

Minutes
Williamson County
Board of Zoning Appeals
6:00 P.M. May 23, 2019

Members Present

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

Staff Present

John Bledsoe, Codes Compliance Director
Brenda Midgett
Holly Scott, Codes Compliance Inspector
Kristi Ransom, Attorney

The Williamson County Board of Zoning Appeals met in regular session on May 23, 2019 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 the March 28, 2019 meeting. Andrew Ring made the motion to approve the minutes of the March 28, 2019 meeting, as presented and Sue Workman seconded the motion. The motion was unanimously approved by voice vote.

ITEM 1

A request by Sarah Legan of Southall Meadows (Harry and Robanne Legan, property owners) for a Special Use permit for temporary Special Events - Extensive Impact (Weddings) to be held on June 1st, 15th, July 20th, September 28th, October 5th, 6th, 11th 12th, 19th, 25th, 26th, and November 1st, 2nd and 16th at 3193 Southall Road. The property is zoned Rural Preservation District 5 (RP-5) and is located in the 9th district.

Holly Scott read the staff report to the public. John Bledsoe stated the Board members have copies of the aerial photos and the site plans. He also showed aerial photos, plans and facilities on the overhead screens. He then showed photos of the tobacco barn and its interior in which the weddings are held and a photo of the restrooms.

Sarah Legan represented the item. She stated she will have 14 additional weddings with 200 guests or less per wedding.

Chairman Ausbrooks opened the public hearing.

Attorney Jason Holleman, of 164 North 8th Avenue, Nashville, represented Patrick Berger who is an adjacent neighbor. He stated Mr. Berger has concerns of the conditions of the permit, particularly the music, sounds and the hours of operation. He asks that the Board deny the request or

the permit. He asked the Board to consider five conditions of the permit: 1.) wants noise at the property line to be limited to 55 decibels and measured on a C weighted basis. 2.) to limit number of events to only two per month. 3.) regarding the hours of operation to specify that the events end at 10:00 p.m. with no amplified sounds after 9:00 p.m. and that guests should be departed by 10:00 p.m. 4.) all events should have a security guard. 5.) events should have a maximum 200 attendants, which would include the vendors.

Lindsey Smith of 3247 Southall Road asked the Board to deny the request. She stated the events do cause extensive impact on the neighbors. She stated she can hear and write down every lyric and every word from the music because she can hear it both inside and outside of her home. She stated it is creating havoc and also affecting her farm animals.

Robert Bolen of 3249 Blazer Road stated he lives around the bend across a hollow and the sound carries to his property. He also has a neighbor that is trying to sell his property and Mr. Bolen doesn't want such an event next to him. He wants more quiet time instead of noise time at his residence.

Patrick Berger 3241 Southall Road lives next door to the events stated the Board has given approval in the past for these types of events. He wants the Board deny the request. He noted sound levels are higher when the D.J. encourages the events to get louder. He has not hired a sound coordinator yet, but if it is found that the sounds are higher than 55 decibels, how will the noise regulations be enforced.

There being no one else to speak, Chairman Ausbrooks closed the public hearing and turned the meeting back over to the Board to ask any questions.

Chairman Ausbrooks explained the duty of the Board and stated they have limited authority to review the application and make sure the applicant follows through with what is on the application. He stated that if Ms. Legan has 201 people during the event including the vendors, then she would be in violation of her approval and can be shut down.

Andrew Ring asked Ms. Legan if these were her first events of the year.

Ms. Legan stated she has already had her four limited impact events and is requesting the Board to allow her to have fourteen more this year.

Vice-Chairman Crohan asked Ms. Legan if she has 280 acres or 211 acres which was posted on previous requests. He then asked Ms. Legan if the barn has been finished as she stated it would during her last request before the Board.

Ms. Legan stated the parcel for this event is 211 acres. She had not gotten her final site plan approval from Planning until March of this year and she still plans on making this a permanent facility.

Vice-Chairman Crohan asked Ms. Legan about limiting events to 175 guests during the weekdays and if she has an officer for traffic. He then stated that Ms. Legan had stated in a previous meeting that she would install a west bound turning lane if weekdays events exceed 175 guests.

Ms. Legan stated an officer would be provided only if an event would exceed 175 guests.

Vice-Chairman Crohan asked County Attorney Kristi Ransom if the Board has the authority to amend the sound ordinance.

Attorney Ransom stated only the County Commission has the authority to amend the ordinance and at this time the Board has to proceed with what is required by the present Zoning Ordinance.

Chairman Ausbrooks spoke about Section 16.02 of the Zoning Ordinance.

Karen Emerson-McPeak asked Ms. Legan if she is working on the noise levels with her neighbors.

Ms. Legan stated that her sound engineer is waiting for the new ordinance to take place in order to plan the sound system for the permanent facility.

Vice-Chairman Crohan asked Ms. Legan if the guests have all left the facility by 10:00 p.m. in past events. He then asked if the music has ended by 9:00 p.m.

Ms. Legan stated the guests are starting to leave by 10:00 p.m.

Chairman Ausbrooks told Ms. Legan the hours of operation begin at 10:00 a.m. and all guests should be gone by 10:00 p.m. He said to think of this as a business and to have it closed by 10:00 p.m.

Karen Emerson-McPeak stated that 10:00 p.m. was Ms. Legan's proposal on the application. She stated part of the Zoning Ordinance requirements, one through seven, stated private nuisances would be addressed yet the loud sounds are bothering the neighbors.

Ms. Legan stated she would have everyone gone by 10:00 p.m.

Don Crohan stated he would like to make a motion to approve the request, that it meets the requirements of Sections 5.01, 11.05 (D) (7) and 16.02. of the Zoning Ordinance with the additional conditions that the hours of operation be from 10:00 a.m. to 10:00 p.m. with everyone off the premises by 10:00 p.m. and to limit the number of guest to 175 on weekdays. Two hundred guests can be allowed on weekends. Andrew Ring seconded the motion. Motion was approved by unanimous voice vote.

ITEM 2

A request by a request by Craige Hoover (Across 2 Creeks, LLC, property owner) for a Special Use permit for a temporary Special Event - Extensive Impact (The Rambling at Southall) at 1994 Carters Creek Pike and adjoining property. The properties are zoned Municipal Growth Area District 1 (MGA-1) for Map 091 Parcel 131.00 and Municipal Growth Area – Hamlet (MGA- H) for Map 091 Parcel 131.02 and are located in the 11th district.

Holly Scott read the staff report to the public. John Bledsoe stated the Board had approved similar events last year. The applicant has exhausted his four limited impact events for the year, therefore they are requesting approval of these Extensive Impact Events. The event is held off

Carter's Creek Pike in the Southall area. He stated one of the conditions imposed last year was to have a right turn only onto Carters Creek Pike when leaving the event. The applicant has placed a right turn only sign at the end of

the driveway. The septic area and parking area have been roped off to protect the septic fields. The applicant will have portable restrooms.

Craige Hoover represented the item. He corrected the requested dates noting that one of the events will be held this Memorial Day weekend for three days. He stated they are building a Rural Retreat and this is an opportunity for the public to test their recipes and enjoy local foods. Mr. Hoover stated they are trying to be good neighbors and this is a limited impact event. He apologized for such short notice and didn't make the deadline for the April meeting.

Chairman Ausbrooks opened the public hearing.

Sam Harper of 1220 Lula Lane, stated he has no complaints.

Hunter Kready, 1135 Mile End Road stated he was concerned about the alcohol and doesn't want his wife or daughter to be hurt because of guests driving while being intoxicated.

Eunetta Kready, 1135 Mile End Road stated the same site has requested such events for several weekends. She stated this has happened before with asking the Board for approval at the last minute and if this is going to be a permanent situation then she has a problem with it happening for several weekends.

Robert Bolen, 3249 Blazer Road stated he doesn't have a problem with the event, but does have a problem with the lights at night with the greenhouse lighting up the area like the city of Franklin.

There being no one else to speak, Chairman Ausbrooks closed the public hearing and turned the meeting back over to the Board for questions.

Chairman Ausbrooks asked the applicant if they were going to serve alcohol.

Mr. Hoover stated yes, that the guest could bring their own alcohol and also have complimentary drinks served.

Chairman Ausbrooks told Mr. Hoover he would then request that they have an off duty police officer to serve as security who has the authority to arrest someone that has had too much to drink.

Mr. Hoover stated the last thing they want is to allow someone too intoxicated behind the wheel of a car. He has people monitoring guests and with just 60 people it is easy to monitor. That is why he has two people for security.

Chairman Ausbrooks reiterated the need of an off-duty police officer in addition to any civilian security personnel.

Vice-Chairman Crohan asked if there would be medical staff available since this is a Memorial Day weekend.

Mr. Hoover stated yes, one staff member that is an army medic and knows CPR.

Vice-Chairman Crohan stated he wants to see a certified medic and one police officer if alcohol is being served.

Karen Emerson-McPeak asked how many events can Mr. Hoover be allowed to have during the year.

John Bledsoe stated they can have four limited impact events and they have exhausted those. They can have an additional 15 days during the calendar year.

Mr. Hoover asked staff if that was 15 days per parcel.

Mr. Bledsoe stated they are using both parcels already.

Vice-Chairman Crohan made a motion to approve the request stating it meets the requirements of Sections 5.01, 11.05 (D) (7) and Section 16.02 with the stipulation that medical training will be certified and also have an off-duty officer at the site for all events. Andrew Ring seconded the motion. Motion was approved by unanimous voice vote

With no other business to come before the Board, the meeting was adjourned.

Secretary's Signature

Date