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CHEATHAM COUNTY BOARD OF ZONING APPEALS
MINUTES FOR JUNE 23, 2014

Meeting was called to order at 6:00 p.m. by Vice-Chair Mary Sneed in lieu of Chairman Nash being absent. Vice-Chair Sneed would conduct the meeting in Mr. Nash's absence.
Vice-Chair Sneed led the Pledge of Allegiance.
Mr. Miles led the Prayer.
Vice-Chair Sneed asked for the Roll of Members to be called. Building Director Atkins called the Roll of Members.
Members Present: Roy Miles, Mark Whitworth, Mary Sneed and Burt Adcock
Members Absent: Larry Nash
Vice-Chair Sneed declared a quorum present.
Others Present: Cheatham County Building Department Director Chris Atkins, Cheatham County Attorney Michael Bligh, Planner Brett Smith, Mark Stanford, Laina Stanford, Tom Essary, Cathy Essary, Larry Raybon, Milton McClurkan, Ellen McClurkan, Stacy Luna, Wade Sanford, Christy Sanford, Zoe Sanford, Matthew Webber, Denise Webber, John Smith and Elizabeth Smith

Approval of Minutes and Agenda:
Vice-Chair Sneed asked if there was a motion to approve the minutes from the last meeting (i.e. April 28, 2014 meeting) and the agenda for tonight's meeting. **Motion made by Mr. Miles to approve the Minutes for the April 28, 2014 meeting and the Agenda for tonight's meeting as presented and circulated; second by Mr. Adcock. Voice vote carried unanimously by all members present. Motion Passed; Minutes for the April 28, 2014 Board of Zoning Appeals Meeting and the Agenda for Tonight's Meeting Approved as Presented and Circulated.**

Agenda Items To Be Heard:

1. Mr. Larry Raybon, on behalf of Faulk and Foster, agent, for Verizon Wireless, LLC, lessee, requesting approval of a Special Exception to allow construction of a new 270' tall, self-supporting, telecommunications cell tower on the subject property. This is in reference to the Cheatham County Zoning Resolution, Sections 4.120, 5.041 (D) (5), 8.050 and 8.070. Property is located at 3892 Thomasville Road, Chapmansboro, TN, map 12, parcel 18.05 and is zoned Agriculture. Property is in the 4th voting district and part of the property is in the A flood zone. **"This item postponed to this meeting from May 27, 2014 meeting due to incorrect advertisement."**
2. Ms. Christie Sanford, owner/applicant, requesting a Variance of 11' from the minimum side setback required for R-1 zoning of 20'. Such is being requested in order to convert an existing detached garage into an accessory dwelling as a "mother-in-law" apartment. This is in reference to the Cheatham County Zoning Resolution, Section 4.150. Also being considered with this application is a determination by the Board of Zoning Appeals

as to which minimum side or rear setback standard is to be used as a basis in such a case, that for a primary dwelling or an accessory structure in any Zoning district where an accessory dwelling is applicable. This is in reference to the Cheatham County Zoning Resolution, Sections 2.020, 4.150, 5.043 (C) (6), 5.043 (F) (2), 8.050 and 8.060. Property is located at 1030 Raybon Binkley Road, Ashland City, TN, map 51, parcel 12.08 and is zoned R-1. Property is in the 2nd voting district and is not in a flood area. **"This item postponed to this meeting from May 27, 2014 meeting due to incorrect advertisement."**

3. Mr. Joshua Denton, Esquire, representing New Cingular Wireless PCS, LLC and AT&T Mobility Corporation, lessee, requesting approval of a Special Exception for construction of a new 195' monopole telecommunications tower site. This is in reference to the Cheatham County Zoning Resolution, Sections 5.040, 5.041 (D) (5), 8.050 and 8.070. Property is located on Thrasher Drive (off Jackson Cabin Rd.), Kingston Springs, TN, map 97, parcel 46 and is zoned Agriculture. Property is in the 6th voting district and part of the parcel is in the A flood zone. **"This item postponed to this meeting from May 27, 2014 meeting due to incorrect advertisement."**
4. Mr. & Mrs. Milton & Ellen McClurkan, applicants, requesting approval of a Variance of 9.91 acres from the minimum acreage of 15 acres required to allow for construction of an accessory storage building before construction of a dwelling. This is in reference to the Cheatham County Zoning Resolution Sections 3.100 (F), 8.050 and 8.060. Property is located at the corner of Neptune Rd. and Hazelwood Dr., Chapmansboro, TN, map 28 parcel 48.05 and is zoned Agriculture. Property is in the 4th voting district and is not in a flood area.
5. Mr. & Mrs. Tom & Kathy Essary, applicants, requesting a Special Exception for approval of a small real estate office with one agent in addition to the owner as a home occupation. This is in reference to the Cheatham County Zoning Resolution Sections 4.040 and 8.050. Property is located at 1191 Johns Road, Joelton, TN, map 39 parcel 30.10 and is zoned R-2. Property is in the 2nd voting district and is not in a flood area.

ITEM #1: Vice-Chair Sneed read the item into the record as advertised. Mr. Raybon addressed the board on this item. Planner Smith presented his planning review to the board. Mr. Smith stated that most of the comments had been addressed by the applicant. He stated that some final modifications to the landscaping design and showing roadway grading and details were all that were needed to be completed. He stated that such could be a condition of approval. Vice-Chair Sneed asked if there were any members of the audience who wished to speak on this issue. She further stated that this was a pro-forma type vote if the applicant was able to address all regulations for celltowers. Several members of the audience spoke in regards to this item on various issues including the number of arrays and their direction, improved cell service for the immediate residents and how the tower was to be secured. ****Motion** was made by Mr. Miles to approve the Special Exception for the celltower as presented conditioned upon all the Planner's review comments being addressed; second by Mr. Adcock; question called**

for by Mr. Miles; Voting Yes – Roy Miles, Mark Whitworth, Mary Sneed and Burt Adcock; Voting No – None; Absent – Larry Nash; Yes – 4, No – 0, Absent – 1; Motion Passed; Special Exception Approved as Conditioned

ITEM #2: Vice-Chair Sneed read the item into the record as advertised. Ms. Sanford addressed the board. Much discussion took place as to the legality of what the applicant wished to do, the applicable enabling resolution's language and the intent of the resolution. ****Motion** made by Mr. Miles to interpret the setback rules for accessory dwellings as follows: "Any existing accessory structure to be converted, in whole or in part, to an accessory dwelling shall meet the bulk standards for setback for an accessory structure. Any proposed accessory structure to be constructed and converted, in whole or in part, to an accessory dwelling shall meet the bulk standards for setback for a principal dwelling."; second by Mr. Adcock; Vice-Chair Sneed called the question; Roll Call Vote Taken; Voting Yes – Roy Miles and Burt Adcock; Voting No – Mark Whitworth and Mary Sneed; Absent – Larry Nash; Yes – 2, No – 2, Absent – 1; Motion Failed**
****Motion** made by Mr. Whitworth to interpret the required bulk standards for setbacks to be used for an accessory dwelling be that for a principal dwelling and recommend that the Planning Commission review this issue for a possible amendment to the Zoning Resolution for clarification; second by Vice-Chair Sneed; Mr. Miles called the question; Roll Call Vote Taken; Voting Yes – Vice-Chair Sneed, Burt Adcock and Mark Whitworth; Voting No – Roy Miles; Absent – Larry Nash; Yes – 3, No – 1, Absent – 1; Motion Passed; Interpret as Passed**
****Motion** made by Mr. Miles to approve a variance of 11' from the minimum side setback required of 20' based upon the lot's irregular shape in accordance with Section 8.060 (C) of the Cheatham County Zoning Resolution; second by Mr. Adcock; Mr. Miles called the question; Roll Call Vote Taken; Voting Yes – Roy Miles, Mary Sneed and Burt Adcock; Voting No – Mark Whitworth; Absent – Larry Nash; Yes – 3, No – 1, Absent – 1; Motion Passed; Variance Approved**

ITEM #3: Withdrawn by applicant per letter in meeting file.

ITEM #4: Vice-Chair Sneed read the item into the record as advertised. Much discussion took place concerning the issues surrounding this item and it was determined that this board lacked grounds for approving the variance. Discussion was had concerning the applicants pulling the building permit for their home at the same time as the accessory building and giving them credit for this meeting fee toward such building permits. ****Motion** was made by Mr. Miles to deny the variance as requested due to a lack of cause for such a variance and to recommend crediting the cost of this application toward the purchase price of the dwelling's building permit; second by Mr. Whitworth; Roll Call Vote Taken; Voting Yes – Roy Miles, Mark Whitworth, Mary Sneed and Burt Adcock; Voting No – None; Absent – Larry Nash; Yes – 4, No – 0, Absent – 1; Motion Passed; Variance Denied**

ITEM #5: Vice-Chair Sneed read the item into the record as advertised. Discussion took place concerning the history of the home and other home occupations that have been there. ****Motion** was made by Mr. Whitworth to approve the home occupation as presented for a real estate office in accordance with Section 4.040 of the Cheatham County Zoning Resolution; second by Mr. Miles; Mr. Adcock called for the question; Roll Call Vote Taken; Voting Yes – Roy Miles, Mark Whitworth, Mary Sneed and Burt Adcock; Voting No – None; Absent – Larry Nash; Yes – 4, No – 0, Absent – 1; Motion Passed; Home Occupation Approved as Presented**

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

ROY MILES III – SECRETARY
CHEATHAM COUNTY BOARD OF ZONING APPEALS