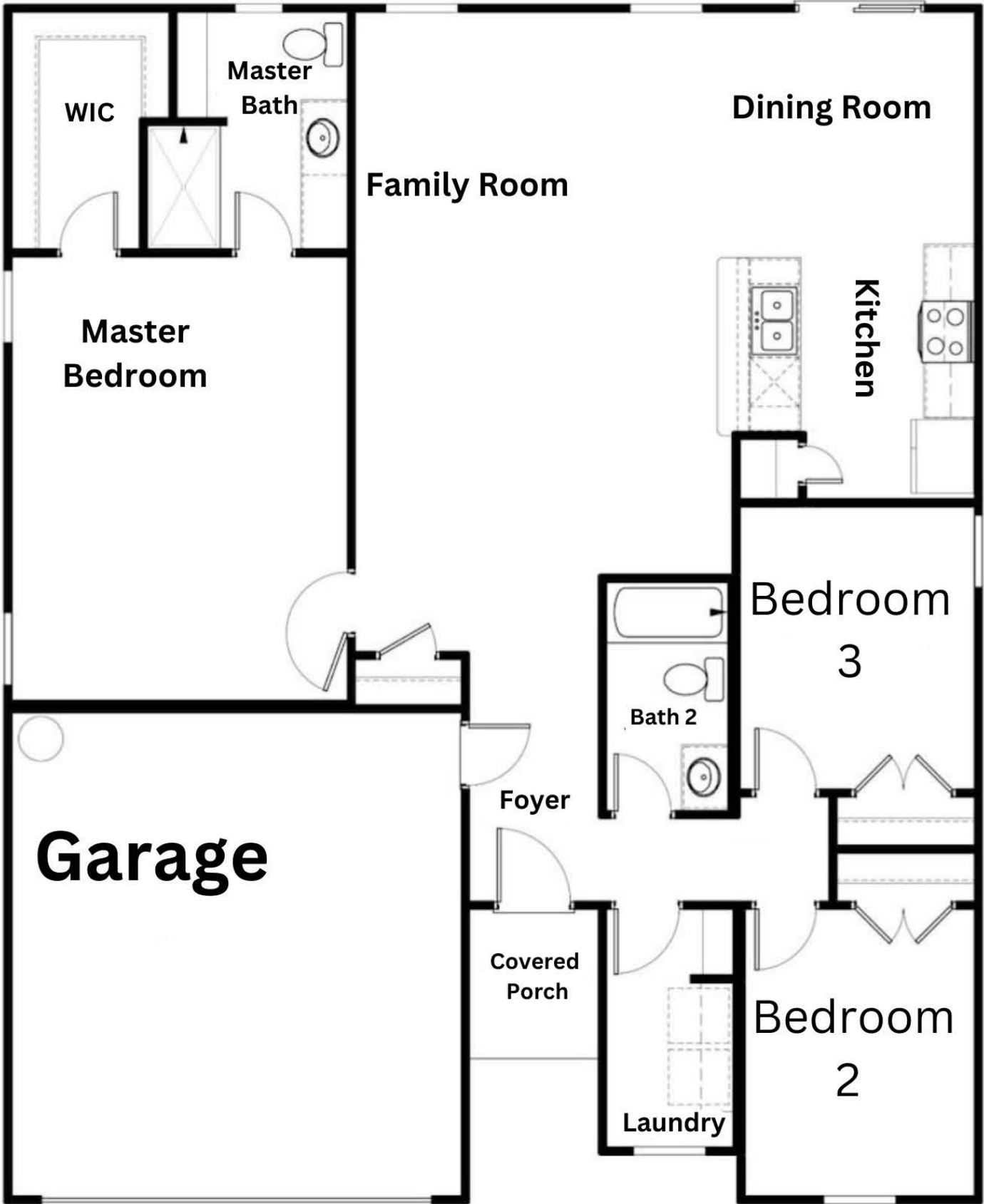
Scale: 1"=30' Date: 5-24-17 Cadfile: CLF6049



DELTA

ASSOCIATES

INCORPORATED
 7121 Crossroads Blvd, Brentwood, TN 37027
 PHONE: (615) 850-3301



5175

City of La Vergne, Tennessee

5093 Murfreesboro Road, La Vergne, TN 37086 ♦ (615) 793-6295

BOARD OF ZONING APPEALS APPLICATION

APPLICANT INFORMATION

(Please Print or Type - Any Correspondence will be addressed to the individual.)

- 1. Date of Application: 7/31/2023
2. Phone Number: 615-397-8965
3. Property Owner's Name: Dejonna A. Fairbanks-Duskin
4. Property Owner's Address: 2000 Kirkside drive, La Vergne, TN 37086
5. Your Name (If Different): ' '
6. Address: Same as above
7. Property Location: Single Family Home

(If additional space is needed, please use an additional sheet of paper.)

Section 1 - Appeal the Decision of the Building Inspector / Codes Enforcement Officer.

8. Decision of the Building Inspector / Codes Enforcement Officer:

(If additional space is needed, please use an additional sheet of paper.)

Section 2 - Application for a Variance / Special Exception.

9. Type of Variance / Special Exception Needed: SPECIAL Exception to Operate AN IN-HOME DAYCARE

10. Peculiar or Unusual conditions which justify the Variance Requested:

(If additional space is needed, please use an additional sheet of paper.)

In granting a variance, the Board shall ascertain that the following criteria are met:

1. Variances shall be granted only where special circumstances or conditions, fully described in the finding of the Board, do not apply generally in the district.
2. Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.
3. For reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance. There must be a deprivation of beneficial use of land.
4. The granting of any variance shall be in harmony with the general purpose and intent of this ordinance and shall not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.
5. In reviewing an application for a variance, the burden of showing that the variance should be granted shall be upon the persons applying therefore.
6. Variances must return to the planning commission for site approval and be accompanied by a written explanation from the Board of Zoning Appeals stating the reason the variances was granted or was not granted.


Applicant Signature

Date: 8/10/23

Certification Statement

I hereby certify that _____ is the owner of the property located at _____ which is the subject of this application, and that I, _____, in my capacity as _____, am authorized to sign this application on behalf of the owner.

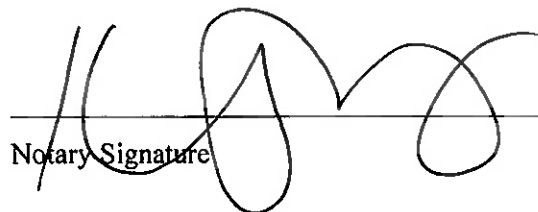
I understand that knowingly providing false information on this Application may result in any action taken heron being declared null and void. I further understand that pursuant to TCA 39-16-301 et seq., knowingly making a material false statement, or otherwise providing false information with the intent to mislead a public servant in the performance of his duty is punishable as a Class B misdemeanor.

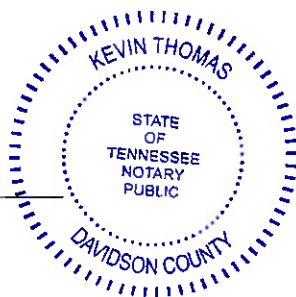

Signature

8/10/23
Date

Doyonna A. Fairbanks - Duskin
Printed Name and Title

Note: A Certification Statement must be submitted with an application form requiring the owner's signature if the owner of the subject property is a corporation, limited liability company, partnership, association, trustee, etc., or if someone other than the owner signs the application. All Certification Statements **must** be notarized.


Notary Signature



8/11/23
Date

**My Commission Expires
March 3, 2026**