



**CHEATHAM COUNTY BOARD OF ZONING APPEALS
MINUTES FOR JULY 28, 2014**

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

Mr. Miles led the Pledge of Allegiance.

Mr. Nash led the Prayer.

Chairman Nash acknowledged that all the board members were present.

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

Members Absent: None

Chairman Nash declared a quorum present.

Others Present: Cheatham County Building Department Director Chris Atkins, Cheatham County Attorney Michael Bligh, Brett Leehans, David Sutton and Peggy Sutton

Approval of Minutes and Agenda:

Chairman Nash asked if there was a motion to approve the minutes from the last meeting (i.e. June 23, 2014 meeting) and the agenda for tonight's meeting. ****Motion**** made by Ms. Sneed to approve the Minutes for the June 23, 2014 meeting and the Agenda for tonight's meeting as presented and circulated; second by Mr. Miles. Voice vote carried unanimously by all members present. Motion Passed; Minutes for the June 23, 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. David Sutton, Owner/Applicant, requesting a Special Exception to approve a Temporary Use of a recreational vehicle as a temporary dwelling during the construction of his new home. Such is being requested due to medical hardship caused by heart problems and is necessary for the applicant to seek shelter and relief during the overseeing of construction of his new home. This is in reference to the Cheatham County Zoning Resolution Sections 4.030 (G) and (H) and 8.050. Property is located at 1280 Craggie Hope Road, Kingston Springs, TN, map 90 parcel 101 and is zoned Agriculture. Property is in the 6th voting district and is not in a flood area.
2. Mr. Brett Leehans, applicant, on behalf of Ms. Burnette Alexandroni, owner, Appealing the Building Commissioner's Decision, requesting a factual determination that the existing property and improvements may continue to be used as a commercial restaurant and that the incorporation of a convenience store into such is compatible with such a use. This is in reference to the Cheatham County Zoning Resolution Sections 7.020 and 8.050. Property is located at 2905 Hwy. 49W, Ashland City, TN, map 47 parcel 37 and is zoned C-2. Property is in the 5th voting district and is not in a flood area.

ITEM #1: Chairman Nash read the item into the record as advertised. Mr. Sutton addressed the board. Mr. Sutton explained his health issues making this request necessary. Chairman

Nash asked how the sewage was to be addressed and Mr. Sutton stated there was a septic system on the property already that he would use. Director Atkins stated that Mr. Sutton already has a building permit for the new home and it is currently under construction. Ms. Sneed stated for the record that Mr. Sutton is a friend of hers but such would not affect her vote. ****Motion** made by Mr. Miles to approve temporary use of a camper as a dwelling as presented for up to 9 months in accordance with section 4.030 (H) of the Cheatham County Zoning Resolution; second by Mr. Whitworth; Ms. Sneed called for the question; Roll Call Vote Taken; Voting Yes – Larry Nash, Roy Miles, Mark Whitworth, Mary Sneed and Burt Adcock; Voting No – None; Absent – None; Yes – 5, No – 0, Absent – 0; Motion Passed; Temporary Use of Camper as a Dwelling Approved for up to 9 Months**

ITEM #2: Chairman Nash read the item into the record as advertised. Mr. Leehans addressed the board. Director Atkins summarized the chain of events and conditions leading this item to come before this board. Mr. Atkins stated that the applicant came to talk to me well before the 30 month legal non-conforming period since cessation of the previous restaurant being in operation. Mr. Atkins explained that C-2 zone allows for a convenience store or gas station, but not a restaurant. It was determined that the land use zone for at least the front half of the property where the old restaurant building is located is zoned C-2. Discussion was had concerning the uses allowed in a C-2 zone. It was determined that no special determination was necessary from this board for a convenience store or gas station because such uses are allowed by right under the current land use zone classification of C-2. Mr. Whitworth asked if it was possible for the applicant to demolish the current building and build a new one; upon consideration by Mr. Bligh, it was determined that under state law the applicant could do so. Ms. Sneed asked why the 6 month non-conforming use limitation in the Zoning Resolution did not apply and such was explained by Mr. Bligh that the 30 month limitation exists in State statutory and case law. Ms. Sneed asked about the amount of parking room that was available after the new bridge construction was completed. It was determined that there was actually more room now after construction was completed. Mr. Adcock asked if there were any traffic turning conflicts between the location of the business and the entrance to the existing state camping area across the highway. It was determined that there would be none. Ms. Sneed asked the applicant what effect he thought the business would have on the Smiley's store up the highway. The applicant stated he didn't know except for the potential for competition. Chairman Nash asked Director Atkins upon what date the 30 month clock started based upon the evidence presented. It was determined the electric service was disconnected when the restaurant originally ceased operation on January 18, 2012 and the water service was disconnected soon after such on February 9, 2012. It was determined the property owner showed intent to reestablish a new restaurant with the establishment of a new business license on June 12, 2014. ****Motion** made by Mr. Miles to determine, based upon the evidence presented, that this property and its improvements may continue to be used as a legal, non-conforming restaurant business since intent has been demonstrated to continue such use within 30 months of the last operation of a restaurant on the property; second by Mr.**

Whitworth; question called for by Mr. Adcock; Roll Call Vote Taken; Voting Yes – Larry Nash, Roy Miles, Mark Whitworth and Burt Adcock; Voting No – Mary Sneed; Absent – None; Yes – 4, No – 1, Absent – 0; Motion Passed; Property and Improvements May Continue to be Used as a Restaurant

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

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