

OFFICIAL MINUTES OF THE MEETING

GOODLETTSVILLE BOARD OF ZONING AND SIGN APPEALS

July 2, 2024

Goodlettsville City Hall

5:00 p.m.

Massie Chambers-Auditorium

Present: Stuart Huffman, Larry Jones, Brian Rager and Mark Writesman.

Absent: Jimmy D. Anderson

Also Present: Addam McCormick (Staff), Tim Ellis-City Manager, Russell Freeman-City Attorney, Sharon Reed (Staff) and Alex West (Staff).

Chairman Brian Rager called the meeting to order at 5:00 pm and declared a quorum.

Approval of June 4, 2024 Meeting Minutes: Writesman made a motion to approve the minutes of the June 4, 2024 meeting, Jones seconded the motion. Motion was approved.

Rager opened the Public Hearing for Citizen Comments:

Catlin Hale – 1357 Madison Creek Road

Hale has lived on this property since 2016. This is her home, and she takes care of the property. She lives there full time taking care of and maintaining the acreage and wildlife. Hale states that she has never had any complaints about the family or friends that come to stay with her in the home. Hale states it is part of the lifestyle to have people come and stay there in the home with her. It is her intention to continue to live there for the rest of her life.

Ms. Eakes – Patton Branch Road

Ms. Eakes is against the Airbnb. Ms. Eakes states they had one on Patton Branch and it was very loud with lots of parties and gatherings. Ms. Eakes states that they want to keep it a small quiet family area and feels if they allow for one more will come.

Jim Bale – 1321 Madison Creek Road

Bale states he has lived here for thirty years and is opposed to any zoning change due to potential of what could happen if it is changed. Bale states people go into rental property with the best intentions but not always a good ending because you have no control over the aftereffects. Bale states if you let one person do this than you have to let everyone do it. Bale is opposed to the zoning change.

Erin Harmon – 3035 Patton Branch Road

Harmon states she is opposed to the zoning change and wants to keep the zoning as is. Harmon states they want to keep it family oriented without out of state strangers so they can keep it quiet and safe for their family.

Karen Newhall – 1329 Madison Creek Road

Newhall states she has knows the owner of the property and is aware that it is an Airbnb. Newhall states she has never had a problem with noise or other problems. Newhall states as long as they are managed properly, they run very smoothly. She states no wild parties only squeals of joy from children enjoying the pool. Newhall states she does not care if the Airbnb is there as long as it is managed properly as it has been in the past.

Gary Yandell – 1325 Madison Creek Road

Yandell wants to know what the guidelines are and if you let one person do can they all do it? Yandell wants to know if guidelines are in place on certain days and times. Yandell wants to know the rules.

Carrie Fowler – 1511 Madison Creek Road

Fowler states she is opposed to the Airbnb because they have a giant Airbnb in their back yard on Patton Branch Road. Fowler states there is a lot of noise and is definitely opposed.

Geoffrey Newhall – 1329 Madison Creek Road

Newhall states he has lived next door to Catlin and Dr. Fishman for seven years and no problems with noise. Newhall states he owned an Airbnb at one time and as long as you have someone personally involved it runs smoothly.

Philip Williams – 3050 Patton Branch Road

Williams states he has lived on Patton Branch since 1989. Williams states a quiet neighborhood and when people start these rental ventures they have good intentions but as they have seen in other areas once they are rentals they can do what they want. Williams states that most rentals are there for a good time, have parties and end up destroying properties in the process. Williams states once you change zoning for one it opens up for others to do the same. Williams states once you have multiple Airbnb's in the quiet neighborhood it will destroy the integrity of the neighborhood. Williams states that is the reason they move out there for a quiet neighborhood and enjoy the wildlife with peace and quiet. Williams is opposed to changing the zoning.

Rager asked for any additional comments and no additional comments were received.

Writesman made a motion to close the public hearing, seconded by Jones. The motion passed.

The Public Hearing was closed.

AGENDA

Item #1 Eric Fishman, MD/ Property Owner Representative: Requests an administrative appeal of a short-term rental violation notice at 1357 Madison Creek Road. The 21.9-acre property referenced as Sumner County Tax Map/Parcel# 14002205000 is zoned R-40, Low Density Residential. Zoning Ordinance Sections: 14-201 (3)(jjj)(kkkk) and 14-206 (5)(e)(iv) Property Owner: Equitable Trust TR of Qualia 177 IRR Trust.

Staff Discussion:

- The request is an administrative appeal of the short-term rental violation notice dated February 22, 2024.
- Airbnb listing from February 22, 2024
- The on-line appeal application was submitted on March 21, 2024.
- Per applicant's Board of Zoning and Sign Appeals application:

This 20 acre + parcel is part of 50+ acres that I own, inclusive of 1357 Madison Creek Road and 1361 Madison Creek Road. In my opinion, it is unlikely that any short-term rental usage will adversely affect any of my neighbors or the neighborhood in general.

For clarity, I am applying on behalf of the owner Equitable Trust Co, TR of Qualia 27 Irr Trust. I am the sole beneficiary of that trust.

- The Zoning Ordinance section 14-213 (7)(d)(i) defines the administrative appeal process for the Board of Zoning and Sign Appeals.
- The appeal is the available due process for the review of City Zoning Ordinance violations notices.
- The property referenced above is zoned R-40, Low Density Residential.
- The zoning violation notice was concerning the short-term rental property use not being permitted in the R-40, Low Density Residential zoning district.
- Staff presented Zoning Ordinance Sections: 14-201 (3) Definitions, 14-206 (5)(e)(iv) Commercial Use Regulations and 14-213 (7)(d)(i) Board of Zoning and Sign Appeals-Powers.
- Staff presented motions options.
- Motion Option-To approve the applicant's administrative appeal based on the Board's findings during the meeting that the violation notice and referenced Zoning Ordinance sections were incorrectly applied with the violation notice.
- Motion Option- Motion to deny the applicant's administrative appeal based on the Board's findings during the meeting that the violation notice and referenced Zoning Ordinance sections were correctly applied with the violation notice.(Staff Recommendation)
- Motion Option- Motion to defer the request for the applicant to provide additional information as determined by the Board during the meeting.

Applicant: Marty Cook, Attorney – Representative for Eric Fishman, MD/Property Owner

Board Discussion:

- Cook states Dr. Fishman due to unique factors related to this property he is requesting leniency from the Citation and the ordinance does permit bed and breakfast uses.
- Cook states between this property and adjacent property he owns more than fifty (50) acres together so there are no neighbors in close proximity to this home.
- Cook discussed Ms. Hale living on the property full time.
- Cook discussed the classification of conditional use for this property.
- Huffman asked Ms. Hale if she was an owner of the property?
- Hale responded she lives there.
- Huffman asked Ms. Hale if she was a beneficiary of the trust?
- Hale responded she has not seen the will.
- McCormick discussed the process for requesting a bed and beak homestay conditional use in the zoning district.
- Freeman stated that would be separate request and review and discussed the short-term rental violation notice.

Motion: Huffman made a motion to deny the applicant's administrative appeal based on the referenced Zoning Ordinance sections were correctly applied with the violation notice, seconded by Jones . The motion passed.

With no further business, Writesman made the motion to adjourn, seconded by Jones.

The meeting adjourned at 5:29 pm.

Brian Rager, Chairman

Sharon Reed, Planning Assistant