

**Minutes  
Williamson County  
Board of Zoning Appeals  
7:00 P.M. August 25, 2016**

**Members Present**

Stephen Wherley, Vice-Chairman  
Don Crohan, Secretary  
Sue Workman  
Karen Emerson-McPeak

**Staff Present**

Lee Sanders  
Linda Hodges  
Brenda Midgett  
Kristi Ransom, Attorney

The Williamson County Board of Zoning Appeals met in regular session on August 25, 2016 in the Auditorium of the Williamson County Administrative Complex. Vice-Chairman Stephen Wherley began the meeting by reading a public statement stating that the Board of Zoning Appeals is

made up of five citizens nominated as Board members by the County Mayor and confirmed by the County Commission. One member is a Planning Commissioner, one member may be a County Commissioner and the remaining members are not otherwise connected with County Government. He went on to say the Board will hear from anyone who has anything to say to the Board relevant to the request at hand. However, the Board will not view or hear anything that does not have a direct bearing on the item or issue being heard. He requested that all comments be addressed to the Board.

Vice-Chairman Wherley then asked the members to consider the minutes. Don Crohan made the motion to approve the minutes of the July 28, 2016 meeting, as presented, and Sue Workman seconded the motion. The motion was unanimously approved by voice vote.

**ITEM 1**

**A request by Sarah Legan for a Special Use permit for a temporary Special Event - Extensive Impact (Wedding) to be held on September 24, 2016 at 3193 Southall Road. The property is zoned Rural Preservation 5 (RP-5) and is located in the 9<sup>th</sup> district.**

Linda Hodges read the staff report and reviewed the background documentation (see agenda report). Lee Sanders displayed a map and pointed out the adjoining properties and a site plan using the overhead projector. He stated the barn has been updated for fire protection and the parking area is at the end of a long driveway on this 200 acre parcel. Mr. Sanders stated the old tobacco barn is used for the event and has a concrete floor with picnic tables and lighting. He stated the applicant is working with the Planning Department on having this site approved as a permanent facility and in the meantime would like to have a temporary event permit. Mr. Sanders stated that noise was a big issue during the applicant's previous permit request. He stated the application includes a letter from Mr. Jack Hughey, a sound engineer. According to the letter, Mr. Hughey measured the sound decibels from the property line and wrote a letter stating the decibels were at or below the 55 decibel level at one of the recent events. The letter stated he would be at all six events that are proposed by Ms. Legan on tonight's BZA agenda.

The property owner, Harry Legan, was present and his daughter, Ms. Sarah Legan, represented the item.

Vice Chairman Wherley asked the applicant if she had anything she wanted to add to Mr. Sanders' statements and if the sound engineer will be monitoring every event.

Ms. Legan stated the sound engineer's instruments averaged between 52 and 54 decibels and yes he would be at every event.

Vice-Chairman Stephen Wherley opened the meeting to the public.

Patrick Berger, a neighbor at 3241 Southall Road, stated the applicant did measure the decibels, but the noise is still too loud at his back porch. He stated he had downloaded an app in order to measure the noise decibels and his iphone readings were higher than the professional's readings. Mr. Berger stated that his iphone reached a high average between 71 and 61 decibels. He stated he was going to hire his own professional sound engineer and have these readings compared to Ms. Legan's sound engineer's professional readings. Mr. Berger then asked the Board to listen to his phone recordings. He then played a recording on his iphone. He stated the noise is still too high and is insufficient for his peace and enjoyment of his home. Mr. Berger stated these events will take place for the next six weeks and he cannot enjoy being outside of his home with such loud noises.

Mr. Sanders asked Mr. Berger what was being recorded that the Board had just listened to.

Mr. Berger stated music, a commentary by a person on the microphone and loud glee of the guests.

David Green of 3111 Carl Road asked if there would be alcohol at the weddings. He stated his concern for the safety of his children on the road and also stated that one Sheriff's Deputy was not enough in order to control drunks leaving the wedding.

County Commissioner Todd Kaestner of 3210 Del Rio Pike stated the request meets the requirements of the zoning ordinance. He stated Ms. Legan has been responsive to all requests made by the staff. Mr. Kaestner stated he did not feel that an app on an iphone is an objective way of measuring the decibels. He stated he supports the request of Ms. Legan for the weddings.

Dottie Edwards of 3226 Southall Road stated she can hear the music and is worried if this became a permanent event, would this change the zoning of the property.

Mr. Sanders stated the events would not change the land use zoning.

There being no one else to speak, Vice-Chairman Wherley closed the public hearing.

Harry Legan stated the noise level was measured between 52 and 54 decibels by a professional at or near the property line. He stated Ms. Legan has tried to do everything to accommodate the neighbors. Mr. Legan stated he has other neighbors using weed-eaters, shooting guns and making other noises that are louder than what the weddings are.

Ms. Legan addressed the concerns of alcohol at the weddings and stated everybody wants the guests to get home safely. She stated she has never seen anyone too drunk to leave the property. Also, she relies on the off-duty Sheriff's deputy that is hired for both security and traffic control, to help see that guests are safe.

Don Crohan asked the applicant if the count of 250 included guests and vendors or just the guests.

Attorney Kristi Ransom noted that the application states 250 for guests and vendors.

He stated to Mr. Berger that if 55 decibels are what is specified in the Zoning Ordinance and if it is still too loud, he could go to the Planning Board with his concerns.

Don Crohan made a motion to approve the request stating it met the requirements of Section 11.05 (D) (7) and 5.01 (E) of the zoning ordinance. He also required that an officer be placed at the entrance gate to help with traffic. Karen Emerson-McPeak seconded the motion. Motion was approved by unanimous voice vote.

## ITEM 2

**A request by Sarah Legan for a Special Use permit for a temporary Special Event - Extensive Impact (Wedding) to be held on October 1, 2016 at 3193 Southall Road. The property is zoned Rural Preservation 5 (RP-5) and is located in the 9<sup>th</sup> district.**

Ms. Hodges read the title and indicated the previous report was the same except for the date and number of attendees.

Mr. Sanders stated that this is the same property and location as in Item 1, on a different date, but with 150 guests. He stated the applicant has submitted a letter to hire the same Williamson County Sheriff's Deputy as she did for the last three weddings according to the contract. The permit application also includes a letter from sound engineer Jack Hughey stating he will be at the wedding monitoring the sound level.

Vice-Chairman Wherley opened the public hearing.

Patrick Berger, a neighbor at 3241 Southall Road, asked if there is a dispute between the sound engineer he is going to hire and the one Mr. Berger hired, then what does he do then.

Vice-Chairman Wherley stated Mr. Berger would need to advise Mr. Sanders if a violation exists.

Mr. Berger went on to say there are different styles of music and the bass notes rattle his windows. He stated he can even hear the noise with his windows and doors closed. Mr. Berger stated he has to get up at 3:00 a.m. to go to work and he has a legal right to have the noise level lowered to keep it from being a nuisance. He stated the Legans don't even live on this property and questioned whether they would be supportive of such if it were in their neighborhood.

Sue Workman asked if the noise levels will be controlled by the D.J. and sound engineer.

Vice-Chairman Wherley stated yes, but only to the allowed 55 decibels.

There being no one else to speak, Vice-Chairman Wherley closed the public hearing.

Don Crohan made a motion to approve the request stating it met the requirements of Section 11.05 (D) (7) and 5.01 (E) of the zoning ordinance and for the wedding to be held from 4:00 p.m. to 10:00 p.m. with 140 guests. He stated to Mr. Berger that the Board cannot control the styles of music. He also required that an officer be placed at the entrance gate to help with traffic. Sue Workman seconded the motion. Motion was approved by unanimous voice vote.

### ITEM 3

**A request by Sarah Legan for a Special Use permit for a temporary Special Event - Extensive Impact (Wedding) to be held on October 8, 2016 at 3193 Southall Road. The property is zoned Rural Preservation 5 (RP-5) and is located in the 9<sup>th</sup> district.**

Ms. Hodges read the title and indicated the report was the same as for Item 1 except for the date and number of attendees. Mr. Sanders stated the applicant has agreed to have a sound engineer and a Williamson County Sheriff's Deputy onsite during the wedding.

Vice-Chairman Wherley opened the meeting to the public. There being no one to speak, he closed the public hearing.

Don Crohan made a motion to approve the request stating it met the requirements of Section 11.05 (D) (7) and 5.01 (E) of the zoning ordinance and for the wedding to be held from 5:00 p.m. to 10:00 p.m. He also required that an officer be placed at the gate. Karen Emerson-McPeak seconded the motion. Motion was approved by unanimous voice vote.

### ITEM 4

**A request by Sarah Legan for a Special Use permit for a temporary Special Event - Extensive Impact (Wedding) to be held on October 15, 2016 at 3193 Southall Road. The property is zoned Rural Preservation 5 (RP-5) and is located in the 9<sup>th</sup> district.**

Ms. Hodges read the title and indicated the report was the same as for Item 1 except for the date and number of attendees. Mr. Sanders stated the applicant has agreed to have a Williamson County Sheriff's Deputy for security and traffic at the event. The application also includes a letter from sound engineer Jack Hughey stating he will be at the wedding monitoring the sound level. Mr. Sanders stated the application was complete for the request.

Vice-Chairman Wherley opened the meeting to the public.

Patrick Berger, a neighbor at 3241 Southall Road stated he hopes that he and the Legans can come together and comply with the 55 decibel level which he believes may be too loud.

There being no one else to speak, Vice-Chairman Wherley closed the public hearing.

Don Crohan stated if Mr. Berger is not happy with the allowed 55 decibels, then he can go through the process to request that the ordinance be changed. He then made a motion to approve the request stating it met the requirements of Section 11.05 (D) (7) and 5.01 (E) of the zoning ordinance and for the wedding to be held from 5:00 p.m. to 10:00 p.m. He also required that an officer be placed at the entrance gate to help with traffic. Sue Workman seconded the motion. Motion was approved by unanimous voice vote.

#### **ITEM 5**

**A request by Sarah Legan for a Special Use permit for a temporary Special Event - Extensive Impact (Wedding) to be held on October 22, 2016 at 3193 Southall Road. The property is zoned Rural Preservation 5 (RP-5) and is located in the 9<sup>th</sup> district.**

Ms. Hodges read the title and indicated the report was the same as for Item 1 except for the date and number of attendees. Mr. Sanders stated the applicant has agreed to have a Williamson County Sheriff Deputy for security and traffic control during the event. The application also includes a letter from the sound engineer Jack Hughey stating he will be at the wedding monitoring the sound level. Mr. Sanders stated the application was complete.

Vice-Chairman Wherley opened the meeting to the public. There being no one to speak, he closed the public hearing.

Don Crohan made a motion to approve the request stating it met the requirements of Section 11.05 (D) (7) and 5.01 (E) of the zoning ordinance and for the wedding to be held from 5:00 p.m. to 10:00 p.m. He also required that an officer be placed at the entrance gate to help with traffic. Karen Emerson-McPeak seconded the motion. Motion was approved by unanimous voice vote.

#### **ITEM 6**

**A request by Sarah Legan for a Special Use permit for a temporary Special Event - Extensive Impact (Wedding) to be held on October 29, 2016 at 3193 Southall Road. The property is zoned Rural Preservation 5 (RP-5) and is located in the 9<sup>th</sup> district.**

Ms. Hodges read the title and indicated the report was the same as for Item 1 except for the date and number of attendees. Mr. Sanders stated the applicant has agreed to have a Williamson County Sheriff's Deputy for security and traffic during the event. The application also includes a letter from the sound engineer Jack Hughey stating he will be at the wedding monitoring the sound level. Mr. Sanders stated the applicant has completed all the needs for the request.

Mr. Legan spoke for the record stating that the sound engineer gets 55 decibels when someone is speaking. He feels that 55 decibels is unreasonably low and not high. Mr. Legan thinks that any changes to the ordinance should be to allow more than 55 decibels.

Ms. Legan stated she appreciates the Board for hearing to her requests.

Vice-Chairman Wherley opened the meeting to the public. There being no one to speak, he closed the public hearing.

Don Crohan made a motion to approve the request stating it met the requirements of Section 11.05 (D) (7) and 5.01 (E) of the zoning ordinance and for the wedding to be held from 5:00 p.m. to 10:00 p.m. He also required that an officer be placed at the entrance gate to help with traffic. Sue Workman seconded the motion. Motion was approved by unanimous voice vote.

There being no further business to come before the Board, the meeting was adjourned.

---

Secretary's Signature

---

Date