



**CHEATHAM COUNTY BOARD OF ZONING APPEALS
MINUTES FOR MARCH 25, 2013**

Mr. Whitworth led the Pledge of Allegiance.

Mr. Miles led the Prayer.

Meeting was called to order at 6:00 p.m. by Chairman Larry Nash.

Chairman Nash asked for the Roll of Members to be called. Building Director Atkins called the Roll of Members.

Members Present: Larry Nash, Roy Miles, Mark Whitworth and Burt Adcock

Members Absent: Mary Sneed

Chairman Nash declared a quorum.

Others Present: Cheatham County Building Department Director Chris Atkins, Cheatham County Attorney Michael Bligh, Philip Ciulla, Heather McKinley, Jackie McKinley, Laurie Perez, Mausie Haywood, Meah Perez and Kathie Parks

Approval of Minutes and Agenda:

Chairman Nash asked if there was a motion to approve the minutes for the last meeting (i.e. January 29, 2013 meeting) and the agenda for tonight's meeting. ****Motion**** made by Mr. Miles to approve the Minutes for the January 29, 2013 meeting and the Agenda for tonight's meeting as presented and circulated; second by Mr. Whitworth. Voice vote carried unanimously by all members present. Motion Passed; Minutes for the January 29, 2013 Board of Zoning Appeals Meeting and the Agenda for Tonight's Meeting Approved as Presented and Circulated.

Agenda Items To Be Heard:

1. Mr. Jackie & Mrs. Heather McKinley, requesting a Special Exception to conduct a home occupation business selling firearms via the internet. This is in reference to Sections 4.040 and 8.070 of the Cheatham County Zoning Resolution. Property is located at 1066 Morningside Drive, Kingston Springs, TN; map 105, parcel 178 and is zoned E-1. Property is in the 6th voting district and is not in a flood area.
2. Mr. Brian & Mrs. Rachel Harwood, requesting a Special Exception to conduct a home occupation business selling firearms via the internet and performing gunsmithing, engraving, refinishing of firearms. This is in reference to Sections 4.040 and 8.070 of the Cheatham County Zoning Resolution. Property is located at 1015 Larkwood Road, Kingston Springs, TN; map 98, parcel 37 and is zoned E-1. Property is in the 6th voting district and is not in a flood area.

Agenda Items To Be Heard (cont.):

3. Mr. Bert Bomas requesting two Variances. One is a Variance of 3.54 acres from the minimum lot size of 4 acres required for Agriculture zoning. The other is a Variance of 20' from the minimum required front setback of 50' for Agriculture zoning. Both of these Variances are being requested in order to allow the applicant to remodel an existing permanent structure into a single-family dwelling. This is in reference to Sections 5.041 (F) (1) & (2), 8.050 and 8.060 of the Cheatham County Zoning Resolution. Property is located at 582 Chapmansboro Rd., Ashland City, TN; map 48 parcel 9.01 and zoned Agriculture. Property is in the 4th voting district and is in the AE flood area.

ITEM #1: Building Director Atkins called the applicant and any interested parties into the conference room for this item's consideration. Chairman Nash read the item into the record. Chairman Nash asked Mr. McKinley to explain his proposal. Mr. McKinley explained that his father had a firearms business out of his home in Nashville for several years and has since passed away about four years ago. He said he has been approached by people wanting to purchase guns so he wishes to continue his father's business on a smaller scale out of his home to see if it can provide a second income for his family and possibly grow it into a business that would be moved into a commercial storefront somewhere in the future like downtown Kingston Springs. He said the boom in the industry is from dealer to dealer and there would be no traffic and no storefront signage. Building Director Atkins told the board that the department has no issues with this application. Chairman Nash opened the floor to the public for comment and acknowledged Ms. Parks to speak. Ms. Parks stated she was much more comfortable with the proposed business after hearing from Mr. McKinley. She asked if he would have a firearms license. She was told yes by Chairman Nash and told that it is up to Mr. McKinley to garner all other permits necessary. Discussion was had concerning the business approval process. Discussion was had concerning the federal process for selling a firearm between people in different states. Chairman Nash acknowledged Ms. Meah Perez to speak. She asked if there were any restrictions on the sale or storage of products related to the firearms. Chairman Nash responded that the applicant can keep the products in his home like Avon products; however, the federal agencies will require that it be stored properly in accordance with their rules. Chairman Nash acknowledged Ms. Mausie Haywood to speak. She asked if there would be a lot of traffic from this business on this cul-de-sac road with 5 houses on it. Mr. McKinley responded that the business would be only word-of-mouth. Chairman Nash acknowledged Ms. Laurie Perez to speak. She stated that her concern was the applicant getting robbed and, as such, his product is firearms as opposed to Avon. Mr. McKinley responded that, per federal guidelines, someone has to be present to sign for and accept deliveries and the firearms must be secured in an appropriate safe. She asked if there would be any test firing of the guns by the customers. Mr. McKinley responded no. ****Motion** made by Mr. Miles to approve the home occupation as presented; second by Mr. Adcock; Roll Call Vote Taken; Voting Yes – Larry Nash, Roy Miles, Mark Whitworth and Burt Adcock; Voting No – None; Absent – Mary Sneed; Motion Passed Unanimously by All Members Present – Home Occupation for Sale of Firearms Approved as Presented.**

ITEM #2: Building Director Atkins called the applicant and any other interested parties to this item into the conference room. Chairman Nash read the item into the record. Chairman Nash asked the applicant, Mr. Harwood, to present his proposal. Mr. Harwood stated that he wished to get a federal firearms license in order to perform gunsmithing, engraving, refinishing and internet sales of firearms from his home. Chairman Nash asked Building Director Atkins his department's opinion. Mr. Atkins responded by saying that this request is exactly the same as item #1 except for the extra maintenance and modification to the guns being considered being performed; however, his department was of the opinion that this request should be approved. The applicant stated that he had a small workshop in his home that he wished to use for these purposes. Chairman Nash opened the meeting up to public comment and acknowledged Mr. Philip Ciulla to speak. Mr. Ciulla introduced himself as a neighbor to the applicant. He summarized how he was informed of this proposal and his conversations with the applicant leading up to tonight's meeting. He stated that he and his family chose a dead-end street to live on due to the need for peace and quiet and little traffic. He expressed concern as to whether or not he could sell his house in the future due to having to disclose the applicant's business next door. He expressed concern for his children's safety and the sale of ammunition as well. He expressed concern for the applicant's business being a target for thieves. Mr. Adcock asked about how the applicant would advertise for the gunsmithing services. The applicant responded that it would be via the internet. The applicant commented about security by stating that he would have a safe bolted to the floor in the basement with a centrally-monitored security system. Discussion was had concerning the applicant's current home employment as an electrical engineer. ****Motion** made by Mr. Miles to approve the home occupation as presented; second by Mr. Whitworth; Roll Call Vote Taken; Voting Yes – Roy Miles, Mark Whitworth, Burt Adcock and Larry Nash; Voting No – None; Absent – Mary Sneed; Motion Passed Unanimously by All Members Present – Home Occupation Approved as Presented.**

ITEM #3: No one was present to represent this item, but it was determined to consider it regardless. It was determined that Building Director Atkins would present the item to the board for consideration tonight. Chairman Nash read the item into the record. Mr. Atkins presented the facts and history related to this property and how this item has come before this board at this time for these two variances to be considered and stated that such variances will allow the owner reasonable use of the property. No interested parties were present to speak concerning this item. Discussion was had concerning clarification of why the applicant is before this board at this time. Discussion was had concerning what he will use this dwelling for. The elevation certificate and the flood elevations were discussed. ****Motion** made by Mr. Miles to approve both variances as presented and circulated in accordance with Section 8.060 (C) (5) & (7) of the Cheatham County Zoning Resolution; second by Mr. Adcock; Roll Call Vote Taken; Voting Yes – Roy Miles, Mark Whitworth, Burt Adcock and Larry Nash; Voting No-None; Absent – Mary Sneed; Motion Passed Unanimously by All Members Present – Both Variances Approved as Presented and Circulated.**

Having no further business, ****motion**** was made to adjourn the meeting by Mr. Miles; second by Mr. Adcock. Voice vote carried unanimously by all members present. Meeting adjourned.

**ROY MILES III – SECRETARY
CHEATHAM COUNTY BOARD OF ZONING APPEALS**