



**CHEATHAM COUNTY BOARD OF ZONING APPEALS
MINUTES FOR JULY 25, 2016**

Chairperson Larry Nash called the meeting to order at 6:00 p.m.

Chairperson Larry Nash led the Pledge of Allegiance.

Roy Miles led the prayer.

Building Commissioner Franklin Wilkinson called the Roll of Members

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

Members Absent: Mary Sneed

Chairperson Larry Nash declared a quorum present.

Others Present: Michael Bligh, Rick Gregory, Phil Barnes, Terri Barnes, Ty Louallen, Mandy Louallen, Grady Toler, Paul Carlille, Tom Morris

Approval of Minutes and Agenda

Chairperson Larry Nash called for a motion to approve the minutes from the last meeting (i.e. June 28, 2016) and to approve the agenda for tonight's meeting. ****MOTION**** made by Burt Adcock to approve the minutes from the meeting of June 28, 2016 and to approve the agenda for July 25, 2016; second by Roy Miles; Voice Vote Taken; Motion carried unanimously by all members present; Motion passed; Minutes from June 28, 2016 and the agenda for July 25, 2016 approved.

Agenda Items to be Heard:

ITEM#1

Chairperson Larry Nash read Item #1 into the record. Phil and Terri Barnes requesting a Temporary Use Permit per section 4.030 of the Cheatham County Zoning Resolution for the purpose of living in a travel trailer while constructing a new single family dwelling. Property is located on Old Sams Creek Rd., Ashland City, TN; map 86 parcel 80 and is zoned R-1. Property is in the 5th voting district and is not in a Special Flood Hazard Area. Terri Barnes addressed the Board and stated that she and her husband would like to stay in the travel trailer while having the land perked for the septic permit. After that they will start construction on the house. They are using a portable sewerage tank. After the septic system is installed they will use that for sewerage. Phil Barnes stated that they will have a cabin constructed off site that is built to the code and will bring it on site. Chairperson Larry Nash presented staff comments for review and requested that they be entered into the record; This is a request for a Temporary Use Permit in the R-1 zoning district for use of a travel trailer while a permanent dwelling is under construction. The Cheatham County Zoning Resolution contains temporary use provisions for several situations that may occasionally arise but nothing to address this specific request for temporary residence during construction. The following provisions speak to similar situations: **4.030 TEMPORARY USE REGULATIONS** - The following regulations are necessary to govern the operation of certain necessary or seasonal uses nonpermanent in nature. Application for a Temporary Use Permit shall be made to the Board of Zoning Appeals through the Building Department. Said application shall contain a graphic description of the property to be utilized and a site plan, a description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking space for the proposed temporary use. The

following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located. C. Temporary Buildings: In any district, a Temporary Use Permit may be issued for contractor's temporary office and equipment sheds incidental to a construction project. Such permit shall not be valid for more than one (1) year, but may be renewed for six (6) month extensions; however, not more than three (3) extensions for a particular use shall be granted. Such use shall be removed immediately upon completion of the construction project, or upon expiration of the Temporary Use Permit, whichever occurs sooner G. Temporary Dwelling Units in Case of Medical Hardships: In any district, a Temporary Use Permit may be issued to place a mobile home on a lot which already contains a residential structure, provided that the purpose of such temporary placement shall be to make it possible for a resident of either structure to provide assistance to a person who requires daily assistance due to physical or mental disability, and provided further that such a temporary structure does not represent a hazard to the safety, health, or welfare of the community. An applicant for a Temporary Use Permit as provided under this Subsection must produce a written statement from a physician certifying that the specific disability requires assistance from someone in close proximity as evidence of such disability, and a written statement from the Cheatham County Health Department approving the sewage disposal system of the proposed temporary structure. Such permit may be initially issued for twelve (12) months. A permit may be renewed for six (6) months at a time, subject to producing a new statement from a physician certifying that the assistance is still required due to the disabling condition. The temporary permit shall be revoked and the structure removed immediately upon expiration of the permit or upon a change in the conditions under which such permit was issued. The person requiring assistance due to the disabling condition may be a resident of either the temporary or permanent structure. The temporary residence shall be treated as an accessory building. H. Temporary Dwelling Unit in Cases of Special Hardship: In any residential district, a Temporary Use Permit may be issued to place a mobile home (double-wides excluded) temporarily on a lot in which the principal structure was destroyed by fire, explosion or natural phenomnal. The purpose of such placement temporarily shall be to provide shelter for only the residents of the principal structure during the period of reconstruction and to prevent an exceptional hardship on the same. Placement of such temporary structure must not represent a hazard to the safety, health, or welfare of the community. An applicant for a Temporary Use Permit as provided under this subsection must produce a written statement from the Cheatham County Health Department and/or the Utilities System approving the water supply and sewage disposal systems of the temporary structure. Such a permit may be initially issued for nine (9) months. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total of eighteen (18) months. Recommendation – Section H. most closely matches the nature of this request. The time limits established in Section H may give guidance to this request as well. If the board finds similarity with this request and those listed above, staff sees little harm in allowing a removable building to occupy this site. A ****MOTION**** to grant the temporary use permit per section 4.030 and section 8.070 of the Cheatham County Zoning Resolution was made by Roy Miles; second by Burt Adcock. The motion passed by roll call vote; Roy Miles - yes, Mark Whitworth - yes, Burt Adcock - yes, Larry Nash – yes.

ITEM #2

Chairperson Larry Nash read Item #2 into the record. Ty and Mandy Louallen requesting a Special Exception in the Agriculture Zoning per Section 5.041 D. 8. Animal Care and Veterinarian Services, of the Cheatham County Zoning Resolution, for the purpose of operating a dog kennel. Property is located at 1237 Greenbrier Rd., Ashland City, TN; map 48 parcel 54.04 and consists of 24 acres. Property is in the 5th voting district and is not in a Special Flood Hazard Area. Ty Louallen addressed the Board and stated that his wife wants to start a dog daycare service. The dogs will primarily be housed in a 1000 square foot area of the basement. The dogs will be separated by size a demeanor and will rotate out to the outside play area. There will be a perimeter boundary fence that will be separate from the other two fenced outdoor play areas. After further discussion and review of the site plan Rick Gregory presented his comments; Analysis – This property consists of approximately 24

acres. The Cheatham County Zoning Resolution provides a process for granting a special exception at Section 8.070: **8.070 PROCEDURE FOR AUTHORIZING SPECIAL EXCEPTIONS** The following procedure is established to provide procedures for review of a proposed use as a special exception by the Board of Zoning Appeals. The procedure shall be the same whether review is required by this resolution or whether a review is requested by the Building Department to determine whether a proposed use is potentially noxious, dangerous or offensive. A. Application - An application including a site plan shall be filed with the Board of Zoning Appeals for review. Said application shall show the location and intended uses of the site, the names of the property owners, existing land uses within two hundred (200) feet, and any other material pertinent to the request which the Board may require. Said site plan shall comply with the regulations set forth in Section 8.030, B, and Section 8.030, C. - B. Restrictions - In the exercise of its approval, the Board may impose such conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this resolution. C. Validity of Plans - All approved plans, conditions, restrictions, and rules made a part of the approval of the Board shall constitute certification on the part of applicant that the proposed use shall conform to such regulations at all times. D. Time Limit - All applications reviewed by the Board shall be decided within sixty (60) days of the date of application, and the applicant shall be provided with either a written notice of approval or denial. E. General Requirements - A special exception shall be granted provided the Board finds that the activity: 1. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected. 2. Will not adversely affect other property in the area in which it is located. 3. Is within the provision of "Special Exceptions" as set forth in this resolution. 4. Conforms to all applicable provisions of this resolution for the district in which it is to be located and is necessary for public convenience at that location. F. Special Exceptions Appeals Any person or agency of the county government may appeal to a court of competent jurisdiction from the Board's decision as provided under statutes of the State of Tennessee. The judgment and findings of the Board on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this article shall be final, and subject to review only for illegality or want of jurisdiction. A fee shall be charged to cover review and processing of each application for a special exception. The zoning resolution contains no specific standards nor special conditions related to operation of a kennel. The Business Plan accompanying this request lists many specifics for the operation of this proposed kennel – perimeter fencing, outdoor play areas, small temperature controlled indoor play area, 10 holding kennels in their garage for rest and isolation. The number of employees is proposed to be one worker for every 10 dogs on the premises. The maximum number of dogs anticipated on the property is not mentioned. The requirements of 8.070 above apply and should be reviewed as part of this request. The board will need to determine if the request complies with those requirements. Recommendation – Kennels are noted as “Permitted as Special Exceptions” in the Agriculture district. If the board determines that this request complies with Section 8.070, staff recommends approval. Mandy Louallen addressed the Board and stated that if the business was successful she would the dog population to be more than 25 to 30 dogs, maximum. Any amount of dogs over that would require us to build a separate building on the site just for the dogs. The initial startup will limit the dogs to 10. Only 5 outside at a time should limit any noise due to barking. This will be daytime boarding only. No overnight stays. After further discussion the Board decided to limit the amount of dogs on site to 20 dogs, maximum. Any number over that would require the applicant to return to the Board of Zoning Appeals to reconsider the special exception. A ****MOTION**** to grant the special exception was made by Roy Miles; second by Roy Miles; second by Burt Adcock. ****MOTION AMENDED**** by Mark Whitworth with a limit on the maximum number of dogs on site to 20 dogs for daytime boarding only, from the hours of 7:00 AM to 7:00 PM. If dogs on site exceed 20, in number, then applicant would have to return to the Board of Zoning Appeals to reconsider the special exception; amended motion second by Burt Adcock. ****MOTION** TO AMMEND** passed by roll call vote. Roy Miles - yes, Mark Whitworth - yes, Burt Adcock - yes, Larry Nash – yes. ****MOTION**** to grant the special exception was approved by roll call vote. Roy Miles - yes, Mark Whitworth - yes, Burt Adcock - yes, Larry Nash – yes.

OTHER:

Michael Bligh stated that the Calm K9 case went before the judge at 9:00 AM and realized that some of the neighbors regarding the case were his in-laws and recused himself from hearing the case. At this time there is no judge to hear the case but best guess is that the case will be heard sometime in September 2016.

There being no further business, ****Motion**** was made to adjourn the meeting by Roy Miles; second by Mark Whitworth. Voice vote carried unanimously by all members present. Motion passed. Meeting adjourned at 6:49 PM.

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