CHEATHAM COUNTY

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Codes Administration
Building Commissioner
Zoning and Codes

615/792-7915

CHEATHAM COUNTY BOARD OF ZONING APPEALS
MINUTES FOR APRIL 28, 2014

Chairman Nash called the meeting to order at 6:03 p.m..
Mr. Whitworth led the Pledge of Allegiance.
Mr. Miles led the Prayer.
Building Director Atkins read the roll of members.
Members Present: Larry Nash, Roy Miles, Mark Whitworth and Mary Sneed (Ms. Sneed arrived late at 6:19 p.m. during deliberations on item #1)
Members Absent: Burt Adcock
Others Present: Building Department Director Chris Atkins, Cheatham County Attorney Michael Bligh, Linda Nutt, Jason Mosier and Brian McCain
Chairman Nash declared a quorum present.

Approval of Minutes and Agenda:
Chairman Nash asked if there was a motion to approve the minutes for the last meeting (i.e. March 24, 2014) and the agenda for tonight's meeting. ****Motion** made by Mr. Miles to approve the minutes for the March 24, 2014 meeting and the agenda for tonight's meeting as presented and circulated; second by Mr. Whitworth; Voice Vote Taken; Motion carried unanimously by all members present at the time (Ms. Sneed had not arrived yet); Motion passed; Minutes for the March 24, 2014 meeting and the agenda for tonight's meeting approved as presented and circulated**

Agenda Items to be Heard:

1. Mr. & Mrs. Craig and Linda Nutt, Applicants, requesting two variances as follows:
   - Requesting approval of a Variance of 0.74 acres from the minimum lot size required for E-1 zoning with public water available of 3.0 acres due to insufficient lot size for lot #1 as shown on the proposed final plat.
   - Requesting approval of a Variance to allow a detached garage to be constructed in the required front yard of lot #2 as shown on the proposed final plat.

   This is in reference to the Cheatham County Zoning Resolution Sections 5.042 (F) (1 & 6), 8.050 and 8.060. Property is located on Kingston Springs Rd., Kingston Springs, TN, Map 91 Parcels 89.02 & 90.00. Property is in the 6th voting district and is not in a flood area.

2. Mr. Brian McCain, representing Ms. Kathy Shields Lindley, requesting approval of a Special Exception and a Variance as follows:
   - Requesting approval of a Special Exception to allow the establishment of a new fire department facility on a new lot per the proposed final plat.
   - Requesting approval of a Variance of 1.86 acres from the minimum lot size required for E-1 zoning with public water available of 3.0 acres due to insufficient lot size for the new lot upon which the proposed fire department facility is to be established.

   This is in reference to the Cheatham County Zoning Resolution Sections 5.042 (D) (1) and (F) (1), 8.050, 8.060 and 8.070. Property is located at 1614 Little Pond Creek Rd., Pegram, TN, Map 77 Parcel 6.00. Property is in the 5th voting district and is in the AE flood area.

Agenda Items to be Heard (cont.):

3. Mr. Jason Mosier, Applicant, requesting a Special Exception for approval of a Home Occupation for a funeral and cremation service coordination and arrangement business on the subject property. Said business shall not include the actual rendering of any such services on-site; only the scheduling and purchasing of such services via telephone or internet. This is in reference to the Cheatham County Zoning Resolution Sections 4.040 and 8.050. Property is located at 3143 River Rd., Ashland City, TN, Map 65 Parcel 23.10 and is zoned Agriculture. Property is in the 5th voting district and is in the AE flood area.

ITEM #1:

Chairman Nash read the item into the record as advertised. Ms. Linda Nutt and her surveyor, Mr. Brian McCain, spoke. Ms. Nutt explained that they wished to construct a barn in the cleared area off their existing driveway on the lot their home exists upon (i.e. lot #2). She continued by saying that location was where the existing dividing line between their two lots was and they needed to move it in order to build the barn there on lot #2. Mr. McCain spoke concerning the existing sizes of the lots and their non-conforming condition for size. He explained that moving the line to accomplish the task at hand would bring lot #2 into compliance for lot size, but leave lot #1 in non-conformance. Chairman Nash asked if there was any other location on lot #2 for the barn. Ms. Nutt and Mr. McCain explained that they had to establish a secondary septic absorption area in the back of the property since there was only a primary area and there is an existing overhead power line between their home and where they wish to build the barn that hinders the rest of the other areas around their home; leaving this area as the only suitable area. Ms. Nutt explained that their structure on lot #1 is a workshop for her husband's artwork with a bathroom and a proper septic system, but no shower. Building Director Atkins spoke to say that the applicant received approval from this board years earlier to have the workshop studio structure on lot #1 without having a dwelling. (At this point during the deliberations, Ms. Sneed arrived to the meeting.) Building Director Atkins stated that approval of the final plat itself would fall to the Town of Kingston Springs. Ms. Nutt stated she did not wish to combine the two lots together. Discussion was had about the width of the driveway for lot #2. Attorney Bligh spoke to say that situations like this always cause problems because you cannot correct all non-conforming conditions at once.
****Motion** was made by Mr. Miles to approve a Variance of 0.74 acres from the minimum lot size required for E-1 zoning with public water available of 3.0 acres due to the fact that such action will bring lot #2 into conformance with the zoning resolution for size and due to topographic constraints of the property in general in accordance with Section 8.060 (C) of the Cheatham County Zoning Resolution <u>and</u> to approve a Variance to allow installation of an accessory structure in the required front yard of lot #2 as shown on the proposed final plat due to topographic constraints in accordance with Section 8.060 (C) of the Cheatham County Zoning Resolution; second by Mr. Whitworth; question called for by Ms. Sneed; Roll Call Vote Taken; Voting Yes – Larry Nash, Roy Miles, Mark Whitworth and Mary Sneed; Voting No – None; Absent – Burt Adcock; Yes – 4, No – 0, Absent – 1; Motion Passed; Variances Approved**

ITEM #2:

Chairman Nash read the item into the record as advertised. Discussion was had concerning the flood area along the front of the property. Mr. McCain stated that the structure would be built in the rear of the property outside of the flood area and within the required setbacks. Discussion was had concerning the need for the facility in order to improve fire service and the ISO insurance ratings for the area. Discussion was had concerning access to the new lot for the fire department facility. Mr. Mosier spoke in favor of the facility at this location. Mr. McCain stated that NES was prepared to move the overhead

power line through the property as needed. ****Motion** made by Ms. Sneed to approve a Special Exception to allow construction of a Fire Department Facility on the proposed lot in accordance with Sections 5.042 (D) (1) and 8.070 of the Cheatham County Zoning Resolution <u>and</u> to approve a variance of 1.86 acres from the minimum lot size required of 3.0 acres with public water available for E-1 zoning in accordance with Section 8.060 (C) of the Cheatham County Zoning Resolution restricted to the purpose of construction of said new Fire Department Facility and emergency vehicles; second by Mr. Miles; question called for by Ms. Sneed; Roll Call Vote Taken; Voting Yes – Larry Nash, Roy Miles, Mark Whitworth and Mary Sneed; Voting No – None; Absent – Burt Adcock; Yes – 4, No – 0, Absent – 1; Motion Passed; Special Exception and Variance Approved for New Fire Department Facility**

<u>ITEM #3:</u>
Chairman Nash read the item into the record. Mr. Mosier addressed the board to explain the nature of his business. He explained that all of his business is arranged on-line and over the phone. He explained that he effectively works out of his home now even though he has an office in Pegram on Hwy. 70. He stated that he has designed his business as a home service funeral home with a funeral director in each county the use of five crematories across the state. He showed the board members his website. He stated that he uses the same embalmers that the conventional funeral homes use. Mr. Nash asked what brought him before this board. Mr. Mosier stated that because he is moving out of his office in Pegram and wishing to formally work from his home, he needed formal approval from this board to present to the state to relocate. He stated that he only coordinates and schedules; no rendering of any purchased services takes place or will take place on the property. ****Motion** was made by Ms. Sneed to approve a Home Occupation business as presented and advertised in accordance with Section 4.040 and 8.050 of the Cheatham County Zoning Resolution; second by Mr. Whitworth; question called for by Mr. Miles; Roll Call Vote Taken; Voting Yes – Larry Nash, Roy Miles, Mark Whitworth and Mary Sneed; Voting No – None; Absent – Burt Adcock; Yes – 4, No – 0, Absent – 1; Motion Passed; Home Occupation Approved as Presented and Advertised**

There being no further business, motion was made to adjourn the meeting by Mr. Miles with a second by Mr. Whitworth. Motion carried unanimously by all members present by voice vote. Meeting adjourned.

ROY MILES III – SECRETARY
CHEATHAM COUNTY BOARD OF ZONING APPEALS