



## TOWN OF ASHLAND CITY Board of Zoning and Appeals September 13, 2021 5:30 PM Minutes

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### CALL TO ORDER

Committee Member Michael Smith called the meeting to order at 5:30 p.m.

### CHAIR NOMINATIONS

Chair nominations were not able to be voted on due to members being absent.

### ROLL CALL

#### PRESENT

Committee Member Vivian Foston  
Committee Member Garrett Mayberry  
Committee Member Michael Smith

#### ABSENT

Committee Member Drew Johnson  
Committee Member Dwyot Thornton

### APPROVAL OF AGENDA

A motion was made by Committee Member Foston, seconded by Committee Member Mayberry, to approve the agenda. All approved by voice vote.

### APPROVAL OF MINUTES

1. July 12, 2021 Board of Zoning and Appeals Meeting Minutes

A motion was made by Committee Member Foston, seconded by Committee Member Mayberry, to approve the July 12, 2021 Board of Zoning and Appeals meeting minutes. All approved by voice vote.

### PUBLIC FORUM

None.

### OLD BUSINESS

2. Arbor Row Application

Mr. Jason McClain asked to withdraw this since the contractor submitted new engineer plans. He stated that the contractor was asking for a variance to build his deck on the side of the house instead of the rear due to the height difference but he was able to get an engineer to draw new plans. A motion was made by Committee Member Smith, seconded by Committee Member Foston, to withdraw this application. All approved by voice vote.

### NEW BUSINESS

3. Special Exception Request: 208 N Main St

Mr. Kyle Miller stated that he and his partner, Mr. Jon Dalman, are the owners of Mesa and build custom furniture. He stated they are currently under contract for the property at 208 N Main Street. Mr. Miller stated that they are expanding quickly and needing a more affordable space with more square footage. Mr. Jon Dalman stated that they build custom commercial furniture for restaurants like Hattie B's. He stated they also do some millwork. Mr. Dalman stated they are a team of 11 employees. Committee Member Smith asked if they would be renting out excess space in the future. Mr. Dalman stated that they may be something they look at in the future since the space is much bigger than what they need. Mr. McClain stated that if they rent space they would get the special exception too. Mr. Miller stated that this could benefit smaller companies. Committee Member Foston asked if all the materials would be inside. Mr. Miller said yes. Committee Member Foston asked if there would be a showroom. Mr. Dalman stated that there could be room to let people come and view their work. A motion was made by

Committee Member Mayberry, Seconded by Committee Member Foston, to approve the special exception request with the intent of limited manufacturing. All approved by voice vote.

4. Appeal Request: 279 Frey St

Mr. Kevin Thompson stated that he lived at 279 Frey Street. He stated that in February this year his neighbor came to him and stated that he was too old to sell his vegetables. Mr. Thompson stated that he and his wife decided to help his neighbor grow and sell those for him. He stated that they applied for their business license in March and asked if there was anything else that he needed and was told he did not. Mr. Thompson stated that they operated for over three (3) months and then was told by Mr. McClain that they were in infraction of a zoning problem and could no longer sell. Mr. Thompson stated that they added a second culvert and had another driveway installed so that two (2) cars could pass and there are no traffic issues. Committee Member Foston asked if he felt there was a misunderstanding when they obtained their seasonal permit. Mr. Thomspson stated that not on his part because he was very clear about what he was intending to do. Committee Member Foston asked if anyone explained the regulations of the permit. Mr. Thompson stated that had they explained anything he would not be in the situation he is in. Mr. McClain stated that there is supposed to be a checklist given by the city when someone picks up an application for a business license, it is not a permit, just a license. He stated that he was not sure if he received one or not but the first step on that checklist should have been a call to him and it was not. Mr. McClain stated that the reason he visited Mr. Thompson in the first place is due to receiving a complaint from a citizen. Committee Member Foston asked about a special exception for C2 nursery if approved by the BZA and if this could be postponed. Mr. McClain stated that Mr. Thomspson was not asking for a special exception, he was asking for an appeal on the decision to enforce the zoning. Committee Member Smith asked if we needed to issue a seasonal permit. Mr. McClain stated that we currently do not have a seasonal permit to issue but it is a topic of discussion at the planning meeting. He stated that the issue is that the property is zoned C2 and it is currently being used as residential since that is where he and his wife sleep at night. He stated that they changed the use of the property when they started selling produce and created a business. After much discussion, a motion was made by Committee Member Smith, seconded by Committee Member Foston, to deny the appeal. All approved by voice vote.

5. Appeal Request: Parcel 062 077 02

Mr. Anthony Hooten stated that he is a property owner in Ashland City and he was planning to build a house and garage for twenty-two (22) show cars but did not know he needed to build the house first before the garage went up. He stated that this has been a twenty (20) year process and he has followed all requirements. He stated that he has spent a lot of time preparing the property and needs this permit to get the shop up. Committee Member Smith asked what the time frame was on the house being built. Mr. Hooten stated that it would be around two (2) or three (3) years. Committee Member Foston asked if he was told when he first came to the city that he would need a primary structure first. Mr. Hooten stated he was told he could do a garage first. After much discussion, a motion was made by Committee Member Mayberry, seconded by Committee Member Foston, to approve the appeal request. All approved by voice vote.

**OTHER**

None.

**ADJOURNMENT**

A motion was made by Committee Member Smith, seconded by Committee Member Foston, to adjourn the meeting. All approved by voice vote and the meeting adjourned at 6:33 p.m.

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CHAIRWOMAN MELODY SLEEPER

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INTERIM CITY RECORDER ALICIA MARTIN, CMFO