# **Meeting Agenda**

Meeting:

City of Millersville Board of Zoning Appeals

Date:

January 7, 2025

Time:

6:00 pm

Location:

Millersville City Hall

1246 Louisville Hwy, Goodlettsville, TN 37072

- I) Call to Order
- II) Invocation/Pledge of Allegiance
- III) Introduction of Brian Halma, GNRC
- IV) Roll Call
- V) Public Comments on agenda items
- VI) Approval of Minutes
- VII) Old Business None
- VIII) New Business (For each item, staff comments, then opportunity for applicant to speak, and discussion)
  - 1) Jason Frazer Variance Request
  - 2) Michael Howard Variance Request
  - 3) Jeffrey Caldwell, Jr. Conditional Use
- IX) Planner Comments
- X) Board of Zoning Appeals Member Comments
- XI) Adjournment

1. Jason Frazer of 1349 Shell Rd. requests a variance to build an accessory dwelling on the property identified on Sumner County Tax Map 118 as Parcel 076.01, zoned RR,

Rural Residential, containing ±7.9 acres

The applicant is seeking to construct an accessory structure that would serve as storage for a boat and provide an accessory office.

The property is identified on Sumner County Tax Map 118 as Parcel 076.01.

The site is currently vacant.

### Analysis

The applicant applied for a permit to construct an accessory structure.



Figure 1 – Tennessee Property Viewer Sumner County Tax Map 118, Parcel 076.01

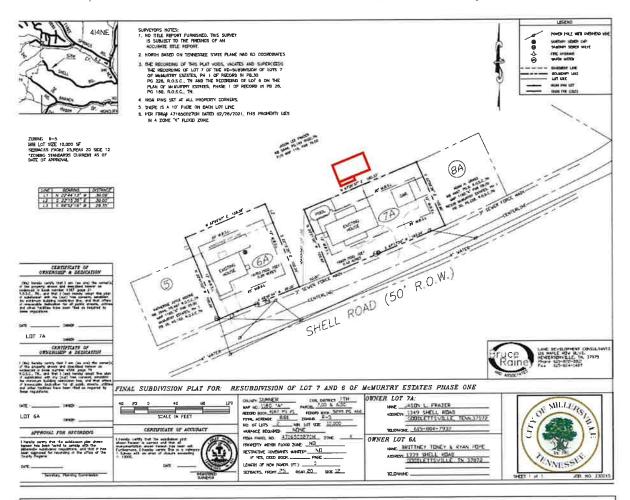
Per the Millersville Zoning Ordinance, any accessory structure must meet certain requirements:

- A. Directly serve the principal use or structure;
- B. Be customarily accessory and clearly incidental and subordinate to principal use or structure:
- C. Be subordinate in area, extent, and purpose to the principal use or structure;
- D. Be owned or operated by the same person or company as the principal use or structure;
- E. Be located on the same lot as the principal use or structure;
- F. Together with the principal use or structure, shall not violate the bulk, density, parking, landscaping, or open space standards of this Ordinance; except that a variance or conditional use may be granted (whichever is applicable see Table 1) from the standards contained in Chapter 10.4.1.4, 10.4.1.5, and 10.4.1.6 and from the minimum setback/yard requirements of this Ordinance;
- G. Not to be constructed or established prior to the time the principal use or structure is constructed or established; and
- H. Not constitute a combination use, which is the combination of two principal uses. Combination uses will not meet the above standards in terms of being subordinate or providing service to the principal use.
- I. Be a permitted or conditional use in the zone in which it is located or specifically listed as an accessory use in Chapter 10.4.2-23 or as allowed by Chapter 10.4.1.3.B.

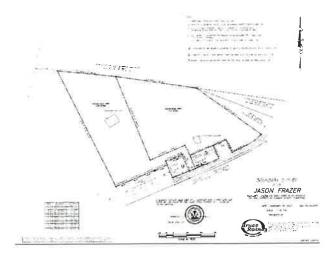
The application for permit was denied as it did not meet requirement E, since it is on a different lot than the principal use.

The applicant is requesting a variance from the requirement that the accessory structure be on the same lot as the principal structure. The applicant is willing to record a covenant on Parcel 076.01

that if the property on Tax Map 118D, Group A, Parcel 007.00 (which contains the principal use) is ever sold, that Parcel 076.01 would be sold at the same time to the same purchaser.



Proposed location of accessory structure



The height of the existing residence is 29'. The height of the proposed accessory structure is 17'.

It should be noted that a Minor Home Occupation is not allowed in a detached building, and a Major Home Occupation requires approval from the Board of Zoning Appeals to be operated in a detached structure.







# Variance Process

The Millersville Zoning Ordinance outlines four criteria in Section 4.4.5 Findings of Fact that must be met to grant any variance and four factors for consideration:

# 4.4.5 | FINDINGS OF FACT

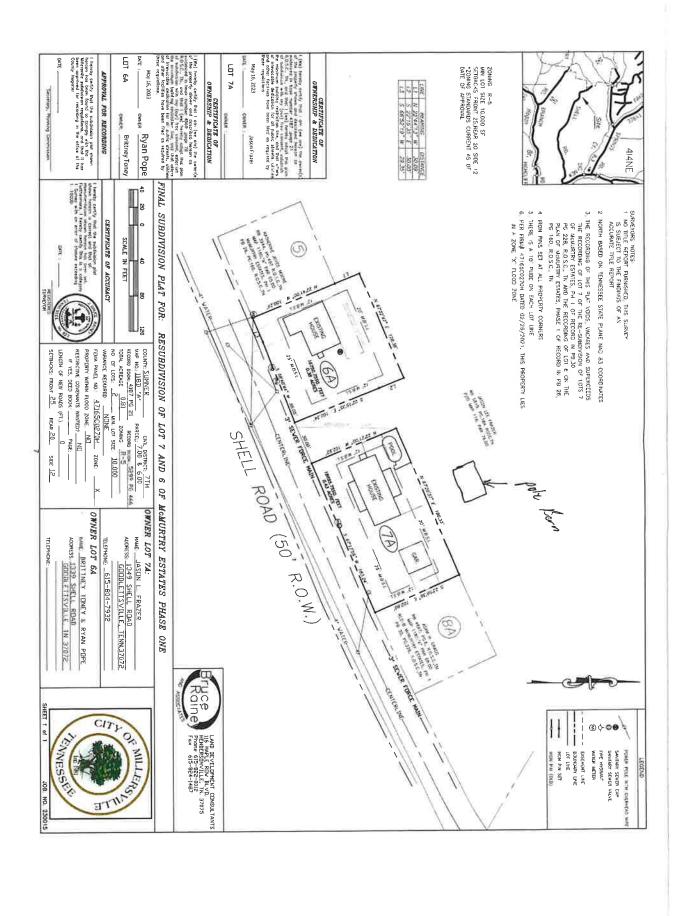
- 1. No variance from the provisions of this Ordinance shall be granted unless the Board of Zoning Appeals makes specific written findings of fact based directly on the standards and conditions imposed by this Section. These standards are as follows:
  - A. That by reason of exceptional narrowness, shallowness, or shape of a particular piece of property at the time of enactment of this Ordinance, or by reason of exceptional topographic conditions or other exceptional and extraordinary situation or condition of such piece of property, the strict application of any bulk standards contained within this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of such property.
  - B. The variance is the minimum variance that will relieve such difficulties or hardship and make possible the reasonable use of the land, building, or structure.
  - C. The variance will not authorize uses in a zone district other than those permitted by this Ordinance.
  - D. Financial considerations shall not be considered as a basis for granting a variance.
- 2. The Board of Zoning Appeals in making its findings of fact, may inquire into the following evidentiary issues, as well as any others deemed appropriate:
  - A. The granting of the variance will not be detrimental to the public welfare, injurious to other property or improvements in the area in which the property is located, or a substantial impairment to the intent and purpose of the zoning district where the property is located or the general provisions of the Ordinance.
  - B. The proposed variance will not impair an adequate supply of natural light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety, or impair property values within the neighborhood.
  - C. The alleged difficulty or hardship has not been knowingly or intentionally created by any person having an interest in the property.
  - D. The proposed variance is consistent with the spirit and intent of this Ordinance and the adopted Land Use and Transportation Plan.

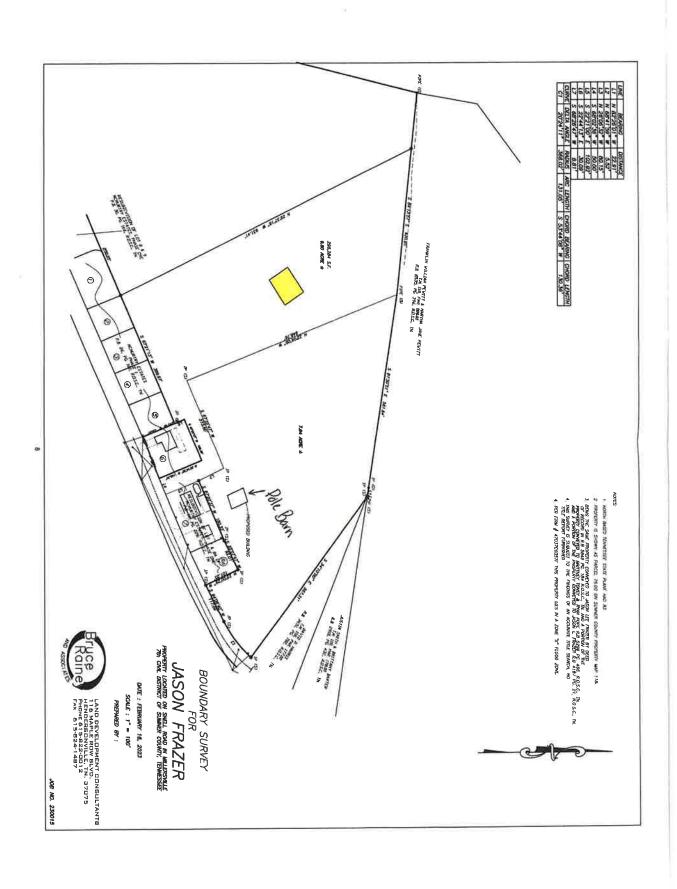
## A staff recommendation will be provided at the meeting upon request End of Comments

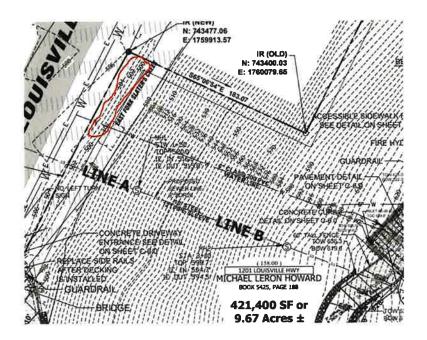


# Variance Application

1.	Applicant or Project Name: Jason Frazer / 1349 Shell Rd Pole Barn						
2.							
3. Date of written denial of a Permit Application:							
4.							
	of the property that results in particular hardship (a survey or drawing may be provided						
	to assist with your descriptions): 7,94 acres behind 1349 Shell Rd Lot 74 will be used to build bown. Born to set back 20+ feet behind Lot 7A property line. Proposed born will be the same grade as 7A Lot.						
5.	Please describe your proposed minimal modifications to the property's permitted Standards including Setbacks according to the existing Zoning District (a survey or						
	drawing may be provided to assist with your descriptions): Plan is to build a 30 x 40 Pole bourn with 10 x 10 garage door. It will include to windows and two walkthrough doors. Bourn to be setback 20+ ft off property line.						
6.	Are there any nonconforming or prohibited uses, structures, or buildings per the existing Zoning District Standards existing on the property?  Yes  No						
7.							
٠.	person having an interest in the property?						
8.	Please select a Variance category:  General \$300.00						
	Residential Accessory Structure \$ 50.00						
	Please make check payable to the City of Millersville						
	Paid by: CASH OR CHECK#: 207/ Date: 10-10-24						
	1						
	Signature of Applicant:						
	Please print name & title: Jasan Frazur 6/5-804-7932						







Proposed location of food truck shown in red.



2. Michael Howard, CEO of Fat Meats BBA, located at 1201 Louisville Hwy, requests a variance on the front setback requirement for a mobile food truck located on the property identified on Sumner County Tax Map 121 as Parcel 158.00, zoned GC, General Commercial, containing ±9.74 acres

The applicant is seeking to operate a mobile food truck on the subject property.

The property is identified on Sumner County Tax Map 121 as Parcel 158.00.

A portion of the site is located in the AE Flood Hazard Zone.

### **Analysis**

The applicant placed a mobile food truck at the subject property after receiving a conditional approval from the City of Millersville. It was noted that the conditional approval was issued in error, and the approval was revoked on July 18, 2024, with 4 items noted:



Figure 1 – Tennessee Property Viewer Sumner County Tax Map 121, Parcel 158.00

- A formal application for use was not submitted to the planning department for review.
- Placement of the structure, trailer, and parking area occurred without an approved application.
- All uses of a commercially zoned property must first obtain approval from the City of Millersville to verify compliance with all city ordinances.
- The business license issued by the city is for business tax purposes consistent with state law. It is not an authorization to operate a business in the City of Millersville.

The applicant is seeking to fulfill the requirements to resume the business at the subject property. The applicant is requesting a variance from the requirement that a mobile food truck be 100' from the right of way.

### Variance Process

The Millersville Zoning Ordinance outlines four criteria in Section 4.4.5 Findings of Fact that must be met to grant any variance and four factors for consideration (Staff notes are in italics):

### 4.4.5 | FINDINGS OF FACT

- 1. No variance from the provisions of this Ordinance shall be granted unless the Board of Zoning Appeals makes specific written findings of fact based directly on the standards and conditions imposed by this Section. These standards are as follows:
  - A. That by reason of exceptional narrowness, shallowness, or shape of a particular piece of property at the time of enactment of this Ordinance, or by reason of exceptional topographic conditions or other exceptional and extraordinary situation or condition of such piece of property, the strict application of any bulk standards contained within this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of such property. The applicant is citing the position of the creek as the basis for requesting the variance.
  - B. The variance is the minimum variance that will relieve such difficulties or hardship and make possible the reasonable use of the land, building, or structure. As the BZA considers this variance, one factor to clarify is what the minimum variance (e.g., a 25' variance from the 100' requirement to adjust the standard to a 75' setback) would be required.
  - C. The variance will not authorize uses in a zone district other than those permitted by this Ordinance.

Per the Millersville Zoning Ordinance, "Mobile vendors, including the sale of prepared food, produce, and new merchandise from a cart, kiosk, or tent, which conform to all applicable laws, are permitted in all commercial districts." The property is zoned General Commercial, so this variance is not requesting authorization of a use not permitted by the Ordinance, and the request meets this standard.

- D. Financial considerations shall not be considered as a basis for granting a variance.
- 2. The Board of Zoning Appeals in making its findings of fact, may inquire into the following evidentiary issues, as well as any others deemed appropriate:
  - A. The granting of the variance will not be detrimental to the public welfare, injurious to other property or improvements in the area in which the property is located, or a substantial impairment to the intent and purpose of the zoning district where the property is located or the general provisions of the Ordinance.
  - B. The proposed variance will not impair an adequate supply of natural light and air to adjacent property, substantially increase congestion in the public streets,

increase the danger of fire, endanger the public safety, or impair property values within the neighborhood.

- C. The alleged difficulty or hardship has not been knowingly or intentionally created by any person having an interest in the property.

  The hardship cited by the applicant is a natural feature of the site.
- D. The proposed variance is consistent with the spirit and intent of this Ordinance and the adopted Land Use and Transportation Plan.

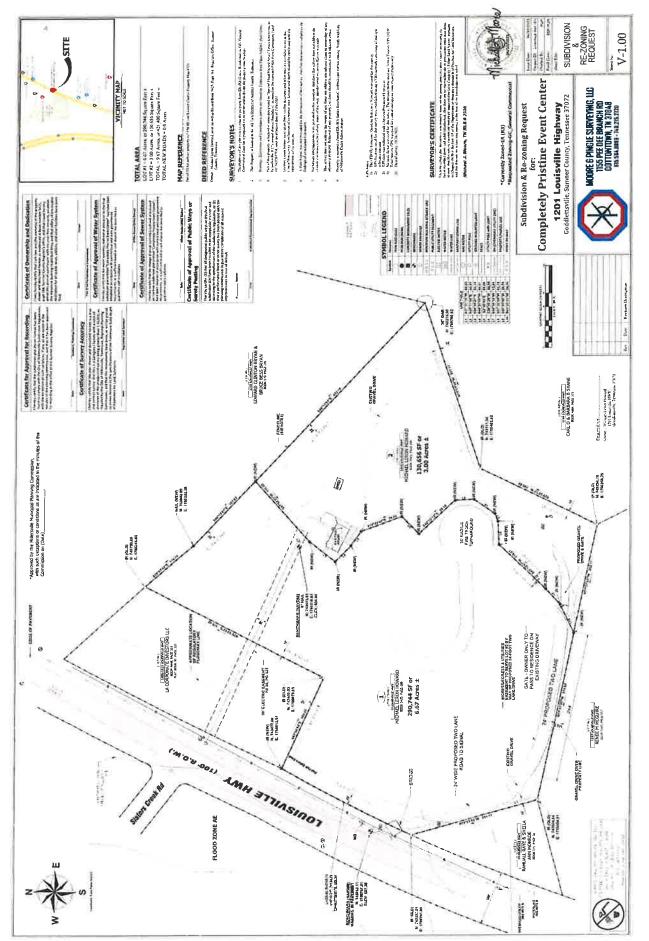
A staff recommendation will be provided at the meeting upon request

**End of Comments** 



Variance Application 1. Applicant or Project Name: 2. Current Zoning District(s): 3. Date of written denial of a Permit Application: 4. Please describe in detail the physical surroundings, shape, and topographic conditions of the property that results in particular hardship (a survey or drawing may be provided to assist with your descriptions): 5. Please describe your proposed minimal modifications to the property's permitted Standards including Setbacks according to the existing Zoning District (a survey or drawing may be provided to assist with your descriptions): 6. Are there any nonconforming or prohibited uses, structures, or buildings per the existing Zoning District Standards existing on the property? Yes 7. Has the alleged difficulty or hardship been knowingly and intentionally created by any person having an interest in the property? No Yes 8. Please select a Variance category: General \$300,00 Residential Accessory Structure \$ 50.00 Please make check payable to the City of Millersville Paid by: CASH OR CHECK #: Date: Signature of Applicant: Please print name & title:

The City of Millersville 1246 Louisville Hwy, Millersville, TN 37072 615-859-0880 www.cityofmillersville.com



3. Jeffrey Caldwell, Jr., owner of Yellow Brick Fitness, a business proposed for 1820 Hwy 31 W, Suite 103, applying for a condition use of Recreational Training School; the property is located on Sumner County Tax Map 099 as Parcel 009.02, zoned HC, Heavy Commercial

The applicant is seeking to operate a physical fitness training facility in Suite 103 on the subject property. They are applying for the conditional use of Recreational Training School.

The property is identified on Sumner County Tax Map 099 as Parcel 009.02.

### Analysis

Recreational Training School is a conditional use in the Heavy Commercial Zoning District. That means that the Board of Zoning Appeals must review the proposed use against the criteria outlined in the Millersville Zoning Ordinance and approve or disapprove of the request.



Figure 1 – Tennessee Property Viewer Sumner County Tax Map 099, Parcel 009.02

UNIT 102

**UNIT 104** 

UNIT 103

**UNIT 102** 

One additional task related to this review is determining whether the proposed business meets the definition of Recreational Training School.

# **Definitions (from the Millersville Zoning Ordinance): HEALTH/FITNESS CENTER**

An establishment that provides exercise facilities such as running, jogging, aerobics, weight lifting, court sports and swimming, as well as locker rooms, showers, massage rooms, saunas, and other related accessory uses.

#### RECREATIONAL TRAINING SCHOOL

A business establishment which provides training for recreational activities such as martial arts, baseball, soccer, cheerleading, gymnastics, and dancing.

### **Conditional Use**

From the Millersville Zoning Ordinance (with staff comments in italics):

# 4.5.4.1 | ACTION BY THE BOARD OF ZONING APPEALS

A. The Board of Zoning Appeals shall conduct a public hearing on a proposed conditional use in accordance with Chapter 3.4 (Public Hearing) no more than sixty (60) days after receipt of a complete application. Notice for the public hearing shall be in accordance with Chapter 3.3 (Public Notice). If, in the Board of Zoning Appeals' judgment, the application does not contain

sufficient information to enable the Board of Zoning Appeals to properly discharge its responsibilities, the Board may request additional information from the applicant. In that event, the sixty (60) day period shall be suspended pending receipt of all requested information.

B. The Board of Zoning Appeals shall, immediately following or within forty-five (45) days of the close of the public hearing, make the determination as to the granting of the conditional use.

## 4.5.4.2 | CONDITIONS ON CONDITIONAL USES

The Board of Zoning Appeals shall confirm that the applicant has shown that they will comply with any use-specific standards as referenced in the tables of permitted and conditional uses as contained in Chapter 10.3 (Use-Specific Standards). The Board of Zoning Appeals may also impose additional conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use as may be deemed necessary for the protection of the public interest.

### 4.5.5 | FINDINGS OF FACT

- 1. No conditional use shall be approved by the Board of Zoning Appeals unless it has made findings of fact, based upon the evidence presented at the public hearing, to support each of the following conclusions:
  - A. The conditional use is so designed, located, and proposed to be operated that the public health, safety and welfare will be protected.
  - B. The conditional use will not adversely affect other property in the area in which it is located.
  - C. The conditional use conforms to all applicable provisions of this Ordinance for the district in which it is to be located.
  - D. The conditional use in the specific location proposed is consistent with the spirit and intent of this Ordinance and the Land Use and Transportation Plan.
- 2. The Board of Zoning Appeals, in making findings of fact, may inquire into the following evidentiary issues, as well as any others it determines to be appropriate:
  - A. Whether property values in the immediate vicinity of the conditional use will be diminished or impaired.
  - B. Ingress and egress to the subject property and its proposed structures, with particular attention to automotive and pedestrian safety and convenience, traffic flow and control, including access by emergency vehicles.

The proposed business is located in a recently constructed multi-tenant facility. Per the applicant, class size would be 1-3 people, and staffing level would be 1-2 staff members during operations.

C. Off-street parking and loading areas proposed for the conditional use, with particular attention to the location and adequacy of such facilities.

The multi-tenant facility has 38 total parking spaces available for the 9 suites.

D. The operational characteristics of the proposed conditional use and their effects on adjacent properties. Particular attention shall be given to the hours of operation, noise, glare, odor, refuse storage, and other relevant environmental factors.

The applicant notes that activities will run from 5:30 am to 5:30 pm.

E. Utilities and storm drainage facilities as proposed, with reference to their location, availability, adequacy, and compatibility.

The proposed business is located in a recently constructed multi-tenant facility.

F. Screening, landscaping, and buffering, with specific reference to the type proposed, the dimensions and character, and the effectiveness in shielding adjacent properties.

The proposed business is located in a recently constructed multi-tenant facility.

G. Signs and proposed exterior lighting with reference to glare, traffic safety, and compatibility, and harmony with adjacent properties.

The proposed business is located in a recently constructed multi-tenant facility.

H. The quantity and degree of deviation from the applicable requirements of the district in which the subject property is located, as balanced against the desirability of the conditional use.

A staff recommendation will be provided at the meeting upon request

**End of Comments** 



# Special Exception Application

1.	Applicant or Project Name:	Yellow Brick Fitness, LLC, 1820 HWY 31 W, Unit 103, White House,	TN 37188					
2.	Existing Zoning District(s):	Heavy Commercial, Parcel ID 099 009.02						
	Detailed request for Special Exception / Conditional Use of the property: Please see attached document.							
4.		property owners and each property's existing land uses						
		ose properties across streets, roads, highways, and/or						
	Please See sitached document	applicant's property:						
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	Disease arounde a Man or Day	union about the location and intended upon of the also and						
١.	including the above propert	rwing showing the location and intended uses of the site and						
t		sville Code of Ordinances Section 90-58. Procedures for						
	_	ons (d) Criteria for review. for additional information and						
7.		be necessary per subsection (J) Specific standards for						
1.	A fee in the amount of \$300.	00 made to the order of the City of Millersville						
	Paid by: CASH OR (	CHECK# 370 Date: 01/02/2025						
	Signature of Applicant:	Jeff Caldwell						
	Please print name & title:	Jeffrey W. Caldwell Jr., Owner, Yellow Brick Fitness, LLC						

The City of Milersville 1246 Louisville Hwy, Milersville, TN 37072 815-859-0880 www.cityofmillersville.com

Rev. 03/2017

Yellow Brick Fitness, LLC
Special Exception Application
Conditional Use of 1820 Highway 31 W, White House, TN 37188, Parcel ID 099. 009.02
(Owned by I&H INVESTMENTS, 214 W MAIN ST, GALLATIN TN 37066)

### 3. Detailed request for Special Exception / Conditional Use of the property:

Yellow Brick Fitness, LLC is seeking a Special Exception for Conditional Use at 1820
Highway 31 W, White House, TN 37188, Unit 103. This property is new construction, The building has 9 units of varying sizes. There will be multiple other businesses on site, but to our knowledge, none of the other units have been occupied yet. We believe that Yellow Brick Fitness, LLC most closely aligns with the definition laid out in the City of Millersville Zoning Ordinance 20-744 of a Recreational Training School.

#### **RECREATIONAL TRAINING SCHOOL**

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A business establishment which provides training for recreational activities such as martial arts, baseball, soccer, cheerleading, gymnastics and dancing.

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City of Millersville, Tennessee | Zoning Ordinance Ordinance 20-744 | June 1, 2020

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Yellow Brick Fitness, LLC is a business establishment that will provide private, one-on-one and small-group fitness and athletic training. Very similar to a martial arts or dance studio, clients will primarily be coming at scheduled times for individualized training sessions, or classes offered at set times throughout the week. This will not be a high-traffic facility with a high volume of people coming and going at once, but rather a private place for members of the community to better themselves in their fitness or athletic ability with the guidance of an experienced trainer and instructor. One of the main mottos of Yellow Brick Fitness is," We make human athletes." As such, the facility will include equipment for sports-specific training, including a foam baseball pitching machine (to minimize noise), baseball turf, and CrossFit-Style equipment for small group classes and instruction. We believe this facility aligns well with the Recreational Training School Conditional Use Exception, as noted above. This facility will run based on set appointments and regular class schedule, and will

serve small groups at a time, so as not to clog trafficways, or overly burden any parking areas. The facility will be open for client appointments as early as 5:30am, and will conclude by 5:30 pm daily. We do not anticipate excessive noise, odor or glare for this business, and will not be disruptive of other businesses that occupy the building. All signage will be approved by building ownership and the City of Millersville.

In addition, it's worth noting that most CrossFit style gyms are located in commercial or heavy commercial zoning areas, in buildings such as the units at 1820 Highway 31 W. This won't be a typical CrossFit gym (as noted above), but just wanted to make mention of this.

We recognize that the name of the business itself implies a fitness center. However, please note that this facility will not be comparable to a typical franchise "Fitness Center" or "Gym." Whereas facilities like Crunch Fitness, Gold's Gym, or Anytime Fitness have large numbers of members and a high level of use at all hours of the day, this business will most closely resemble a martial arts or cheerleading/athletics training facility, as it will be focused on scheduled training of athletes and individuals trying to become more athletic. If the business name needs to change in order to reflect this, we are willing to make adjustments.

We want to be an asset to the Millersville community to help serve and make America healthy again, and improve the quality of life for residents within the vicinity and radius to our business location.

- 4. Names & Addresses of ALL property owners and each property's existing land uses within 200 feet including those properties across streets, roads, highways, and/or railways & waterways of the applicant's property:
  - Parcel 9.01 and 9.03, 9.04 JEREMY LEESON, 9630 HWY 25E, HARTSVILLE TN 37074, Heavy Commercial
  - Parcel 20.00- Sue Dimple Flynn, HICKS CECIL P, 1818 HWY 31 W, WHITE HOUSE TN 37188, Heavy Commercial
  - Parcel 26- Barry Thomas Hinson, 1022 GREENWOOD LANE, WHITE HOUSE TN 37188, Rural Residential
  - Parcel 24, BLACK SEAN, 1026 GREENWOOD, WHITE HOUSE TN 37188, Residential
  - Parcel 1.00- Julie Nichole Mitchell, 2862 HWY 41 S. SPRINGFIELD TN 37172, Heavy Commercial
  - Parcel 2.00- Girish Panchal, 128 BEAVER CREEK DR, PORTLAND TN 37148, Heavy Commercial
  - Parcel 52- Lynn D Crouch, 183 BIGGS RD, COTTONTOWN TN 37048, Heavy Commercial
  - Parcel 38- Michael Bonifacius, 21 BULKLEY AVE N, WESTPORT CT 06880-4110,
     Suburban Residential 2

New Construction at: 1820 HWY 31 W, White House, TN 37188 Yellow Brick Fitness, LLC to Lease Unit 103

**UNIT 109 UNIT 108 UNIT 107** UNIT 105 **UNIT 104** UNIT 103 **UNIT 102 UNIT 101** 

Exhibit "C" Premises

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