

**Minutes
Williamson County
Board of Zoning Appeals
6:00 P.M. April 26, 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
Mike Matteson, Planning Director

The Williamson County Board of Zoning Appeals met in regular session on April 26, 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 asked the members to consider the minutes from last month. Don Crohan made the motion to approve the minutes of the March 22, 2018 meeting, as presented, and Sue Workman seconded the motion. The motion was unanimously approved by voice vote.

ITEM 1

Old Business - 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. He also stated staff has received comments from the public which were included in the package.

Sarah Legan and Jack Hughey, a sound engineer, represented the request. Sarah Legan stated there were some misconceptions during the last meeting that were brought up such as traffic and noise. She stated the left turning lane is not needed because there will be a traffic control officer present when attendance exceeds 175 on weekdays. She presented to the Board a drawing of the property and stated the big issue of traffic twice on Sundays comes from the nearby church and during the week, it is school traffic. She stated the ingress and egress to Southall Road with the large tree, which was a concern of the Board, can be eliminated by cutting down the tree if the Board feels it is a problem. She

does not want anything to happen to the guests and will have a licensed bartender and will stop serving drinks 30 minutes before any event is over. Ms. Legan stated presently the music is played at 55 decibels, but in the future it will be turned down to 50 decibels. She said they will have their own sound system without subwoofers that everyone has to use. The new system will also control loud sound for the neighbors with sound absorbing curtains helping to block noise travel. Ms. Legan stated she doesn't want to upset the neighbors. She stated the music level allowed for the permanent event venue will be half as loud as that allowed for the temporary events and have sound absorbing drapes.

Jack Hughey pointed out to the Board that as currently worded, the Zoning Ordinance only specifies a decibel level without a weighting factor. He stated Ms. Legan has been in full compliance. He stated the site will have volume-limiting factors and speakers turned toward the east, away from the affected neighbors. Mr. Hughey stated the sounds will be tested at the property line and there will be a sound limit on the in-house system that can't be turned up any louder than what is allowed. He stated Ms. Legan has purchased a sound meter to measure sound from the events.

Karen Emerson-McPeak asked the applicant if there has been any update on traffic.

Kayla Ferguson, traffic consultant for the County, stated she did not receive a 2017 average daily traffic count for the area from the applicant's traffic consultant, but the information for 2016 from TDOT is within the typical timeframe. She did receive a p.m. peak hour traffic count that was done in late 2017. She stated there are 2,400 cars per day on Southall Road and that number has only grown one to two percent. The last average daily traffic count was gathered on December 17, 2016 with 2,435 coming from both directions in one day.

Don Crohan asked the applicant how she was going to keep count of the number of people attending events. He stated he was the Board member that brought up the concern of the large tree during the last meeting.

Ms. Legan stated she will place a cap on the number of people that are able to attend during weddings and other events on her website. She also agreed to remove the large tree.

Chairman Ausbrooks stated you cannot soundproof a barn and anyone caught driving under the influence is a criminal offense. He stated the Board is faced with voting by going by the standards of the Zoning Ordinance and most often sounds with gatherings are above 55 decibels.

After further discussion, Don Crohan made a motion to approve the request stating it meets the requirements of Sections 5.01 and 11.03 (D) (5) of the Zoning Ordinance. Sue Workman seconded the motion. Motion was approved by unanimous voice vote. Karen Emerson-McPeak made the amendment to include staff's recommendations 1-8 and Don Crohan's amendments to trim the tree. Amendments carried unanimously.

ITEM 2

A request by Ben Dyar for a variance of lot size and easement width on property located at 2496 Old Natchez Trace. 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 and site plan using the overhead projector. He stated the survey showed this site has 4.3 acres and Mr. Dyar has worked with a surveyor to create a plat, which would show septic areas thus allowing him to apply for Building Permits. A few years ago it was suggested he give up the road frontage of his property in order to obtain the minimum 25-foot wide easement which he did, but the plat was not completed and recorded. Since that time, the Zoning Ordinance has changed and now requires a 50-foot wide easement. His easement is 30 feet wide. The accessory building was supposed to be an agricultural barn and improvements were made which turned it into a 720 square foot dwelling. Mr. Dyar cannot get a septic permit because he can't create a plat and he cannot get a plat because of the easement and property size does not meet current Zoning Ordinance standards.

Mr. Dyar stated the site has remained the same for 21 years. He may want to sell the property one day and he needs to clear up these permit violations.

Chairman Ausbrooks opened the public hearing.

Laura Turner of 1108 Dickinson Lane stated people in the area have been calling her. She feels this variance may cause a dangerous precedent for Old Natchez Trace for density. She wished for the request to be denied.

Seeing there was no one else in the audience wishing to speak, Chairman Ausbrooks closed the public hearing.

Don Crohan asked the applicant if anything related to this property, has been bought or sold for the 21 years and asked about the barn.

Mr. Dyar stated the barn structure included a residence when he bought the property and part of it is a garage. He stated the septic was hooked up to the house when he bought the place.

Don Crohan asked the applicant what was the hold-up from getting this matter taken care of sooner.

Mr. Dyar stated he tried to sell the property in 2006 and found out about the issues. He stated the housing market changed and he lost his buyer. He did hire a surveyor, but the surveyor didn't file the plat and he said he had cancelled checks to show proof.

Karen Emerson-McPeak asked the applicant if he could purchase some land from his neighbor.

Mr. Dyar stated in order to increase the easement it would encroach on his neighbor.

Karen Emerson-McPeak asked staff if the existing apartment could be removed and return the structure to a barn.

Mr. Sanders stated yes, if gutted and returned to a barn. But the plat could still not be created to clear up the other issues due to the size of the lot and the easement.

Kristi Ransom, County Attorney, spoke to the Board in reference to the septic system issues. Each residence has to have a separate septic system and the areas have to be designated on a plat. Presently there is sufficient septic system for the barn residence, but not the house. The house will require a new septic system. A new septic system has been approved by the Board of Health, but cannot be finalized without the recording of a plat

Don Crohan made a motion to approve the request stating it meets the requirements of Section 5.02 and due to prior conditions. Sue Workman seconded the motion. Motion was approved by unanimous voice vote.

ITEM 3

A request by George Dean representing Battlewood Shopping Center for an appeal of staff's decision to deny approval for a change of tenant for property located at 2176 Hillsboro Road. The property is zoned GVC-4 (Grassland Village Character 4 District) and is located in the 8th district.

Linda Hodges read the staff report and reviewed the background documentation (see agenda report). Lee Sanders pointed out the adjoining properties and site plan using the overhead projector. He stated Tractor Supply wanted to move into the former Food Lion location, but because of their large amount of outside storage and the area is not zoned for such.

Planning Director Mike Matteson stated he received the request which specified 23,000 sq. ft. of interior space and 11, 000 sq. ft. of area for storage of large items which classifies this as retail extensive use. Mr. Matteson stated this property is zoned Grassland Village Character-4 District and retail extensive use is not allowed. He stated the large goods were proposed to be stored more than 24 hours in an outside area that is comprises approximately 1/3 of their total leased space. Mr. Matteson stated he submitted a memo explaining his interpretation which was placed in the packages of the Board members.

Attorneys George Dean and Tom White, along with CEO of Tractor Supply, Greg Sanford, represented the item. Mr. White stated he had spoken to Mike Matteson and Attorney Kristi Ransom regarding the outside use for display and in open view and not for storage. He then read the definitions of display and storage from Webster's Dictionary. George Dean presented a large photo of a prototype of the display site, and another photo showing where the display area will be going. Mr. White stated that with common sense it is very clear that this is a display area and not storage. He stated there are other businesses that have items displayed outdoors more than 24 hours. Mr. White said Tractor Supply states most items will be sold within 24 hours and he feels this defines outdoor display area instead of storage. He stated that the characterization of the definition of outdoor storage also includes an unroofed area and feels that does not make sense. This site will have items on display for customers and not used as storage.

Greg Sanford, CEO of Tractor Supply, stated he feels this is a healthy environment and will not be a detriment to the area. He stated it is difficult to not have a display space to operate productively. He stated they will do their best to keep the area organized and would like for the Board to approve the display area.

Chairman Ausbrooks opened the public hearing. He explained to the audience that the Board is looking at the definition of storage verses display.

Mary Winn Pilkington of 1214 Beech Hill stated she has over five acres and works for Tractor Supply in Brentwood. She stated the outdoor fenced area is for display and selling of items and would have lower traffic volume than the grocery store that was there.

Erin Lee of 475 Beech Creek Road, North stated since the Countryside Hardware store closed and there is nothing in the area providing access to supplies. She stated there is a need for Tractor Supply items placed outside.

Tracy Ponce of 100 Bobby Drive stated she has spent a lot of time at Grassland Village meetings and wants to keep the area different by not allowing businesses with chain link fenced outdoor merchandise areas. She stated she was hoping for something more unique.

Tory Barnhill, Chairman for Friends of Franklin Parks, stated there is still a lot of agriculture in Williamson County and Tractor Supply would be a great community partner.

Geraldine Miller Thomas of 316 General N.B. Forrest Drive stated she has 30 acres behind the Battlewood Shopping Center and agrees with staff that the description of extensive use would be a correct determination for the magnitude of size and space. She feels this outdoor storage business is not within the Grassland Village character. She agrees with Planning and staff with their decision of classifying this as storage instead of display.

Renee Shafer of Williamson Inc. Chamber of Commerce and Economic Development Team considers Tractor Supply an asset to the community. She supports allowing display in that location and stated it would be a tremendous asset to the community.

Andrew Miller of 118 Shenandoah Trail stated he was at first pleased to hear that T.S.C. was going to fill the empty grocery store spot, but is now disappointed due to outside storage and outdoor shopping area they planned. He does not consider the grandfathered use next door as justification. He wants the area to stay within the Grassland Village plan.

Dave Crouch of 903 Lewisburg Pike, past Chairman of the Williamson County Fair Board, is thankful for Tractor Supply getting the Fair off the ground and their financial partnership. He feels their outdoor display should be approved and feels the Board should be more tolerant of definition of outdoor display.

Scott Gardner of 1226 Beech Hill Road stated though he has shopped at Tractor Supply, the outdoor use would be for storage and does not consider it display.

Terry Miller of 316 Gen N.B. Forrest Drive doesn't agree with the applicant's use of Webster's definition of display. He considers things that have to be placed behind chained link barriers and locks as storage and wants Tractor Supply to come up with a different design. He thinks things left out at night are not considered display.

Chairman Ausbrooks asked the audience if there were any further comments; seeing no one else to speak, Chairman Ausbrooks closed the public hearing.

Tom White stated he would like the Board to reconsider the definition of display and storage from the Zoning Ordinance. He stated there is a lot of turnover of items, and therefore, the items should be considered display not storage.

Chairman Ausbrooks stated the Board has to go by the definition stated in the Zoning Ordinance. He has been to Tractor Supply and things are not taken in at night. Since things are kept outside over 24 hours then the Ordinance considers this as storage.

Karen Emerson-McPeak asked the applicant if a person on staff will stay in the outdoor area. She asked if there is anything presently at the location.

Mr. Sanford stated there will be a call box which has a button if a person needs help, then someone inside the store will come out to assist the customer since it is not adjacent to the store.

Mr. White stated the proposed outdoor area is basically grass right now until they are approved for the Tractor Supply business. They will have to submit a site plan for compliance with the parking lot and bufferyard requirements before occupancy.

Don Crohan stated there is an amount of material outdoors that is not picked up within 24 hours. Therefore it does not meet the requirements of the Zoning Ordinance. He made a motion to affirm the Planning Staff Administration's decision. Karen Emerson-McPeak 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