

**SUMNER COUNTY BOARD OF ZONING APPEALS**  
**MINUTES**  
**November 12, 2020**  
**5:00 p.m.**

SUMNER COUNTY ADMINISTRATION BUILDING  
BETHEL BROWN COMMISSION CHAMBERS  
355 N. BELVEDERE DRIVE  
GALLATIN, TN. 37066

**MEMBERS PRESENT:**

BRUCE RAINEY, CHAIRMAN  
SANDY WEBSTER, VICE-CHAIRMAN  
MAC HOLT  
SHAWN UTLEY  
MATT STAMPER

**STAFF PRESENT:**

JOSH SUDDATH, DIRECTOR OF DEVELOPMENT SERVICES  
KATHY YOUNG, ASSISTANT TO THE DIRECTOR OF DEVELOPMENT SERVICES  
DAVID MANNING, BUILDING INSPECTOR

Mr. Utley made a motion to approve the October Minutes, seconded by Ms. Webster. Motion passed unanimously.

Upon confirming that there were no changes to the Agenda, Mr. Rainey stated that the Agenda stands as submitted.

Mr. Rainey asked that the public please keep their comments limited to three minutes and then turned the meeting over to Mr. Suddath for staff presentation.

- 1. Eileen Santangelo and Joyce R Reecer (property owner)** were requesting a continuation of a Conditional Use Permit granted on September 8, 2016 to conduct an arrangement office for Church & Chapel Funeral Service, LLC. Subject property is located at **103 HWY 259, Portland, TN 37148,** is on Tax Map 001, Parcel 003.00, contains 1 acre, is zoned Rural Residential (RR), and is in the 2<sup>nd</sup> Commission Voting District.  
Adjoining property owners were notified by mail.

Mr. Suddath provided an overview of the property, stating that .32 acres of this property is located in Tennessee. Mr. Suddath confirmed that there had been no comments received related to this item. Next, Mr. Suddath provided an aerial and ground photo of the property, and an image of the original motion and approval.  
Mr. Suddath completed his presentation with example motions.

Mr. Rainey opened the Public Hearing. Seeing that no one wished to speak, Mr. Rainey closed the Public Hearing.

**Ms. Webster made a motion to approve a request for a 2 year continuation of a Conditional Use Permit for 103 Hwy 259, Portland TN, allowing the property owner**

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**to continue to conduct an arrangement office for Church and Chapel Funeral Service, LLC, seconded by Mr. Stamper. Motion passed unanimously.**

Mr. Rainey turned the meeting over to Mr. Suddath for staff presentation.

- 2. Michael and Sandra Brown** were requesting a variance from County requirements contained at Chapter 4, Section 404 of the Sumner County Zoning Resolution related to encroachment of a primary structure within a rear yard and side yard setback. Variance is being requested in accordance with Chapter 14, Section 1410 of the County Zoning Resolution. Subject property is located at **1122 Forest Harbor Drive, Hendersonville, TN, 37075**, is on Tax Map 158D A, Parcel 003.00, contains approximately .951 acres and is zoned Rural Residential (RR) ) and is in the 6<sup>th</sup> Commission Voting District. **The adjoining property owners were notified by certified mail and this item was advertised in The Gallatin News on Thursday, October 29, 2020.**

Mr. Suddath provided an overview of the property, stating that the property owner is requesting to encroach approximately 7 feet 10 inches into a required rear yard setback and to encroach approximately 7 feet 6 inches into a side yard setback, in order to accommodate a proposed home addition and a new, open deck. Mr. Suddath displayed the Public Notice from The Gallatin News and stated that staff had received several citizen inquiries regarding this property. Mr. Suddath displayed an aerial photo of the property and the Setback Table from the Zoning Resolution. Mr. Suddath stated that the request is being made to add on to the house to make it wheelchair accessible.

Next, Mr. Suddath displayed the original plat, recorded in 1964 and the Plot Plan prepared by William Crenshaw. Next, Mr. Suddath displayed photos of the BZA sign posted at the road, as well as photos of the property.

Mr. Suddath completed his presentation with example motions.

Mr. Rainey opened the Public Hearing.

Michael Brown, 1122 Forest Harbor Drive, stated that, as the requestor, he had nothing to add.

There being no one else wishing to speak, Mr. Rainey closed the Public Hearing.

Mr. Rainey stated that there have been many such variances granted in this subdivision, for the same reasons, as these houses were built in the 1960's, thus predating subdivision regulations. Mr. Rainey then made the observation that there was a comment stating that there is no septic system shown on the Plat. Mr. Rainey stated that in the past, the Board has required that a septic installer must be hired to locate the septic.

Mr. Suddath stated that the Board may require that the septic system be located or the owner may assume the risk of not knowing the location of the septic system.

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Mr. Rainey stated that based upon the lay of the land, the septic is probably in the front yard.

Upon closer examination of the Plot Plan, Mr. Suddath stated that the septic area is depicted.

Mr. Rainey stated that he stands as corrected.

Mr. Utley asked about the existing deck encroaching in the setback and asked if there were any flood zones on the property.

Mr. Suddath stated that none of the property appears to be within the 100-year flood zone.

Mr. Utley asked if the property is 22 feet from the flood zone.

Mr. Suddath confirmed.

**Mr. Stamper made a motion to approve a request for a variance allowing an encroachment into a side and rear yard setback in accordance with the submitted plot plan for 1122 Forest Harbor Drive, contingent upon:**

**a) All required Building and Land Disturbance Permits must be obtained from the Sumner County Building Codes Office,  
Seconded by Mr. Utley. Motion passed unanimously.**

Mr. Rainey turned the meeting over to Mr. Suddath for staff presentation.

- 3. Christopher Wooten** was requesting a Special Exception related to Design and Occupancy standards for Accessory Dwelling units. This request is made pursuant to Chapter 11, Section 1101, Subsection R.4 of the County Zoning Resolution. Subject property is located at **192 Lindsey Hollow Road, Gallatin, TN , 37066**, is on Tax Map 092, Parcel 103.00, contains 3.92 acres, is zoned Rural Residential (RR) and is in the 3<sup>rd</sup> Commission Voting District. **The adjoining property owners were notified by certified mail and this item was advertised in The Gallatin News on Thursday, October 29, 2020.**

Mr. Suddath provided an overview of the property, stating that there have been numerous citizen inquiries related to this item. Mr. Suddath stated that the County Zoning Resolution provides guidelines for approval of Accessory Dwelling Units (ADUs). Mr. Suddath stated that these ADUs may be approved administratively by staff, provided that all Zoning requirements are met. At this time, Mr. Suddath explained that the Resolution contains General Provisions for ADUs, none of which may be waived by staff or the BZA, per the Resolution. Additionally, Mr. Suddath stated that the Resolution contains the Design and Occupancy Standards and Particular Standards for By-Right ADUs. To that point, Mr. Suddath then displayed the wording from Chapter 11, Section 1101, R.2.c. of the Zoning Resolution, and explained that the proposed ADU does not conform in that 1) The proposed structure is not constructed of similar materials to the primary structure and that 2) The structure could potentially be classified as a Mobile Home.

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Mr. Suddath explained that the Resolution provides for applications seeking to deviate from Design and Occupancy Standards or Particular Standards, and/or requesting to install a mobile home, may request a Special Exception from the BZA.

Mr. Suddath explained that the ADU must be occupied by a family member, not rented out and may not have its own driveway. Mr. Suddath then displayed a photo of the existing, primary residence and a rendering of the proposed structure. Mr. Suddath stated he will ask the Board to help determine whether the proposed structure is a mobile home. If it is considered be a mobile home, this could create problems, stated Mr. Suddath, as the only way that that Special Exception could be permitted, is if the lot is larger than 5 acres. Mr. Suddath then stated that the definition of a mobile home is a one (1) section manufactured home on a single chassis, designed to be occupied as a single living unit.

Next, Mr. Suddath displayed the Public Notice, the Plot Plan, and the proposed floor plan. Mr. Suddath stated that the first determination, for the Board, must be regarding whether this proposed structure is a mobile home. Mr. Suddath then displayed photos of the property and concluded his presentation with example motions.

Mr. Rainey opened the Public Hearing. There being no one wishing to speak, Mr. Rainey closed the Public Hearing and stated that the first thing to do, is to determine if this is a mobile home. Mr. Rainey stated that he could not see if there was a single chassis present on the home. Mr. Rainey then called the requestor to come forward.

Upon confirming that Mr. Wooten was not in attendance, Mr. Rainey stated that without the requestor in attendance, to address the questions of the Board, he would entertain a motion.

Mr. Utley asked if the proposed structures were placed on a foundation, would this move it out of the mobile home definition.

Mr. Suddath stated that there is a significant list of requirements, for securing a mobile home. Upon receiving information from Mr. Manning, Mr. Suddath added that the proposed structure is a utility shed that may not meet residential standards and cannot be lived in.

**Mr. Utley made a motion for a 30-day deferral, to make a decision upon the request for a Special Exception for an Accessory Dwelling Unit permit application for 192 Lindsey Hollow Road to deviate from Design and Occupancy Standards established at Chapter 11, Section 1101, R of the County Zoning Resolution, until the requestor could be in attendance, seconded by Ms. Webster. Motion passed with a vote of 4-1.**

Mr. Rainey then turned the meeting over to Mr. Suddath for staff presentation.

- 4. Ramiro Reyes and Duarte Maria, represented by GreenLID Design, were requesting a Special Exception to operate a Construction business on the property. This request is made pursuant to Chapter 14, Section 1411, related to construction sales and services**

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activities. Subject property is located at **959 & 965 McCurdy Road, White House, TN, 37188**, is on Tax Map 096, Parcels 061.01 & 061.03, contains 8.4 acres and is zoned Rural Residential (RR) and is in the 12<sup>th</sup> Commission Voting District. **The adjoining property owners were notified by certified mail and this item was advertised in The Gallatin News on Thursday, October 29, 2020.**

Mr. Suddath stated that an existing construction business has been in operation on this property for several years, and is now seeking to obtain a Special Exception for the ongoing use. Mr. Suddath provided an overview of the property, stating that the status of the septic system for this property is unclear. Mr. Suddath stated that there have been several citizen inquiries into this request, as well as a written letter of opposition from Tina Jackson. At this point, copies of the letter were provided to each of the Board members.

Mr. Suddath explained that this property was previously under the zoning authority of the City of White House, where there have been several non-permitted or illegal uses present. Mr. Suddath stated that this is one of those properties.

Next, Mr. Suddath displayed the Public Notice printed in The Gallatin News, an aerial photo of the property and the Site Plan prepared by GreenLID Design. Mr. Suddath stated that the Site Plan added fencing and landscape buffers and provided required distances from property boundaries.

Mr. Suddath explained that this business is classified as a Construction Sales and Service business, which is allowed in the Rural Residential Zone, with a Special Exception Permit. Mr. Suddath then reviewed the special conditions for Construction Sales and Service, per the Zoning Resolution, which include:

- a) *There shall be a minimum lot size of 2 acres*
- b) *Site Plan approval shall be required as set forth in this Chapter*
- c) *All buildings, structures, storage areas, employee and equipment parking areas, and other areas utilized for this use must be not less than 50 feet from all property lines,*
- d) *All buildings, structures, storage area, employee and equipment parking areas and other areas utilized for this use that are 200 feet or less from any property line shall be screened from view, with a Type 2 Landscape Buffer or equivalent provided.*

Mr. Suddath stated that the property meets all these requirements.

Mr. Suddath then explained the four required findings that must be met prior to issuing a Special Exception, per Chapter 14, Section 1411 of the Zoning Resolution. Mr. Suddath stated that a Special Exception shall only be granted, provided the Board makes specific findings that it:

- Is so designed, located, and proposed to be operated so that the public health, safety and welfare will be protected;

*Staff Interpretation: Use is currently existing, and was formerly under the Zoning jurisdiction of the White House Planning Region. The impacts on the public's health and safety due to traffic, pollutant or other concerns are unclear. There are still outstanding questions related to any*

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*plans for wastewater disposal for the proposed use. It is understood at this time that a septic permit has never been obtained for this property.*

- Will not adversely affect other property in the area in which it is located;

*Staff Interpretation: The use is spaced relatively far from adjoining properties, is to be screened in accordance with the County Zoning Resolution with a Type 2 Landscape Buffer, and is not proposed to have prominent exterior lighting. The facility is currently being extensively utilized for exterior storage, contrary to Zoning Resolution. Additional Stormwater impacts are not anticipated from the proposed use, but the property at this time is classified by County Stormwater Division staff as a “Hotspot”, which means that it must be closely monitored for illicit discharges.*

- Conforms to all applicable provisions of this Resolution for the district in which it is to be located and is necessary for public convenience in that location and if applicable, meets the specific standards below.

*Staff Interpretation: Provided that the Board of Zoning Appeals concurs with staff’s designation of this property as a “Construction Sales and Services” use, the use appears to conform to applicable provisions of the County Zoning Resolution. Questions about the septic system on site remain.*

- Shall be located so as to be compatible with the surrounding area and provide safety to those using the facility.

*Staff Interpretation: The proposed use will not result in the construction of additional structures other than those already in use; ingress and egress onto McCurdy Road can be accomplished without safety concerns which would appear to warrant a traffic study. The use is intense in its scope on site, and is in proximity to established residential.*

Next, Mr. Suddath displayed photos of the property, including the BZA sign, entryway, structures, and debris on site. Mr. Suddath reemphasized the importance of the lack of information regarding a septic system on this property.

Mr. Suddath completed his presentation with example motions.

Mr. Rainey stated that he has a concern with the history of this site.

Mr. Rainey called Mr. Andy Leath forward.

Mr. Leath provided a brief history of the property, stating that a soil map had been found, however, he added, there is no record of septic installation. Mr. Leath stated that a soil scientist has been employed to locate the septic area and determine if it is adequate for the current use.

Mr. Leath acknowledged that the landscape screening needs to be planted.

Mr. Leath added that the applicant initiated this request in order to be compliant with the current zoning regulations.

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At this time, Mr. Rainey opened the Public Hearing.

Ms. Hope Wright, 307 & 336 Marlin Road, stated that she lives across the road from the property. Ms. Wright stated concern for the road deterioration due to use by heavy equipment. Ms. Wright also stated concern of trash and oil on the property.

There being no one else wishing to speak, Mr. Rainey closed the Public Hearing. Mr. Rainey then stated that, for the record, he wished to enter the letter written by Tina Jackson, stating opposition to this request.

Mr. Rainey stated that it is incumbent upon this Board to obtain the information, from TDEC, regarding the septic system for this property. In addition, Mr. Rainey stated that the site looks terrible. Mr. Rainey then asked Mr. Suddath if this property is on the verge of needing to be rezoned.

Mr. Suddath stated that this use meets the requirements for a Special Exception as Construction Sales and Services, however, there may be argument that it may possibly be considered for industrial zoning. Mr. Suddath stated potential difficulty with maintaining compliance, if rezoned, whereas, with a Special Exception, the compliance is more easily enforceable, as they are required to return to the BZA.

Mr. Rainey asked about a mechanism for approval and ensuring the long-term maintenance of the screening.

Mr. Suddath stated that the Codes and Property Maintenance Department helps with maintenance and added that County Stormwater has the right of entry for access to property that has an active Hotspot, noting that this property is on their radar as one that will have to be inspected regularly.

Mr. Rainey added that this business will be on the Hotspot list until the Stormwater Department removes it.

Mr. Suddath stated that the Stormwater Department has to report to TDEC every year, with regards to Hotspots within the County.

Mr. Holt suggested a deferral until the septic issue is resolved.

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Mr. Rainey stated that he remembers when this property/business was an agricultural barn and then an equipment shop. Mr. Rainey added that this property was a swamp, which was reason a septic that approval could not be granted. Mr. Rainey stated that this cannot be approved without septic information, adding that it is incumbent on the requestor to provide. Mr. Rainey stated that there needs to be a front buffer.

Mr. Utley asked what is allowed, traffic-wise, within the Construction Sales and Service classification.

Mr. Suddath stated that there is no specification of types of vehicles allowed, however, if the Board wishes, a Traffic Impact Analysis can be required. Mr. Suddath added that while the tonnage of vehicles is significant, the amount of traffic is probably not. Mr. Suddath stated that within the state of Tennessee, the weight of vehicles cannot be limited on public roads, unless a bridge is involved.

Mr. Utley asked, if this request is denied, because this site is a Hotspot, will it continue to be monitored.

Mr. Suddath stated that it will continue to be monitored. Mr. Suddath added that a Special Exception is better than the long-standing illegal use for the property.

**Mr. Holt made a motion to defer until the requestor:**

- a) Provides soil information for a septic system**
- b) Buffers the property along McCurdy Road**
- c) Cleans up the property,**

**Seconded by Mr. Stamper. Motion passed unanimously.**

Mr. Rainey turned the meeting over to Mr. Suddath for staff presentation.

- 5. Epic Escapes, LLC, represented by GreenLID Design,** was requesting a Special Exception to conduct an Event Venue from existing structures on the subject property. This request is made pursuant to Chapter 14, Section 1411 of the County Zoning Resolution for Minimal Impact Facilities and Retreats. Subject property is located at **199 Tyree Hollow Lane, Hendersonville, TN, 37075,** is on Tax Map 100, Parcel 014.00, contains 61.06 acres, is zoned Rural Residential (RR) and is in the 12<sup>th</sup> Commission Voting District. **The adjoining property owners were notified by certified mail and this item was advertised in The Gallatin News on Thursday, October 29, 2020.**

At this time, Mr. Stamper stated that on the advice of staff, he is declaring that he has had ex-parte communication with someone that is not the requestor, nor the representative for the



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requestor, but it is related to this item. Mr. Stamper stated it was personal in nature and the person is not related to anyone on the Board of Zoning Appeals. Mr. Samper stated that he has no conflict of interest and he will vote his conscience.

Mr. Suddath provided an overview of this property, stating that a Traffic Impact Study and a Sound Study has been provided by the applicant. Mr. Suddath stated that the item was publically noticed and adjoining property owners were notified by certified mail. Mr. Suddath stated that several citizen comments, questions and letters have been received by staff, related to this item. Mr. Suddath went on to say that letters of opposition have been received from Ms. Sheri Booker, Chiann Weir, Mike Richardson, Steve and Mei Mack. Mr. Suddath stated that letters in support were received from Kathy Clough and Michael Guthrie. Additionally, stated Mr. Suddath, a letter reversing previous opposition, was received from Sheri Brooker. Mr. Suddath added that a letter from Steve and Mei Mack, was forwarded to staff, from Commissioner Jeremy Mansfield.

At this time, a copy of each of these letters was distributed to the Planning Commission members.

Mr. Suddath then displayed an aerial photo of the property and a copy of the Public Notice printed in The Gallatin News.

Mr. Suddath provided the following information regarding the property:

- Roads: All traffic from this site will access State Route 258 (Tyree Springs Road)
- Drainage: Applicant states that since this project involves utilization of existing buildings, no stormwater improvements should be required.
- Existing tree cover to be preserved
- Septic: Plans for septic disposal for guests are not clear at this time
- Parking: Applicant states that 25 spaces are provided; maximum attendance is to be 75 guests
- Meets parking requirements for Minimal Impact Facilities contained in County Zoning Resolution
- 30 events per year planned (most allowed by County Zoning Resolution)
- Applicant has provided a Traffic Impact Analysis with this submittal
- Applicant has provided a Sound Study with this submittal.

Next, Mr. Suddath displayed the Site Plan, depicting a strip of land that has been acquired by the landowner, giving access to the road. Mr. Suddath stated that they meet the parking requirements for Minimal Impact Facilities, which is the classification for Retreats (venues).

Mr. Suddath explained the Traffic Impact Study recommendations for the driveway, which are described as follows:

- Provide a maximum slope of 8% or less (preferably 5% maximum slope)
- Provide a minimum driveway width of 24' within the state right-of-way
- Provide a minimum radius of 20'
- Re-align driveway to tie in at a 90-degree angle.
- In addition, it is recommended that a 150' transition be provided from the existing 12' width of the gravel drive to the 24' width at the start of the concrete driveway section.

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Mr. Suddath stated that the applicant has agreed to do what the Traffic Impact Study suggests. Next, Mr. Suddath presented the Sound Study Conclusions, stating that the results show that measurements taken from two locations, using music, did not exceed the allowed decibel levels allowed by the County Zoning Resolution, Chapter 11, Section 1107.

Mr. Suddath then explained the Zoning Classification of the Event Venue as a Retreat, which is classified as a Minimal Impact Facility, and which is allowed with a Special Exception within the Rural Residential (RR) Zone.

Mr. Suddath listed the Special Conditions that must be met for Minimal Impact Facilities, and stated that this application meets those conditions. Next, Mr. Suddath presented a letter from Bone McAllister and pictures of the property. Mr. Suddath noted that the tiny home in the photos replaced an existing mobile home, which is allowed. Mr. Suddath commented on the photo of the steel platform overhang, stating that a condition of approval is that a structural engineer must inspect and sign off on its structural integrity.

Mr. Suddath stated that a special exception shall only be granted, provided the Board makes specific findings that it:

- Is so designed, located, and proposed to be operated so that the public health, safety and welfare will be protected;

*Staff Interpretation: Applicant has furnished a traffic impact analysis and sound study prepared by the relevant professionals. Traffic impact analysis requires that improvements be made to driveway accessing SR-258, and applicant has agreed to required improvements. Sound study states that decibel levels will meet performance standards contained at Chapter 11 of the County Zoning Resolution.*

- Will not adversely affect other property in the area in which it is located;

*Staff Interpretation: The use is spaced relatively far from adjoining properties, and is to be screened with an extensive natural tree buffer, and is not proposed to have prominent exterior lighting. Additional Stormwater impacts are not anticipated from the proposed use. Applicant has furnished a traffic impact analysis and sound study prepared by the relevant professionals. Traffic impact analysis requires that improvements be made to driveway accessing SR-258, and applicant has agreed to required improvements. Sound study states that decibel levels will meet performance standards contained at Chapter 11 of the County Zoning Resolution.*

- Conforms to all applicable provisions of this Resolution for the district in which it is to be located and is necessary for public convenience in that location and if applicable, meets the specific standards below.

*Staff Interpretation: The use appears to conform to applicable provisions of the County Zoning Resolution, and to specific standards for “Retreats” as defined by the County Zoning Resolution. One question pertains to requirements contained at Chapter 14, Section 1411, Subsection E, which require that:*

*“Parcels must have an unobstructed frontage along a public road consistent with the requirements of the Zoning Resolution. Access drives on private easements will not be permitted.”*

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*This parcel contains frontage along a public road, but it does use a private easement to gain access to the property. The BZA will need to determine if this meets requirements*

- Shall be located so as to be compatible with the surrounding area and provide safety to those using the facility.

*Staff Interpretation: The proposed use will not result in the construction of additional structures other than those already in place on site. The traffic impact analysis provides required improvements that must be made in order to mitigate safety concerns.*

Mr. Suddath then explained the next steps and completed his presentation with example motions.

Mr. Rainey opened the Public Hearing and called forth the first person who had signed up to speak.

Mary Ann Day, 3127 Tyree Springs, stated approval of the request, as it will preserve the beauty of the area. She presented the Board with an email from Todd Abrams, which Mr. Rainey entered into Public Record.

Mr. Rainey stated that the email from Mr. Abrams states approval of this request.

Mark Bowers, 3127 Tyree Springs, stated approval of this request.

Cora Jansen, 3112 Tyree Springs Road, spoke against this request citing noise, signage, traffic on Tyree Springs Road, septic issues, lack of an evacuation plan and a commercial enterprise located in a residential neighborhood.

Mr. Suddath stated that Mr. Leath may be able to address the two locations at which the sound study was conducted.

Thomas Cothorn, 3335 Tyree Springs Road, spoke against this request, citing traffic on Tyree Springs, accidents, blind entrance to the venue, noise impact, and a concern that this could turn into large events.

Roy Smith, 3018A, 3018B and 3020 Tyree Springs Road, spoke in favor of this request.

Mike Richardson, Ben Albert Road, stated that he has seven additional opposition letters. Mr. Richardson spoke against this request, citing the presence of illegal, non-conforming structures, the use of a private easement to gain access, the concerns of public safety, the legitimacy of the sound study, traffic accident concerns, and trespassers.

T.C. Parsons, 3388 Tyree Springs Road, spoke against the request, citing traffic, increase in traffic accidents and noise concerns.

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Sheila Parsons, 3388 Tyree Springs Road, spoke against the request, citing concern of the encroachment of commercial entities into rural residential areas, traffic impact, and noise.

Chiann Weir, 3239 New Hope Road, stated opposition, stating concern that the traffic study did not take into account the 500 home subdivision being developed on Tyree Springs, the implication (from the Traffic Impact Study) that an additional structure will be built on the property, business plan issues, the illegal tiny home, easement use concern, and the potential rental of this space as Air B&B. Ms. Weir requested that this be denied, based on the lack of meeting required conditions #1) Adequate ingress/egress, #4) Utilities and #8) General compatibility with adjacent properties.

Lawrence Hutchison, 2124 Tyree Spring Road, stated opposition, citing traffic safety and validity of the Noise Study findings.

Terry Nichols, 3080 Tyree Springs Road, spoke in favor of the request, stating that the venue driveway goes through his property, as he granted it an easement.

Janie Young, 3019 Tyree Springs Road, expressed opposition due to traffic concerns.

There being no one else wishing to speak, Mr. Rainey closed the Public Hearing and asked Mr. Leath to come forward.

Mr. Andy Leath stated that Mr. Marty Cook, with Bone McAllester, would provide the presentation.

Marty Cook, the applicant's representative, began his presentation by citing the letter he sent, regarding the required standards met in this request. Mr. Cook stated that this is not a request to rezone the property, but is a narrow Special Exception that can be revisited for compliance. Mr. Cook stated that this request meets the list of requirements for the Special Exception. Next, Mr. Cook stated that the land owners desire these events in order to retain the character of this rural property. Mr. Cook explained that Andy Leath could address technical questions and stated that the Sound Engineer is in attendance. Mr. Cook completed his presentation by stating that this application meets and exceeds all the requirements.

Mr. Andy Leath clarified that when the Traffic Study referred to the venue being "built out", that meant "operational". Mr. Leath stated that there are no other structures proposed, other than the "tiny home" which is allowed because it replaced an existing mobile home. Mr. Leath added that the "tiny home" has been permitted or is in the process of being permitted. Next, Mr. Leath stated that he does have a letter from a structural engineer certifying the cantilever overhang. Mr. Leath stated that the driveway width and grading will be done as required. Mr. Leath added that if approved, the owners understand that they must adhere to the conditions set forth by the BZA. Mr. Leath also clarified that the land is not landlocked.

Mr. Rainey stated that Zoning Resolution rules stipulate that a venue cannot be serviced by an easement. Mr. Rainey stated that the landowners have legal access. Then, Mr. Rainey asked if

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there is an easement agreement written for that driveway, to provide for maintenance and for an event venue to utilize a private easement. Additionally, Mr. Rainey noted that he did not see any plans, past 150' from Tyree Springs Road, to widen the driveway to 20'. Mr. Rainey stated that the 20' emergency driveway width is required.

Mr. Leath stated that the shared easement agreement has been issued to service the venue. Mr. Leath stated that there is room to widen the driveway to 20 feet.

Mr. Rainey then stated that this Board has gone on record multiple times, requiring a 20' wide driveway width for emergency access.

Mr. Leath stated that the shared access has been granted. Mr. Leath stated that there is room for the driveway to be widened to 20' in most every location, and added that this can be included in the Site Plan submittal. Mr. Leath stated that they have met the ordinance by securing the easement, adding that if they had to, they could create a separate driveway.

Mr. Rainey asked if the requestor has applied for a septic permit, based on the business plan of 30 events per year with an attendance of 75 people.

Mr. Leath stated that they have not applied for a septic permit for the venue, adding that they submitted the septic installer's inspection record to Mr. Bo Fox today.

Mr. Rainey stated that if this request moves forward, it will be incumbent on the requestor to obtain a septic permit.

Mr. Holt referenced the Traffic Study, and stated that the study did not show much reference to entering the driveway from Tyree Springs, safely, and asked if it is adequate width.

Mr. Leath stated that, currently, it is not of adequate width, however with the recommendations implemented, it will be.

Mr. Holt stated that he was not just referencing the driveway, but the traffic that may back up on Tyree Springs, at the entrance to the venue.

Mr. Leath stated that the findings did not show any detriment to the left turn lane. Mr. Leath further stated that any traffic generated as a result of the venue at this location will happen during off-peak hours, creating no noticeable increase in traffic.

Mr. Suddath stated that the study looked at a worst case scenario of holding an event at 5 pm on Friday and noon on Saturday, and based their calculation on this time.

Someone from the crowd asked a question.

**Mr. Utley stated that as a point of order, he makes a motion that if anyone in the gallery speaks out of turn again, that they will be removed from the room, seconded by Mr. Holt. Motion passed unanimously.**

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Mr. Leath stated that the client paid extra to have the traffic study results calculated through the week as well as the weekend. Mr. Leath stated that the traffic study took into account people arriving early to set up and staying late to tear down.

Mr. Rainey asked for the traffic counts for Tyree Springs.

Mr. Leath stated that he did not have them memorized, the traffic counts are pretty high.

Mr. Rainey stated that he brought this up because 25 cars will not impact Tyree Springs Road, detrimentally.

Mr. Leath added that the Traffic Study multiplied the traffic counts by a factor of 1.3 or 1.4 to account for traffic during Covid-19 travel restrictions.

Mr. Rainey stated that he had a question regarding the Sound Study. Mr. Rainey commented that some neighbors stated that they could hear the music on their property. Mr. Rainey asked how this could be monitored.

Mr. Leath stated that he would have to defer to Mr. Williams.

Byron Williams, audio engineer, stated that they tested the sound at 110 decibels from the stage platform and took ambient decibel measurements, at the property lines, using the same microphone.

Mr. Rainey asked, if this Board approved this request, are there any devices that can be used to prove the findings of the Sound Study.

Byron Williams, stated yes.

Mr. Rainey asked if there is a way to baffle the sound from the venue if it became a problem.

Byron Williams stated that there are methods to buffer the sound such as the construction of walls or heavy theatre curtains.

Next, Mr. Rainey asked, if this venue was approved, how difficult would it be to place sound monitoring devices on the neighbor's property.

Byron Williams stated that it would be possible to mount a small logging device with a microphone attached to it.

Mr. Utley asked for the hours of operation.

Mr. Suddath stated the business plan stated that sound amplification and lighting shall cease no later than 10:00 pm, as required by the Zoning Resolution.

Mr. Utley asked how often compliance to the conditions set forth on this approval, if granted, will be reviewed.

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Mr. Suddath stated that, if approved, this Board may dictate the timeframe/ frequency for renewal of the Special Exception, to review compliance. Mr. Suddath added that each time, the adjoining neighbors will receive a letter via regular mail, notifying them of when this property is placed on the Agenda, in the future.

Mr. Utley asked if there were any plans for overnight accommodations.

Mr. Suddath stated that yes, there are two residential structures on site, including an existing cabin and the tiny home. Mr. Suddath added that these structures will be used in conjunction with the event venue, and are not to be used as a rental or Air B&B.

Mr. Utley asked if this permit limits the number of people.

Mr. Suddath stated that the number of events that will be allowed per year is 30.

Mr. Utley asked if there was any recommendation of day-of-event traffic management stated in the Traffic Study.

Mr. Suddath stated that he saw nothing in the Traffic Study suggesting this.

Mr. Utley asked if traffic management would be required.

Mr. Suddath stated that that would not be required, per the Zoning Resolution, but the owner could do so.

Mr. Stamper stated that the 20' driveway width, to service emergency vehicles, is a legitimate concern.

Mr. Rainey added that a septic permit is an important issue, as well.

Mr. Suddath stated that the applicant submitted a report from a septic installer. Mr. Suddath stated that the existing septic system will be utilized by the existing cabin and tiny home, and added that they will get a disclaimer from the County Environmentalist office, stating this. Mr. Suddath stated that the applicant has not yet addressed whether the guests will have access to restroom accommodations or will have to use port-a-johns.

Mr. Rainey asked if this Board may accept an Environmental disclaimer.

Mr. Suddath stated that the disclaimer is utilized by the Sumner County Environmental Department to state that the existing system is in place, however, it doesn't imply that it meets requirements. Mr. Suddath added that if the BZA wishes to require that whatever is there, meets current stated requirements, that may be included as a condition of approval.

Mr. Rainey added that the venue may be required to be issued a septic permit.

**Mr. Utley made a motion to approve a Special Exception for Sholar Event Venue (Epic Escapes LLC) to operate a "Retreat" as defined in the Sumner County Zoning Resolution**

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**at 199 Tyree Hollow Lane, Hendersonville in strict accordance with the County Zoning Resolution and with all submitted documentation, with the following conditions:**

- a) Applicant shall correct zoning on submitted site plan from “Residential A” to “Rural Residential”**
- b) Applicant shall obtain certificates of Occupancy from the County Building Codes office for all existing structures.**
- c) Handicapped parking areas shall be paved with asphalt or concrete;**
- d) Applicant shall provide an engineer’s letter certifying the structural integrity of event area steel platform structure prior to any operation of the facility as proposed**
- e) Applicant shall construct required improvements contained in submitted traffic impact analysis prior to any operation of the facility as proposed**
- f) Item shall obtain Site Plan approval from the Sumner County Regional Planning Commission in accordance with Chapter 14 of the County Zoning Resolution prior to any operation of the facility as proposed**
- g) Applicant shall obtain septic approval for event center to meet requirements for 75 people 30 times per year**
- h) Applicant shall improve the access drive to a 20 foot width for its entire length**
- i) Applicant shall return to the BZA in 12 months for permit renewal,**

**Seconded by Mr. Stamper. Motion passed unanimously.**

At this time, Mr. Rainey entered the letters received, into the record.

Mr. Rainey turned the meeting over to Mr. Suddath, stating that the next item is for informational purposes only.

- 6. Charles and Kathy Stuart**, have requested to convert an existing Hardship Variance granted on October 10, 2019, to an Accessory Dwelling Unit (ADU). The existing Hardship Variance was granted on October 10, 2019. The property owner has elected to utilize provisions recently added to the Sumner County Zoning Resolution at Chapter 11, Section 1101, Subsection R, which allow accessory dwellings on the same lot as an existing primary residence so long as various conditions are met. Subject property is located at **1116B Littleton Ranch Road, Castalian Springs, TN, 37031**, is on tax Map 109, Parcel 009.07, contains 6.29 acres, is zoned Rural Residential (RR) and is in the 3<sup>rd</sup> Commission Voting District. Adjoining property owners were notified by mail.

Mr. Suddath stated that existing Hardship Variances are required to be renewed every two years, with a condition being that when the hardship is no longer needed, the structure must be removed from the property. Stating the difficulty of enforcing this condition, Mr. Suddath explained that with the updated County Zoning Resolution, there is now a way to obtain a permanent, second dwelling on the property, by pursuing an Accessory Dwelling Unit Permit or ADU.



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Mr. Suddath stated that as existing Hardships come back for renewal, they may be given the option to convert the Variance to the ADU, as long as they meet the conditions set forth in the Zoning Resolution.

Mr. Suddath explained that this item is being presented for informational purposes, as it was met with some controversy when the Hardship Variance was approved last year. Mr. Suddath stated that letters were sent to the adjoining property owners, notifying them of this request.

Mr. Suddath explained that the ADU approval process is a staff duty that involves making sure the application meets all the conditions set forth in the Zoning Resolution. At this point, Mr. Suddath displayed the wording regarding those conditions, from the Zoning Resolution. Mr. Suddath added that there will be a fee for this application, if approved by the County Commission.

Next, Mr. Suddath displayed an aerial photo of the property, the Plot Plan, floor plan, the septic permit and certificate of septic completion, adequate facilities tax receipt, certificate of occupancy, and photos of the primary residence and the ADU. Mr. Suddath stated that while the ADUs exterior materials are similar to the primary residence, the roof is different, being metal on the ADU and shingles on the primary residence. Mr. Suddath stated that the ADU appearance was similar enough to meet the design requirements.

Mr. Suddath explained that he brought this information to the BZA to be in full transparency, as there was controversy surrounding the original Hardship request that included unfounded accusations against staff.

Mr. Suddath then explained that the next steps include:

- The applicant will need to record the required deed restriction for the ADU (Item has been prepared and is awaiting property owner signature)
- Staff will prepare a Zoning Compliance Letter for the applicant
- Item previously legally permitted via a “Hardship Variance”, and has already obtained a Certificate of Occupancy from Building Codes and paid Adequate Facilities Tax, so no additional steps are necessary.

Mr. Rainey stated that Mr. Suddath’s interpretation of Design and Occupancy Standards is accurate in light of this submittal and the earlier submittal on this agenda.

Mr. Utey stated that the new Zoning Resolution helps this body make informed rulings, adding that he wished to thank Mr. Suddath for the work on the Resolution.

Mr. Suddath stated that the Zoning Resolution will need to continue to evolve.

Next, Mr. Rainey asked the Board their opinion of holding the BZA meetings virtually for the next few months.

Mr. Stamper expressed concern of public access.

Mr. Rainey stated that virtual meetings have been conducted within the County, via Zoom. As each item came up, anyone from the public who wished to comment, would call in to the

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meeting and be placed on hold, until the time for them to speak, at which they would be unmuted and allowed to speak.

Mr. Rainey stated that while it would take some learning, he felt it may be warranted, because of the Covid-19 concerns.

Mr. Suddath stated that the Planning Commission has conducted a couple of meetings via Zoom, however, those meetings did not have any Public Hearings.

Mr. Suddath explained the procedure of Zoom meetings, stating that it could be done.

Mr. Stamper asked if the public could view the meeting.

Mr. Suddath stated that the meeting can be live-streamed to YouTube.

Mr. Holt stated that with the capability of Mr. Suddath to share his screen, during the presentation, this should be fine.

Mr. Rainey stated that he would like to try conducting the meetings via Zoom, until February.

**Mr. Stamper made a motion to adjourn, seconded by Mr. Holt. Motion passed unanimously and the meeting adjourned at 7:20 pm.**