

**SUMNER COUNTY BOARD OF ZONING APPEALS
MINUTES
August 13, 2020
5:00 p.m.**

SUMNER COUNTY ADMINISTRATION BUILDING
BETHEL BROWN COMMISSION CHAMBERS
355 N. BELVEDERE DRIVE
GALLATIN, TN. 37066

MEMBERS PRESENT:
BRUCE RAINEY, CHAIRMAN
SANDY WEBSTER, VICE-CHAIRMAN
MAC HOLT
SHAWN UTLEY

MEMBER ABSENT:
MATT STAMPER

STAFF PRESENT:
JOSH SUDDATH, DIRECTOR OF DEVELOPMENT SERVICES
KATHY YOUNG, ASSISTANT TO THE DIRECTOR OF DEVELOPMENT SERVICES

Mr. Rainey called the meeting to order.

Ms. Webster made a motion to approve the July Minutes as written, seconded by Mr. Utley.
Motion passed unanimously.

There being no changes to the Agenda, Mr. Rainey announced that the Agenda stands as presented.

At this time, Mr. Rainey read the following consent agenda items.

CONSENT AGENDA:

- 1. Bradley Singleton** is requesting a continuation of a Conditional Use Permit originally granted on May 8, 2014, in order to operate a brewery. Subject property is located at **544 Bursby Branch Road, Gallatin, TN, 37066**, is on Tax Map 080, Parcel 002.04, contains 9.49 acres, is zoned Rural Residential (RR) and is in the 4th Voting District (Jerry Foster and Leslie Schell). **The adjoining property owners were notified by regular mail.**

- 2. Kyle Mahaney** is requesting a continuation of a Hardship Variance, originally granted on August 9, 2018, for a relative to live in an existing structure on subject property due to medical circumstances. Subject property is located at **2530 Long Hollow Pike, Hendersonville, TN 37075**, is on Tax Map 123, Parcel 013.00, is zoned Rural Residential (RR), contains 4.93 acres, and is in the 7th Commission Voting District (Gene Rhodes and Lorne Echols). **The adjoining property owners were notified by regular mail.**

Mr. Rainey then asked if any Board member or audience member wished to pull any of the items from the consent agenda to place them on the regular agenda. There being no changes requested, Mr. Rainey called for a motion.

Ms. Webster made a motion to approve the consent agenda items, seconded by Mr. Utley. Motion passed unanimously.

Mr. Suddath clarified that the approval of the consent agenda items means that the property remains subject to the original approvals, not allowing for any expansion or changes to the previously approved uses. Mr. Suddath added that any desire to expand or change current uses of an existing Conditional Use Permit will require a new request submittal to the BZA for a new permit.

REGULAR BUSINESS ITEMS:

At this time, Mr. Bratton turned the meeting over to Mr. Suddath for staff presentation.

- 1. Randy and Jaleesa Crawford** are requesting a Conditional Use Permit to conduct a hair salon. Subject property is located at **915 Harsh Lane, Castalian Springs, TN, 37031**, is on Tax Map 132, Parcel 048.00, contains 2.00 acres, is zoned Rural Residential (RR) and is in the 3rd Voting District (Alan Driver and Steve Graves). **The adjoining property owners were notified by certified mail and was advertised in The Gallatin News on Thursday, July 30, 2020.**

To begin the presentation, Mr. Suddath provided an aerial photo of the property and a list of the Zoning Resolution Requirements regarding home-based businesses (Chapter 14, Section 1411, Subsection E).

Mr. Suddath stated that the Previous Zoning Resolution allowed barber & beauty shops upon appeal to the BZA, adding that no specific criteria were listed. Mr. Suddath stated that under the Current Zoning Resolution, provisions are made for Home Based businesses that are defined as either “Minor” or “Major”.

Mr. Suddath went on to explain that Home Based businesses are commercial uses that the BZA can approve, provided they will not generate excessive traffic or other impacts. Mr. Suddath added that certain activities may not, in any case, be approved as Home Based Business (Ex: Restaurants, Funeral Parlors, Adult Entertainment, and Medical Clinics).

Mr. Suddath stated that Minor Home Based Businesses are allowed by right, if they meet certain criteria, whereas, Major Home Based Businesses require a Special Exception from the Board of Zoning Appeals. In making their determination, Mr. Suddath explained, the BZA must make findings related to the Home Based Business, including that it will be able to meet all applicable standards in the Zoning Resolution and that it will not adversely affect the area in which it is located. Mr. Suddath added that if the applicant’s application does not satisfy these requirements, the BZA may deny the request, and the applicant may seek to rezone the property to an appropriate zoning designation.

Mr. Suddath confirmed that there have been several inquiries regarding this request. Mr. Suddath stated that a letter, from Ms. Debbie Shrum, stating opposition to this request, had been received and supplied to all Board members.

Next, Mr. Suddath stated that the applicant's proposal is considered to be a Major Home Based Business. Mr. Suddath displayed the applicant submitted Business Summary, the Public Notice, Site Plan and photos of the property. Mr. Suddath pointed out the required BZA sign posted in the applicant's front yard.

Mr. Suddath stated that the Site Plan appears to show a slight driveway encroachment on the property to the west.

Mr. Suddath then explained that a Special Exception shall only be granted, provided the Board makes specific findings that the business:

- Is so designed, located, and proposed to be operated so that the public health, safety and welfare will be protected;

Staff Interpretation for this property: Details related to the proposed use are limited; however, given the size of the proposed building, and the type of use proposed, impacts on the public's health and safety due to traffic, pollutant or other concerns are not likely. However, there are still outstanding questions related to any plans for wastewater disposal for the proposed use.

- Will not adversely affect other property in the area in which it is located;

Staff Interpretation for this property: The use is spaced relatively far from adjoining properties, is to be screened with an existing wooden fence, and is not proposed to have prominent exterior lighting, no Stormwater impacts are anticipated from the proposed use.

- Conforms to all applicable provisions of this Resolution for the district in which it is to be located and is necessary for public convenience in that location and if applicable, meets the specific standards below.

Staff Interpretation for this property: The use appears to conform to applicable provisions of the County Zoning Resolution, and will need to meet all applicable requirements for Major Home Based Businesses as far as customer visits and merchandise delivery.

- Shall be located so as to be compatible with the surrounding area and provide safety to those using the facility.

Staff Interpretation for this property: The proposed use will not result in the construction of incompatible structures; ingress and egress onto Harsh Lane can be accomplished without safety concerns which would warrant a traffic study.

Mr. Suddath concluded his presentation with example motions.

Mr. Rainey called the applicant forward.

Jaleesa and Randy Crawford, 915 Harsh Lane, came forward.

Ms. Crawford stated that the traffic will be minimal, stating that though she will be operating a hair salon, she will mainly be offering braiding and extension services that require lengthy time slots, thereby generating only 1-3 client visits per day. Ms. Crawford stated that this will be a one owner, one operator salon.

Mr. Crawford asked how to go through obtaining septic, electric and building permits.

Mr. Rainey directed him, if approved, to call Marshall Wright in the Codes Department, for instructions on the permitting process.

Mr. Rainey opened the Public Hearing.

Ms. Debbie Shrum, 917 Harsh Lane, stated that she sent a letter in opposition to the request. Ms. Shrum stated that a fence separates her property from the applicant's, and she is concerned with the extra traffic and noise she feels this business may generate. Ms. Shrum stated that she has nothing against the Shrums, but added that her family moved to the County to be away from businesses, not be located next to one.

There being no one else wishing to speak, Mr. Rainey closed the Public Hearing.

Mr. Rainey asked to see a picture showing the proximity of the two properties.

Mr. Suddath displayed the aerial photo.

Mr. Utley asked for clarification of the Major Home Based Business.

Mr. Suddath stated that it meets those thresholds.

Mr. Utley asked if the Board could mandate hours of operation.

Mr. Suddath stated that yes, the BZA has the power to impose limitations on the hours of operation.

Mr. Utley asked for the thresholds for traffic for Major Home Based Businesses.

Mr. Suddath stated that Zoning Resolution requirements state that there may be no more than 3 non-resident employees on the premises at any one time, no more than 2 business vehicles may be stored on the premises, accessory structures shall be no larger than 500 square feet, no more than 10 customer-client visits per day and no more than 5 customer-clients can be present at any one time, and that signage may be no larger than 5 square feet and must be attached to the structure.

Mr. Utley asked if the BZA could stipulate business hours.

Mr. Suddath stated yes.

Mr. Utley asked if the BZA could change any of the other requirements previously stated.

Mr. Suddath stated that if permitted as a Major Home Based Business, those requirements are the maximum allowed per the Zoning Resolution.

Mr. Utley asked, if granted, could the BZA lower those requirements.

Mr. Suddath stated that those requirements cannot be scaled back by the BZA as they are defined in the Zoning Resolution.

Mr. Holt asked for confirmation that the applicant stated that there would be only 1-3 client visits per day.

Mr. Rainey called Ms. Crawford forward.

Mr. Holt asked for confirmation of the maximum number of clients anticipated per day.

Ms. Crawford stated that the maximum appointments per day would be 4, with only 1 client at a time.

Mr. Holt asked about the hours of operation.

Ms. Crawford stated that the business would operate during daytime hours only.

Mr. Utley stated that he believes the hours of operation and number of operator chairs must be stipulated, if approved.

Mr. Rainey confirmed that the Board is within the right to do so.

Mr. Suddath stated that such requirements are within the BZA rights to stipulate.

Mr. Holt made a motion to approve a request for a Conditional Use Permit (Special Exception) for the property located at 915 Harsh Lane, Castalian Springs authorizing the operation of a hair salon, subject to the following conditions:

- a) The proposed use shall meet all requirements for Major Home Based Businesses contained at Chapter 14, Section 1411, Subsection E(2) of the County Zoning Resolution.**
 - b) Any structures to be utilized for the proposed use shall obtain a certificate of occupancy from the Sumner County Building and Codes Department**
 - c) Any permits or licensures required by the State of Tennessee shall be obtained, in addition to any required business licenses issued by the County, including septic permits.**
 - d) Hours of operation restricted to 8:00 am-5:00 pm**
 - e) Only 1 (one) operator's chair be present at business,**
- seconded by Mr. Utley. Motion passed unanimously.**

At this point, Mr. Suddath stressed the requirement of obtaining all required permits upon approval by the BZA, adding that such approval is contingent upon acquiring all applicable permits.

Mr., Rainey asked Mr. and Ms. Crawford if they understood the directive to go to Building and Codes to obtain applicable permits.

The Crawfords stated they understood.

Mr. Rainey turned the meeting over to Mr. Suddath for staff presentation.

- 2. Sholar Event Venue, represented by GreenLID Designs** is requesting a Conditional Use Permit granted to conduct an event venue. Subject property is located at **199 Tyree Hollow Lane, Hendersonville, TN, 37075**, is on Tax Map 100, Parcel 014.00, contains 61.06 acres, is zoned Rural Residential (RR) and is in the 12th Voting District (Michael Guthrie and Justin Nipper). **The adjoining property owners were notified by certified mail and was advertised in The Gallatin News on Thursday, July 30, 2020.**

Mr. Suddath provided an overview of the property, by explaining that, per the previous Zoning Resolution, this item received a site plan approval from the Planning Commission, and is therefore “Grandfathered” into those previous regulations. Mr. Suddath further explained that the previous zoning resolution required that the Planning Commission hear requests of this type prior to BZA hearing Conditional Use Permit application.

Mr. Suddath confirmed that there have been numerous calls and email concerns regarding this property.

Next, Mr. Suddath displayed an aerial photo of the property, the Public Notice and the submitted Site Plan, depicting 50 feet of physical road frontage. Mr. Suddath pointed out the gravel parking area and the existing structures on the property, stating that he understands there are no further buildings proposed for this site.

Mr. Suddath then displayed photos of the property, including a steel platform suspended over a significant drop, stating that it appears to be constructed of steel beams. Mr. Suddath added that the permit status of this overhang is unknown. Mr. Suddath also displayed photos of a tent, indicating that it appears that events may already be being conducted on the premises.

Mr. Suddath then displayed an image of a tiny home that has recently been placed on the property, stating that the status of a building permit is unknown.

Mr. Suddath displayed information found in the previous zoning code, related to the uses permitted in the Agricultural zone, by-right and upon appeal. Mr. Suddath stated that this property needs to be reviewed in light of when this was submitted, which was under those previous zoning codes. Mr. Suddath also explained the eight requirements for Private Recreation Facilities (Article IV, Section 13) and displayed submitted, written response as how this request meets those requirements.

At this time, Mr. Suddath addressed the following regarding the Site Plan:

- Roads: All traffic from this site will access State Route 258 (Tyree Springs Road)
- Drainage: Applicant states that since this project involves utilization of existing buildings, no stormwater improvements should be required.
- Existing tree cover to be preserved

- Septic: Plans for septic disposal for guest are not clear at this time
- Parking: Applicant states that 25 spaces are provided; maximum attendance is to be 75 guests
- Applicant states that a Traffic Study should not be required due to adequate sight distance, off peak operational hours (nights and weekends), limitation on number of guests at 75 people.

Mr. Suddath stated that, if approved, the Next Steps would include:

- Following approval from the County Board of Zoning Appeals, the item will then need to obtain any applicable land disturbance and building permits from the County.
- Any Building Plans will need to be submitted to County Building Codes office for review and approval.
- One area of concern is related to steel platform that will be used for ceremonies and photographs.
- Structure overhangs a deep hollow, and should be inspected by a professional engineer to determine if it is sound and to provide capacity information.
- As indicated in pictures, the platform appears to potentially have been in use recently during non-permitted events that have been held on site.

Mr. Suddath concluded his presentation with example motions.

Mr. Rainey called the applicant's representative forward, asking if there was anything he would like to add.

Mr. Andy Leath came forward and stated that he was available for questions.

Mr. Utley asked which of the two accesses for the property would be used.

Mr. Leath stated that the landowners deeded a 100' easement to themselves, providing legal access to the road, stating the actual entrance is Tyree Hollow Drive, which is a private drive.

Mr. Suddath stated that Tyree Springs Road is State Route 258.

Mr. Leath stated that a structural engineer has inspected the overhang, adding that he would be willing to submit that inspection to Mr. Suddath.

Mr. Rainey opened the Public Hearing, calling Mr. Michael Richardson forward.

Michael Richardson, 447 Ben Albert Road, stated that he owns the 85-acre property to the North, with plans to build his home approximately 1000 feet from the venue location. Mr. Richardson expressed opposition to this request, explaining that he can hear music from this venue, while on his own property. Additionally, Mr. Richardson stated concern of the negative effect on the surrounding property value, if an event venue were permitted here.

Mr. Richardson also stated concern for traffic generated on an already dangerous road and concern of noisy parties every weekend. Mr. Richardson added that there is no commercial property within 5 miles of this location and stated that this use does not conform to the area.

Mr. Rainey called the next speaker forward.

Ms. Cora Jansen, 3112 Tyree Springs Road, stated opposition to the request, stating that the noise from this venue can be heard on her property, adding that she does not want to hear parties every weekend. Ms. Jansen stated that Sumner County does not need another event venue.

Mr. Rainey called Mr. Lawrence Hutchison forward.

Mr. Hutchison, 3124 Tyree Springs Road, confirmed that the volume of the music is an issue, stating that he can even understand the words of the songs, while on his property. Mr. Hutchison expressed concern of traffic on an already dangerous road.

Mr. Rainey called Mr. Walter Alan Bowman forward.

Mr. Bowman, 125 Busby Hollow Lane, stated that he is here to represent five families, four of whom are against this request and one who is in favor. Mr. Bowman stated agreement with the previous speakers concerns, adding that he is concerned that formal events have already been being held on the property. Mr. Bowman also added the danger of the roads in that area after dark, stating that traffic is already an issue. Mr. Bowman also asked about the ownership of Epic Escapes, LLC.

Mr. Craig Hayes, 300 Tyree Springs, stated opposition to the request, stating that he is concerned with the traffic, adding that although it is a State Route, there are no shoulders on the road. Mr. Hayes stated that it is his understanding that around 600 homes have been approved to be built on Tyree Springs, which will increase traffic exponentially.

Mr. Todd Sholar, the applicant for this request stated that his intent is to be a good neighbor, as he intends to live in the area, as well. Mr. Sholar stated that it is his understanding that limitations may be placed on the granting of the Conditional Use Permit, such as hours of operation, decibel levels, etc., adding that they are willing to abide by all restrictions placed on the Permit.

Mr. Suddath stated that the previous zoning code contained no such requirements, adding that the current zoning code does contain performance standards for commercial properties.

Mr. Sholar then stated that their goal is to have simple, intimate gatherings on the property.

Mr. Utley asked if events had already been held on the premises.

Mr. Sholar stated that they have hosted two private events, not for revenue.

Mr. Utley inquired about the non-permitted tiny house.

Mr. Suddath stated that the tiny home appears to sit on the subject property.

Mr. Sholar stated that the Park RV, not a tiny home, has been placed on the property, used for temporary occupancy.

Mr. Suddath stated that that is illegal.

Mr. Sholar stated that he thought it was allowed if it wasn't a permanent residence.

Mr. Suddath stated that it is not allowed.

Mr. Sholar asked if it is illegal even if you are constructing a home.

Mr. Suddath stated that if there is an active building permit, it can be done, however, Mr. Suddath stated there have been no active permits pulled for the property, to his knowledge.

Mr. Sholar confirmed that they have not applied for building permits for the property.

Mr. Suddath confirmed that the tiny home is an illegal structure.

Mr. Sholar stated that there was an existing single wide home that they replaced with the Park RV.

Mr. Rainey closed the Public Hearing.

Mr. Rainey then summarized the Board's options, stating that this request may be approved with any conditions the Board sees fit to impose, adding confirmation that the requestor has asked for conditions of approval.

At this time, Mr. Suddath stated staff concerns of any approval of a Conditional Use approval with the presence of an illegal structure on site, being used as a residence.

Mr. Utley stated that because events have been held on the property without prior approval and there is an illegal structure on the premises, there is concern of the accountability of the applicants to abide by any conditions placed an approval. Therefore, Mr. Utley stated reservation in granting the requested permit.

Ms. Webster stated concern of inability for the venue to limit attendance to 25 vehicles.

Mr. Holt stated that the applicants had not addressed the issue of noise generated during the events. Mr. Holt stated that hours of operation could be limited.

Mr. Utley made a motion to deny a Conditional Use Permit for Sholar Event Venue (Epic Escapes, LLC), seconded by Ms. Webster.

Mr. Rainey added that a reason for the denial must be stated.

Mr. Suddath suggested that, under the prior zoning code, any motion to deny, must be framed under the eight required findings that must be met in order to grant a Conditional Use Permit.

Mr. Suddath then revisited those eight requirements:

- 1) Adequate ingress/egress
- 2) Adequate off-street parking
- 3) Refuse and service areas are adequate
- 4) Utilities
- 5) Screening & Buffering
- 6) Signage
- 7) Required yard and other open space requirements
- 8) General compatibility with adjacent properties

Mr. Utley stated #8 as the reason for denial.

Mr. Rainey stated concern over the lack of a traffic study.

Mr. Suddath stated that traffic concerns are addressed in requirement #1.

Mr. Rainey stated that although the Planning Commission did not require a traffic study, it is a concern of the adjoining property owners and the Board. Mr. Rainey also stated that the unpermitted, illegal building is an issue.

Mr. Utley stated that requirement #1 and #8 are both reasons to deny the request.

Mr. Rainey asked the will of the Board, giving the options to allow the requestor to speak or for the Board to vote on the motion.

Ms. Webster stated a willingness to allow the requestor to speak.

Mr. Leath stated that this is the first time he has heard the concerns of the citizens, adding that he understands the perceptions that Mr. Sholar and Mr. Bright have completely disregarded the County's regulations. Mr. Leath stated that he can assure the Board that such is not the case, adding that there was an existing trailer that they replaced with the Park RV.

Mr. Leath then stated that he would be willing to defer this request, if the Board would allow him to do so, in an attempt to rectify some of the issues on the property.

Mr. Rainey asked for clarification whether a deferral could be accepted, suggesting that a withdrawal may be requested, instead.

Mr. Suddath explained that a withdrawal would require that the applicant submit a new application under the new Zoning Resolution and a deferral would typically need to be requested prior to the meeting.

Mr. Leath asked if he could withdraw at this time.

Mr. Suddath confirmed that they could withdraw.

Mr. Leath withdrew his application.

Mr. Rainey accepted the withdrawal. Mr. Rainey explained that, should they make this request, again, it will be required to be resubmitted under the current Zoning Resolution, and publically noticed, as well.

There being no further business, Mr. Utley made a motion to adjourn, seconded by Ms. Webster.

Motion passed unanimously.

Meeting adjourned at 6:09 pm.