

CITY OF PORTLAND

MUNICIPAL BOARD OF ZONING APPEALS

MEETING MINUTES

January 2, 2024

5:00 PM

City of Portland
100 South Russell Street
Portland TN 37148

MEMBERS PRESENT:

Gail Gentry
Tom Driscoll
William Perry
Robert Tooker

MEMBERS ABSENT:

Hector Graves

STAFF PRESENT:

Nate Heisler (City Planner)
Jackie West (Planning Asst)

Other Interested Parties: Josh Taylor and applicant

Roll Call

Chairwoman Gentry asks for a roll call at 5:00 PM:

Gail Gentry- present
Hector Graves –absent
Tom Driscoll - present
William Perry – present
Robert Tooker-present

Election of 2024 Officers

1. Chairman
2. Vice-Chairman

Nate Heisler (City Planner) states I will take nominations for Chairman: Mr. Tooker nominated Gail Gentry for Chairman; Tom Driscoll gave a second. All were in favor.

Nate Heisler (City Planner) states I will take nominations for Vice-Chairman: Mr. Tooker nominated Tom Driscoll for Vice-Chairman; Gail Gentry gave second. All were in favor.

PUBLIC COMMENTS

Anyone wishing to speak for or against an item on the agenda will have 5 minutes to do so and must sign-in on the public comment sheet before the start of the meeting.

Approval of Agenda

Chairwoman Gentry states if we have no changes to the agenda do we have a motion to approve.

Robert Tooker made a motion to approve, William Perry gave a second.
All were in favor, motion carried 4-0.

Approval of minutes: December 5, 2023

Chairwoman Gail Gentry asks for motion to approve the December 5, 2023, meeting minutes.
Robert Tooker made a motion to approve, William Perry gave a second.
All were in favor, motion carried 4-0.

PUBLIC HEARING

Chairman Gail Gentry opened the Public Hearing:

1. Don Shanklin (applicant) requests a variance for parking spaces; location 104 East Knight Street, (Tax Map 033I, Parcel 14.01.00). 0.67 acres +/- . Zone IR (Industrial Restrictive).
The applicant came forward to answer any questions.
Chairwoman Gentry states we will review this under old business.

2. Jack Roek (applicant) requests a variance for paving: location 434 North Broadway, (Tax Map 033, Group A, Parcel 28.00). 3 acres +/- . Zone GCS (General Commercial Services). The applicant came forward to answer any questions.
Chairwoman Gentry states we will review this under new business.

OLD BUSINESS

1. Don Shanklin (applicant) requests a variance for parking spaces; location 104 East Knight Street, (Tax Map 033I, Parcel 14.01.00). 0.67 acres +/- . Zone IR (Industrial Restrictive).
Nate Heisler (City Planner) states this item was deferred from last month's meeting because of needing more information. The applicant is proposing a variance for 22 parking spaces at 104 E. Knight Street. The regulations that determine parking spaces use square footage of the building and what the use is, to come up with required spaces. In this case, regulations call for 36 spaces for automotive repair relative to the building size. Please keep in mind that the lot size is small and there is an existing paved area in the front of the property. This variance will not allow parking in the gravel side yard on the property line.

Mr. Tooker states the ordinance calls for car spaces, not trucks. I went by the business and there were simi trucks parked out front. I have a question for Mr. Taylor, there were trucks, cars parked over the property line and in the gravel area. Is there enough space for you to park the trucks and is this a code violation.

Mr. Taylor states they were parked there because the customer was picking up their trucks.

Nate Heisler states it is a violation to park over the property line, Mr. Shanklin is going to expand the paving.

Mr. Shanklin states I will comply with this board's decision but a lot of the lot is in a flood way.

Chairwoman Gentry asks why this property would not be grandfathered in; the building has been there since the 1940's.

Nate Heisler states anytime the use changes we must bring everything into compliance, per the Zoning Ordinance.

Chairwoman Gentry asks can you take the concrete to the property line it would give you 15 ft. and use gravel along the side of the building.

Nate Heisler (City Planner) states this lot does not have a lot of extra space. He needs to pave 50ft from the road and then he can use gravel.

Tom Driscoll makes a motion to approve this request, Chairwoman Gentry gave a second. Motion carried 3-1.

NEW BUSINESS

1. Jack Roek (applicant) requests a variance for paving: location 434 North Broadway, (Tax Map 033, Group A, Parcel 28.00), 3 acres +/-, Zone GCS (General Commercial Services).

Nate Heisler (City Planner) states the city requires paving of gravel/dirt parking lot location 434 North Broadway because of the change in use. The applicant is requesting a variance from that requirement, heavy equipment excavators, dumpsters and trucks will just destroy paving and the financial burden would not justify doing business at this location.

Mr. Tooker asks, "I am looking at the road and what keeps your trucks from bringing gravel onto North Broadway?"

Mr. Roek states I propose calcium chloride it is used all over the country. To pave it would be a waste of money, the trucks would destroy the lot.

Chairwoman Gentry asks Nate Heisler if he is familiar with this method.

Nate Heisler (City Planner) states no I think Johnny Morris (Building Official) would know the answer. The zoning ordinance calls out brick, asphalt, or concrete.

Mr. Driscoll asked if rezoning would be one option.

Mr. Roak states I would ask the owners about rezoning.

Mr. Tooker asked the owners if they had considered paving.

Mrs. Rahrer states we have brought in some gravel, it looks better. It is a large lot, and we are waiting to see who wants to rent it before we pave the lot.

Nate Heisler (City Planner) states should you approve the business to move in without any paving or dustless surface. The city wants to make sure they comply; I would like to meet with the Codes Department about using calcium chloride before we approve.

Robert Tooker made a motion to defer, William Perry gave a second. Motion carried 4-0.

City Planners Comments

Zoning Board Members Comments

Mr. Tooker states the reason I am voting the way I am voting is because we moved here from up north and I want to improve the town.

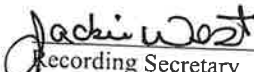
Mr. Driscoll states I think using a financial excuse as a crutch is not good.

Adjournment

Robert Tooker made motion to adjourn at 6:10 pm, Tom Driscoll gave a second.


Chairwoman Gail Gentry

2/6/24
Date


Recording Secretary

2-6-24
Date