



Municipal Board of Zoning Appeals  
Portland City Hall  
100 South Russell Street  
Portland, TN 37148  
5:00 PM

1. Roll Call

2. 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.

3. Approval Of Agenda

4. Approval Of Minutes

4.I. JULY 18, 2023

5. Public Hearing

5.I. 1. Andy Rayniak (Applicant) Requests Conditional Use For Retail Sales In A Residential Zone Location: 508 Fowler Ford Road. (Map 033, Parcel 091.01) Zoned RS-40 (Residential). 0.94 +/-Acres.

5.II. 2. Richard Jones (Applicant) Requests A Variance For Parking Spaces; Location 636 North Broadway, (Tax Map 019, Parcel 113.00). 0.67 Acres +/- . Zone GCS (General Commercial Services).

6. New Business

6.I. 1. Andy Rayniak (Applicant) Requests Conditional Use For Retail Sales In A Residential Zone Location: 508 Fowler Ford Road. (Map 033, Parcel 091.01) Zoned RS-40 (Residential). 0.94 +/-Acres.

Documents:

[508 FOWLER FORD RD STAFF REPORT.PDF](#)

6.II. 2. Richard Jones (Applicant) Requests A Variance For Parking Spaces; Location 636 North Broadway, (Tax Map 019, Parcel 113.00). 0.67 Acres +/- . Zone GCS (General Commercial Services).

Documents:

[636 N BROADWAY STAFF REPORT.PDF](#)

6.III. 3. Approve The 2024 Zoning Board Of Appeals Calendar

7. City Planner's Comments
8. Board Member Comments
9. Adjournment

Location: 508 Fowler Ford Rd

IDT: 1136614

Current Zoning: RS-40

Applicant: Andy Rayniak

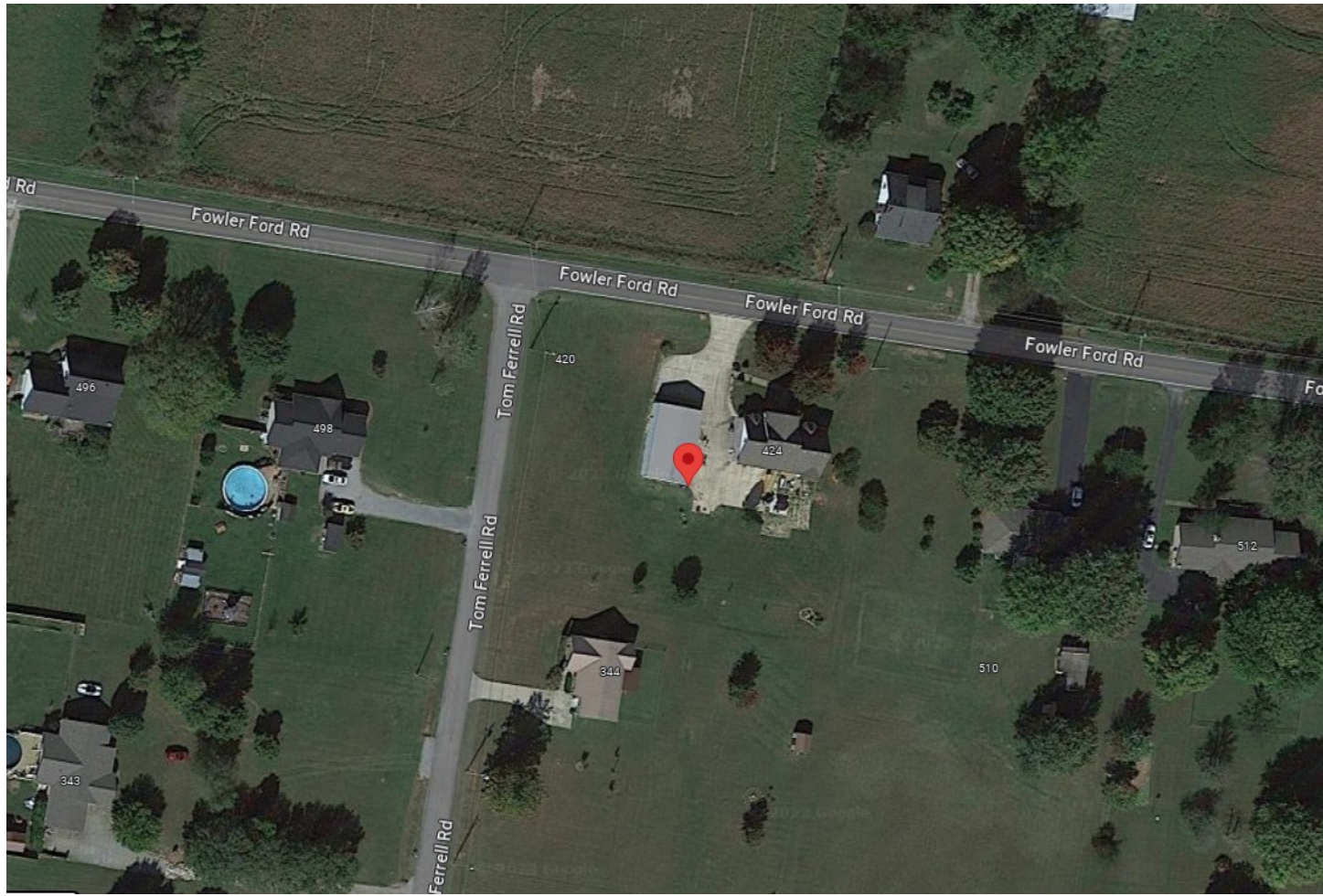
BZA Application



The applicant is requesting to continue using his accessory building as a garage sale business. The planning department has received a couple of separate complaints about the traffic in the area during these advertised events.

The Board of Zoning Appeals will be reviewing the request of continued use, based on the provisions set forth in Section 6-201.2, Home Occupations.

Facebook Website of Garage Sale: <https://www.facebook.com/profile.php?id=100089864831631>



## **CHAPTER 2. USES AND STRUCTURES**

The uses and structures indicated herein may be permitted within the various residential districts found within the Planning Region only in the manner and subject to any specific design criteria herein established.

### **6-201 USES PERMITTED**

Uses permitted within residential districts as a matter of right are segmented into two (2) groupings:

- (A) Principally permitted uses, and
- (B) Accessory uses and activities.

#### **6.201.1 PRINCIPALLY PERMITTED USES**

The uses principally permitted within the residential districts shown on the Zoning Map of Portland include the residential use and occupancy of the dwelling unit types shown on Table 6-201A.

#### **6-201.2 ACCESSORY USES**

In addition to the principal activities expressed above, each activity type shall be deemed to include activities customarily associated with, and appropriate, incidental, and subordinate to the principal activity when such accessory activity is located on the same zone lot as such principal activity and meets the further conditions set forth below. Such accessory activities shall be controlled in the same manner as the principal activities within such type except as otherwise expressly provided in this ordinance.

- (a) Off-street parking and loading serving a principal activity, whether located on the same zone lot or on a different zone lot, but only if the facilities involved are reserved for the residents, employees, patrons or other persons participating in the principal activity.

#### **(b) Home occupations accessory to a residential activity subject to:**

- (1) The specific definition of the term appearing in Article III, Chapter 2.
- (2) The performance-oriented criteria set out below; and
  - i. No more than one (1) person other than a member of the immediate family occupying such dwelling shall be employed.
  - ii. The home occupation shall clearly be incidental and subordinate to the residential uses of the property.
  - iii. In no way shall the appearance of the structure be altered or the occupation, within the residence be conducted in a manner which would cause the premises to differ from its residential character either by use of colors, materials, construction, lights, signs, or the emission of noise or vibration.
  - iv. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be

met off the street and other than in a required front yard.

- v. The home occupation shall not involve the storage of commercial vehicles or the use of such vehicles for delivery of goods or materials to or from the premises.
- vi. No home occupation shall require internal or external alterations or involve construction features or the use of mechanical or electrical equipment that would change the fire rating of the structure or the district in which the structure is located.
- vii. No equipment or process shall be used in such home occupation which creates noise, vibration glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or processes shall be, used which creates visual or audible interference in any radio or television receivers off the premises.
- viii. No outdoor display of goods or outside storage of equipment or materials used in the home occupation shall be permitted.

(3) The specific prohibition of the activities listed below as home occupations:

- i. The manufacture and repair of transportation equipment.
  - ii. A barber or beauty shop, parlor or salon, or any similar type activity where clientele or patrons are served on the premises.
- (c) Private swimming pools, tennis courts and other outdoor recreational facilities exclusively for the use of the residents.
- (d) Private barns, stables, sheds, and other farm buildings. The raising of crops.
- (e) Living quarters for persons regularly employed on the premises.
- (f) Child care for four (4) or less preteenager children. Provided that the dwelling unit in which this activity occurs shall meet all applicable state and local regulations.

### **6-202 TEMPORARY USES**

The temporary uses and structures specified in Subsection 14-203.302, (Necessary or Seasonal Uses Temporary in Nature) as permissible within residential districts may be permitted for the limited time periods indicated for each such use or activity.

### **6-203 CONDITIONAL USES**

A conditional use is an activity, use, or structure which is subject to a finding by the Board of Appeals that the specific standards indicated for the use in question have been met. Only those uses and structures so indicated in Table 6-201A may be allowed within the districts indicated.

**6-204 USES PROHIBITED**

Any uses or structures not allowable as permitted uses, temporary uses, accessory uses or uses permitted on appeal are prohibited within the various residential districts.

**6-205 RESTRICTIONS OF BUILDINGS PERMITTED ON RESIDENTIAL ZONE LOTS**

Only one (1) principal (residential) building may be permitted on any zone lot except as may otherwise be approved as follows:

(A) As part of a complex of dwellings subject to the provisions of Section 6-402 through 6-405,  
or

(B) As part of a planned unit development district as provided in Article XII, of this ordinance.

**6-206 AGRICULTURE/FARM EXEMPTION**

Regulations within this Ordinance shall not be construed to regulate agriculture/farm uses as defined in the Tennessee Code Annotated.

Location: 636 N Broadway

IDT: 1134814

Current Zoning: GCS

Applicant: Richard Jones

BZA Application: Parking Variance

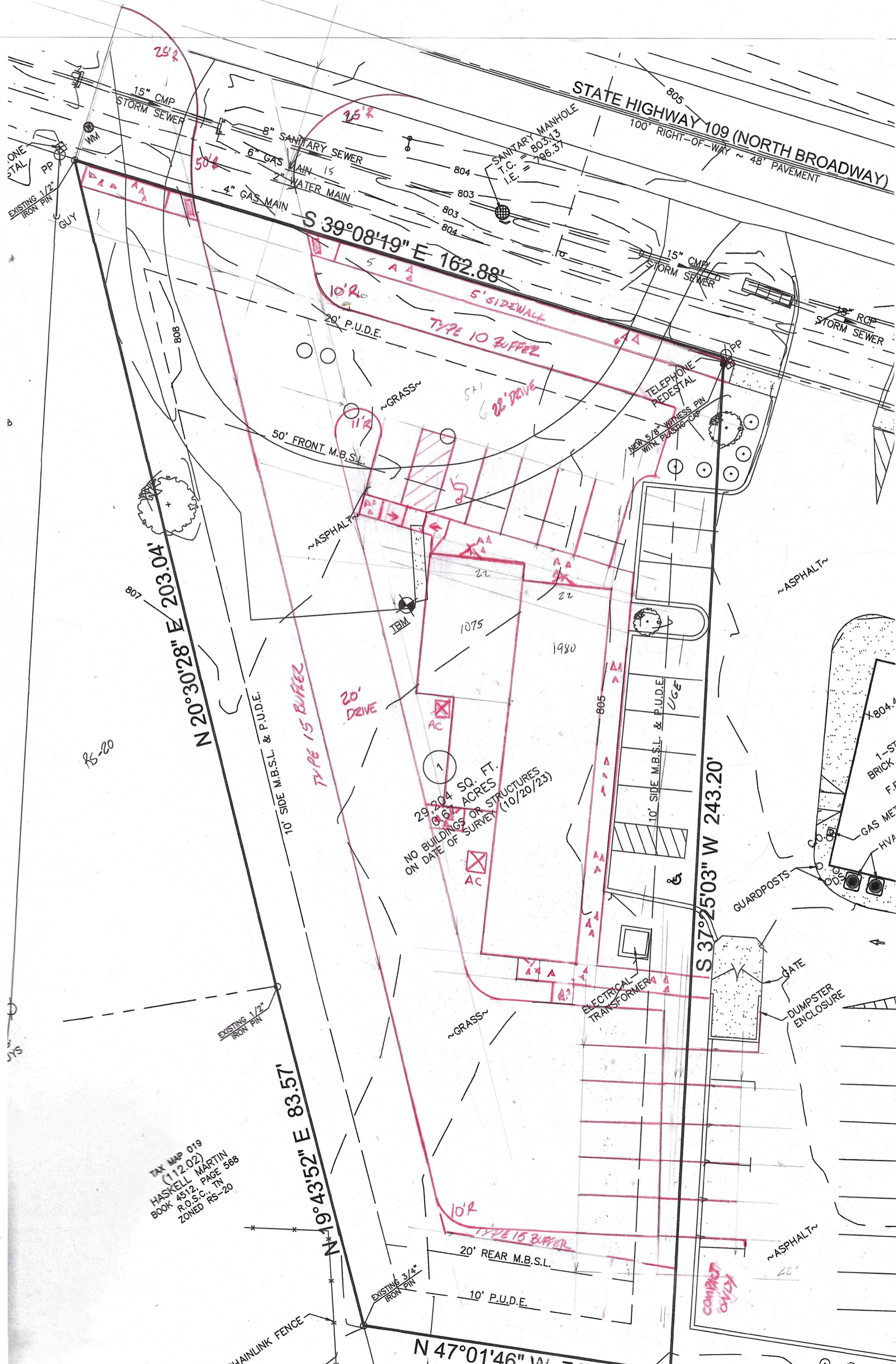


The applicant is requesting a parking variance for a future commercial site development plan located on parcel 019 11300 00.

The Off-Street Parking provisions set forth in Section 4-105.2 Uses Located within Commercial Complexes, calls for 5.5 spaces per 1000SF of building space. For this development specifically, 21 parking spaces are required. The engineer has proposed 12 spaces on the concept.

It is noted that it seems the parking for the commercial complex to the south east encroaches on the applicants property line. Both properties have the same owner.





STATE HIGHWAY 109 (NORTH BROADWAY)  
 100' RIGHT-OF-WAY ~ 48' PAVEMENT

EXISTING 1/2" IRON PIN  
 GUY

15" CMP STORM SEWER  
 8" SANITARY SEWER  
 6" GAS MAIN  
 2" WATER MAIN  
 4" GAS MAIN

N 20°30'28" E 203.04'

S 39°08'19" E 162.88'

N 19°43'52" E 83.57'

S 37°25'03" W 243.20'

29,204 SQ. FT.  
 0.67 ACRES  
 NO BUILDINGS OR STRUCTURES  
 ON DATE OF SURVEY (10/20/23)

Tax Map 019  
 (112.02)  
 HASKELL MARTIN  
 BOOK 4512, PAGE 568  
 R.O.S.C., TN  
 ZONED RS-20

CHAINLINK FENCE

EXISTING 3/4" IRON PIN

N 47°01'46" W 74.20'

compact utility

1-ST BRICK F.F.

GAS MET

HVA

GUARDPOSTS

GATE

DUMPSTER ENCLOSURE

~ ASPHALT ~

20'

~ ASPHALT ~

~ ASPHALT ~

TBM

TELEPHONE PEDESTAL  
 NEW 5/8" WITNESS PIN WITH PLASTIC CAP

50' FRONT M.B.S.L.

10' SIDE M.B.S.L. & P.U.D.E.

10' SIDE M.B.S.L. & P.U.D.E.

20' REAR M.B.S.L.

10' P.U.D.E.

20' DRIVE

22' DRIVE

22

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RS-20

SYS

ONE STAL PP

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20' REAR M



DR. BRADLEY  
TATTOO  
615-283-9349

X

# CITY OF PORTLAND, TENNESSEE

## Board of Zoning Appeals Application



Title of Project: N/A HAROLD HALL RETAIL/OFFICE DEVELOPMENT

Street Location: 636 N BROADWAY

County: Sumner County or Robertson County (Circle One)

Tax Map: 019 Group: N/A Parcel: 113.00

Total Acreage: 0.67

### Applicant:

Name: HAROLD HALL

Company or Partnership: N/A

Address: 3421 Hwy 76

City: COTTONTOWN State: TN Zip: 37048

Telephone: (615) 451-3270 Fax: ( ) N/A Mobile: (615) 335-9359

Email: Harold@leeelectricsupply.net

### Owner:

Name: HAROLD HALL (SAME)

Company or Partnership: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: ( ) Fax: ( ) Mobile: ( )

Email: \_\_\_\_\_

### Surveyor/Engineer:

Name: Richard M Jones

Company or Partnership: RJ CONSULTING ENGINEERING, LLC

Address: 1012 SHIMMERING WAY

City: GALLATIN State: TN Zip: 37066

Telephone: ( ) / Fax: ( ) / Mobile: (615) 394-5285

Email: richard.m.jones56@gmail.com

# CITY OF PORTLAND, TENNESSEE

## Board of Zoning Appeals Application



Title of Project: HAROLD HALL RETAIL/OFFICE DEVELOPMENT

**Note: Fill in Section 1, 2, or 3 as appropriate. This application will not be accepted unless all required statements have been made.**

### Section 1: Appeal from Decision of Zoning Administrator or Zoning Map

Describe decision of the Zoning Administrator or Zoning Map from which appeal is made: \_\_\_\_\_

Provision of the Zoning Ordinance or district boundary in question: \_\_\_\_\_

### Section 2: Application for a Conditional Use Permit

Provision of the Zoning Ordinance Requiring a Conditional Use Permit in this case: \_\_\_\_\_

Description of proposed use showing justification for a Special Exception: \_\_\_\_\_

### Section 3: Application for a Variance

Provision of the Zoning Ordinance from which a variance is requested: ART. 4; 4-105.2 (≥2 COMMERCIAL ACTIVITIES sharing one building requires 5.5 spcs/1000 SF = 3.818 x 5.5 = 21 spcs; 12 shown MAXIMIZING AVAILABLE SPACE.

Peculiar or unusual conditions which justify a variance: 4-105.2: TRIANGULAR SHAPE OF LOT W/ PUDE & BUFFERS LIMIT PARKING POSSIBILITIES. REQUEST TO SHARE W/ SOUTH ADJACENT IGCS lot by walkway (Has 33 spcs w/ 5100 SF). THE LOT IN QUESTION HAS ONLY 0.67A - WAS ORIGINALLY RESIDENTIAL.

# CITY OF PORTLAND, TENNESSEE

## Board of Zoning Appeals Application



Title of Project: HAROLD HALL RETAIL / OFFICE DEVELOPMENT

Provided with Submittal	(Please submit thru the IDTportal)	For Office Use
	Non-refundable Advertising Fee (See current fee schedule)	
✓	Completed Board of Zoning Appeals Application (1copies)	
✓	Copy of recorded deed and plat. (1 copies)	
✓	Site Plan that shows the extent of the request (contact the Planning Department for more information)	
✓	If applicant is not the property owner one of the following items is required: letter of consent that has been notarized, a copy of the purchase contract with a zoning contingency, or the agent authorization form. (1 original)	
✓	Names and Addresses of all adjoining property owners of land that this property touches – this includes across the road, both sides of the property and behind the property	
	Other information as may be Requested by the Planning Commission or Staff	

This application shall be accompanied by maps, drawings, or other supportive information necessary to explain the request. It is recommended that the applicant or a representative be present at the Planning Commission subsequent Portland City Council meetings. The Planning Commission reviews the request and makes a recommendation to the City Council. Rezoning is done by ordinance, approved by the City Council. Approving an ordinance is a two reading process with a public hearing held at the second reading.

As the applicant or the applicant's agent, I understand that it is my sole responsibility to notify my client of the time, date, and location of the Planning Commission and subsequent Portland City Council meetings at which this application will be heard and to ensure that someone representing this item is in attendance at each of these meetings.

I hereby attest that I have provided a complete application and included all of the necessary attachments as required. I understand that if information is incomplete and/or otherwise not provided, this application may be deferred until such time as the necessary information is provided.

*Salvador M. Jones*

Signature of Person Completing & Submitting this Application

# CITY OF PORTLAND, TENNESSEE

## Board of Zoning Appeals Application



Title of Project: HAZOLD HALL RETAIL / OFFICE DEVELOPMENT

### Agent Acting on the Property Owners Behalf

The Agent Authorization Form shall be required for all applications. This form will allow your surveyor or engineer to act on behalf of the property owner and/or applicant. The applicant may also provide a purchase contract giving them the right to request the approval sought with this application. The purchase contract must be provided to the Planning Department along with this application.

Applications for Sketch, Preliminary, and Final Plats must include a Licensed Surveyor authorized to practice in the State of Tennessee. Applications for Site Plans must include the stamp of a Licensed Surveyor, Licensed Engineer, Licensed Architect, or Licensed Landscaped Architect according to the particular type of development. The a Licensed Surveyor, Licensed Engineer, Licensed Architect, or Licensed Landscaped Architect shall be authorized to represent the owner applicant in the matter before Planning Commission.

### Agent Authorization Form

In connection with the above listed project, I hereby appoint the person indicated as the applicant and/or surveyor/engineer to act as my agent for the purpose of filing the attached application with the City of Portland Planning Commission.

Harold L. Hall

Printed Name of Owner:

HL Hall

Signature of Owner:

STATE OF Tennessee COUNTY OF Robertson

Personally appeared before me, the undersigned, a Notary Public in and for said county and state, Tina E. Suttle, known to me to be the person who signed the foregoing instrument, and who acknowledged that he/she executed the within instrument for the purposes therein contained.

Witness my hand, at office this the 24th day of September, 2023

Tina E. Suttle

Notary Public

My Commission Expires: March 26, 2025

