

AGENDA

La Vergne Board of Zoning Appeals
March 25, 2025 at 5:30 PM

- Call meeting to order.
- Determine quorum.

ORDER OF BUSINESS

1. Approve Minutes: November 26, 2024 Meeting.

NEW BUSINESS

2. Appeal the Decision of the Building Official, Property located at 535 Old Nashville Highway (Tax Map 18I, Group B, Parcel 29). C-2 (Highway Service) Zoning District. Property owned by Glenn Warnack Etux.
3. Request for Height Variance - Property located at 243 Blair Rd. (Tax Map 32, Parcel 6). R-3 (High Density Residential) Zoning District. Property owned by Martin Shofner. **(WITHDRAWN)**

ADJOURN

MINUTES OF THE REGULAR MEETING OF THE BOARD OF ZONING APPEALS OF THE CITY OF LA VERGNE, TENNESSEE ON NOVEMBER 26, 2024 IN LA VERGNE CITY HALL, LA VERGNE, TENNESSEE

The La Vergne Board of Zoning Appeals met in a regular meeting on November 26, 2024 in La Vergne City Hall starting at 5:30 p.m. The meeting was called to order by Vice-Chairman Craig Pollock.

Members Present

Members present: Vice-Chairman Craig Pollock, Terrence Smith, Justin Greer, and Charles Jones. Chairman Graeme Coates was absent.

Staff Members Present

Staff members present: City Attorney Katie Driver, Executive Assistant Juliet Williams, Assistant City Administrator Kyle Brown, Codes Director Joe White, Engineering Director Gary Lide, and Media Services Jerry Davenport.

ORDER OF BUSINESS

1. Approve Minutes: October 29, 2024 Meeting

A motion, made by Terrence Smith, seconded by Justin Greer, to approve the minutes of the October 29, 2024 Meeting, was adopted with all voting AYE.

OLD BUSINESS

2. Request for Variance to Setbacks - Fourteen Lots Located on Rocky Trail (Tax Map 29P, Group A, Parcels 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, and 62). R-2 (Medium Density Residential) Zoning District. Parcels owned by F & B Development.

This item was deferred. No action was taken.

NEW BUSINESS

3. Request for Height Variance - Property located at 102 Chaney Blvd. (Tax Map 18P, Group B, Parcel 6). R-3 (High Density Residential) Zoning District. Property owned by George and Christiane Nasser.

Mr. Blair gave his report.

Vice-Chairman Pollock swore in Mr. Scott Williams, 4530 Annalee Way, Knoxville, to field questions from the Board. He explained the variance request.

Mr. Greer asked about the height. Mr. Williams explained that the apex would be 47 feet. A discussion ensued. Mr. Greer asked about the pending zoning ordinance. Mr. Blair stated the draft zoning ordinance has not been approved yet. Mr. Smith asked about the current height restrictions. Mr. Blair explained.

A motion, made by Charles Jones, seconded by Justin Greer, to approve the height variance request, was approved with all voting AYE.

ADJOURNMENT

There being no further business to come before this meeting, Vice-Chairman Pollock declared the meeting adjourned at 5:42 p.m.

Chairman

City Recorder

Approved: _____



Item #: 2. **Appeal the Decision of the Building Official, Property located at 535 Old Nashville Highway (Tax Map 18I, Group B, Parcel 29). C-2 (Highway Service) Zoning District. Property owned by Glenn Warnack Etux.**

Reviewed By: Joe White, Bo Logan

Summary: This property is being used for auto salvage, towing and other uses and is approximately 5.9 acres. The parcel is zoned C-2, Highway Service Commercial, by the City of La Vergne.

The applicant requests to appeal the decision of the Building Official and Codes Department regarding the uses occurring on this property pursuant to T.C.A. 13-7-208.

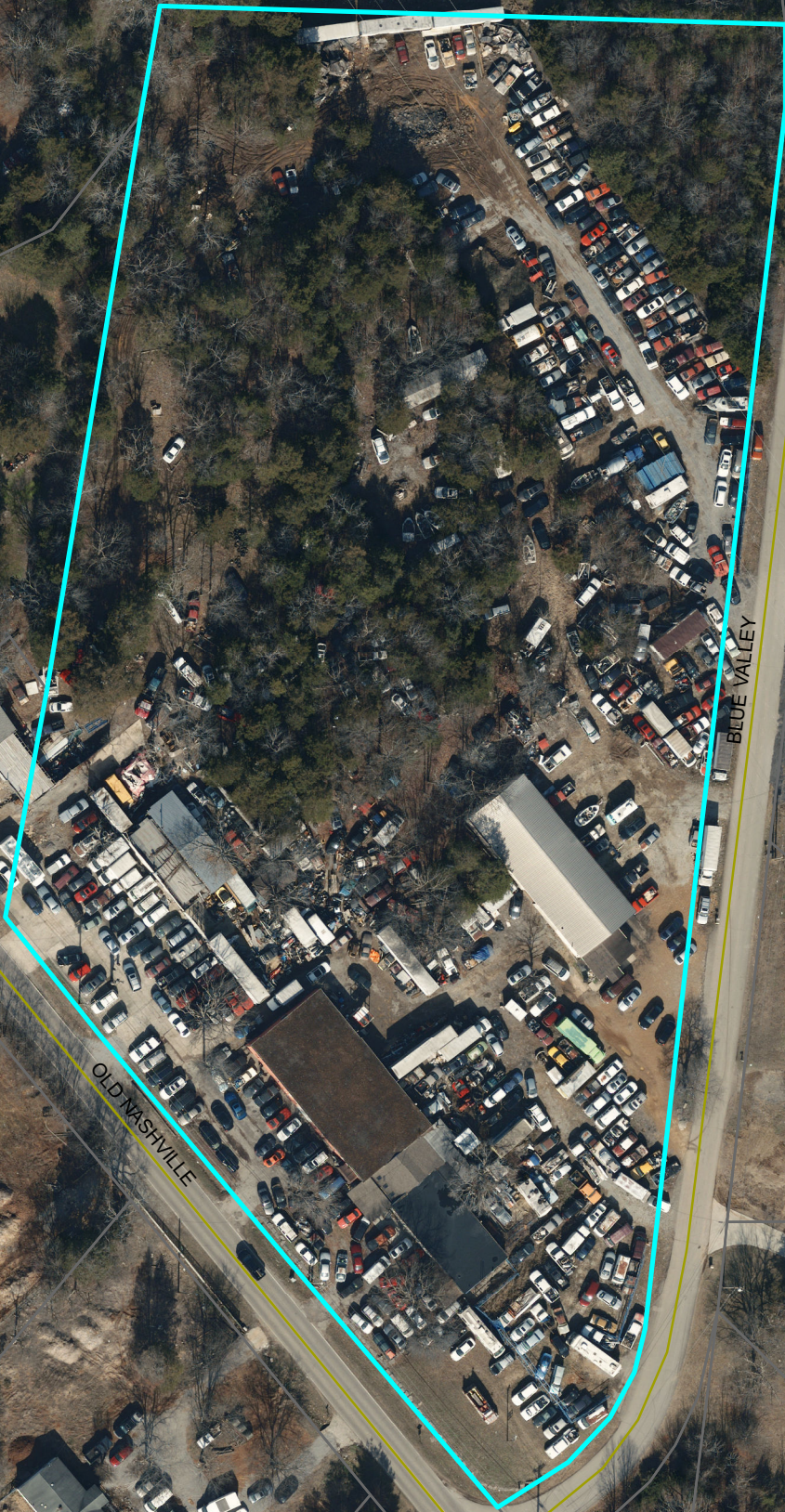
Background Information:

Other Comments:

535 Old Nashville Hwy



535 Old Nashville Hwy



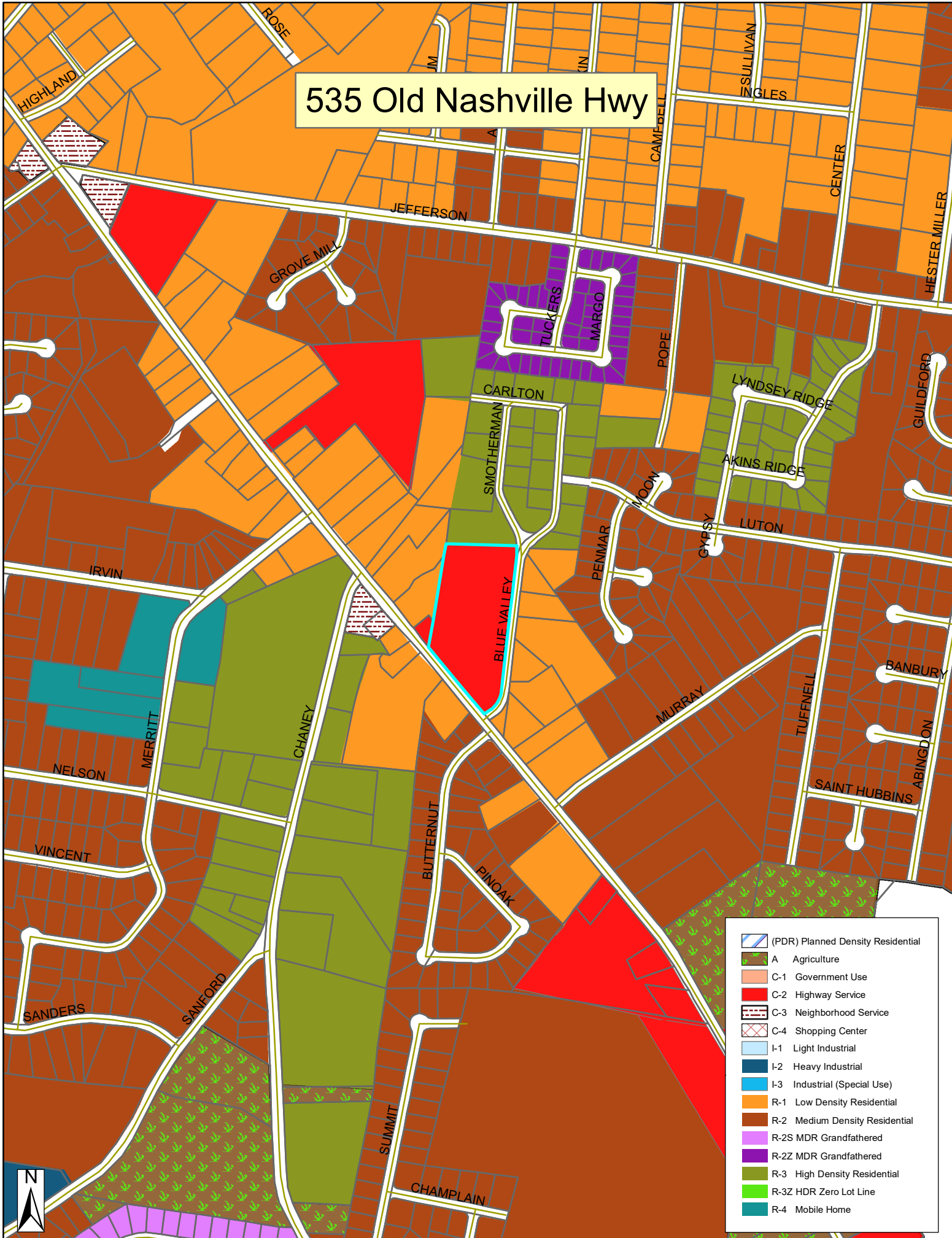
SMOTHERMAN
















BLUE VALLEY

OLD NASHVILLE



535 Old Nashville Hwy



-  (PDR) Planned Density Residential
-  A Agriculture
-  C-1 Government Use
-  C-2 Highway Service
-  C-3 Neighborhood Service
-  C-4 Shopping Center
-  I-1 Light Industrial
-  I-2 Heavy Industrial
-  I-3 Industrial (Special Use)
-  R-1 Low Density Residential
-  R-2 Medium Density Residential
-  R-2S MDR Grandfathered
-  R-2Z MDR Grandfathered
-  R-3 High Density Residential
-  R-3Z HDR Zero Lot Line
- R-4 Mobile Home

BLUE VALLEY RD

LIGHT THE FIRE

BECKSWORTH
TENNESSEE

BB7-2248





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: 12/20/2024 Phone Number: 615-287-9815
615-663-3343 T. Reed
2. Property Owner's Name: Margaret Warnack
3. Property Owner's Address: PO Box 246, LaVergne, TN 37086
4. Your Name (If Different): David Driggers
5. Address: 527 Old Nashville Highway, LaVergne, TN 37086

-
6. Property Location: Tax Map 0181 Group B Parcel 0029.00

527, 535 and 537 Old Nashville Hwy, 111 and 113 Blue Valley Road, LaVergne, TN
(If additional space is needed, please use an additional sheet of paper.)

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

7. Decision of the Building Inspector/ Codes Enforcement Officer: We appeal the matters set forth in the November 21, 2024, letter of R. Moore, Municipal Codes Enforcement Officer. See the attached statement and documents, which are incorporated herein.

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

Section 2 - Application for a Variance / Special Exception.

8. Type of Variance/ Special Exception Needed: _____

9. 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.

Margaret Warnack
Applicant Signature

Date: Dec 19, 2024

[Signature]
Applicant Signature

Date: 12-19-2024

[Signature]
THOMAS L. REED, JR. TN BPR No. 02357
Attorney for Applicants
PO Box 10437
1535 W Northfield Blvd. #8
Murfreesboro, TN 37129

Certification Statement

I hereby certify that Margaret Warnack is the owner of the property located at Tax Map 0181 Group B Parcel 0029.00 527, 535 and 537 Old Nashville Hwy, 111 and 113 Blue Valley Road, LaVergne, TN which is the subject of this application, and that I, Margaret Warnack, in my capacity as owner sign this application on behalf of myself and my tenant approximately 30 years, David Driggers.

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.

Margaret Warnack
Signature

Dec 19, 2024
Date

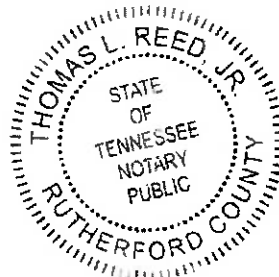
Margaret Warnack Owner
Printed Name and Title

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.

[Handwritten Signature]
Notary Signature

12-19-2024
Date

MY Commission Exp 12-21-2024



Certification Statement

I hereby certify that Margaret Warnack is the owner of the property located at Tax Map 0181 Group B Parcel 0029.00 527, 535 and 537 Old Nashville Hwy, 111 and 113 Blue Valley Road, LaVergne, TN which is the subject of this application, and that I, David Driggers, in my capacity as Tenant, and holder of a limited power of attorney of Margaret Warnack, am authorized to sign this application on behalf of the owner. I also sign this application on my own behalf as tenant of the property for approximately 30 years.

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

12-19-2024

Date

David Driggers, Tenant

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.

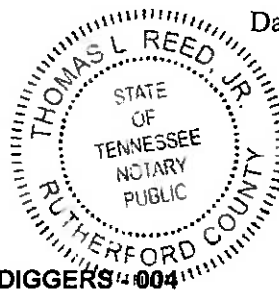


Notary Signature

12-19-2024

Date

My Comm. Exp 12-21-2024



WARNACK & DIGGERS 004

Revised 7/21/08

STATEMENT IN SUPPORT OF BOARD OF ZONING APPEAL

OF

MARGARET WARNACK, OWNER, AND DAVID DRIGGERS, TENANT

This statement and supporting documents are submitted by Margaret Warnack, owner, and David Driggers, tenant, ("Applicants") of the property identified as Rutherford Tax Map 0181 Group B Parcel 0029.00, ("the Property") appealing pursuant to T. C. A. § 13-7-206 (b) the administrative actions of Mr. R. Moore, City of LaVergne Municipal Codes Enforcement Officer as set forth in his letter of November 21, 2024, to the Applicants, attached hereto.

1. Cease and desist all auto mechanic work on vehicles at this location (C2 Highway Zoning District does not allow for heavy auto mechanic work)

The Property is a 5.9-acre tract of improved property that the owner acquired by deed dated January 30, 1969, by deed of record in Deed Book 187 at page 93 of the Registers Office of Rutherford County, Tennessee. The Property was zoned C2 by the county when it was annexed into the city of La Vergne in Circa 1980. At the time of annexation, the Property was leased to Micro Manufacturing. Micro Manufacturing ceased using a portion of the Property in 1994, and Applicant Driggers rented that portion. When Micro Manufacturing ceased renting the balance of the Property in 1996, Applicant Driggers leased the balance of the Property. He has leased the entirety of the Property since 1996.

Prior to moving his business to La Vergne in 1994, Applicant Driggers operated a wrecker and tow service, which he has continued to this day. On December 31, 1995, Applicant Driggers obtained a Motor Vehicle Dealers license from the state of Tennessee Motor Vehicle Commission which has a two (2) year expiration of "12/31/97". (See the attached Motor Vehicle Dealers license that expired in 1997, and several of the other subsequent renewals.) A requirement for a Motor Vehicle Dealers license is for the dealer to have a maintenance shop or contract with someone with a maintenance shop. Applicant Driggers has maintained and operated a maintenance shop since he opened for business at the Property. A second requirement for a Motor Vehicle Dealers license that the city certify that the property is zoned for the proposed use of vehicle sales. Applicant Driggers cannot locate a copy of the original city letter, but a copy of the letter supplied by the City of La Vergne when Applicant Driggers

changed the name of his business, is the June 16, 2010, letter attached hereto, which reads in part as follows:

The parcels located at 519 and 527 Old Nashville Highway in La Vergne, TN, is zoned C-2, which is classified as a Highway Service Zoning District. Vehicular sales are permitted within the C-2 zoning district.

The 1990 zoning ordinance was in effect in 1994. Today's zoning ordinance may not allow all of Applicant Driggers' activities on the Property. However, all of his activities on the Property, including mechanic work on vehicles are legal uses according the zoning ordinance adopted February 6, 1990, which was the law when Applicant Driggers opened his business in 1995. It is the law to be applied to the Property in this instance. The 1990 zoning ordinance reads in part as follows:

5.053.2 C-2, Highway Service District.

A. District Description:

This district is designed to provide adequate space in appropriate locations for uses which serve the needs of the motoring public. Automobile and other vehicular service establishments, transient sleeping accommodations, and eating and drinking establishments primarily characterize this district. In addition, commercial trade and service uses are permitted if necessary to serve the recurring needs of persons frequenting these districts. Community facilities and utilities necessary to serve these districts, or necessary for the general community welfare are also permitted. Bulk limitations required of uses in these districts, in part, are designed to maximize compatibility with lesser intense use of land or building or proximate residential districts. Appropriate locations for this district is along major traffic arteries.

A portion of the 1990 Zoning Ordinance dealing with C-2 zoning is attached.

The "other vehicular service establishments" includes mechanic shops such as Applicant Driggers'.

It is important the members of the BZA be mindful of T.C.A. § 13-7-208, which addresses situations like this where later zoning ordinances are more restrictive. The statute makes it clear the new ordinance cannot be applied to an existing use, such as Mr. Driggers'. T.C.A. § 13-7-208 reads in part as follows:

(b)(1) In the event that a zoning change occurs in any land area where such land area was not previously covered by any zoning restrictions of any governmental agency of this state or its political subdivisions, or where such land area is covered by zoning restrictions of a governmental agency of this state or its political subdivisions, and such zoning restrictions differ from zoning restrictions imposed after the zoning change, then any industrial, commercial or business establishment in operation, permitted to operate under zoning regulations or exceptions thereto prior to the zoning change shall be allowed to continue in operation and be permitted; provided, that no change in the use of the land is undertaken by such industry or business.

T.C.A. § 13-7-208

In the past, the city has limited Mr. Driggers use of his property in disregard of T.C.A. § 13-7-208 (c) and restricted his expansion of a lawful commercial use and prevented Mr. Driggers for replacing a roof over his sales office in disregard of T.C.A. § 13-7-208 (d) (1). These code sections read as follows:

c) Industrial, commercial or other business establishments in operation and permitted to operate under zoning regulations or exceptions thereto in effect immediately preceding a change in zoning shall be allowed to expand operations and construct additional facilities which involve an actual continuance and expansion of the activities of the industry or business which were permitted and being conducted prior to the change in zoning; provided, that there is a reasonable amount of space for such expansion on the property owned by such industry or business situated within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining

landowners. No building permit or like permission for construction or landscaping shall be denied to an industry or business seeking to expand and continue activities conducted by that industry or business which were permitted prior to the change in zoning; provided, that there is a reasonable amount of space for such expansion on the property owned by such industry or business situated within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners.

(d)(1) Industrial, commercial, or other business establishments in operation and permitted to operate under zoning regulations or exceptions thereto immediately preceding a change in zoning shall be allowed to destroy present facilities and reconstruct new facilities necessary to the conduct of such industry or business subsequent to the zoning change; provided, that no destruction and rebuilding shall occur which shall act to change the use classification of the land as classified under any zoning regulations or exceptions thereto in effect immediately prior to or subsequent to a change in the zoning of the land area on which such industry or business is located. No building permit or like permission for demolition, construction or landscaping shall be denied to an industry or business seeking to destroy and reconstruct facilities necessary to the continued conduct of the activities of that industry or business, where such conduct was permitted prior to a change in zoning; provided, that there is a reasonable amount of space for such expansion on the property owned by such industry or business situated within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners.

T.C.A. § 13-7-208

2. Move all illegal vehicle storage to the back of the lot where it was approved (per BOZA March 9th, 2004: automobile storage was to be in the back of the lot and City of La Vergne Municipal Code, Title 13, Chapter 3, Section 13-306 Utilization of Highway Right- of-Way)

There is no illegal storage. The "Tow-In" lot is at the back of the Property and properly fenced. The minutes of the March 9, 2004, BOZA meeting are attached, along with a TVA letter. The minutes speak as written and not as characterized in section 2 or 3 of the November 21, 2024, letter.

3. Remove all trucks, semi-trucks and trailers, campers, buses, and vans from the property in its entirety (per BOZA August 10th, 2004: towing business was approved to store only automobiles. Specifically, no trucks, vans, campers, semis are to be stored on this property.)

There is nothing in the law that requires Applicant Driggers to remove "all trucks, semi-trucks and trailers, campers, busses, and vans from the property in its entirety". He does not believe anything that occurred on August 10, 2004, is applicable to him. He has not been before the BOZA except once before, and it was not in August of 2004. The trailers under the TVA lines and others were in place when Applicant Driggers rented the Property in 1994.

4. Remove all tires, debris, and open storage from the property in its entirety (City of La Vergne, 2018 International Fire Code: Chapter 34, Section 3405 and City of La Vergne Municipal Codes, Title 13, Chapter 1, Section 13-105 Open Storage).

All tires of Applicant Driggers have rims and are stored in lawful locations. Except for vehicles parked on the sales lot, there is no open storage on the front of the Property. Any open storage is in lawful locations. There is no law that prohibits storage of tires with rims at the locations where they are currently located on the Property.

5. Remove the unpermitted sales trailer from the property. (BOZA June 13th, 2000: building was approved temporarily while office was being constructed)

There is no unpermitted sales trailer. The referenced temporary trailer was moved in 2000. The present sales trailer was on the Property when Applicant Driggers leased the property in 1994.

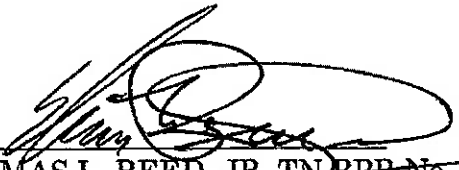
6. Submit a plan on the fencing that needs to be installed around the storage lot off Blue

Valley. (City of La Vergne Municipal Code: Title 13 Chapter 3, Section 13-305
Maintenance of Screens)

Applicant Driggers holds a fence permit and the fence is or will be in full compliance when
this matter is considered on appeal.

7. Complete sign surface maintenance on your current signs that reside on the property
(City of La Vergne Sign Ordinance, page 55, with condition of sign and display
surface maintenance).

The signs are or will be in full compliance when this matter is considered on appeal.



THOMAS L. REED, JR. TN BPR No. 02357
Attorney for Applicants
PO Box 10437
1535 W Northfield Blvd. #8
Murfreesboro, TN 37129



Development Services
5175 Murfreesboro Road
La Vergne, TN 37086
(615) 213-2624
lavergetn.gov

OFFICIAL LETTER

November 21, 2024

Margaret Warnack
PO BOX 246
La Vergne, TN 37086

Re: Municipal Code Violation,
535 Old Nashville Hwy, La Vergne, TN 37086 and 527 Old Nashville Hwy, La Vergne, TN 37086

To Margaret Warnack,

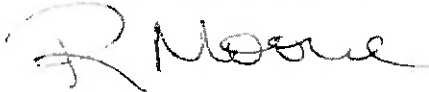
Upon inspection of your property shown on Rutherford County Tax Map 018I, Group B, Parcel 002900, being 535/527 Old Nashville Hwy, La Vergne, TN 37086, we have found multiple codes violations to be present. We also had a meeting on November 19th, 2024 to discuss the violations on the property. The following is a list of the violations and their enforcement references that were recorded during our inspection:

1. **Cease and desist all auto mechanic work on vehicles at this location** (C2 Highway Zoning District does not allow for heavy auto mechanic work)
2. **Move all illegal vehicle storage to the back of the lot where it was approved** (per BOZA March 9th, 2004: automobile storage was to be in the back of the lot and City of La Vergne Municipal Code, Title 13, Chapter 3, Section 13-306 Utilization of Highway Right-of-Way)
3. **Remove all trucks, semi-trucks and trailers, campers, busses, and vans from the property in its entirety** (per BOZA August 10th, 2004: towing business was approved to store only automobiles. Specifically, no trucks, vans, campers, semis are to be stored on this property.)
4. **Remove all tires, debris, and open storage from the property in its entirety** (City of La Vergne, 2018 International Fire Code: Chapter 34, Section 3405 and City of La Vergne Municipal Codes, Title 13, Chapter 1, Section 13-105 Open Storage).
5. **Remove the unpermitted sales trailer from the property.** (BOZA June 13th, 2000: building was approved temporarily while office was being constructed)

6. **Submit a plan on the fencing that needs to be installed around the storage lot off Blue Valley.** (City of La Vergne Municipal Code: Title 13 Chapter 3, Section 13-305 Maintenance of Screens)
7. **Complete sign surface maintenance on your current signs that reside on the property** (City of La Vergne Sign Ordinance, page 55, with condition of sign and display surface maintenance).

You will have 30 days upon receipt of this letter to rectify the above violations. An inspection will be performed when the allotted time has expired. If the violations have not been corrected, you will be cited into City court and Subject to fines and courts costs. If you have any questions please reach out to me at rmoore@lavergnen.net or 615-287-8704.

Respectfully submitted,



R. Moore
City of La Vergne
Municipal Codes Enforcement Officer

CERTIFIED MAIL

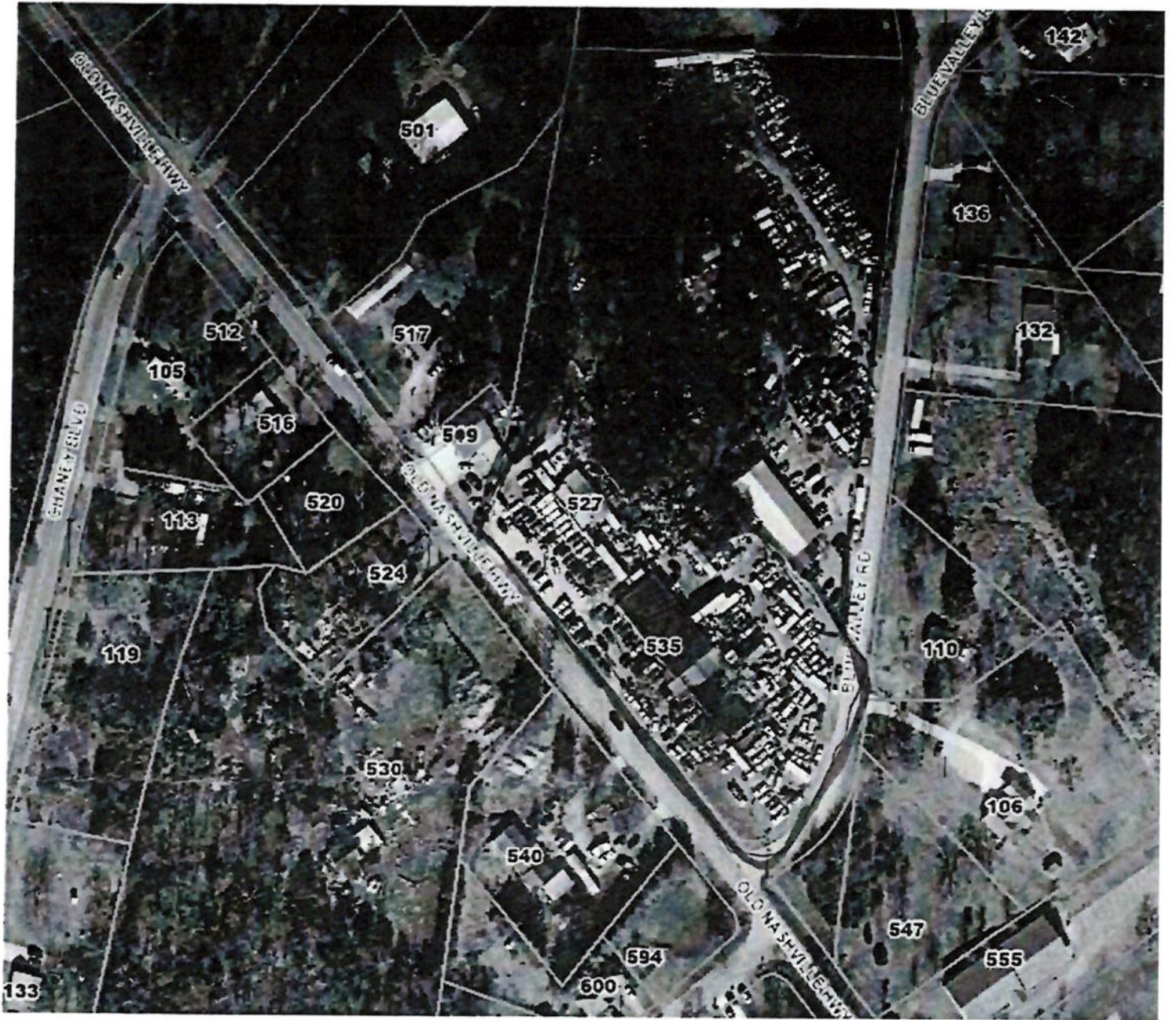


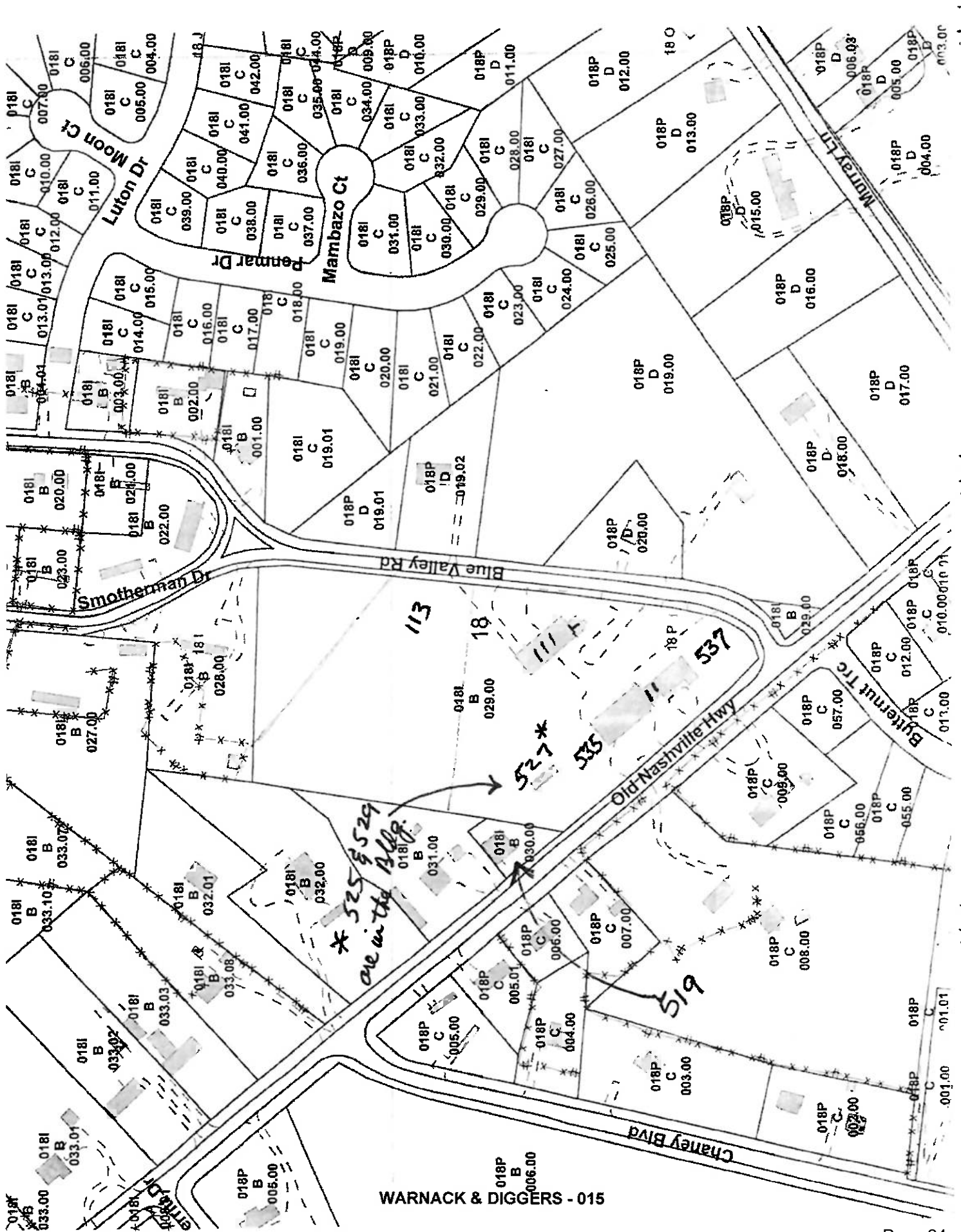
9589 0710 5270 0910 9004 28

*10 of La Vergne
in Morristown Rd
L.V. The 31086*

Margaret Warnack
PO BOX 246
La Vergne, TN 37086

11-22





WARNACK & DIGGERS - 015

State of Tennessee

TENNESSEE MOTOR VEHICLE COMMISSION
MOTOR VEHICLE DEALER
DRIGGERS DISCOUNT AUTO
527 OLD NASHVILLE HIGHWAY
LA VERGNE TN 37086

*This is to certify that all requirements of the State of Tennessee
have been met.*

ID NUMBER: 00008749
LIC STATUS: ACTIVE
EXPIRATION DATE: 12/31/97



IN-1313
DEPARTMENT OF
COMMERCE AND INSURANCE

State of Tennessee

32534

TENNESSEE MOTOR VEHICLE COMMISSION
MOTOR VEHICLE DEALER
DRIGGERS, INC.
527 OLD NASHVILLE HWY.
LA VERGNE TN 37086

*This is to certify that all requirements of the State of Tennessee
have been met.*

ID NUMBER: 00011846
LIC STATUS: ACTIVE
EXPIRATION DATE: 01 31 2002
USED MOTOR VEHICLE DEALER



IN-1313
DEPARTMENT OF
COMMERCE AND INSURANCE

THIS LICENSE CERTIFICATE MUST BE RECORDED IN YOUR COUNTY CLERK'S OFFICE IMMEDIATELY

CEF001

TENNESSEE MOTOR VEHICLE COMMISSION
MOTOR VEHICLE DEALER
DRIGGERS, INC.
527 OLD NASHVILLE HWY.
LA VERGNE TN 37086

*This is to certify that all requirements of the State of Tennessee
have been met.*

ID NUMBER: 00011846
LIC STATUS: ACTIVE
EXPIRATION DATE: 01/31/2008
USED MOTOR VEHICLE DEALER



IN-1313
DEPARTMENT OF
COMMERCE AND INSURANCE

Line Makes are on the back of certificate

THIS LICENSE CERTIFICATE MUST BE RECORDED IN YOUR COUNTY CLERK'S OFFICE IMMEDIATELY.

FRM

973829869

State of Tennessee

TENNESSEE MOTOR VEHICLE COMMISSION
MOTOR VEHICLE DEALER
DRIGGERS AUTO
527 OLD NASHVILLE HIGHWAY
LA VERGNE TN 37086

*This is to certify that all requirements of the State of Tennessee
have been met.*

ID NUMBER: 00017618
LIC STATUS: ACTIVE
EXPIRATION DATE: 10/31/2016
USED MOTOR VEHICLE DEALER



IN-1313
DEPARTMENT OF
COMMERCE AND INSURANCE

Line Makes are on the back of certificate

THIS LICENSE CERTIFICATE MUST BE RECORDED IN YOUR COUNTY CLERK'S OFFICE IMMEDIATELY.

ICFFR12

State of Tennessee

0598564

TENNESSEE MOTOR VEHICLE COMMISSION
MOTOR VEHICLE DEALER

MORRELL MOTORS
527 OLD NASHVILLE HIGHWAY
LA VERGNE, TN 37086

This is to certify that all requirements of the State of Tennessee have been met.

ID NUMBER: 19971
LIC STATUS: ACTIVE
EXPIRATION DATE: June 30, 2019
USED MOTOR VEHICLE DEALER

USND1



IN-1313
DEPARTMENT OF
COMMERCE AND INSURANCE



PLANNING DEPARTMENT
CITY OF LA VERGNE
5175 MURFREESBORO RD
LAVERGNE, TN 37086
PHONE (615) 287-8702 FAX (615) 213-8692
www.lavergne.org

June 16, 2010

RE: Zoning Confirmation Letter – 519, 527 Old Nashville Highway

The parcels located at 519 and 527 Old Nashville Highway in La Vergne, TN, is zoned C-2, which is classified as a Highway Service Zoning District. Vehicular sales are permitted within the C-2 zoning district.

The zoning ordinance with all of the C-2 regulations and uses can be accessed online at <http://www.lavergne.org/services/codes/index.shtml>.

If you have any questions, please feel free to contact me at (615) 287-8702.

Sincerely,

Grant Green
City Planner

WARNACK & DIGGERS - 020

**ZONING ORDINANCE
FOR
LAVERGNE, TENNESSEE**

**FEBRUARY 6, 1990
(Adopted)**

Prepared By

**TENNESSEE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT
LOCAL PLANNING OFFICE
SUITE 11, 624 GRASSMERE PARK DRIVE
NASHVILLE, TENNESSEE 37211-3662
(615) 741-1534**

4. Height Requirements: The maximum height of all buildings located in the C-1 District shall be established as follows, except as provided in ARTICLE VI SECTION 6.030.

a. The maximum building height at the street line shall be four (4) stories or fifty (50) feet.

b. For each foot the building is set back from the street line, the height of the building may be increased by 1.5 feet to a maximum height of sixty-five (65) feet.

5. Parking Space Requirements: As regulated in ARTICLE IV, SECTION 4.010.

F. Landscaping Requirements

The required front yard, extending from the front lot line, shall be maintained as a permanently open, landscaped area, broken only by permitted driveways. Excluding the front yard, two (2) percent of the parking area shall be landscaped. (See Section 3.130C).

G. Outdoor Storage

1. All outdoor storage shall be prohibited in the front yard which shall be interpreted as that portion of the property abutting the portion of the property abutting the right-of-way.

2. Outdoor storage shall take place in the rear yard and shall be screened by fencing or landscaping at least equal to a transitional 2 buffer.

5.053.2 C-2, Highway Service District.

A. District Description:

This district is designed to provide adequate space in appropriate locations for uses which serve the needs of the motoring public. Automobile and other vehicular service establishments, transient sleeping accommodations, and eating and drinking establishments primarily characterize this district. In addition, commercial trade and service uses are permitted if necessary to serve the recurring needs of persons frequenting these districts. Community facilities and utilities necessary to serve these

districts, or necessary for the general community welfare are also permitted. Bulk limitations required of uses in these districts, in part, are designed to maximize compatibility with lesser intense use of land or building or proximate residential districts. Appropriate locations for this district is along major traffic arteries.

B. Uses Permitted

1. Medical offices and clinics.
2. Office buildings for finance, insurance, real estate, legal, engineering, architectural and similar personnel.
3. Hotels and motels.
4. Churches and other places of assembly.
5. Mortuaries.
6. Government buildings and community centers.
7. Utility facilities (without storage) necessary for the provision of public services.
8. Communication services.
9. Day Care Centers.
10. Business colleges and other similar educational services (excluding auto-diesel schools).
11. Convenience retail.
12. Apparel and accessories retail.

C. Uses Permitted as Special Exceptions

In the C-2, Highway Service District, the following uses and their accessory uses may be permitted as a special exception after review and approval in accordance with Article VII, Section 7.060.

1. Warehousing provided no manufacturing is involved, as buffer II screen is provided, and the building does not exceed thirty (30) feet in height.
2. Automobile sales provided a buffer II screen is provided and banner and flag streamers are not placed on the property.

D. Uses Prohibited

Industrial uses, automobile wrecking recycling, junk or salvage yards, van or truck storage, uses not specifically permitted or permitted as a special exception.

E. Dimensional Regulations

All uses permitted in the C-2, Highway Service District shall comply with the following requirements except as provided in Article VI.

1. Minimum Lot Size

No minimum lot size shall be required.

2. Minimum Yard Requirements

Front Yard - 20 Feet

(Two-thirds of the front yard must be dedicated to landscaping).

Side Yard - 10 Feet

Rear Yard - 20 Feet

Building Setback - 35 Feet

3. Maximum Lot Coverage

Provided landscaping and parking requirements are met there is no restrictions on the area occupied by all buildings including accessory buildings on a lot or parcel located in the C-2 District.

4. Height Requirements

No building shall exceed forty (40) feet in height, except as provided in Article VI, Section 6.030.

F. Landscape Requirements

1. The required portion of front yard, extending from the front lot line shall be maintained as a permanently open, landscaped area broken only by permitted driveways.
2. Five (5) percent of the parking area shall be dedicated to landscaping in the C-2 Districts.

3. Also as required in Article III, Section 3.130C.

G. Outdoor Storage

1. All outdoor storage shall be prohibited in the front yard which shall be interpreted as that portion of the property abutting the right-of-way.
2. Outdoor storage shall take place in the yard and shall be screened by solid, non-transparent fencing or landscaping at least equal to a buffer II screen.

~~053.3 C-3, Neighborhood Service Business District.~~

~~A. District Description:~~

~~This district is designed to provide for uses to serve the recurring household needs and personal service requirements of the occupants of nearby residential areas. The permitted establishments are those which provide for regular local shopping and which, therefore, are visited frequently by customers. This district may occur along or away from arterial streets, characteristically are small, and are distributed widely for convenient accessibility by residential area occupants. The bulk regulations are established to provide for maximum compatibility between the commercial activity in the district and adjacent residential activity, and to lessen the concentration of vehicular traffic as compared to other commercial districts providing goods and services for a more extensive marketing area.~~

~~B. Uses Permitted~~

~~In the C-3, Neighborhood Service Business District, the following uses and their accessory uses are permitted:~~

- ~~1. Generally recognized retail business which supplies commodities on the premises for persons residing in adjacent residential areas, such as groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, and notions or hardware, service stations.~~

082756

002116

002116

CITY OF LA VERGNE

RECEIPTS:

RETAIL	\$	2,038.00
RETAIL RATE		1/10 OF 1%
WHOLESALE	\$	8,152.00
WHOLESALE RATE		1/40 OF 1%
EXPIRES		03/31/97
PERSONAL PROP. TAX NO.		0

MINIMUM BUSINESS LICENSE AND GROSS RECEIPTS TAX REPORT

POST AT LOCATION OF BUSINESS	ACCOUNT NUMBER	
	000777	
	ISSUE DATE	EXPIRATION DATE
	09/11/96	03/31/97

DRIGGERS DISCOUNT AUTO
 527 OLD NASHVILLE HWY
 LA VERGNE, TN 37086
 DAVID DRIGGERS
 JOHN DRIGGERS

GROSS RECEIPTS TAX	\$4.06
LESS CREDITS	\$15.00
LESS PERSONAL PROP. TAX	\$0.00
NET TAX	\$0.00
PENALTY	\$15.00
INTEREST	\$0.00
RECORDING FEE	\$5.00
ADVANCE MIN. LICENSE	\$15.00
PENALTY	\$3.00
INTEREST	\$0.55
WARRANT COST	
MISC. COST	
TOTAL RECEIVED	\$38.55

PAID OR PAID AT PRESENTATION

CLASS	2 CLASS TWO	SALES TAX NO.	
TAX PERIOD BEGINS	APRIL 01, 1996	ENDS	MARCH 31, 1997

AUTHORIZED OFFICIAL BY

David Driggers

THIS IS YOUR OFFICIAL NOTICE THAT IF GROSS RECEIPTS TAX IS NOT PAID WITHIN 60 DAYS FROM ABOVE EXPIRATION DATE, A DISTRESS WARRANT MAY BE ISSUED TO SATISFY THE TAX DEBT. FURTHER NOTIFICATION OF EXPIRATION IS NOT REQUIRED BY LAW. PLEASE MAKE NOTE OF THESE DATES. IF PAID BY CHECK, THIS LICENSE VALID ONLY AFTER CHECK IS PAID. THIS LICENSE DOES NOT PERMIT OPERATION UNLESS PROPERLY ZONED, AND/OR IN COMPLIANCE WITH ALL OTHER APPLICABLE LAWS/RULES.

—POST AT LOCATION OF BUSINESS—
If Business Closes, Moves, or Changes Owners. Notify this Office.

DETACH THIS PORTION FOR CONFIDENTIAL FILE



Tennessee Valley Authority, 1185 Antioch Pk., Nashville, Tennessee 37211-3101

February 11, 2004

Tina Mosley
149 Greenwood Drive
LaVergne, Tennessee 37086

Dear Ms. Mosley:

**SMYRNA - HURRICANE CREEK 161 KV TRANSMISSION LINE - LW-2826 SHEET 27 -
BETWEEN STRUCTURE 76 & 74 - PROPERTY OWNER LANDUSE - RUTHERFORD COUNTY,
TENNESSEE**

This letter is in response to our telephone conversation and the site visit to the subject TVA transmission line right of way.

TVA will offer no objection to the current land use of the property owner as long as there is no interference with TVA's operations. TVA exercises valid easement rights effecting this property, and our indication that we have no objection to the current land use of the property owner this in no way effects or changes such previous rights TVA has to construct, operate, protect, maintain, and readjust these facilities within the right-of-way. Therefore, if revisions or modifications are made in the area of TVA's right-of-way, either in design or during construction, TVA should be notified as soon as possible.

Additionally,

- No permanent structures should ever be erected on TVA easements.
- Flammable materials should never be stored on TVA Easements.
- No work should be done that will be within TVA's minimum heights clearances.

If you have additional questions please contact Casey Henley (615) 781-4782

Sincerely,

Andrew L. Todd
Transmission Service Manager
Nashville Transmission Service Center

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.)

CALL 828 0637

1. Date of Application: 10-14-03 2. Phone Number: 615 793 4469
3. Property Owner's Name: Mrs GLEN WARNACK / LEASE DRIGGERS INC
4. Property Owner's Address: 111 Blue Valley Rd
existing fence 525 Old Nashville Hwy
5. Your Name (If Different): _____
6. Address: _____
7. Description of Problem: FENCE FOR Toll Lot

(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: APPEAL Decision To
DENY A Toll SERVICE IN C-2 (Highway Service) CURRENT ZONING
(If additional space is needed, please use an additional sheet of paper.)

Section 2 - Application for a Variance.

9. Type of Variance Needed: _____
10. Peculiar or Unusual conditions which justify the Variance Requested: _____

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

G. L. Warnack DBA DRIGGERS INC
Applicant Signature

Date: 10-14-03

WARNACK & DIGGERS - 028

MINUTES OF THE REGULAR MEETING OF THE BOARD OF ZONING APPEALS OF THE CITY OF LA VERGNE, TENNESSEE ON MARCH 9, 2004 IN LA VERGNE CITY HALL, LA VERGNE, TENNESSEE.

The La Vergne Board of Zoning Appeals met in a regular meeting on March 9, 2004 in La Vergne City Hall starting at 5:18 p.m. The meeting was called to order by Vice-Chairman Carlos Black.

Members Present

The following members were present: Vice-Chairman Carlos Black, Brian Roberge, Senna Mosley, and Babette Harrigan.

Chairman Kathy Morgan was absent.

Staff Members Present

The staff members that were present included: City Recorder Bruce Richardson, City Planner Jerry Kelly, Codes Director Jason Beavers, Planning / GIS Coordinator Adam Sanders and Jerry Davenport, Media Services.

Approval of Minutes

A motion was made by Babette Harrigan, seconded by Bryan Roberge, to approve the minutes of the February 12, 2004 Regular Meeting, was adopted with all voting AYE.

OLD BUSINESS

1. Appeal the Decision of the Codes Enforcement Officer - 111 Blue Valley Road.

Mr. Jerry Kelly made some comments regarding the zoning of the property.

Mr. Bruce Richardson made some comments regarding the zoning. He stated that the rezoning that Mr. Driggers has been referring to in 1994 or 1995 was not actually a rezoning. It was a re-classification of the water usage for the water billing department.

Mr. Kelly made some additional comments regarding the square footage of the storage area.

Mr. David Driggers made some comments regarding the square footage. He then made several comments regarding the zoning of the property.

Mrs. Senna Mosley asked Mr. Driggers if he has had his towing service since 1995.

A lengthy discussion ensued.

Discussion ensued regarding the zoning of the other tow service lots in La Vergne.

Mr. Driggers made some comments regarding the fence that he was required to install by Mr. Dwayne Hicks.

Mr. Kelly made some comments and stated that he feels the staff has fulfilled the board's request in finding additional information. He stated that the board wanted to nail down a certain size area to see how much storage space was going to be moved.

Discussion ensued regarding the zoning to industrial.

Discussion ensued regarding the zoning of the property when it was annexed into the city.

Discussion ensued regarding the water reclassification.

Discussion ensued regarding a non-conforming use.

Discussion ensued regarding the possibility of finding additional information to determine the original zoning of the property.

Mr. Driggers made some comments regarding the fence and the size of the storage lot.

Ms. Babette Harrigan made some comments regarding the original motion and that this item has come back before this board because it was not done by the rules.

Mr. Brian Roberge made some comments regarding the reasons he voted the way he did on the original motion. He stated that his vote was on the assumption that what Mr. Driggers was doing was already approved by the city and that there was no additional expansion of services being done. Now what we are hearing is that he now wants to, or has been, operating a tow service and we are in some way giving that tow service an approval. It was already in existence and was an approved business by the city I have no problem for approving it back to a smaller lot. But if he is asking for an additional right to do something, other than what he had been doing, and I have heard recovery service being one thing, towing service being another, so I'm still confused by what you're actually doing there.

Mr. Driggers stated that he tows, he does his own recovery work as well, but he has a tow service. He stated that he had a tow service even before he came to La Vergne. The city told him to put up the privacy fence, that was their requirement then, and the state's requirement was that he have a separate office, which he has.

Mrs. Mosley stated that the city told her that he got his business license - La Vergne Towing under David Drigger - on 10-27-03 and anything prior to that he was running illegal.

Mr. Driggers explained the structure of his business. He stated that he is doing the same thing he has been doing. He also stated that he has all of his tow receipts where he has been towing since 1994.

Mr. Roberge asked if Mr. Driggers received anything from the city approving a tow service. Mr. Driggers stated that he does not remember. He has never towed for the city.

Mr. Kelly stated that he is not prepared to give a recommendation until he knows from Mr. Driggers exactly how much area of square footage that he is wanting to move.

Mr. Driggers explained what he is moving. He wants approval to move the storage lot from the front to the back of the property.

Mr. Kelly recommended that the Board approve the relocation of approximately 47,700 sq. ft. from the existing service areas to that portion of the property underneath the electric line easement. As a further condition, paragraphs A, C, D, and F of Section 4.090 of the Zoning Ordinance be a condition of that motion.

Mr. Kelly stated that the portion of the request regarding an approval for a tow service will be considered later when more information can be obtained.

Discussion ensued regarding the staff recommendation.

Mrs. Mosley made some comments regarding everyone being treated the same.

Discussion continued regarding the recommendation.

A motion was made by Brian Roberge, seconded by Babette Harrigan, to modify the decision of the Codes Department and to allow Mr. Driggers to move the storage area he had in October to the redefined storage area under the power lines meeting paragraphs A, C, D and F of Section 4.090 of the Zoning Ordinance and subject to the fence being a minimum of 8 feet tall, was adopted following a roll-call vote.

Babette Harrigan	AYE
Senna Mosley	NO
Carlos Black	AYE
Brian Roberge	AYE

Mr. Kelly stated that Codes is reviewing all existing tow service lots. He stated that if the zoning ordinance amendment is approved by the Planning Commission and City Council, no new towing lots will be allowed in a C-2 zone. They will be allowed only in an industrial zoning district. This would apply to new businesses only.

STOP WORK

JURISDICTION

OFFICE OF BUILDING OFFICIAL

NOTICE

This building has been inspected and

- General Construction
- Concrete, Masonry and Finish Cement Work
- Lathing
- Plastering
- Elevators
- Plumbing
- Mechanical Work
- Electric Wiring
- Gas Piping

IS NOT ACCEPTED

Please correct as noted below before any further work is done.

— NOTE —

Date

Inspector

Do Not Remove This Notice

2-25-13

Jorn

DETACH and Bring this Portion of Card With You.

Location:

527 Old Nashville

Date

2-25-13

City of LaBogue

JURISDICTION

Thomas R. R. R.

INSPECTOR

FORM 400.7

B-9