

Town of Thompson's Station
Board of Zoning Appeals
Special Called Meeting Agenda
November 4, 2020

Meeting Called To Order

Statement By Chair Relating To Conducting The Board Of Zoning Appeals Meeting By Electronic Means Of Due To COVID-19 State Of Emergency

Documents:

[INTRODUCTION STATEMENT FOR TS BZA NOV 2020.PDF](#)

Election Of Officers

- Chair
- Vice-Chair
- Secretary

Consideration Of The Minutes Of The October 15, 2019 Meeting.

Documents:

[BZA MINS_101519.PDF](#)

1. Administrative Review Of Conflicting Requirements As To The Permitted Use Location For Wireless Communications Facilities Within The Land Development Ordinance.

Documents:

[ITEM 1 COLUMBIA PIKE WIRELESS TOWER ADMIN REVIEW 10-28-20.PDF](#)
[ITEM 1 VOGUE TOWER PARTNERS VII_COLUMBIA PIKE BZA SUBMITTAL 10-13-2020.PDF](#)
[ITEM 1 VOGUE TOWER PARTNERS VII_COLUMBIA PIKE JUSTIFICATION LETTER.PDF](#)

2. Variance Request For A Wall Sign Of 67.5 Total Square Feet On An Existing Building Located At 990 Ellison Way In The Commercial Section Of Tollgate Village.

Documents:

[ITEM 2 HARPETH VALLEY DERMATOLOGY SIGN VARIANCE STAFF REPORT 10-28-20.PDF](#)
[ITEM 2 HARPETH VALLEY DERMATOLOGY SIGN APPLICATION AND JUSTIFICATION LETTER.PDF](#)

3. Set Date For Annual Meeting/Training For Early 2021.

Adjourn

This meeting will be held remotely due to the Public Health Emergency related to COVID-19 & will be live-streamed via our website www.thompsons-station.com

STATEMENT FOR THE RECORD AT START OF MEETING
Thompson's Station Board of Zoning Appeals

Hello and welcome to this the November 4th, 2020, Board of Zoning Appeals meeting for the Town of Thompson's Station.

Pursuant to the Guidance from the Office of the Comptroller for the State of Tennessee and in accordance with Governor Lee's Executive Order # 65 (which was previously extended by Executive Order # 16, 34, 51, and 60): due to the treatment and containment of COVID-19.

This Town of Thompson's Station Board of Zoning Appeals meeting, with notice, is being held virtually and being recorded to protect the public health, safety, and welfare of the Citizens of Thompson's Station in light of the coronavirus and to continue to allow the Town to function and operate.

Further, it is the desire of the Board of Zoning Appeals to include this determination in the minutes for this meeting.

We understand that we, the Thompson's Station Board of Zoning Appeals, serves the Town of Thompson's Station, which is why we are currently recording this virtual meeting, broadcasting it live for public viewing and uploading and preserving it for future viewing.

Town of Thompson's Station
Board of Zoning Appeals
Minutes of the Meeting
October 15, 2019

Call to Order.

The meeting of the Board of Zoning Appeals of the Town of Thompson's Station was called to order at 6:00 p.m. on Tuesday, October 15, 2019 with the required quorum. Members and staff in attendance were: Board Member Mary Herring; Board Member Jeff Riden; Board Member Justin Wilson; Board Member Lori Clemmons; Board Member Bryce Levet; Town Planner Wendy Deats; Town Attorney Andrew Mills; and Planning Technician Jennifer Jones

Election of Officers

Lori Clemmons nominated Mary Herring as Chairman. The motion was seconded and carried by all. Mary Herring nominated Jeff Riden as Vice Chairman. The motion was seconded and carried by all. Mary Herring nominated Justin Wilson as Secretary. The motion was seconded and carried by all.

Consideration of Minutes.

The minutes of the May 16, 2017 meeting were previously submitted.

Board Member Riden requested the following changes:

Board Members Hughes, Wilson, Wiggins should be replaced with Board Members Miller, Irwin & Buttrey. Town Administrator Cosentini was not at the meeting and Town Attorney Moore was.

After discussion, Board member Riden made a motion to approve the minutes with the changes. The motion was carried by all.

- 1. Variance request to approve an electronic message board with a height of 35 feet and a sign area of 498.75 square feet located at 4520 Graystone Quarry Lane within the Specific Plan zoning district.**

Mrs. Deats reviewed her Staff report and recommends that the Board of Zoning Appeals review the project and consider, in its discretion, some limited variance as to size and height but deny the request in all other respects, including the use of an electronic message board.

Chairman Herring then opened the floor for public comment.

Brenda Woodside – 4478 Les Watkins Rd. – Voiced opposition against the electronic message board being constructed.

William Campbell – 4421 Harpeth School Rd. – Voiced support for the electronic message board.

Casey Woodside – 4480 Les Watkins Rd. – Voiced opposition against the electronic message board being constructed.

Chairman Herring then closed the floor for public comment.

Board of Zoning Appeals

October 15, 2019

Page 2

Rick McEarchern with Graystone Quarry came forward to answer any questions about the sign.

After discussion, Board Member Clemmons made a motion to approve an increased sign height of 35 feet and an increased sign area of 500 square feet for a monument sign. The motion was seconded and carried by all.

After additional discussion, Board Member Clemmons made a motion to deny the request for a variance to permit an electronic message board. The motion was seconded and carried by all.

There being no further business, the meeting was adjourned at 7:50 p.m.

Mary Herring, Chairman

Regina Fowler, Town Recorder

**Thompson's Station Board of Zoning Appeals
Staff Report - Item 1 (BZA 2020-001)
November 4, 2020**

Administrative Review of conflicting requirements as to the permitted use location for Wireless Communications Facilities within the Land Development Ordinance.

REQUEST

The applicant, Vogue Towers Partners VII, LLC requests the Board of Zoning Appeals (BZA) review conflicting standards in the Land Development Ordinance (LDO) as to the permitted use location for Wireless Communications Facilities.

The applicant seeks to locate a Wireless Communications Facility on property at 4561 Columbia Pike, which is zoned Community Commercial (CC) and asks the BZA to provide an administrative review of the following conflicting standards:

Conflicting Standards within the LDO:

Table 4.4 Permitted Use Table, allows Wireless Communications Facilities in the Community Commercial (CC), Light Industrial (IL), and Medium Industrial (IM) zoning districts.

Table 4.4 O2, G1, G2 USE ZONES LAND USE								
USE	D1	D2	D3	NC	CC	IL	IM	
INSTITUTIONAL								
Wireless communications facility					P	P	P	

KEY: "P" = Permitted by Right; "S" = Special Exception (BZA Approval required); " " = Prohibited

Section 4.11.6 Wireless Communications Facilities contains the Use Conditions for this all wireless communications facilities within the Town and lists only Medium Industrial (IM) as the permitted zoning district.

4.11.6 Wireless Communications Facilities

These standards govern the development of wireless communications facilities.

...

- b. Permitted Locations. WCTs are permitted within the IM zoning district subject to these standards; however, the placement of such towers in areas and specific locations to minimize the visual impact of WCTs is strongly encouraged.**

The Board of Zoning Appeals has jurisdiction over this request per section 5.5.4 (c)(i) which gives administrative review authority to the BZA "to hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the Town Planner or other administrative official in the carrying out of enforcement of any provision of this ordinance."

STAFF ANALYSIS

In the review by Staff, the Use Condition in Section 4.11.6 is both more specific and detailed in narrowing the permitted location for Wireless Communications Facilities to the Medium Industrial (IM) zone. Therefore, this standard seems to be the overriding and more correct expression of the intent of the BOMA in the permitted locations for Wireless Communications Facilities. Staff recommends that the BZA find that Section 4.11.6, which permits Wireless Communications Facilities only within the Medium Industrial (IM) zone, is the appropriate standard for the permitted location of Wireless Communications Facilities within the Town. Along with this determination, Staff requests direction to draft an amendment to the LDO to revise the Table 4.4 Permitted Uses to limit Wireless Communications Facilities to the Medium Industrial (IM) zone.

PLANNING COMMISSION ADVISORY OPINION

At the October 27, 2020, Planning Commission Meeting, the Planning Commissioners determined to offer the following advisory opinion to the BZA on this case:

By a unanimous vote, the Planning Commission advised that the BZA should defer action on this request and instead allow the BOMA, as the Town's legislative body, to remedy this conflict through an LDO text amendment and the regular legislative process.

RECOMMENDATION

Staff recommends that:

1. The Board of Zoning Appeals review the LDO conflicting standards and render a determination for that the Medium Industrial (IM) zone is the appropriate location for a Wireless Communications Facilities within the Town.
2. Direct Staff to formulate an amendment to the LDO that remedies this conflict reflecting the BZA's determination.



430 Chestnut Street – Suite 101-B
Chattanooga, TN 37402

423-269-7455

Voguetowers.net

**APPLICATION BY VOGUE TOWER PARTNERS VII, LLC, FOR THE ADMINISTRATIVE
REVIEW OF A PERMITTED USE CONFLICT BETWEEN TABLE 4.4, WIRELESS
COMMUNICATIONS FACILITY PERMITTED USE TABLE & SECTION 4.11.7(b),
WIRELESS COMMUNICATIONS FACILITY PERMITTED LOCATIONS**

October 13, 2020

Board of Zoning Appeals
Town of Thompson's Station
P.O. Box 100
Thompson Station's, TN 37179

Members of the Board of Zoning Appeals:

By way of the attached application, Vogue Tower Partners VII, LLC, is requesting the Board's Administrative Review of a conflict between the regulations in Table 4.4, Wireless Communications Facility Permitted Use Table, and Section 4.11.7(b), Wireless Communications Facility Permitted Locations (see attached), specifically as it addresses permitted uses within zoning classifications for the development of Wireless Communications Towers ("WCT's").

Respectfully submitted,

Patricia Troxell-Tant

Patricia Troxell-Tant
Chief Executive Officer
Vogue Towers, LLC

ZONING

LAND DEVELOPMENT ORDINANCE

Town of Thompson's Station

TABLE 4.4 O2, G1, G2 USE ZONES LAND USE

USE	D1	D2	D3	NC	CC	IL	IM
Kiosk					P		
Large format retail, over 50,000 sq. ft.					P	P	
Live-work unit							
Medical clinic				P	P	P	P
Microbrewery					P		
Microdistillery					P		
Mixed use building				P	P	P	
Non-banking financial services					P	P	
Office building				P	P	P	P
Open market building						P	P
Personal service				P	P	P	
Recording studios				P	P	P	P
Retail building				P	P	P	P
Restaurant				P	P	P	P
Self-storage						S	S
INSTITUTIONAL							
Cemetery						P	P
Clubs – public or private					P	P	
Community buildings, public or private	P	P	P	P	P		
Convention or exhibition halls					P	P	
Correction and detention institutions							P
Cultural centers				P	P		
Education							
College						P	
Elementary, middle school	P	P	P		P	P	
High school					P	P	
Entertainment facilities, not adult					P	P	
Exhibition center					P	P	
Farmers market	S			P	P		
Heliport / helipad						P	P
Hospital					P	P	
Library				P	P		
Museum				P	P	P	
Park (See Table 3.1.)							
Nature conservancy	P						
Park	P						
Green		P	P	P			
Square		P	P	P			
Plaza				P	P	P	
Playground	P	P	P	P			
Community garden	P	P	P	P	P	P	P
Neighborhood multipurpose field		P	P	P			
Ramble		P	P				
Recreation and sports facility					P	P	
Parking facilities					P	P	P
Religious institution	S	S	S	S	P	P	P
Theater					P	P	P
Utility substation	P	P	P	P	P	P	P
Sports stadium					P	P	P
Wireless communications facility					P	P	P
AGRICULTURE							
Beekeeping	P	P					

KEY: "P" = Permitted by Right; "S" = Special Exception (BZA Approval required); "" = Prohibited

building codes.

4.11.6 Self-Storage

These standards are a minimum set forth to govern the development of self-storage facilities. The Board of Zoning Appeals may, through the special exception permit process, determine that additional standards are necessary for the health, safety and welfare of the community as a whole.

- a. Self-storage facilities shall not be located on any parcel which is less than two (2) acres.
- b. All self-storage facilities shall maintain a minimum of a 25 foot landscaped front yard setback, a 15 foot landscaped setback and a 20 foot landscaped setback.
- c. No building shall exceed 20 feet in height unless the additional height is for architectural features for the visual enhancement of the structure. No additional storage will be permitted within areas exceeding 20 feet in height.
- d. All self-storage facilities shall be enclosed by a solid masonry wall with a minimum height of six (6) feet. All self-storage facilities shall have additional landscaping to screen the sides and rear of the facility to provide a visual buffer between land uses.
- e. All noise shall be sound attenuated so that the noise level measured at the property line that does not exceed 85 decibels during the day and 65 decibels at night when adjacent to residential districts.
- f. All self-storage facilities shall be designed and developed in a complementary architectural style to surrounding developments. Other design features that are consistent with the Town's Design Guidelines shall be utilized to increase the overall appearance of self-storage facilities. All self-storage facilities shall be reviewed by the Design Review Committee.
- g. No uses other than storage and a related office are permitted within the self-storage facility.
- h. All storage shall be contained within each individual storage unit. Outdoor storage shall be subject to outdoor storage requirements.
- i. Self-storage facilities shall be operated and maintained in accordance with all applicable state, county and local building codes and regulations.

4.11.7 Wireless Communications Facilities

These standards govern the development of wireless communications facilities.

- a. Review Process for Wireless Communication Towers ("WCT"). All applications to construct a WCT within the Town shall include a detailed site plan of the proposed WCT, in addition to information required for a building permit, and shall obtain the approval of the Planning Commission, unless specifically exempted as provided herein.
- b. **Permitted Locations.** WCTs are permitted within the IM zoning district subject to these standards; however, the placement of such towers in areas and specific locations to minimize the visual impact of WCTs is strongly encouraged.
- c. Low-impact WCTs. Proposed WCTs meeting the following requirements shall not require Planning Commission review and approval, but may be approved by Town staff:
 - i. Antennae located on existing non-residential structures that do not extend more than ten (10) feet above the existing structure and that are camouflaged or placed in a manner so as to minimize visibility.
 - ii. Monopoles of less than forty (40) feet in height located within areas of public right-of-way as permitted by the Town or located on existing utility poles within the Town.
 - iii. The co-location of antennae on existing WCTs, whether they were constructed before the effective date of this ordinance or approved in accordance with this ordinance, provided no additional height is added to the WCT.

Town of Thompson's Station Planning Department

P. O. Box 100
 1550 Thompson's Station Road West
 615-794-4333



General Application / Request:

File No.: _____

Applicant Information: (Please print)

Company / Business Name: Vogue Towers Partners VII, LLC

Contact: Pat Tant, CEO Phone # 1: 423-702-0313

Mailing / Street Address: 430 Chestnut Street, Suite 101-B

City, State, Zip: Chattanooga, TN 37402

E-mail: pat@voguetowers.net Phone # 2: _____

SUBDIVISIONS:

	RESIDENTIAL		NON-RESIDENTIAL
	Development Concept Presentation		Development Concept Presentation
	Single Lot Site Plan – Lot #: _____		Single Lot Site Plan – Lot #: _____
	Site Plan		Site Plan
	Preliminary Plat		Preliminary Plat
	Final Plat		Final Plat
	Revision to Final Plat		Revision to Final Plat
	Construction Drawing		Construction Drawing

SIGNS:

	Master Sign Plan / Program		Sign Permit / Review
	Billboard Sign Face Replacement		Temporary Sign Permit

OTHER:

	Annexation		Change of Use
	Rezone		Residential Business
	Temporary Use/Event permit		Home Occupation
	Special Exception	X	Variance or Other BZA Request

Parcel / Property Information:

Parcel Location / Address: 4561 Columbia Pike

Tax Map & Parcel #: 145.00100.00004145 Acreage: 25.22 for parcel, approx .11 development

Owner Name: Raymond Fields

Owner Address (if different from Parcel Address): Chapel Hill, TN

Deed Book & Page #: Book-Page 4990-357 and 5042-71

Check one : sewer septic n/a

Project Description Information:

Subdivision / Project Name: Columbia Pike - TN-043

Plat Book & Page #: _____ Lot #(s): _____

Project Description:

Development of a multi-tenant Wireless Communications Tower ("WCT") facility
as located and identified in the attached drawings.

Justification Statement: State why the application(s) should be approved, based on the required findings (if any). Attach additional pages if necessary.

See attached Application summary and justification, attached to this application.

Michael A. Sandifer
Signature of Applicant

October 8, 2020
Date

PROPERTY OWNER(S) STATEMENT

STATE OF TENNESSEE
COUNTY OF WILLIAMSON
TOWN OF THOMPSON'S STATION

I / We, Raymond Fields, declare that I / we am / are the owner(s) of the property described herein and hereby give authorization for the filing of this application. Further, I / we do, by my / our signature(s) on this agreement, absolve the Town of Thompson's Station of all liabilities regarding any deed restrictions that may be applicable to the property described herein. (Signature of all property owners is required. The owner in escrow is not acceptable.)

I / We declare that all encumbrances on the subject property are shown on the submitted site plan (or are attached on a separate sheet) and that the purpose of all encumbrances (and ownership of all easements) is stated. In the case of a tentative map, I / we further declare that the property involved in this application is free from all encumbrances that would conflict with the project application, particularly dedications of the right to further subdivide to the Town of Thompson's Station.

I / We hereby grant the Town admittance to the subject property as necessary for processing of the project application.

I / We declare under penalty of perjury that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my knowledge and belief.

Signed: Raymond Fields

Date: 9-15-20

Signed: _____

Date: _____

Signed: _____

Date: _____

Engineer Information: (Please print)

Company / Business Name: French & Parrello Associates

Contact: Michael Sandifer Phone # 1: 205-532-4870

Street / Mailing Address: 100 North Point Center East, Suite 125

City, State, Zip: Alpharetta, GA 30022

E-mail: michael.sandifer@fpaengineers.com Phone # 2: _____

Architect Information: (Please print)

Company / Business Name: N/A

Contact: _____ Phone # 1: _____

Street / Mailing Address: _____

City, State, Zip: _____

E-mail: _____ Phone # 2: _____

Consultant Information: (Please print)

Company / Business Name: Same as Engineer

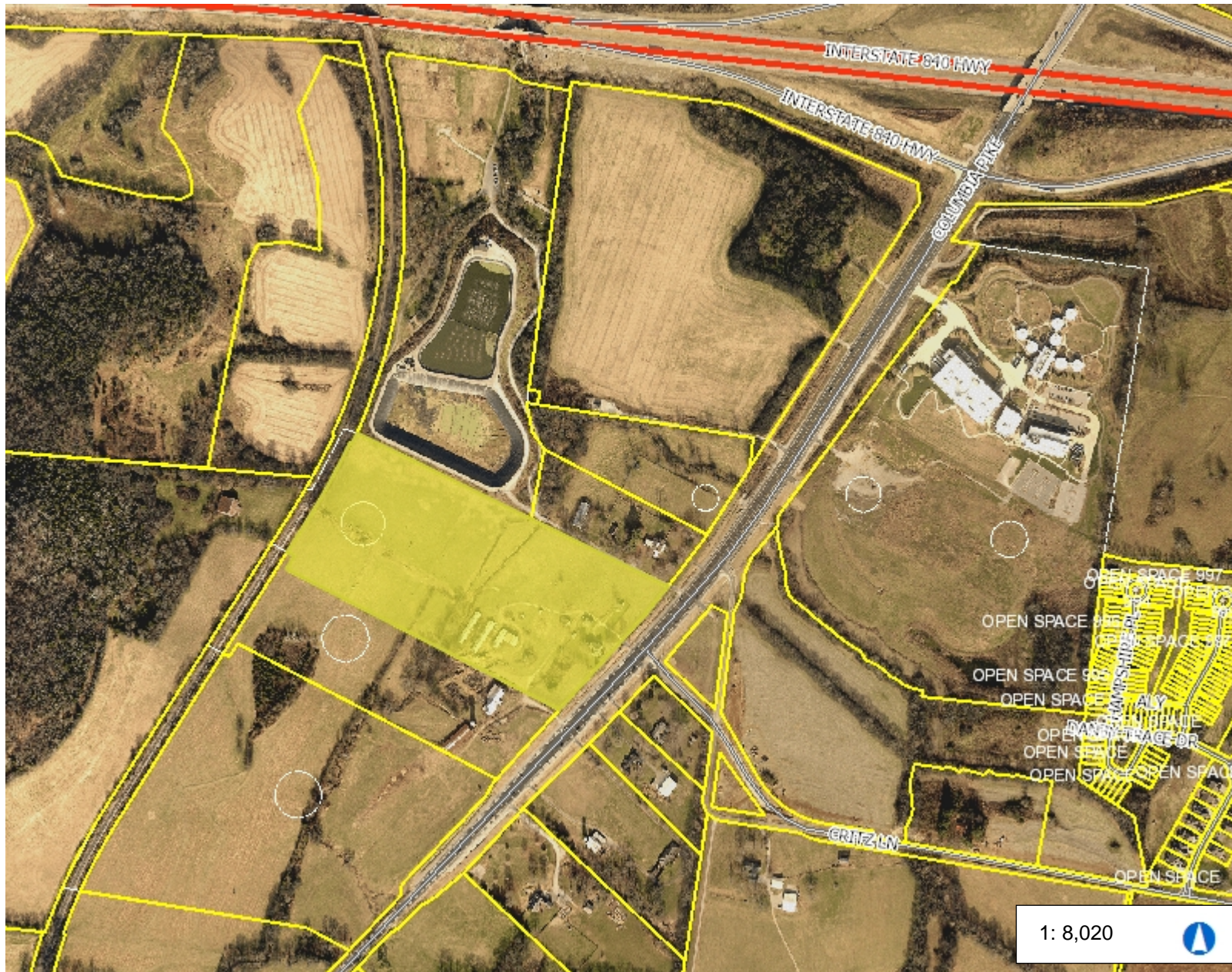
Contact: _____ Phone # 1: _____

Street / Mailing Address: _____

City, State, Zip: _____

E-mail: _____ Phone # 2: _____

Tools & Features Demonstration Site



Legend

- Parcels
- Notes
- Miscellaneous
- Easement
- Exemptions
- Conflicts
- Lines
- Corporate Limits
- BRENTWOOD
- FAIRVIEW
- FRANKLIN
- NOLENSVILLE
- SPRING HILL
- THOMPSONS STATION
- Parks
- Centerlines
- <all other values>
- INTERSTATE
- ACCESS
- LOCAL STREETS
- MAJOR ARTERIAL
- MAJOR COLLECTOR
- MINOR ARTERIAL
- MINOR COLLECTOR
- NO NAME
- UNCLASSIFIED

Notes

0.3 0 0.13 0.3 Miles

NAD_1983_StatePlane_Tennessee_FIPS_4100_Feet
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THIS MAP IS NOT TO BE USED FOR NAVIGATION



**APPLICATION FOR SITE PLAN APPROVAL BY VOGUE TOWER PARTNERS VII, LLC, FOR THE
CONSTRUCTION OF A WIRELESS COMMUNICATION FACILITY**

Application: For Town of Thompson Station Board of Zoning Appeals and Planning Commission approval by Vogue Tower Partners VII, LLC (“Vogue Towers”) for a proposed multi-tenant Wireless Communication Tower (“WCT”) facility.

Site Name: Columbia Pike, #TN-043

Project Description: Vogue Towers proposes to construct a multi-tenant 125’ monopole structure within a 55’x55’ fenced compound area (see attached design drawings for details). This facility will have provisions for multiple carriers, satisfying the intent of the Town’s ordinance to reduce the need for new towers.

Parcel Address: 4561 Columbia Pike, Thompson Station, TN 37179

Property Owner: Raymond Fields

Narrative:

The wireless industry is continually improving networks to best meet the needs of the community. In the present case, the growth in usage at existing locations requires a new tower. The purpose of this proposed wireless facility will be to provide improved coverage, quality, and safety to the area, specifically to customers and residents in and around Thompson Station, along Columbia Pike and Hwy 840.

As the demand for data continues to increase with the use of “smart phones”, there is an increased need for WCT infrastructure to keep up with the demand. Each WCT facility can handle only a fixed amount of demand and/or cover so far, and this tower is needed to provide additional coverage and capacity for this portion of the community.

This proposal is to construct a multi-carrier monopole WCT facility. The applicant will lease the use of space and access as shown on the site plan. Within that area, there would be a 3,025 sq/ft fenced compound providing room for wireless carriers, including Verizon Wireless, AT&T, and other collocating wireless providers to place equipment cabinets/buildings within the compound of the new tower.

Consideration of this application should not, however, be limited to examining how successfully Vogue Towers has mitigated any negative impact through design and location. The positive impact of the site should be given full weight as well. We live in a society where our wireless devices have become an essential tool for daily living, a necessity with approximately 80% of E911 calls being made from wireless devices each year and more than one-half of American homes (54.9% as of 2018) with only wireless telephone service (*National Center for Health Statistics*). Furthermore, the benefits of this site to the community go beyond just convenience for residents and businesses. Quality wireless service is part of the critical infrastructure necessary for public safety and first responders in emergency situations such as accidents, crimes, health incidents and storms. Given the design, location and benefits provided by this proposed site, the lack of significant impacts, and compliance with the requirements of the ordinance as more fully demonstrated below, approval of this application is respectfully requested.

4.11.7 Wireless Communications Facilities

These standards govern the development of wireless communications facilities.

- a. *Review Process for Wireless Communication Towers (“WCT”). All applications to construct a WCT within the Town shall include a detailed site plan of the proposed WCT, in addition to information required for a building permit, and shall obtain the approval of the Planning Commission, unless specifically exempted as provided herein. **See attached zoning drawings. A complete set, with additional code related detail will be provided for building permit review.***
- b. *Permitted Locations. WCTs are permitted within the IM zoning district subject to these standards; however, the placement of such towers in areas and specific locations to minimize the visual impact of WCTs is strongly encouraged. **The subject property is zoned “CC – Community Commercial”, also a permitted use per the Permitted Use Table in the Town’s Land Development Ordinance. Applicant is requesting clarification from BZA.***
- d. *High-impact WCTs. Any proposed WCT not meeting the conditions for low- or medium-impact WCTs require site plan review and approval by the Planning Commission and must meet the following additional conditions:*
 - i. *An applicant for a high-impact WCT shall provide an inventory of existing WCTs or sites approved for WCTs that are within the Town, and WCTs outside of the Town which serve areas within the Town, as well as within the coverage area of the proposed WCT. The inventory shall include specific information about the design, height, and location of each WCT and demonstrate that their needs and the needs of the public cannot be adequately served by co-location or installation of a low- or medium-impact WCT. High-impact WCTs will only be approved if the Planning Commission determines based on the evidence presented by the applicant that no existing WCT or structure can accommodate the proposed antenna. **Applicant does not currently own or operate any existing WCT’s in or around the Town.***
 - ii. *High-impact WCTs shall be no separated by not less than 1,500 feet, measured by a straight line from the base of an existing tower, to the base of a proposed tower. **Closest existing WCT is approx. 1.75m to the SE, followed by an existing WCT approx. 2m to the south. No existing WCT facilities identified within 1,500’.***
 - iii. *Site plans applications for high-impact WCTs shall include a detailed landscaping plan sufficient to screen the entire perimeter of the fence of the WCT and to provide for the installation and future growth of large trees and other vegetation. The Planning Commission may require the applicant to post a landscaping bond as a condition of approval. **Applicant***

selected this location based on its natural screening based on adjacent uses. The WCT is located at the rear of the 25+ acre tract, with screening via the railroad to the west and the Town's water facility to the north, and is located at the rear of the property to not require additional landscaping.

- iv. *Applications for high-impact WCTs shall also include detailed construction drawings and plans approved by a licensed engineer and a schematic drawing of the proposed WCT and accessory structures, fencing and landscaping. See attached zoning drawings. A complete set, with additional code related detail will be provided for building permit review.*
 - v. *A high-impact WCT shall require an additional two-foot setback from the base of the tower to the property line for each vertical foot over the maximum height of structures permitted within that zone district. No WCT shall be permitted by the Planning Commission of a height of more than 125 feet. Applicant complies with this requirement based on design of the monopole to include a 50% failure zone, reducing the potential fall radius to approx. 63', plus the three-story requirement for the Town's "CC" district. Applicant is providing a fall zone letter as part of this package and will provide detailed tower design calculations as part of the building permit submittal process.*
- e. *Requirements for all WCTs. All WCTs shall meet the following requirements:*
- i. *Minimum siting distances to habitable structures required for compliance with the Federal Communications Commission (FCC) regulations.*
 - ii. *Shall be designed using non-reflective materials and shall be compatible with and match the building architecture and colors to the maximum extent feasible and be located to minimize visual impacts. Monopole structures are typically galvanized steel, tubular structures that share design characteristics with existing utility lines in the area.*
 - iii. *No signs are permitted on a WCT other than necessary warning or certification signs.*
Applicant complies, posting only required warning, certification of identification signage.
 - iv. *No lighting is permitted on a WCT except as required to comply with federal regulations. Applicant does not anticipate lighting to be required for this location.*
Governed by the FAA, lighting is not generally required for towers less than 200' in height.
 - v. *All ground mounted mechanical equipment shall be housed underground or within a structure that shall be fenced and screened from public view with an 8 foot fence. The fenced shall be locked at all times and the perimeter of such fence shall be completely screened from adjacent properties either by existing trees and vegetation or newly installed landscaping. Applicant complies, as illustrated in attached drawings.*
 - vi. *Wireless communications facilities shall be operated and maintained in accordance with all applicable federal, state, county and local building codes and regulations. Any abandoned facilities or structures shall be removed within 30 days. Applicant confirms its intent to comply with this Section. The WCT will be maintained in a safe manner, and in compliance with conditions of permits, as well as all applicable and permissible local codes, ordinances, and regulations and applicable City, State and Federal laws, rules and regulations, unless granted specific relief by the Commission in writing.*
- g. *Abandonment and removal. Any WCT that is not operated for a continuous period of 12 months or more shall be considered to have been abandoned, and the owner shall remove the same within*

90 days of receipt of notice from the Town. Failure to remove an abandoned tower or antenna within said 90 days shall be grounds to remove the WCT at the owner's expense. If there are multiple users of a WCT, then this provision shall not become effective until all users abandon the tower. The Planning Commission shall require that a Performance Agreement be established for all High Impact WCTs, with appropriate financial security to defray the costs of removal.

Applicant confirms its intent to comply with this Section 4.11.7(g) as described above.

As provided for in this application package, the proposed telecommunications facility meets the conditions and specifications of Thompson Station's Land Development Ordinance. Wireless service is considered a public necessity in some cases, as it is often the only means citizens have to emergency services. The location and character of the use, if developed according to the plan submitted and recommended, will be in harmony with the area in which it is to be located. The proposed WCT will meet the infrastructure needs of this area of the area and will provide much needed access to emergency services.

Respectfully submitted,

Patricia Troxell-Tant

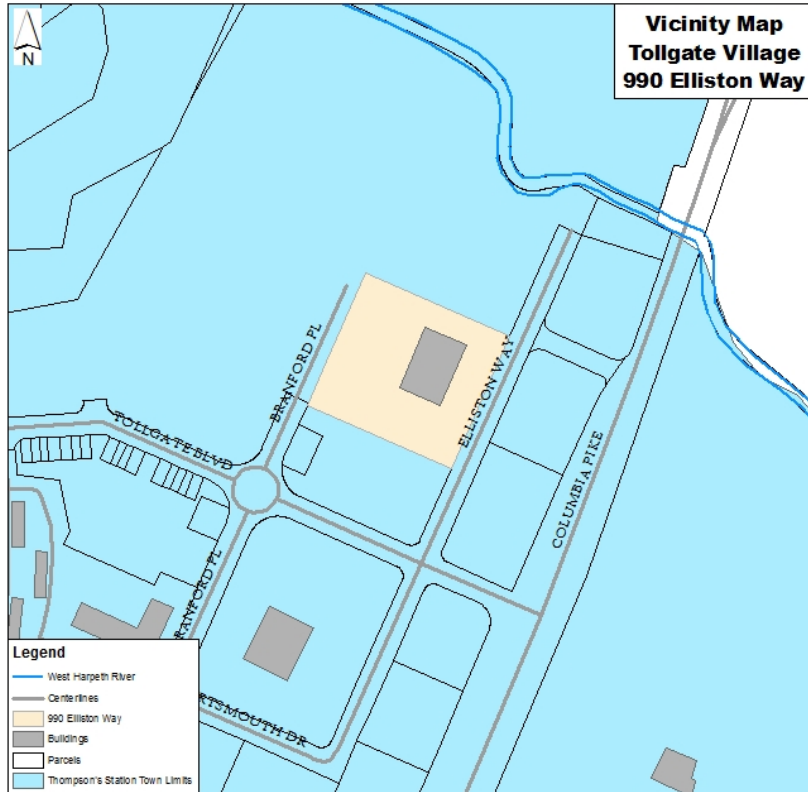
Patricia Troxell-Tant
Chief Executive Officer
Vogue Tower Partners VII, LLC

**Thompson's Station Board of Zoning Appeals
Staff Report - Item 1 (BZA 2020-002)
November 4, 2020**

Request for approval of a sign variance to permit a 47.5 square foot wall sign on the building located at 990 Elliston Way.

PROJECT DESCRIPTION

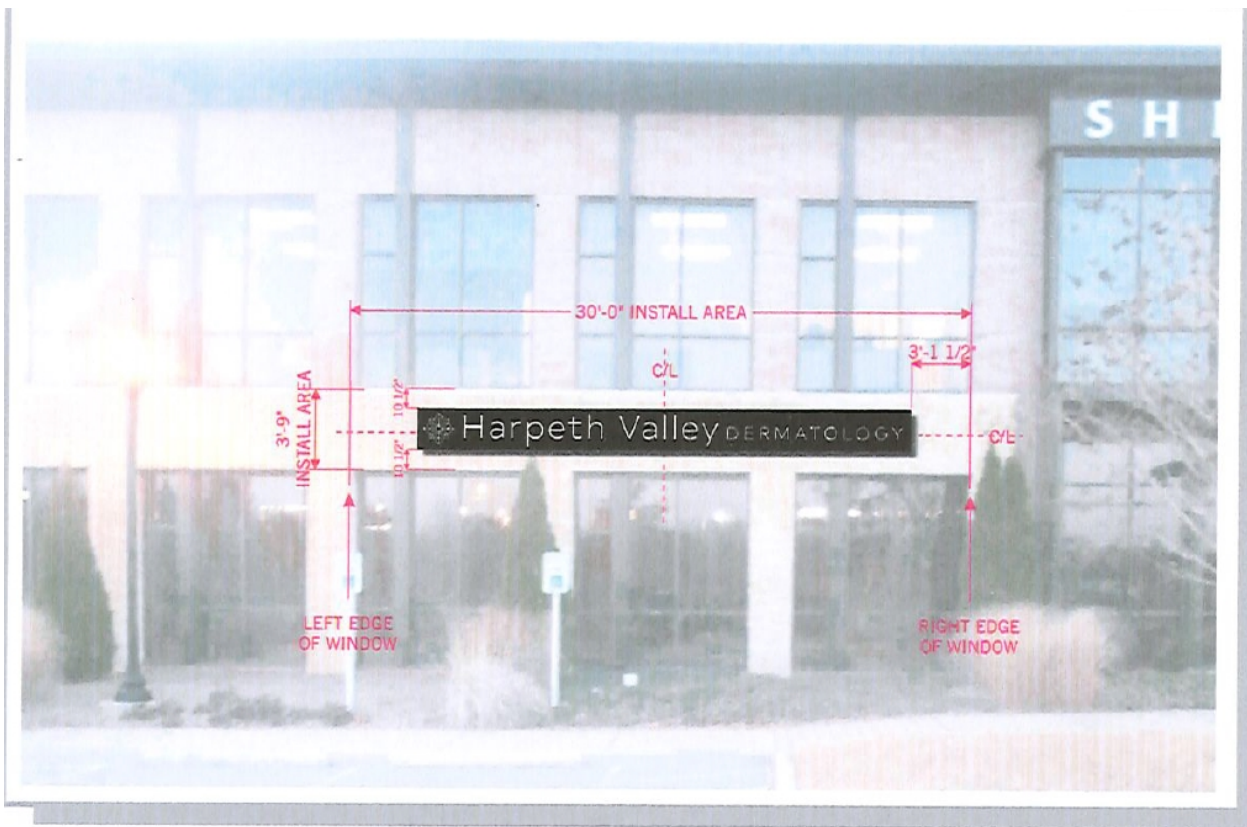
The appellant, Harpeth Valley Dermatology is requesting approval of a sign variance to install a wall sign with a total of 47.5 square feet. The project site is located at 990 Elliston Way.



ANALYSIS

Project Site

The dermatologist office is located in the Shelter Insurance building in the commercial section of Tollgate Village and is zoned Neighborhood Commercial (NC). The building has an existing wall sign on site that utilizes all available wall signage per the LDO. The site has other tenants that do not have additional wall signs. The sign plan submitted for the variance request is included on the next page.



Variance

A variance is a request to deviate from the strict adherence to the standards in the Land Development Ordinance (LDO). In this request, the sign variance is to deviate from the wall sign standards within the LDO.

Table 4.26 establishes the signage standards for the Neighborhood Commercial (NC) zone. Wall signs are permitted with 1 per frontage, with a maximum sign area of 1.5 square feet per 1 linear foot of the building and the maximum sign copy 24 inches / 36 inches for more than one line of copy.

Table 4.26 GENERAL USE DISTRICT SIGN RESTRICTIONS

SIGN TYPE	NC	CC	IL	IM	NUMBER	MAX. SIGN AREA	MAX. COPY HEIGHT
Wall	P	P	P	P	1 per frontage	1.5 s.f. per 1 linear ft.	24 in. / 36 in. for more than one line of copy

Standards for Variances by the BZA

The LDO in Section 5.5.5(i)(iii) establishes the specific criteria that must be fully satisfied prior to the BZA granting a variance from the Zoning regulations within the LDO. The appellant has provided a justification letter with their explanation. Staff has cut in the appellant response in blue

text and provided staff's analysis related to each in orange text. The BZA should review the appellant's justification letter in full in addition to the information provided below.

Per the LDO: *The BZA shall not grant a variance, except where special circumstances or conditions fully described in the findings of the BZA, 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 BZA 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.

Appellant Response: The physical surroundings provide a visibility hardship for our business given that we are over 350 feet away from Columbia Pike. Additionally, we are located next to a construction site at the corner of Tollgate Blvd and Elliston Way that further obstructs visibility due to the presence of construction vehicles and machinery. Many of our patients are elderly and have to undergo skin cancer surgery at our clinic and thus do not need the additional burden, stress, and confusion of not finding our office on the day of their treatment.

Staff response: The appellant has not established any evidence that the physical conditions of the lot create any undue hardship as opposed to a mere inconvenience. Site distance from a main thoroughfare and temporary construction activity do not meet this threshold. Each of these claims would be generally applicable throughout the Town and would create a precedent for allowing variance requests that do not meet the true qualifications under the LDO and the TCA.

2. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.

Appellant Response: Our request is not applicable to the other businesses within our building as the pediatric office has been present for several years and has no interest in additional signage and the dentist office is located in the rear of the building. However, the presence of the Shelter Insurance sign on the building provides additional confusion to our patients looking for their dermatology clinic and thus an additional wall sign would alleviate this confusion.

Staff Response: Each of these claims would be generally applicable throughout the Town and would create a precedent for allowing variance requests that do not meet the true qualifications under the LDO and the Tennessee Code Annotated.

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.

Appellant Response: Our request in variance does not provide us with any special privilege as it pertains to other nearby buildings as I am sure the newly constructed spaces leased to future businesses off of Tollgate Blvd and Elliston Way will have the opportunity to identify themselves with a sign.

Staff Response: Granting this variance would confer a special privilege onto this business that is not available to others throughout the Town.

4. *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.*

Appellant Response: Our request for a variance is minimal when considering that a wall sign identical to the style of the existing "Shelter Insurance" sign would be aesthetically pleasing. However, if we were to pick an alternative sign (ie Canopy, Awning, or Window Sign) as to not impose a variance and abide by the zoning regulations, this alternative would certainly be less aesthetically pleasing.

Staff Response: No evidence offered as to if this is the minim variance and no evidence of any true hardship. The appellant has use of the land, building, and structure without a sign variance.

5. *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.*

Appellant Response: An additional Wall sign would pose no detriment to public welfare and would instead be an asset for the community of patients we treat in Thompson's Station and beyond by easing visibility.

Staff Response: While the wall sign may not be detrimental to the public welfare, as the appellant claims, it would substantially impair the intent and purpose of the Zoning District and of the general provisions of the LDO. Section 1.2.10 of the LDO states the intent for signs throughout Town:

1.2.10 Signs

- a. That signs provide property owners and occupants an opportunity for effective identification and identification of goods sold or produced or services rendered.
- b. That signs reflect the character of their zoning districts.
- c. That signs maintain or improve the aesthetic character of their context, and that they not distract motorists or demand excessive attention.
- d. That signs protect pedestrians and motorists from injury and property damage wholly or partially caused by cluttered, distracting, poorly constructed, or poorly maintained signs.

Granting this variance would impair the clear intent of the LDO for signs.

6. *That the proposed variance will not impair an adequate supply of light and air to the adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety.*

Appellant Response: Our sign would not impair any adjacent property given that the nearest adjacent building is over a hundred feet away. Our office location is off of main roads such as Columbia Pike and Tollgate Blvd thus there should be no increase in public street congestion nor will we pose any additional danger to the public by adding an additional wall sign.

Staff Response: The proposed sign variance will not result in any impairment as identified in this finding.

7. 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.

Appellant Response: This hardship has not knowingly and intentionally been created by any person having interest in the property.

Staff Response: The hardship is self-created since this sign variance is requested with no other identified hardships or practical difficulties.

RECOMMENDATION

Staff recommends that the Board of Zoning Appeals disapprove the request for the sign variance, since it does not meet the statutory thresholds for granting of a variance and would set a precedent for other properties in Town.

ATTACHMENTS

Application, Sign Plan, and Justification Letter

Town of Thompson's Station Planning Department

P. O. Box 100
 1550 Thompson's Station Road West
 615-794-4333



General Application / Request:

File No.: _____

Applicant Information: (Please print)

Company / Business Name: Harpeth Valley Dermatology
 Contact: Pezh Showrashi Phone # 1: 720-244-8518
 Mailing / Street Address: 990 Elliston Way, Suite 101,
 City, State, Zip: Thompson's Station, TN 37179
 E-mail: harpethvalleydermatology@gmail.com Phone # 2: 850-428-1168

SUBDIVISIONS:

RESIDENTIAL	NON-RESIDENTIAL
Development Concept Presentation	Development Concept Presentation
Single Lot Site Plan – Lot #: _____	Single Lot Site Plan – Lot #: _____
Site Plan	Site Plan
Preliminary Plat	Preliminary Plat
Final Plat	Final Plat
Revision to Final Plat	Revision to Final Plat
Construction Drawing	Construction Drawing

SIGNS:

Master Sign Plan / Program	Sign Permit / Review
Billboard Sign Face Replacement	Temporary Sign Permit

OTHER:

Annexation	Change of Use
Rezone	Residential Business
Temporary Use/Event permit	Home Occupation
Special Exception	<input checked="" type="checkbox"/> Variance Request

Parcel / Property Information:

Parcel Location / Address: 990 Elliston Way, Area, Thompson's Station, TN 37179
 Tax Map & Parcel #: _____ Acreage: _____
 Owner Name: Shelter Enterprises / Shelter Insurance
 Owner Address (if different from Parcel Address): 1817 W. Broadway,
Columbia, MO 65218
 Deed Book & Page #: _____
 Check one : sewer septic n/a

Project Description Information:

Subdivision / Project Name: Tollgate

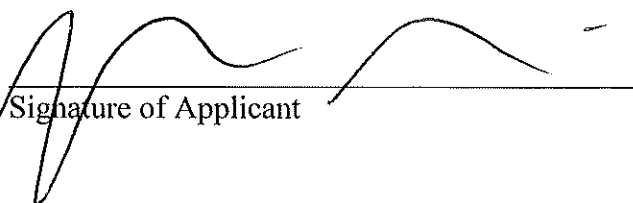
Plat Book & Page #: _____ Lot #(s): _____

Project Description:

Placement of a "Harpeeth Valley Dermatology" exterior wall sign measuring 23'9" x 2' (please see attached schematics)

Justification Statement: State why the application(s) should be approved, based on the required findings (if any). Attach additional pages if necessary.

Please see attached Typed Statement


Signature of Applicant

10/15/20
Date

PROPERTY OWNER(S) STATEMENT

STATE OF TENNESSEE
COUNTY OF WILLIAMSON
TOWN OF THOMPSON'S STATION

I / We, SHELTER ENTERPRISES, LLC, declare that I / we am / are the owner(s) of the property described herein and hereby give authorization for the filing of this application. Further, I / we do, by my / our signature(s) on this agreement, absolve the Town of Thompson's Station of all liabilities regarding any deed restrictions that may be applicable to the property described herein. (Signature of all property owners is required. The owner in escrow is not acceptable.)

I / We declare that all encumbrances on the subject property are shown on the submitted site plan (or are attached on a separate sheet) and that the purpose of all encumbrances (and ownership of all easements) is stated. In the case of a tentative map, I / we further declare that the property involved in this application is free from all encumbrances that would conflict with the project application, particularly dedications of the right to further subdivide to the Town of Thompson's Station.

I / We hereby grant the Town admittance to the subject property as necessary for processing of the project application.

I / We declare under penalty of perjury that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my knowledge and belief.

Signed: Juanita S - PROPERTY MANAGER

Date: 10/15/2020

Signed: _____

Date: _____

Signed: _____

Date: _____

Engineer Information: (Please print)

Company / Business Name: _____

Contact: _____ Phone # 1: _____

Street / Mailing Address: _____

City, State, Zip: _____

E-mail: _____ Phone # 2: _____

Architect Information: (Please print)

Company / Business Name: _____

Contact: _____ Phone # 1: _____

Street / Mailing Address: _____

City, State, Zip: _____

E-mail: _____ Phone # 2: _____

Consultant Information: (Please print)

Company / Business Name: Joslin and Sons Signs

Contact: Mike Shea Phone # 1: 615-255-3463

Street / Mailing Address: 630 Murfreesboro Pike

City, State, Zip: Nashville, TN, 37210


E-mail: MikeShea@joslinsign.com Phone # 2: _____

To the Board of Zoning Appeals:

I would like to provide justification in support of my variance request for the placement of a Wall Sign representing my dermatology office, Harpeth Valley Dermatology, located on 990 Elliston Way, Suite 101, Thompson's Station, TN 37179. Although the proposed sign meets the zoning rules and restrictions as it pertains to a Wall Sign (proposed sign attached), our sign violates the "1 per frontage" rule given that our landlord at Shelter Insurance already has an existing Wall sign. Nevertheless, I am requesting a variance for the following reasons:

- a) The physical surroundings provide a visibility hardship for our business given that we are over 350 feet away from Columbia Pike. Additionally, we are located next to a construction site at the corner of Tollgate Blvd and Elliston Way that further obstructs visibility due to the presence of construction vehicles and machinery. Many of our patients are elderly and have to undergo skin cancer surgery at our clinic and thus do not need the additional burden, stress, and confusion of not finding our office on the day of their treatment.
- b) Our request is not applicable to the other businesses within our building as the pediatric office has been present for several years and has no interest in additional signage and the dentist office is located in the rear of the building. However, the presence of the Shelter Insurance sign on the building provides additional confusion to our patients looking for their dermatology clinic and thus an additional wall sign would alleviate this confusion.
- c) Our request in variance does not provide us with any special privilege as it pertains to other nearby buildings as I am sure the newly constructed spaces leased to future businesses off of Tollgate Blvd and Elliston Way will have the opportunity to identify themselves with a sign.
- d) Our request for a variance is minimal when considering that a wall sign identical to the style of the existing "Shelter Insurance" sign would be aesthetically pleasing. However, if we were to pick an alternative sign (ie Canopy, Awning, or Window Sign) as to not impose a variance and abide by the zoning regulations, this alternative would certainly be less aesthetically pleasing.
- e) An additional Wall sign would pose no detriment to public welfare and would instead be an asset for the community of patients we treat in Thompson's Station and beyond by easing visibility.
- f) Our sign would not impair any adjacent property given that the nearest adjacent building is over a hundred feet away. Our office location is off of main roads such as Columbia Pike and Tollgate Blvd thus there should be no increase in public street congestion nor will we pose any additional danger to the public by adding an additional wall sign.
- g) This hardship has not knowingly and intentionally been created by any person having interest in the property.

I would like the Board to consider that granting this minimal variance would enhance visibility to our patients and the people of the Thompson's Station community that we treat. Additionally, it would ease any confusion and frustration from those patient's visiting from outside the area. I look forward to hearing from you and know we can come up with a mutual resolution!



Pezhman Shoureshi, DO

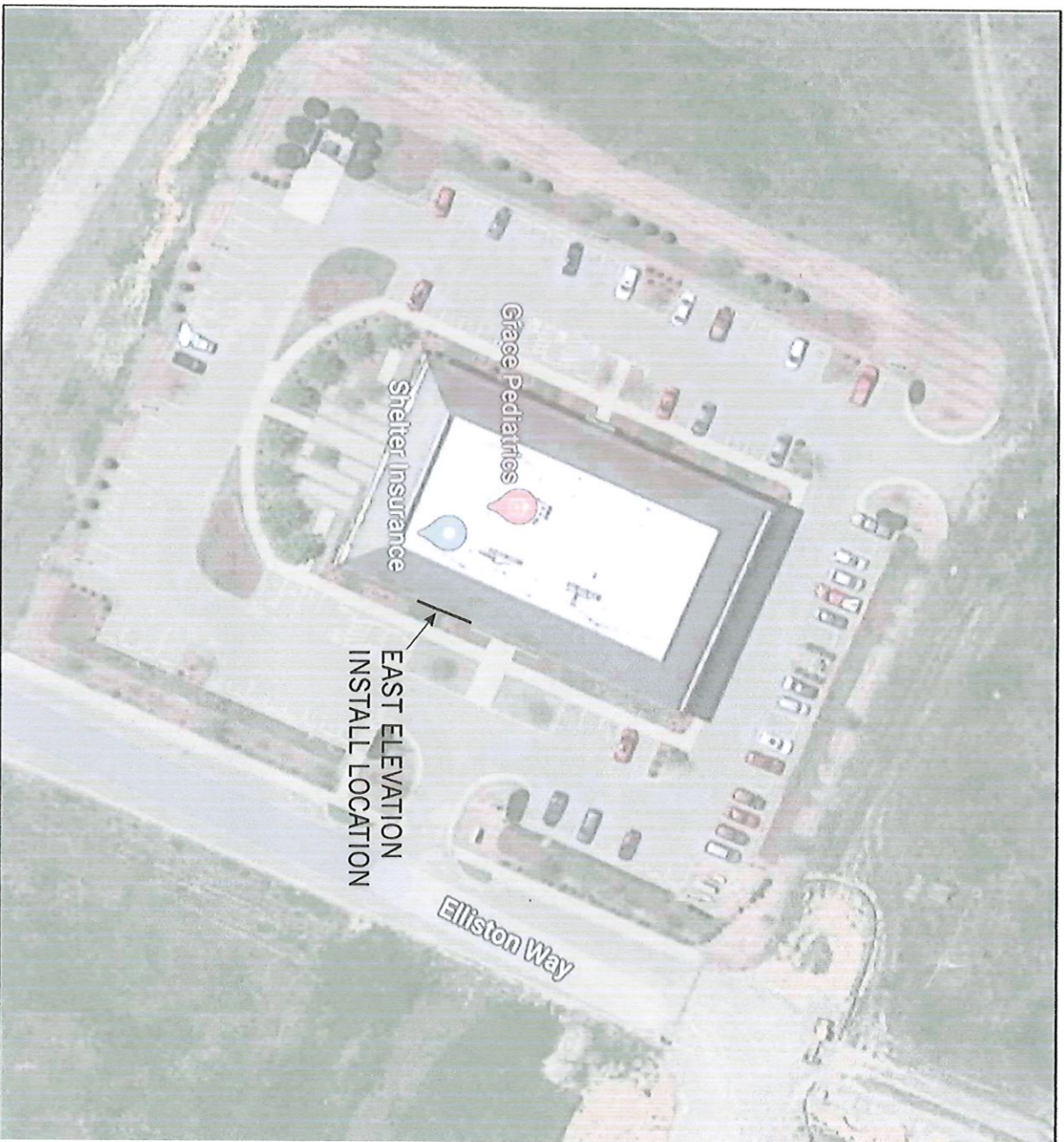
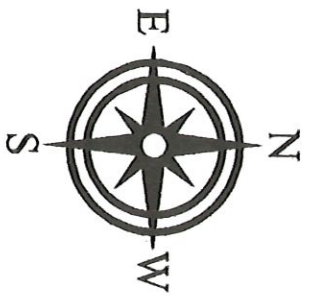


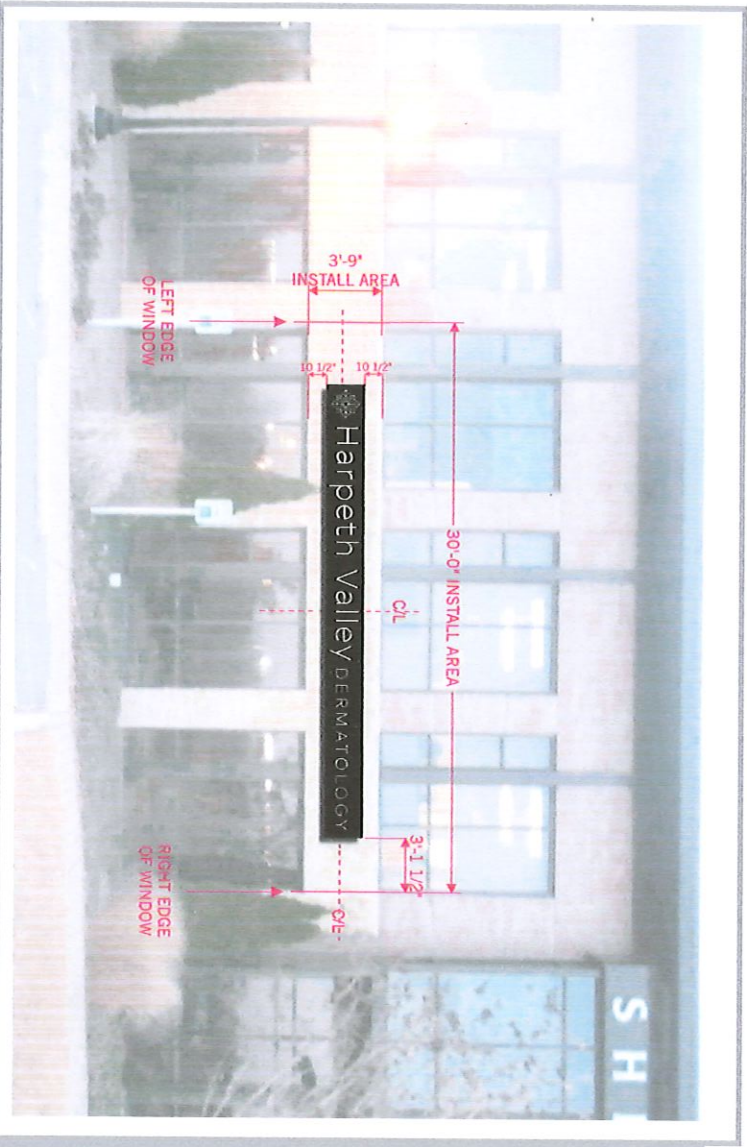
PHOTO RENDERING PAGE 2
SIGN DETAILS PAGE 3



AERIAL VIEW SITE PLAN



HARPER VALLEY DERMATOLOGY	
990 ELLISTON WAY, STE 101 THOMPSON'S STATION 37179	
PROJECT NO.	200533-S10
DATE	8-07-20
BY	MIKE SHEA
RC	RC
QUOTE#	Q-099987
WO-	



SITE PHOTO SURVEY - PROPOSED SIGNAGE
EAST ELEVATION
47.5 SQ FT



HARPEETH VALLEY DERMATOLOGY

990 ELLISTON WAY, STE 101
 THOMPSON'S STATION 37179

DWG# **200533-S10**

DATE **8-07-20** 2/3

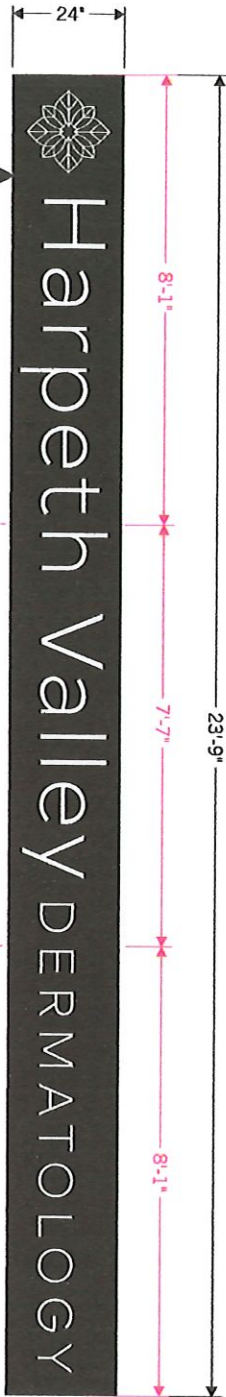
BY MIKE SHEA RC

QUOTE# **Q-099987**

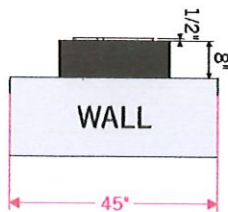
W0-

CUSTOMER
 PROJECT NAME

JOSLIN
 AND SON
 SIGNS
 JOSLINSIGN.COM
 615.252.3463



FRONT VIEW
SCALE: 3/8"=1'-0"



SIDE VIEW
SCALE: 3/8"=1'-0"

- 1 8" DEEP ALUMINUM ANGLE FRAME CABINET
W/ ROUTED FACES AND 1/2" WHITE PUSH THRU ACRYLIC COPY AND LOGO

WHITE LED ILLUMINATION
FACE AND RETURNS PAINTED SATIN BLACK
HINGED FACES FOR SERVICE
SLIDE OUT PANELS FOR LED'S

47.5 SQ FT

ELECTRICAL NOTES
ELECTRICAL IN J. BOX
INSIDE CAB CONNECTED
TO PRIMARY LEADS:
POWER-POWER
NEUTRAL-NEUTRAL
GROUND-GROUND
THIS SIGN IS SUBJECT TO ALL APPLICABLE REGULATIONS.
OFFERER ASSUMES NO LIABILITY FOR THE INSTALLATION,
OPERATION, MAINTENANCE OR REPAIR OF ANY ELECTRICAL
EQUIPMENT OR SYSTEMS. THE INSTALLER SHALL BE RESPONSIBLE
FOR THE PROPER INSTALLATION AND MAINTENANCE OF THE SIGN
AND ALL ELECTRICAL CONNECTIONS AND WIRING.



HARPETH VALLEY DERMATOLOGY	
990 ELLISTON WAY STE 101 THOMPSON'S STATION 37179	
Q#	200533-S10
DATE	8-07-20
BY	3/3
QUOTED BY	MIKE SHEA RC
QUOTE#	Q-099987

W0- FABRICATE/INSTALL ONE(1)
LED-ILLUM. CABINET
WITH .5" ACRYLIC
PUSH THROUGH

- SATIN BLACK
- WHITE LED
- #7328 ACRYLIC