



**CHEATHAM COUNTY BOARD OF ZONING APPEALS
MINUTES FOR JANUARY 27, 2015 MEETING**

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

Mr. Adcock led the Pledge of Allegiance

Mr. Miles led the Prayer

Members Present: Larry Nash, Roy Miles, Mary Sneed and Burt Adcock

Members Absent: Mark Whitworth

Others Present: Cheatham County Building Director Chris Atkins, Cheatham County Attorney Michael Bligh, David Mixon, William Reeves, Lisa Reeves, Glen Taylor, Cathy Perry, James Stevenson, Ray Lewis, Dawn Brewer, Albert Mcquire, Mae Mcquire, Cindy Wheeler, Gene Sanders, James Biggs, Ann Klepinger, Connie Nichols, Paul Nichols, Janice Baldwin, Willard Case, Jean Case, Attorney Ben Dean, Ken Brown, Gary Curtis, Jane Curtis, David Brown, Cody Denny, Thomas Meadows, Attorney Jennifer Noe, Mary Jones, Janie Williams, Tommy Pardue, Gary Binkley

Approval of Minutes and Agenda:

Chairman Nash asked if there was a motion to approve the Minutes from the last meeting (i.e. December 22, 2014) and the agenda for tonight's meeting. ****Motion**** made by Sneed to approve the Minutes for the December 22, 2014 meeting and the Agenda for tonight's meeting as presented; second by Miles. **Voice vote carried unanimously by all members present. Motion passed.**

Agenda Items To Be Heard:

1. Ms. Janice Baldwin, owner/applicant, appealing the Building Commissioner's decision in order to allow the placement of a recreational vehicle/camper on subject property. This is in reference to the Cheatham County Zoning Resolution Sections 2.020, 5.044, 5.070 through 5.076 and 8.050. Property is located at 1467 Chapmansboro Rd., Chapmansboro, TN.; Map 44P Group A Parcel 20.00 and zoned R-2. Property consists of approximately 0.25 acres, is in the 1st voting district and is in the AE Flood Area.
2. Ms. Cathy Perry, owner/applicant, requesting a Temporary use permit to temporarily dwell in a recreational vehicle/camper during the construction of her home. This is in reference to the Cheatham County Zoning Resolution Section 4.030 (G) and (H). Property is located on Dry Fork Rd/Valley View Rd, Ashland

- City, TN.; Map 54 Parcel 15 and is zoned Agriculture. Property is in the 1st voting district and is not in a Flood Area.
3. Mr. & Mrs. William and Lisa Reeves, owner/applicants, requesting a Temporary use permit to place a camper on their property to reside in while constructing their new home. This is in reference to the Cheatham County Zoning Resolution Sections 4.030 (G), 8.040 and 8.050. Property is located at 1016 Campbell Ridge Rd., Kingston Springs, TN.; Map 98 Parcel 313.00 and consists of 0.92 acres. Property is zoned E-1, is in the 6th voting district and is not in a Flood Area.
 4. Mr. & Mrs. Gary and Jane Curtis, owner/applicants, Appealing the Building Commissioner's decision forbidding the placement and occupancy of a recreational vehicle/camper upon the property. Owners/Applicants request approval to place and intermittently occupy a recreational vehicle/camper on subject property in lieu of the absence of a dwelling in conformance with the Cheatham County Zoning Resolution. This is in reference to Sections 2.010, 2.020, 5.040, 5.041, 5.070 through 5.076, 7.020 and 8.050. Property is located at 522 Chapmansboro Rd., Ashland City, TN.; Map 48 Parcel 72 and zoned Agriculture. Property is in the 4th voting district and is in the AE Flood Area.

ITEM#1: Chairman Nash read the item in the record as advertised. Attorney Jennifer Noe presented herself as representing Ms. Baldwin. Ms. Noe explained the documents she handed to the members, and that is part of the record. Ms. Noe stated that said documents reflect that the Applicant purchased the property in 1991 and that a mobile home was present on the property at that time. She stated that the documents also reflect that electricity and water have been present to this lot since 1991. Ms. Noe gave answers to the charges detailed in the packet of violation from Kathy Reed of the Cheatham County Building Commission. Ms. Noe asserted that the camper was a legal permitted use when it was placed on the property in 1991 and it has been in use on the property since 1991, making such a legal non-conforming use. Upon questioning by Ms. Noe of Ms. Baldwin, Ms. Baldwin stated that there was a mobile home/trailer on the property since 1991, that the camper was moved onto the property that same year and received a building permit for a cover for the camper from Cheatham County about a year later. Ms. Baldwin said the camper was removed temporarily just before the flood of 2010 and returned shortly thereafter. Ms. Baldwin stated that she doesn't live in the camper and such is tagged, licensed and ready for travel. Mr. and Mrs. Case testified on behalf of Ms. Baldwin and collaborated her statements. Upon question by Mr. Adcock, Ms. Baldwin stated that the camper was brought back 6 to 8 weeks after the flood. ****Motion**** was made by Miles to make a factual determination that the camper/trailer may remain due to the fact that it is "grandfathered" as a legal non-conforming use in accordance with Section 7.020 of the Cheatham County Zoning Resolution; second by Adcock; Roll Call Vote Taken; Voting Yes- Larry Nash, Roy

Miles, Mary Sneed and Burt Adcock. Absent was Mark Whitworth; **Motion to approve passed unanimously by all members present.**

ITEM#2: Chairman Nash read the item into the record as advertised. Ms. Perry, Applicant, addressed the Board. She stated that she wishes to keep the camper on the property while she and her husband clean and prepare the property for a home to be built in the near future. Ms. Perry stated that such would allow them to oversee their possessions to prevent theft. Ms. Mary Jones spoke to say that she owns the property next door and she would hope they would construct a driveway so as not to use her property to access theirs. Ms. Jones questioned how the waste would be addressed. Ms. Perry stated that the camper had a tank to hold any sewage and she will acquire a septic construction permit next. Gary Binkley and David Mixon spoke in support. Mr. Atkins spoke to express concern over the placement of the camper without any concrete time frame for the granting of a building permit for a single-wide mobile home. ****Motion**** was made by Miles to Approve the Temporary use Permit of a camper on the property with the understanding that a building permit for a new home will be pulled within the initial 9 months such camper is approved to be used on the property in accordance with Section 4.030 (H) of the Cheatham County Zoning Resolution; second by Sneed; Roll Call Vote Taken; Voting Yes- Larry Nash, Roy Miles, Mary Sneed and Burt Adcock. Absent was Mark Whitworth; **Motion to approve passed unanimously by all members present.**

ITEM#3: Chairman Nash read the item into the record as advertised. The Applicant, Ms. Reeves, addressed the board. She stated that they wished to live in the camper in order that Mr. Reeves may oversee the construction of their new home due to a medical condition preventing him from driving. Ms. Reeves stated that she works and is unable to be present to help him. Mr. Atkins stated that the applicant has all permits necessary for the new home's construction and a copy of Mr. Reeves' medical doctor's letter is in the packets for this meeting. Glen Taylor spoke in support of the applicant's claims. ****Motion**** was made by Sneed to grant a temporary use permit to allow use of a camper/trailer as a dwelling on the property for an initial period of 12 months during the construction of their new home in accordance with Section 4.030 (G) of the Cheatham County Zoning Resolution; second by Miles; Roll Call Vote Taken; Voting Yes- Larry Nash, Roy Miles, Mary Sneed and Burt Adcock. Absent was Mark Whitworth; **Motion to approve passed unanimously by all members present.**

ITEM#4: Chairman Nash read the item into the record as advertised. Attorney Ben Dean presented himself as representing the applicants. Attorney Dean stated that the camper had only been there five to six months and the owners do not live there. Attorney Dean presented information for the file and record related to the violations

asserted by the Building Commission. Attorney Dean answered the violations asserted by explaining that it was his clients position that the camper was not an accessory structure, nor use, and therefore, not subject to the jurisdiction of the Zoning Resolution as such. He further explained that it is not affixed permanently nor does anyone dwell in it. Building Commissioner Atkins asserted that the camper/recreational vehicle is acting as the primary use on the property in the absence of a legal principal use of structure and, as such, such a use is not permitted as a principal use on the property in accordance with the property's land use zone. Cheatham County Attorney Bligh concurred with Mr. Atkins stance. Further discussion took place concerning what is the camper's defined use. ****Motion**** was made by Sneed to make a factual determination that the existing camper/recreational vehicle located on the subject property is a legal, non-conforming use and, therefore, permitted to remain as such since it is in the same ownership since 1977 in accordance with Section 7.020 of the Cheatham County Zoning Resolution; second by Adcock; Roll Call Vote Taken; Voting Yes- Larry Nash, Roy Miles, Mary Sneed and Burt Adcock. Absent was Mark Whitworth; **Motion to approve passed unanimously by all members present.**

Having no further business, ****Motion**** was made by Miles to adjourn the meeting; second by Sneed. **Voice vote carried unanimously by all members present.**

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