



## **CHEATHAM COUNTY BOARD OF ZONING APPEALS MINUTES FOR MARCH 23, 2026**

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

Larry Nash led the Pledge of Allegiance

Roy Miles led the prayer

Franklin Wilkinson called the Roll of Members

Members Present: Roy Miles, LuAnn Engelman, Burt Adcock, Larry Nash

Members Absent: Jody Vann

Larry Nash declared a quorum present

Others Present: Franklin Wilkinson, Brian Halma, Mike Hastings, Patrick Fitzsimmons, Amanda Bell, Mark Stephens, Susan Stephens, Nathan Olszewski, Eugene Evans

### **Approval of Minutes and Agenda**

Larry Nash called for a motion to approve tonight's agenda and to approve the minutes from the meeting of December 22, 2025. A **\*\*MOTION\*\*** to approve the agenda and minutes of December 22, 2025 was made by LuAnn Engelman; second by Roy Miles. Motion carried unanimously by all members present.

### **Agenda Items to be Heard:**

#### **ITEM #1**

Larry Nash read Item #1 into the record. Amanda Bell appealing the decision of the building commissioner for the denial of a building permit on a permanent access easement per the Cheatham County Zoning Resolution Section 4.030 for Map 54, Parcel 28. Property is located on Waynoe Rd., (private drive), in the 1<sup>st</sup> Voting District and is not in a Special Flood Hazard Area (*Deferred from November 25, 2024*). **Amanda Bell** stated, this property is a seven-acre tract with a history dating back to the 1970s. A surveyor's report is provided describing the ownership and survey history of Waynoe Rd. When the county adopted the road in the 1980s only .2 miles of Waynoe Rd., became a publicly maintained road. Exhibits are provided with the surveyor's letter. She questions the requirement for all parties using the road to sign off on a maintenance agreement since her client is agreeing to maintain the entire length of the road from the public portion of the road all the way to his parcel. She questions the requirement for a dollar amount to be specified in the agreement. Emergency Services has reviewed the access and has drafted a favorable letter regrading the ability to provide emergency services. Amanda Bell acknowledged, she did receive a copy of the Private Road Policy as adopted by the board of zoning appeals. **Patrick Fitzsimmons** stated, he lives at 1027 Waynoe Rd., and opposes any development on the private portion of Waynoe Rd. He is concerned with potential future development and road maintenance. **Nathan Olszewski** stated, he is a veteran and the owner of the property. He agrees to maintain the road. He wants to build a home on the parcel for his family. **Mark Stephens** stated, he owns the adjacent twenty-acre lot and would like to build a single-family home. He has signed the maintenance agreement for the road. **Amanda Bell** stated, there are no plans to subdivide any of the lots nor could any subdivision plat be approved on the private portion of Waynoe Rd. **Brian Halma** presented the planning staff review: The subject property does not have road

frontage on a public street. Waynoe Road is listed on the Cheatham County Road List 2025, but it is noted as having a length of 0.2 miles. The subject property is approximately 0.5 miles from Valley View Road, which is a public road, meaning that a portion of Waynoe Road that connects the subject property to Valley View Road is not a public road. To enable a building permit of certificate of compliance to be issued, it must be shown that the subject property has a permanent access easement that meets the requirement of item number 3 above, and that the segment of Waynoe Road connecting the subject property to Valley View Road meets the access easement requirements. Requirement of the Public Road Policy include:

- Description of the current condition of the road or easement and any improvement plans.
- Copy of perpetual maintenance agreement/homeowners' association documents.
- Adequacy of access for emergency vehicles determined by Cheatham County Director of Emergency Management.
- Whether there will be additional development on parcel served or if development will be restricted.
- Plat or survey illustrating the parcel, access, and all easements.
- Title opinion establishing right to use the easement/road.

Amanda Bell provided a letter signed by Nathan Olszewski, one of the two property owners listed by Tennessee Property Viewer for the subject property. The applicant provided an email dated 3/3/26 from EMA Director Hogan stating that the road is adequate for EMS vehicles which addresses the emergency access requirement. The applicant applied for a building permit. The property is zoned A, which has a minimum lot size of 4 acres if on public water and 5 acres if not on public water, so further subdivision would require a rezoning. The applicant provided a maintenance agreement. The Board of Zoning Appeals should review the agreement to determine if it is adequate. Some areas for consideration:

- Does the agreement provide an adequate standard for the road?
- Does the agreement clarify funding and decision making for maintenance?
- There appear to be 11 different property owners for property served by the private portion of Waynoe Road. Only a fraction of the property owners are party to the agreement. There does not appear to be a plat or survey illustrating the parcel, access, and all easements. The applicant has not provided a title opinion establishing right to use the easement/road. A title opinion is a legal assessment provided by an attorney after reviewing public records related to a property's ownership. It identifies defects, liens, easements, or ownership disputes that could affect the title. Obtaining a title opinion helps buyers confirm clear ownership and prevent future legal or financial complications. The documents provided do not appear to clearly show a 50' access easement throughout its entire length for the subject property to the nearest public street. The **board** determined that a survey showing the easement extending all the way from the publicly maintained portion of Waynoe Rd., to the parcels is needed. The maintenance agreement should include all property owners or at least an acknowledgment from all property owners using the private portion of Waynoe Rd. **Amanda Bell** requested agenda Item #1 and agenda Item #2 be deferred. Based on staff recommendations and discussion had at this meeting a **\*\*MOTION\*\*** to defer until the applicant can produce a survey showing the easement extending from the public road to the parcel and a completed maintenance agreement was made by Burt Adcock; second by LuAnn Engelman. The motion passed by roll call vote. Roy Miles - yes, LuAnn Engelman - yes, Burt Adcock - yes, Larry Nash - yes.

## **ITEM #2**

Larry Nash read Item #2 into the record. Amanda Bell appealing the decision of the building commissioner for the denial of a building permit on a permanent access easement per the Cheatham County Zoning Resolution Section 4.030 for Map 54, Parcel 29.01. Property is located

on Waynoe Rd., (private drive), in the 1<sup>st</sup> Voting District and is not in a Special Flood Hazard Area. Based on staff recommendations and discussion had at this meeting a **\*\*MOTION\*\*** to defer until the applicant can produce a survey showing the easement extending from the public road to the parcel and a completed maintenance agreement was made by Burt Adcock; second by LuAnn Engelman. The motion passed by roll call vote. Roy Miles - yes, LuAnn Engelman - yes, Burt Adcock – yes, Larry Nash – yes.

**OTHER BUSINESS:** None

**ADJOURN:**

There being no further business, a **\*\*MOTION\*\*** to adjourn the meeting was made by Burt Adcock; second by LuAnn Engelman. Voice Vote Taken; Motion carried unanimously by all members present. Meeting adjourned at 6:30 pm.

**BURT ADCOCK – SECRETARY  
CHEATHAM COUNTY BOARD OF ZONING APPEALS**