

# Memo

To: City of White House Board of Zoning & Appeals

From: Ceagus Clark, Director of Planning & Code

Re: Cover Page for Board of Zoning Appeals 6/20/2023

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**Item #1**      **John Davis/Express Oil Change:** Requests a variance regarding Commercial Design Standards, Auto Repair & Service.

615-672-4350 Ext 2119

Ceagus Clark  
Director, Planning and Codes

**Item # 1 - John Davis/Express Oil Change:** Requests a variance regarding Commercial Design Standards

Applicant or Representative-  
Overview: **John Davis**

Tax Parcel and ID  
**Robertson County Tax  
Map 106E, Group A,  
Parcel 018.00**

Address  
**608 Highway 76**

Zoning  
**C-2**

Ordinance Reference and  
Notes:  
**City of White House  
Commercial Design  
Standards, Exhibit 11.4**

**Findings of fact:**

Under Section C, General Requirements, Standards for Variance, item 1 (one) is requesting to be considered. Note: approval or denial would not set precedence for any applicant, as each case is different presented to the Board of Zoning Appeals. I have provided an image of the site and the adjacent businesses for your review. You will also find the procedure for granting variance enclosed.

**Staff Overview**

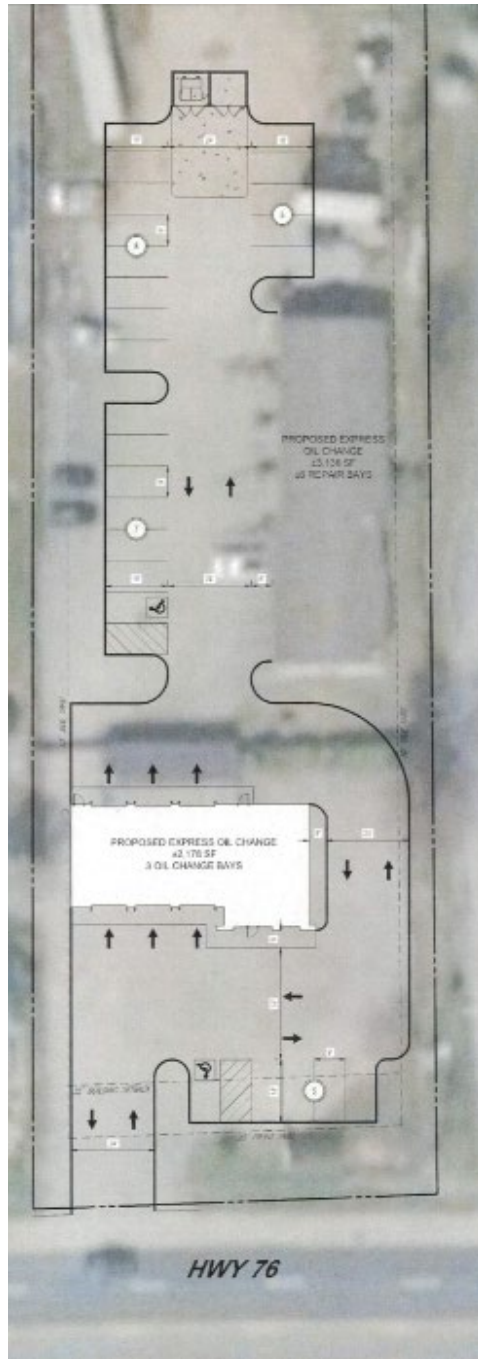
The applicant is requesting a variance regarding Commercial Design Standards, Auto Repair and Service. The applicant is proposing to develop this parcel for a minor automobile repair service facility and is requesting the variance to allow the repair bays to face the frontage of Hwy 76. The applicant states that the architectural requirements would cause undue and unnecessary hardship, and the existing site has limited width and orienting the building to face away from the street frontage would be infeasible on this site. They also state that the proposed orientation will allow for better access to the building for pedestrians parked on-site due to direct access from the parking to the front door of the building. The designs standards

Applicant is requesting a variance based on shape of the lot.

- 1) *The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out must be stated.*



<https://photos.zillowstatic.com/fp/06419f8e7b6800fa3e62c59a59db5cc1->



[uncropped\\_scaled\\_within\\_1536\\_1152.webp](#)

# View from Hwy 76



Property is highlighted



CITY OF WHITE HOUSE COMMERCIAL DESIGN STANDARDS  
**DESIGN STANDARDS - SITE PLANNING**

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**Auto Repair and Service**

Auto Repair and Service Facilities can be problematic uses characterized by noise, large numbers of parked vehicles, traffic, and the presence of petroleum products, oils, acids, and other hazardous materials. A major problem with older Repair and Service Facilities is inadequate storage for vehicles being serviced, resulting in cars, etc. being parked on the street, sidewalks, landscaping, and neighboring properties. See Exhibit 11.2.

1. Buildings are encouraged to be placed at the minimum front setback. See note 12, Sheet 18.
2. Vehicle repairs should be contained within a building.
  3. Provide ample space for drop-off vehicles to avoid stacking overflow on a primary street.
  4. **The interior work bays shall not be visible from the primary street or any adjacent residential area or open space.**
  5. No dismantling of wrecked cars or outdoor storage is allowed on site unless approved by Planning Commission.
6. Trash bins need to accommodate for the disposal of junk parts, packing material of shipped parts, and oil and lubricants.
7. Buildings shall contribute to a positive street presence.



## City of White House, Tennessee

### **Planning and Codes Department**

105 College Street • White House, TN 37188

[www.cityofwhitehouse.com/yourgovernment/planning-and-codes](http://www.cityofwhitehouse.com/yourgovernment/planning-and-codes)

Phone (615) 672-4350 ext. 2121 • Fax (615) 616-1050

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### **9.060 Variances**

The purpose of this procedure is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this ordinance.

#### **A. Application**

After written denial of a permit, a property owner may make application for a variance, using any form which might be made available by the Board of Zoning Appeals.

#### **B. Hearings**

Upon receipt of an application and fee, the Board shall hold a hearing to decide whether a variance to the ordinance provisions is, in fact, necessary to relieve unnecessary hardships. The Board shall consider and decide all applications for variances within thirty (30) days of such hearing and in accordance with the standards provided below. A fee of one hundred-fifty dollars (\$150.00) shall be charged to cover review and processing of each application for a variance, except that the fee shall be waived for a governmental agency. Before a variance is granted, relative to a parcel of land containing a structure, a permit fee of five hundred dollars (\$500.00) shall be paid, which is nonrefundable, in order for the Board of Zoning Appeals to hear the request. The Board of Mayor and Aldermen by resolution may waive the permit fee if found justifiable.

#### **C. Standards for Variances**

The Board shall not grant a variance, except where special circumstances or conditions, fully described in the findings of the Board, do not apply generally in the district. The burden of showing that the variance should be granted shall be upon the person applying for the variance. In granting a variance, the Board shall ascertain that the following criteria are met:

1. The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out must be stated.
2. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.
3. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance, to other land structures, or buildings in the same district.
4. Financial returns only shall not be considered as a basis for granting a variance.
5. The variance is the minimum variance that will relieve such difficulties or hardship and thereby make possible the reasonable use of the land, building, or structure.



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6. The variance will not authorize activities otherwise excluded from the particular district in which requested.
7. That 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 subject property is located, or a substantial impairment to the intent and purpose of the zoning district wherein such property is located or of the general provisions of this ordinance.
8. The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, endanger the public safety.
9. That the alleged difficulty or hardship has not been knowingly and intentionally created by any person having an interest in the property after the effective date of this ordinance.

#### **D. Restrictions and Variances**

1. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
2. Under no circumstances shall the Board of Appeals grant a variance to allow a "USE" not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.
3. The Board may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to comply with the provisions set out in Section 7.070, C., above, to reduce or minimize the injurious effect to such variation upon surrounding property and better carry out the general intent of this ordinance. The Board may establish expiration dates as a condition or as a part of any variances.