



**CHEATHAM COUNTY BOARD OF ZONING APPEALS
MINUTES FOR JUNE 28, 2016**

Chairperson Larry Nash called the meeting to order at 6:02 p.m.

Burt Adcock led the Pledge of Allegiance.

Chairperson Larry Nash led the prayer.

Building Commissioner Franklin Wilkinson called the Roll of Members

Members Present: Mary Sneed, Burt Adcock, Larry Nash

Members Absent: Roy Miles, Mark Whitworth

Chairperson Larry Nash declared a quorum present.

Others Present: Michael Bligh, Rick Gregory, Michael Orange, Jackie Stephens, Chris Orange, Vance Mayo, Ann Jarreau, Mary A. Mayo, Margie Walker, Judy Vick, Max Vick, Susan Detsch, Sue Harp, Jim Harp, Ruth Auley, Dusty Chandler, Karen Adams, Debora York, Van Edmundson, Beatrice Edmundson, James Barnes, Valerie Cummings, Ruth Cummings, David Rayburn, Cheryl Medley, Wendell Binkley

Approval of Minutes and Agenda

Chairperson Larry Nash called for a motion to approve the minutes from the last meeting (i.e. May 23, 2016) and to approve the agenda for tonight's meeting. ****MOTION**** made by Mary Sneed to approve the minutes from the meeting of May 23, 2016 and to approve the agenda for June 28, 2016; second by Burt Adcock; Voice Vote Taken; Motion carried unanimously by all members present; Motion passed; Minutes from May 23, 2016 and the agenda for June 26, 2016 approved.

Agenda Items to be Heard:

ITEM#1

Chairperson Larry Nash read Item #1 into the record. River Road Utility District is seeking a Special Exception per section 5.041 D. 5. Intermediate Impact Facilities; Water Storage Facilities and to request site plan approval per section 8.070 A for the purpose of constructing a 3040 square foot shop and storage facility. Property is located at 2204 River Road, Ashland City, TN; map 61 parcel 95. Property is located in the 5th voting district and is not in a Special Flood Hazard area. Dusty Chandler addressed the board and stated that the River Road Utility District wishes to build a shop on the site for storage and equipment. The existing structure on the site will be demolished. Rick Gregory addressed the board and presented his comments. This request is to construct a shop building of approximately 3040 square feet for use by the River Road Utility District in the Agricultural district. Copied below are the specific requirements for locating an Intermediate Impact use within Cheatham County. Section 8.070(G)(7) requires compliance with standards specific to an Intermediate Impact use. Water Storage Facilities, Water and Sewage Treatment Plants are among the uses within the Intermediate Impact Facilities class of uses that are directed to the Board of Zoning Appeals for review as a special exception. The utility district already has a presence on both sides of the road. The addition of this proposed shop building

would not appear to be out of keeping with the character of the area. Recommend approval. Beatrice Edmundson addressed the board and asked what would be in the shop and what would it be used for? Dusty Chandler addressed the board and stated that the building would be used for the storage of vehicles and materials. All storage would be on the inside and nothing stored on the outside. Van Edmundson asked how many buildings would be on the site. Dusty Chandler stated that the existing buildings would be demolished and they are only building one building. With no further discussion a ****MOTION**** to approve the use and site as presented was made by Mary Sneed; second by Burt Adcock. The motion to grant the special exception and site plan passed by roll call vote. Mary Sneed - yes, Burt Adcock - yes, Larry Nash - yes.

ITEM#2

Chairman Larry Nash read Item #2 into the record. Vance Mayo is requesting an appeal from the decision of the Director of the Building Department. Applicant seeks to be permitted to construct and operate a Permanent Small Scale Sawmill in the E1 on Map 42, Parcel 36, 1027 George Boyd Rd. Ashland City, TN. Property is in the 2nd voting district and is not in a Special Flood hazard area. Vance Mayo addressed the board and stated he would like to construct a small scale electric sawmill on the property. He has owned the property since 1988 and has always been a farm. The saw would be electric and not be very loud. There is buffering all around the property. There will be logs and materials coming from off site. Chris Orange addressed the board and stated that the E1 zoning includes all the uses allowed in the Agriculture zoning. The use of a saw mill in this zoning should be an agriculture use. Ann Jarreau addressed the board and stated that she represents the 2nd district and does not believe the sawmill should be allowed. She believes the sawmill will have a negative impact for the residents on George Boyd Rd., Bearwallow Rd., and Carney Winters Rd., I will probably be able to hear it where I live on Old Clarksville Pike. When I was a little girl the noise from a sawmill one mile away did not allow me to go outside from the noise when the mill was cutting logs. It is not the sound of the motor but the sound of the blade going through the logs. The road is narrow without stripes and will not accommodate big trucks. There is a sign posted preventing trucks from entering George Boyd Rd. Susan Detsch addressed the board and stated that she lives at 1956 George Boyd Rd. and stated that she is concerned that the logging trucks coming in from old Clarksville Pike would present a hazard along that narrow road. Jim Harp addressed the board and stated that he lives a 101 George Boyd Rd. Mr. Harp presented a picture showing the entrance of George Boyd Rd. from Bearwallow Rd. He is concerned with the entrance off Old Clarksville Pk. The road is curvy and narrow with no center line designated. There is a portion of the road with a 12% grade that rises 200 feet within three tenths of a mile. Mr. Harp compared the slope to Mont Eagle Mountain. The road has a ravine that approaches 100 feet deep. On the other side there are no shoulders. If you meet a 102-inch-wide commercial truck coming down that particular hill in a car or pickup truck you will be hard-pressed to find some place to go. If you come in from the Bearwallow Rd. entrance the width is sixteen feet wide. In comparison the interstate, those lanes are 24 feet wide by comparison. Having a career of twenty-seven years in the motor carrier industry, this intersection is totally unsuitable for truck traffic coming off Bearwallow Rd. Mr. Harp stated that under the agricultural statutes in the state of Tennessee, commercial vehicle weights are allowed to have a gross weight of one hundred eighty thousand pounds. Agricultural product is allowed to go 10% over that weight. There are approximately seventeen homes within a quarter of a mile of the proposed sawmill. There are thirty-seven homes within one half mile. Ruth Pauly addressed the board and stated that she lives at 1295 George Boyd road and has lived there for forty years. Mrs. Pauly presented a petition of thirty people who are concerned or against the sawmill on George Boyd Rd. She is concerned with the safety on the road. She got run over on that road and almost lost her life. There has been a semi-truck off in front of her house, a dump truck off in front of her house, and numerous vehicles that have wrecked in front of her house. Her concern is that area of the hill and ravine where the road is narrow. There is extremely low visibility from both directions pulling out of her driveway. The approval of the sawmill is asking for someone to be killed on that road. The road was not made for loggers and the traffic has increased every year. Debora York addressed the board and stated that her

address is 1026 Georg Boyd Rd. and right across the street from the proposed sawmill. The view would be offensive from her home and is concerned with the children and animals that live along the road. She is also concerned with the dust associated with a sawmill and believes the sawmill will degrade her property values. Cheryl Neddly addressed the board and stated she lives at 1015 George Boyd Rd. She stated that there used to be a weight limit posted at the entrance to George Boyd Rd. but the sign is gone. She is concerned with the noise, traffic, safety, and degrading property values resulting from the proposed sawmill. Paul Cummings stated that he lives on Bearwallow Rd. and the sawmill would be pretty much in his backyard. He is opposed to the sawmill for all the previously mentioned concerns. Jim Burns addressed the board and stated that he lives about a half mile from the Mayo property and asked if the board allowed the sawmill is there a way to put conditions or restrictions on the use? Mary Mayo stated other trucks are allowed on the road and believes the loggers should have the same right to travel the road. Margie Walker stated she lives directly across from the proposed sawmill and grew up on that road and believes that the Mayo's have the right to pursue a business but has concerns with the safety, traffic, noise and property values. She believes that will be good stewards of the surrounding area and wants to know if restrictions can be placed on the operation of the sawmill? After further discussion Rick Gregory presented his analysis; This is a request for a permanent small scale sawmill in the E1 Estates Residential district. The zoning resolution addresses various types of sawmills and specific zoning districts for their establishment and operation. As can be seen in the zoning resolution language below, permanent small scale sawmills are restricted to the Agricultural and I-1, I-2 and I-3 zoning districts. Since this property is not currently zoned Agricultural or one of the industrial zones listed, this application should not be considered for approval. This board does not have authority to rezone property. That authority rests with the County Commission. Approving this application would be defacto rezoning. This is a request to hear an appeal from a decision of the Director of the Building Department, not for approval of a sawmill as a special exception. As such, the board must rely on the language of the zoning resolution and any other authority having jurisdiction. Staff can find no mention of a method of approval for a sawmill other than within the specific zoning districts mentioned in Sections 4.140 through 4.144 of the zoning resolution and cannot, therefore, recommend approval of a proposed sawmill in the E-1 zoning district. After further discussion a ****MOTION**** to uphold the decision of the Building Commissioner and not allow the use of a small scale sawmill in the E1 zoning district was made by Mary Sneed; second by Burt Adcock. The motion to uphold the Building Commissioner's decision passed by roll call vote. Mary Sneed - yes, Burt Adcock - yes, Larry Nash - yes.

OTHER:

Michael Bligh stated that the Calm K9 case scheduled for circuit court on July 25, 2016 has made an offer to settle the case through the board of zoning appeals. This is not an agenda item at this time. If the board wishes to consider the settlement offer and special called meeting will need to be scheduled and advertised. The board can discuss setting the meeting date but not discuss the case at this time. The board decided they would set the special called meeting for either July 19th or 21st 2016 depending on member's schedules and availability.

There being no further business, ****Motion**** was made to adjourn the meeting by Burt Adcock; second by Mary Sneed. Voice vote carried unanimously by all members present. Motion passed. Meeting adjourned at 7:00 PM.

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