

Maury County Board of Zoning Appeals

September 11, 2019 – 4:30 p.m.

Minutes

A meeting of the Maury County Board of Zoning Appeals was held on Wednesday, September 11, 2019 at 4:30 p.m. in Building #1, 3rd Floor Conference room. With a quorum being present the meeting was called to order by Chairman, Robert Morgan.

The following members were in attendance:

Robert Morgan Mike Sharpton Kim Willis Ray White

Absent: Paul Bates

Staff present: Deborah J. Boehms, Zoning Coordinator
Robert Caldiraro, Director of Building and Zoning
Daniel Murphy, County Attorney

A listing of applicants and citizens attending the meeting is recorded with these minutes as filed in the Building and Zoning Office. The minutes of the Maury County Board of Zoning Appeals were given to each member for review and consideration. A motion was made by Kim Willis to approve the minutes as mailed. The motion was seconded by Ray White. The motion carried unanimously.

Applicant: Richard and Jade Upton-Applicant is appealing the decision of the Building Official regarding a Cease and Desist letter issued on July 1, 2019 for the Blue Barn Venue, located at 2710 Bristow Road, Columbia, Tennessee. The property is further identified as being on County Tax Map 143, Parcel 1.00. The Upton's were represented by Attorney Bart Kelley.

The applicants' and their attorney's discussion with the Board is summarized as follows:

- Their opinion is that the farm in questions was clearly an ongoing farming operation
- Farming being the primary business activity.
- Use as a wedding venue is an incidental use occurring four of five times a year
- Their opinion that the law is clear regarding exceptions for agricultural purposes
- They are not aware of any objections from the community
- Letters from neighbors support the incidental wedding venue
- The barn is currently an active use as part of the farming operations
- Board members inquired regarding type of farming activities and income derived from those activities. The farming operations included hay, cattle & timber

County Attorney Murphy's comments for the Board are summarized as follows:

- The state law does not give much specific guidance
- There is not one specific criteria, such as income, that should be considered
- In general items that could be considered include the following:
 - How much area is used for agriculture in comparison to the total farm area
 - How much area is used for incidental, secondary or in conjunction with farming

- Comparing the number of days/months used for farming vs the number of days the incidental use is used. In this case compare farming 365-days vs 4-5 days for the wedding venue.
 - How much area is used for
 - Income
- This farm probably meets the definition

Public Comment from Bart Whatley is summarized as follows:

- The County should establish parameters for event barns

Public Comment from Gabriel Howard is summarized as follows:

- The state is giving away grant money for agri-tourism. Examples listed as agricultural tourism include weddings, concerts, bed & breakfast, trail rides, playgrounds, etc.
- He has been working through the process for several months.
- He was not given the opportunity to appear before the Board as an agricultural barn. I was given the opportunity to request a Special Exception Use.
- He believes he has now figured out a path and what it looks like.
- He has spoken with former Attorney General Bob Cooper who has spoken highly in favor of agricultural activities.
- Farmers are now having to be creative and diversify income.
 - Board Member Mike Sharpton commented that the preceding was for somebody that is farming.
 - Mr. Howard agreed.
- Expressed frustration and that it wasn't until last week whenever he got the opportunity to meet with Mayor Ogles, and Robert Caldiraro and Mr. Murphy and then to find out that another event venue got passed as agricultural for growing flowers. He walked away from the meeting with clarity regarding the concerns of the county.
- The concern of the county is liability, under agri-tourism state laws, the county would not be liable. This is something the Board needs to consider. There will be a lot of other alternative farmers looking at different methods.
 - Board Member Ray White commented that there is distinction between using a barn as a back drop vs using the barn for assembly.
 - Mr. Howard disagreed stating the state does not view an agricultural barn the same way.
 - There was additional discussion regarding assembly of people within a barn
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Robert Caldiraro, Director comments for the Board are summarized as follows:

- If a use/structure is deemed agricultural it removes the requirement for building permits, bathrooms. People are at their own risk. If it has not been approved by the County or state, the liability is on the owner.
- The State Fire Marshal review threshold is 12,000 square feet or 300 people
- However, this does not alleviate them from the fire code.

- Building Codes deems the occupancy of an event venue or wedding venue as a banquet hall which is closely defined as an A-2 occupancy (5,000 square feet or 100 people)
- If the structure is over 5,000 square feet or 100 people it will need to be sprinkled
- A lot of the event venues have stated their events will be outside of the structures
- This Board being a quasi-judicial administrative board, I just assume the deciding factor for determining what is or what is not agricultural and if the event venue is deemed appropriate.

A motion was made by Kim Willis - Motion to approve this farm as a farming operation with the wedding venue being considered to be in conjunction with their primary farming income, and that this Board does not uphold the Building and Zoning Office letter to cease and desist their wedding venue operation at this farm. The motion was seconded by Ray White. The motion carried unanimously.

By Laws – Amendment to the by-laws by adding to Article VI, a new Section 5. The Board of Zoning Appeals will accept one request from the applicant to postpone the vote or to withdraw the application 10 business days prior to the meeting date. A motion was made by Mike Sharpton to approve the amended By-Laws, Article VI which included adding a #5 to read; The Board of Zoning Appeals will accept one request from the applicant to postpone a vote or to withdraw an application 10 business days prior to the meeting date. The motion was seconded by Ray White. The motion carried unanimously.

Public comment-Comments were made by Bart Whatley and Gabriel Howard regarding Event Venues prior to the preceding motion for Applicants Richard and Jade Upton. Their comments are summarized with the preceding minutes for Applicants Richard and Jade Upton.

Other business-Approval of 2.5 hours of Continuing Education credits for Robert, Morgan, Paul Bates, Ray White, Mike Sharpton and Kim Willis for attending a class on August 14, 2019 4:30 p.m. to 7:00 p.m. A motion was made by Kim Willis to approve. The motion was seconded by Ray White. The motion carried unanimously.

Adjournment-A motion was made by Ray White to adjourn the meeting at 5:00 p.m. The motion was seconded by Mike Sharpton. The motion carried unanimously.

Respectfully,



Robert H. Morgan
Chairman