

**Minutes
Williamson County
Board of Zoning Appeals
6:00 P.M. March 22, 2018**

Members Present

David Ausbrooks, Chairman
Don Crohan, Vice-Chairman
Karen Emerson-McPeak, Secretary
Sue Workman

Staff Present

Lee Sanders
Linda Hodges
Aaron Holmes
Brenda Midgett
Kristi Ransom, Attorney

The Williamson County Board of Zoning Appeals met in regular session on March 22, 2018 in the Auditorium of the Williamson County Administrative Complex. Chairman David Ausbrooks 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.

Chairman Ausbrooks announced to the public that Item 3 was withdrawn from the hearing and then asked the members to consider the minutes from last month. Don Crohan made the motion to approve the minutes of the February 22, 2018 meeting, as presented, and Sue Workman seconded the motion. The motion was unanimously approved by voice vote.

ITEM 1

A request by Gregg Clingerman of GAM Engineering, Inc. (Harry & Robanne Legan, property owners) for a Special Use approval of a Rural Retreat –Extensive Use located 3193 Southall Road. The property is zoned Rural Preservation 5 (RP-5) and is located in the 9th district.

Aaron Holmes read the staff report and reviewed the background documentation (see agenda report). Mr. Holmes announced that the County's Traffic Consultant, Kayla Ferguson, was in the audience and was available for questions from the Board. Lee Sanders presented a map of adjoining property owners and the site plan using the overhead projector.

Sarah Legan's project developer, Gregg Clingerman with GAM Engineering, Inc., and Jack Hughey, a sound engineer, represented the request along with Sarah Legan. Sarah Legan stated she wanted to preserve the rural landscape and farm and hold weddings and other events in the old tobacco barn.

Jack Hughey stated he holds a B.A. in Communication and is a sound engineer. He was hired by Ms. Legan to check the noise level at previous events and he found everything to be within compliance with Codes requirements. He is helping design the music and public address system for this project and he stated it will meet the county's noise level requirements. Mr. Hughey stated he was available to answer any questions from the Board.

Gregg Clingerman stated he checked the sewage system and it met the regulations of the Zoning Ordinance.

Chairman Ausbrooks opened the public hearing and asked if there was anyone wishing to speak. He stated this is a quasi-judicial Board and he explained to the public that each individual would be heard and for them to raise their hands if they wished to speak to the Board and he would call on each individual.

County Commissioner Todd Kaestner spoke and stated he is sympathetic to the applicant and to the adjoining neighbors. He stated the noise level must meet today's standards and feels the applicant has followed all the rules of the Zoning Ordinance.

Sam Lynch of 3340 Southall Road stated he is all for government staying out of people's business. However, he has seen changes to Southall Road and is worried about the traffic plan. He stated Southall Road is a cut through road and there are accidents on the road all the time. He stated there are lots of bicyclists using this road and there are no shoulders and this is a hilly road.

Gary Hedden stated he is an audio engineer and he did a study for Patrick Berger, a neighbor of the project. He wanted to know if the new building would be sealed and sound-proofed and contain the loud noises in it. He stated the barn has no acoustic walls. Mr. Hedden said he had measured sound from the western boundary at a previous event. He stated the County's ordinance is not clear regarding measuring decibels because neither the A or the C weighting are referenced.

Patrick Berger of 3241 Southall Road stated he has always been a property rights person. He stated there is a problem with the sound levels coming from the barn and having the barn sealed doesn't come into factor because the doors are open on nice evenings. Mr. Berger stated the site is surrounded by hills which act like an amphitheater. He stated his windows rattle when the music is playing, and he has no privacy because of the high level of sound from the barn. Mr. Berger stated the music from different bands can become very loud and would like to ask Ms. Legan to properly insulate the barn to keep noise from reaching the neighbors. He stated he wants his privacy and peace to be protected.

Emily Smith Hinsley of 3241 and 3245 Southall Road asked the Board to ask for proof of noise compliance. She wants the dB(a) and dB(c) decibels for noise compliance because the barn is close to her property. Ms. Hinsley also wanted clarity of the proposed structure and asked if it would be considered commercial or a residence.

Ron Johnston of 3304 Carl Road stated he lives 1,000 ft. away from the site and the noise bothers him. He stated it is very annoying with lots of people celebrating and he should not have to put up with that from his back porch. He stated the tobacco barn has cracks in it for ventilation and he opposes the request.

Decker Housley of 3304 Sweeney Hollow Road wants clarification regarding the traffic increase and also wants to know if the road will be widened.

Susie Tribue stated she works for the Legans and the applicant has done everything required to meet requirements of the Zoning Ordinance.

Reese Smith of 3247 Southall Road disagrees with Ms. Tribue and wants the noise to be better controlled.

Michael Bafundo of 3188 Southall Road stated he was concerned about the traffic and was hit by a cement truck, indicating he lives across from the Legans. He stated Southall Road does not need more traffic and therefore he opposes the request.

Randy Campbell of 3212 Southall Road stated there are always wrecks on this road and people hitting the brick fence. He stated this is also a tourist area and traffic is really bad. He thinks the roads should be widened with the increase of traffic. He stated the neighbors are being disturbed because of the noise and traffic.

Chris Degatono of 3290 Carl Road stated he can hear the music from his house and wants to know about the effects this causes on the wildlife. He also wanted to know if there is a certain time the music will end or will it go on all night. Mr. Degatono stated he is concerned about the music and the possibility of more accidents.

Joe Bafundo of 3188 Southall Road stated he lives across from the venue and stated it is very difficult to see traffic coming down the road because of the hill. He stated if people are coming out to make a left hand turn, they will drive out in front of the hill traffic. He thinks this venue will not work out due to the applicant not widening the road for traffic.

Patrick Berger asked the Chairman and the staff what is the process of being able to present more information with a power-point program.

Mr. Sanders stated staff does not use the electronic monitors for Board of Zoning Appeals meetings.

Chairman Ausbrooks closed the public hearing and stated the Board was going to take a five minute recess.

Upon reconvening the meeting, the Chairman recognized the applicant. Sarah Legan stated this is a smaller venue than everyone makes it out to be. She stated she does not plan on having very many events on weekdays. Most of the events will happen on weekends when traffic is not so heavy.

Karen Emerson-McPeak asked the applicant about the bridal suites.

Ms. Legan stated the suites provide a changing room for the bride and bridesmaids on one side and the other is for the groom and groomsmen. Another structure is being built for indoor receptions and dinners, with a caterer's warming kitchen.

Chairman Ausbrooks asked Mr. Hughey what the scale level would be if someone stopped at a red-light and hears loud music from another vehicle.

Mr. Hughey discussed sound measurements in both the A and C decibel range.

Don Crohan asked the applicant if the venue is to be used for only weddings.

Sarah Legan stated the venue is predominately used for weddings, but also to have other events.

Don Crohan was concerned about the traffic issues and how they determined weekday and weekend traffic. He also wanted to know when the last traffic study was conducted.

The County's traffic consultant came to the podium to answer questions. Ms. Ferguson stated there is a lot less traffic during the middle of the day and the study was done during the peak hours when traffic was the heaviest. She did not find that a left turning lane was warranted because weekend traffic is less on Southall Road. She stated the last traffic study was conducted in January 2016 with 2,400 cars per day, and she stated the applicant did a peak traffic count last year and 500 cars went by the site during PM peak hours.

Mr. Crohan asked the applicant if they would put in a turn lane.

Ms. Legan said they do not intend to build a turn lane.

Karen Emerson-McPeak asked staff if there were any fire codes issues that needed to be addressed if the site was approved. She also wanted to know if the barn could be insulated.

Mr. Holmes stated if the request was approved, the building would have to comply with the Building Code.

Ms. Legan stated if the barn was changed and insulated it would lose its attraction and ambience for such events.

Don Crohan stated he wanted more information regarding the music and how it is measured, along with additional information on traffic, and would like to defer the item until the next meeting so these two issues can be further addressed. He asked Ms. Legan if she would agree to defer until the next meeting, and she agreed.

Ms. Legan asked for clarification as to what questions needed to be answered.

Chairman Ausbrooks stated he wants a clear picture of the situation and more information from her and the audience in order to make a well informed and balanced decision. He also asked Ms. Ferguson for better information regarding the traffic study. He told the audience they could submit written information to the staff, and it would then be mailed to the Board.

Don Crohan made a motion to defer until the April 26th meeting. Karen Emerson-McPeak seconded the motion. Motion was approved by unanimous voice vote.

A request by Tommy Rhodes and Cali Bolinger (James R. Cheshire, III, Trustee) for a Special Use permit for a temporary Special Event - Extensive Impact (Barefoot Republic Camp, held June 4 through June 8 and June 11 through June 15) at 1761 Lawrence Road. The property is zoned Rural Preservation 5 (RP-5) and is located in the 9th district.

Linda Hodges read the staff report and reviewed the background documentation (see agenda report). Lee Sanders pointed out the adjoining properties using the overhead projector. He stated Ms. Bolinger represents Barefoot Republic Camp and she has notarized Power of Attorney to represent the property owner for this request. Mr. Sanders stated the property contains a couple of cabins for use for the event. He stated there are two campers per each leader at the camp along with two nurses for the campers. This is a 450 acre parcel so therefore there are no noise issues and the camp ends before dark. Children are introduced to outdoor living, and Lawrence Road is a dead-end road so therefore there are no traffic issues. The campsite has a traffic route organized and there are no negative issues with this site.

Cali Bolinger, representing the item, stated she is the day camp director and the camp strives for safety for the children.

Seeing there was no one in the audience, Chairman Ausbrooks stated there will be no public hearing.

Don Crohan asked Ms. Bolinger if the number of guests was controlled by the selling of tickets for the event.

Ms. Bolinger stated yes that only so many tickets are sold each year.

Karen Emerson-McPeak asked the applicant if there was a way to keep the general public from entering the site.

Ms. Bolinger stated there is a gate at the end of the driveway.

Sue Workman asked Ms. Bolinger about the buses and vans for the children.

Ms. Bolinger stated they use two buses primarily, but they also had ways for children with special needs to be able to attend the camp.

Don Crohan made a motion to approve the request stating it meets the requirements of Sections 5.01 (E) and 11.05 (E) (7) and the starting time would begin at 8:00 a.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.

Secretary's Signature

Date