

**CITY OF FAIRVIEW
 BOARD OF ZONING APPEALS
 REGULAR MEETING MINUTES
 SEPTEMBER 10, 2024, 6:00PM, CITY HALL**

**Kyle Tortorelli
 Wayne Hall
 Greg DeWire
 Sarah Busch
 JT Batson**

Staff Present: Tom Daugherty, Rachel Jones, Bre Bailey, Ethan Greer, Marisa Howell, Keith Paisley, Josh Hogan, Jamey Meadows, Wesley Dutton

1. **Call to Order @ 6:00 P.M.** – Mr. Tortorelli
2. **Roll Call** - City Recorder, Rachel Jones

	PRESENT	ABSENT
Mr. Tortorelli	X	
Mr. Hall	X	
Mr. Batson	X	
Mr. DeWire	X	
Ms. Busch	X	

3. **Prayer and Pledge** – Mr. Tortorelli
4. **Approval of the Agenda**

Motion to approve: Mr. DeWire
Second: Mr. Hall

	YES	NO	ABSTAIN	RECUSE
Mr. Tortorelli	X			
Mr. Hall	X			
Mr. Batson	X			
Mr. DeWire	X			
Ms. Busch	X			
MOTION PASSED 5-0				

5. **Citizens Comments**
 - A. Jackson Brunger – 7105 Dice Lampley Rd
 - B. Gena Brunger (signed up but didn't speak)
 - C. Erin DuBose – 7075 Dice Lampley Rd
 - D. Earl Lampley – 49 Secluded Pond Rd, Cleveland, Georgia
 - E. Priscilla Lampley - 49 Secluded Pond Rd, Cleveland, Georgia
 - F. Mike Cruze – 7470 Crow Cut Rd

6. **Approval of Minutes - March 7, 2024, Regular Meeting**

Motion to approve: Mr. DeWire
Second: Mr. Hall

	YES	NO	ABSTAIN	RECUSE
Mr. Tortorelli	X			
Mr. Hall	X			
Mr. Batson	X			
Mr. DeWire	X			
Ms. Busch	X			
MOTION PASSED 5-0				

7. New Business

A. Variance Request – City of Fairview, Police Department Training Facility

1. Public Hearing

- A. Gena Brunger - 7105 Dice Lampley Rd
- B. Charlene Chapman - 7065 Dice Lampley Rd
- C. Dennis Chapman - 7065 Dice Lampley Rd
- D. Erin DeBose - 7075 Dice Lampley Rd
- E. Caleb Duke – 7447 Crow Cut Rd
- F. Earl Lampley - 49 Secluded Pond Rd, Cleveland, Georgia
- G. Jackson Brunger - 7105 Dice Lampley Rd
- H. Priscilla Lampley - 49 Secluded Pond Rd, Cleveland, Georgia
- I. Gena Brunger (2nd time to speak) - 7105 Dice Lampley Rd
- J. Mike Cruze - 7470 Crow Cut Rd

2. Resolution BZA 02-24 – A Resolution of the Board of Zoning Appeals of the City of Fairview, Tennessee, approving the variance request for the City of Fairview Police Department Training Facility. Map: 043, Parcel: 044.00. Property Owner: City of Fairview.

Representative: Mathew Piofer, Civil and Environmental Consultants

Discussion: City Planner, Ethan Greer, read aloud the Exception Letter Request submitted by Civil and Environmental Consultants, Inc. (attached). Mr. Greer stated two exhibits are provided for the board, a site plan, and location map (attached). Mr. Piofer addressed the board stating he is happy to answer any questions the board has about the tower or the variance. Ms. Busch asked Mr. Piofer what material the tower will be made of. Mr. Piofer replied it will be timber framed similar to a telephone pole with wood sides. Ms. Busch clarified that Mr. Piofer is here to speak only to the actual structure and not the use of the structure. Mr. Piofer replied the police use of the structure will be governed by standard operating procedures put in place by the Fairview Police Department and the city and stated he is here specifically to speak on the design on the structure. Ms. Busch asked Mr. Piofer if he is designing the berm. Mr. Piofer replied he is, and Ms. Busch asked him to speak about the berm. Mr. Piofer stated the berm has not been finalized, that they are reviewing government standards and other guidelines to ensure safety. Mr. Hogan reminded the board of their role as an administrative body that has no authority over appropriation power, no authority over zoning, and no authority over the land use. Mr. Hogan stated the board needs to apply the code that the Board of Commissioners has put into law by ordinance. Mr. Hogan stated when reviewing this application, the review is solely for the zoning variance and whether or not it meets the conditions for a variance as stated in the city code section 17-105.4. Mr. Hall showed concern over the lighting having an impact on wildlife and asked Mr.

Piofer what kind of lighting will be used. Mr. Piofer replied the lights on the facility are intended to be restricted to the facility itself and will include reflectors to ensure the lights stay on the facility and will be under the 35 feet to limit the extent of the illumination. Mr. Piofer stated the lights are intended to light portions of the firing facility downrange and some lights are intended to provide security around the buildings mostly projecting towards the ground. Mr. DeWire asked Mr. Hogan if he is telling the board there is only one way to vote. Mr. Hogan replied no he isn't saying that at all and clarified what he said is that the Board of Zoning Appeals is an administrative body and must apply the law as its written and the standards for a variance are located in the city code section 17-105.4 which include 7 different criteria. Mr. Hogan stated the board is free to make whatever decision they choose but it should be based on the criteria found in the city code.

Motion to reject the proposed variance: Mr. Tortorelli
Second: Mr. DeWire

	YES	NO	ABSTAIN	RECUSE
Mr. Tortorelli	X			
Mr. Hall			X	
Mr. Batson	X			
Mr. DeWire	X			
Ms. Busch	X			
MOTION PASSED 4-0 (1 Abstain)				

8. Adjournment @ 7:02 P.M. – Mr. Batson



 Rachel Jones, City Recorder

Exhibit BZA-02-24-B



Civil & Environmental Consultants, Inc.

June 18, 2024

Ethan Greer
City Planner
Fairview City Hall
7100 City Center Way
Fairview, TN 37062

Dear Mr. Greer:

Subject: Exception Request Letter
New Fairview Police Training Facility
CEC Project 183-063

On behalf of the City of Fairview, we are requesting two exceptions for the new police training facility.

The City would like to construct a police tower approximately 50' tall. This proposed tower will be a restricted access training that will be utilized for planned training and observation. Zoning of the property indicated a maximum structure height of 35'. From our conversations with City staff, we understand that the height limitation is intended to prevent light pollution and to ensure emergency services can reach any occupied space from the ground. Any range lights affixed to this tower or placed on light poles on site will be kept below 35'. The tower will be tightly controlled and access will be restricted to only during scheduled training. There will be no permanent occupancy in the tower. Due to the restricted occupancy of the tower and compliance with light height restrictions, we are requesting an exception to the 35' height restriction for this structure.

The City also wants to construct an aboveground stormwater detention structure to meet the City's stormwater requirements. We understand that Fairview requires all commercial developments to place their stormwater detention facilities underground unless they receive approval from planning for surface facilities. Due to the rural zoning of the site (AR-15) and the distance the detention basin will be set back from the road, a surface detention facility is appropriate for the scale and surrounding area of our project. We are requesting formal approval to construct aboveground facilities in lieu of the code required underground facilities.

Should you have any questions about this request, you may contact us at 615-333-7797, or by email at mpiofer@cecinc.com or jcameli@cecinc.com.

Sincerely,

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

A handwritten signature in blue ink that reads 'Mathew Piofer'.

Mathew Piofer, P.E.
Project Manager

A handwritten signature in blue ink that reads 'Jay Cameli'.

Jay Cameli, R.L.A.
Principal

117 Seaboard Lane, Suite E100 | Franklin, TN 37067 | 615-333-7797 | www.cecinc.com

Exhibit BZA-02-24-A

