

**Minutes  
Williamson County  
Board of Zoning Appeals  
7:00 P.M. July 28, 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 July 28, 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 May 26, 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 August 6, 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 Planning Staff can approve four events per year; any more than that must go before the Board. Mr. Sanders stated the site has more than 200 acres and each wedding is on a different weekend. He stated Ms. Legan has addressed some site issues and is presently working with the Planning Department to make this a permanent event venue as a "Rural Retreat". Meanwhile, she is applying for the temporary event permits. Mr. Sanders stated the structure used on the site had to be reviewed by an Engineer and an Architect for safety issues before this request could be heard by the Board. He stated this is an old tobacco barn with a concrete floor and Ms. Legan has purchased a portable restroom facility for her guests.

The owner, Harry Legan, was present and his daughter, Ms. Sarah Legan, represented the item. She stated she has tried to address and correct the concerns of her neighbors.

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

Patrick Berger, a neighbor at 3241 Southall Road, stated he has met with Ms. Legan on several occasions. He stated he is all right with the events ending at 10:00 p.m., but he is concerned with the amount of events and he is not supportive with this becoming a permanent event venue. Mr. Berger stated these events have been going on for over a year and his house is only 500 to 600 yards away from the barn. He stated the noise is really loud and he could still hear the noise with his windows closed and the television on. Mr. Berger stated there are gaps between the boards of the barn and he cannot enjoy being outside during the events.

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

Vice-Chairman Wherley asked about the decibel level that is allowed for events.

Mr. Sanders stated 55 decibels at the property line. He further stated that the applicant plans on ending the event at 10:00 p.m. and has agreed to keep the noise down to 55 decibels at the property line.

Sue Workman asked staff if there was a way to measure the noise level.

Mr. Sanders stated he has a measuring device and there is an app you can use on your phone in order to test the noise level.

Ms. Legan stated she is considering such and wants to be a good neighbor to Mr. Berger.

Karen Emerson-McPeak stated 55 decibels isn't too loud.

Vice-Chairman Wherley suggested to Ms. Legan that she discuss the requirements to not have loud noise with her customers.

Don Crohan asked the applicant what is the nearest property line and where is the parking area.

Ms. Legan stated the barn is 240 ft. from the nearest property line.

Lee Sanders showed the Board the site plan where the 77 designated parking spaces are in the lot beside the barn. He stated the plan is for the use of solar lighting marking the driveway and there is also a wall floodlight on the red barn shining toward the parking area.

Sue Workman asked staff if other neighbors complained about the noise level and could something be done to control the music level.

Mr. Sanders replied that Mr. Berger and one other neighbor filed a noise complaint. In response, the applicant has offered to use a DJ instead of a live band.

County Attorney Kristi Ransom stated that the bass could be turned down and if the applicant returns in the future the Board can consider any remaining concerns from the neighbor in the determination of the outcome.

Don Crohan stated his concern for the neighbor and felt that a disc jockey can be louder than a band.

Sue Workman asked the applicant if the weddings could end at 9:00 p.m. instead of 10:00 p.m.

Ms. Legan stated the times have already been established for each wedding.

Karen Emerson-McPeak asked the applicant if alcohol was going to be served at the weddings

Ms. Legan stated yes for two of the three weddings.

Karen Emerson-McPeak asked about the Board's responsibility related to the serving of alcohol.

Attorney Kristi Ransom stated that the Board would only be approving the event and the applicant must comply with the regulations related to the serving of alcohol, which are State rules and not County.

Don Crohan asked the applicant about the removal of the trash from the event.

Ms. Legan stated the vendors will remove their portion of the trash and she will take care of the rest.

Don Crohan asked about traffic control for this event.

Ms. Legan stated she did speak with the Sheriff's Department and she will have a security guard on the premises.

Vice-Chairman Stephen Wherley stated he wants to see an officer at the driveway from 8:00 p.m. to 10:00 p.m. for the safety of the guests.

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 gate from 8:00 p.m. until 10:00 p.m. Sue Workman 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 August 13, 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. She also indicated the recommendation of the report with the date and time of the wedding.

Mr. Sanders stated the same property and location but with 220 guests.

Vice-Chairman Wherley asked the scheduled time for this wedding event.

Staff stated 4 p.m. to 10:00 p.m.

Ms. Legan stated there are two tree lines between her and her neighbor Mr. Berger.

Vice-Chairman Wherley opened the public hearing.

Mr. Berger stated he would like the staff to listen to his recording of the last event which was 600 yards away. He had technical difficulty with his phone and was unable to play the recording. He invited Ms. Legan to sit on his porch to hear the sound during an event and also wants the noise decibels to be measured. Mr. Berger stated he does not want the noise to intrude onto his property.

Mr. George Edwards of 3278 Southall Road stated he understands the noise problem. He stated he is not against or for the events at this time, but he could possibly change his mind if this became a permanent event.

Susie Tribue spoke at the public hearing in favor of the request, stated she knows there are large trees around the property which would help with any noise problems.

Vice-Chairman Wherley closed the public hearing.

Sue Workman asked the applicant if she would speak to the band if the noise became too loud.

Ms. Legan stated yes.

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. He also required that an officer be placed at the gate from 8:00 p.m. until 10:00 p.m. Karen Emerson-McPeak 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 August 27, 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. Ms. Hodges also indicated the recommendation of the report with the date and time of the wedding. Mr. Sanders stated he had nothing further to add.

Ms. Legan represented the item and had no further comment.

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

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 from 8:00 p.m. until 10:00 p.m. 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.

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Secretary's Signature

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Date