



Board of Zoning Appeals

Kingston Springs, Tennessee

July 20, 2022
Meeting Packet



**Kingston Springs Board of Zoning Appeals
Meeting Agenda
July 20, 2022**

The meeting was called to order by _____ at _____ pm.

1. Roll Call of Voting Members:

Bob Sanders	_____
Ginger Hockenberger	_____
Bridget Wilson	_____
Jane Polansky	_____
Joanna Gupta	_____

2. Non-Voting Staff:

Sharon Armstrong, City Planner	_____
John Lawless, City Manager	_____
Martha Brooke Perry, City Attorney	_____

3. Declaration of Quorum by Chairperson:

4. Motion to approve the February 17, 2022 Board of Zoning Appeals meeting minutes.

5. Motion to approve the July 20, 2022 Board of Zoning Appeals meeting agenda.

6. Old Business

A. None

7. New Business

A. Hammers, 257 Harpeth View Trail, Kingston Springs, TN 37082. R-1 Residential District. Location of a Commercial Real Estate Office in a R-1 Low Density Residential Zoning District.

8. Other (For Discussion Only)

9. The meeting was adjourned by _____ at _____ pm.

Bob Sanders
Vice-Chair, Board of Zoning Appeals

Jamie Dupré
City Recorder



**Kingston Springs Board of Zoning Appeals
Meeting Minutes
February 17, 2022**

The meeting was called to order by Bob Sanders at 5:30pm.

1. Roll Call of Voting Members:

Bob Sanders	Present
Ginger Hockenberger	Present
Bridget Wilson	Absent
Keith Sherrill	Present

2. Non-Voting Staff:

Sharon Armstrong, City Planner	Present
John Lawless, City Manager	Present
Martha Brooke Perry, City Attorney	Absent

3. Declaration of Quorum by Chairperson: Quorum declared by Bob Sanders

4. Motion to approve the December 29, 2021 Board of Zoning Appeals meeting minutes.

Motion to approve the December 29, 2021 Board of Zoning Appeals meeting minutes made by Ginger Hockenberger, seconded by Bob Sanders and passed unanimously.

5. Motion to approve the February 17, 2022 Board of Zoning Appeals meeting agenda.

Motion to approve the February 17, 2022 Board of Zoning Appeals meeting agenda made by Ginger Hockenberger, seconded by Bob Sanders and passed unanimously.

6. Old Business

A. None

7. New Business

A. Craig Yerian, 155 Scenic Harpeth Drive, Kingston Springs, TN 37082. R-2 Residential District. Staff request to waive the Building Permit fine for 155 Harpeth View Drive for the basement area completed without a permit by the previous owner.

City Planner Armstrong explained the agenda item was an administrative appeal brought by staff on behalf of the applicant. Motion to waive the Building Permit fine for 155 Harpeth View Drive in the amount of \$945.00 made by Ginger Hockenberger, seconded by Bob Sanders, and passed unanimously.

8. Other (For Discussion Only)

None

9. Motion to adjourn: Made by Bob Sanders, second by Ginger Hockenberger, all in favor. The meeting was adjourned at 5:51pm.

Bob Sanders
Vice-Chair, Board of Zoning Appeals

Jamie Dupré
City Recorder

7.A.



Town of Kingston Springs
Building and Codes Department
PO Box 256
396 Spring Street
Kingston Springs, TN 37082
615-952-2110

KINGSTON SPRINGS APPLICATION FOR REVIEW

Board of Zoning Appeals, Board of Construction/Sign Appeals

- Board of Zoning Appeals Residential **(\$150.00)** (34125)
- Board of Zoning Appeals Commercial **(\$200.00)** (34125)
- Board of Construction Appeals **(\$150.00)** (34125)
- Board of Sign Appeals **(\$175.00)** (34125)

Date of Application: June 10, 2022

Property Address/Location: 257 Harpeth View Trail

Property Owner's Name: Jeff Hammers / Sara Hamilton

Property Owner's Address: 257 Harpeth View Trail

Property Owner's Primary Phone #: 615-579-3653 Secondary #: _____

Property Owner's Email: jhammers@reventuresLLC.net

Section for Appeal: 4.04 Home Occupation Page Number: IV-15

Description of Appeal Request: Seek approval to allow a commercial real estate office with no employees other than business owner to operate at the Property Address

Reason: Business is a sole proprietorship with no employees other than owner. I have operated this commercial real estate business at 209 Overlook Drive, Franklin, TN, since 2016 and have never had a client visit my office as all meetings are held off-site. Moving to Kingston Springs in July following my wedding.

Attachments? Describe: _____

Signature of Applicant: *Jeff Hammers* Date: 06-10-22

BACK OF THIS FORM IS FOR OFFICE USE ONLY

OFFICE USE ONLY: APPLICANT DO NOT WRITE BELOW THIS LINE

Staff Review Information: Property is located in the 5.051.2. R-1. Low-Density Residential District. Home Occupations are

addressed in Section B. Uses Permitted:, Subpart 4. Customary incidental home occupation as regulated in ARTICLE IV, SECTION 4.040. Article IV, 4.040: Customary incidental home occupations. A customary incidental home occupation is a gainful occupation or profession (including the professional office of an architect, artist, dentist, engineer, lawyer, and the like, barber, beauty and tailor shops) conducted by members of a family residing on the premises or only one person in addition to those persons residing therein and conducted entirely within the principal dwelling unit. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling, and no alteration shall be made to any building which is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings. An announcement sign of not more than four (4) square feet in area is permitted. When questions arise regarding the legality of specific home occupations, the Board of Zoning Appeals shall determine in which zone said home occupation shall be located. However, activities such as dancing instruction, band instrument instruction, except piano instruction, tea rooms, tourist homes, real estate offices, convalescent homes, mortuaries, animal clinics, retail sales business, or any other activity deemed by the Board to be incompatible with the district or a potential nuisance to the surrounding area shall not constitute an acceptable home occupation.

There is an existing business located within the residential structure, Sara's Salon. The Owner has a license issued by the TN Dept. of Commerce and Insurance of Cosmetology. There is no permit within the city for the use of the structure as a Cosmetology business as required by codes. The Applicant previously operated a Commercial Real Estate Business located at 4525 Harding Rd. in Nashville, TN, in a commercial office complex. Real Estate businesses are permitted in Kingston Springs within the C-1 Central Business District; C-2 Highway Service District only. Real Estate Businesses are not permitted in C-3 Neighborhood Service Business District, a much more intense development district than R-1 Low Density Residential. In addition, the property is subject to the Restrictive Covenants of the Woodlands of the Harpeth Subdivision that state, "No lot shall be used except for residential, church or school purposes." Allowing a purely commercial use within a residential neighborhood is addressed in the R-1 Low Density Residential District as follows, "Section D. Uses Prohibited: Mobile homes; mobile home parks; billboards and similar advertising structures; uses not specifically permitted; or uses not permitted upon approval as a special exception." Staff recommends denial of the application for the following reasons:

1. Requested use is not a Customary Home Occupation as defined in the Zoning Ordinance in Article 4, Section 4.040.
2. Requested Use is defined in the Zoning Ordinance as Commercial Use and is permitted in C-1 and C-2 but not in C-3.
3. Real Estate Offices are located in C-1 and C-2 Zoning Districts.
4. Requested Use is prohibited by the Restrictive Covenants for the Woodlands of the Harpeth Subdivision.
5. There is an existing non-compliant use on the property.

Appeal Board Fee: \$ _____

Amount Paid: \$ _____ Date Paid: _____

Receipt Number: _____

Board Performing Review: _____

Date of Review: _____

Approved

Denied

Withdrawn

KINGSTON SPRINGS, TN ZONING ORDINANCE - ARTICLE IV, SECTION 4.040

4.040. Customary incidental home occupations. A customary incidental home occupation is a gainful occupation or profession (including the professional office of an architect, artist, dentist, engineer, lawyer, and the like, barber, beauty and tailor shops) conducted by members of a family residing on the premises or only one person in addition to those persons residing therein and conducted entirely within the principal dwelling unit. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling, and no alteration shall be made to any building which is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings. An announcement sign of not more than four (4) square feet in area is permitted.

When questions arise regarding the legality of specific home occupations, the Board of Zoning Appeals shall determine in which zone said home occupation shall be located. However, activities such as dancing instruction, band instrument instruction, except piano instruction, tea rooms, tourist homes, real estate offices, convalescent homes, mortuaries, animal clinics, retail sales business, or any other activity deemed by the Board to be incompatible with the district or a potential nuisance to the surrounding area shall not constitute an acceptable home occupation.

4.050. Fall-out shelter restrictions. Fall-out shelters are permitted as principal or accessory uses and structures in any district, subject to the yard and lot coverage regulations of the district. Areas of underground fall-out shelters extending not more than thirty (30) inches above the general ground level of the graded lot shall not be included in computations of lot coverage by all buildings. The Board of Zoning Appeals may waive side and rear yard setback requirements to permit construction of joint shelters by two or more property owners, provided, however, that side and rear yard setback requirements shall be met where property involved in the joint proposal abuts or adjoins property not included in the proposal.

4.060. Gasoline service station restrictions. The following regulations shall apply to all gasoline service stations:

- A. There shall be a building setback from all street right-of-way lines of a distance of not less than forty (40) feet, except for canopies designed to cover the gasoline pump islands.
- B. Gasoline pumps shall not be located closer than twenty-five (25) feet to any street right-of-way line.
- C. Sign requirements as established in ARTICLE IV, SECTION 4.080, shall be met.

4.070. Planned development regulations. (Deleted by Ordinance 05-002, May 25, 2005)

4.080. Development standards for mobile home parks. The following land development standards shall apply for all mobile home parks:

- A. No parcel of land containing less than two (2) acres and less than ten (10) mobile home spaces, available at the time of first occupancy, shall be utilized for a mobile home park.
- B. The mobile home park shall be located on a well-drained site, properly graded to insure rapid drainage and to avoid the possibility of stagnant pools of water.

5.051.2. R-1. Low-Density Residential District. A.

District Description:

This district is designed to provide suitable areas for low density residential development characterized by an open appearance. Most generally this district will consist of single-family detached dwellings except when otherwise permitted as a planned development and such other structures as are accessory thereto. This district also includes community facilities, public utilities, and open uses which serve specifically the residents of the district, or which are benefited by and compatible with a residential environment. Further, it is the intent of this ordinance that this district be located so that the provision of appropriate urban services and facilities will be physically and economically facilitated. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except

that special exception uses and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted:

In the R-1, Low-Density Residential District, the following uses and their accessory uses are permitted:

1. Single detached dwelling.
2. Prefabricated dwellings (excluding mobile homes).
3. Customary accessory buildings, including private garages and non-commercial workshops, provided they are located in the rear yard and not closer than ten (10) feet to any lot line.
4. Customary incidental home occupation as regulated in ARTICLE IV, SECTION 4.040.
5. Agriculture.

C. Uses Permitted as Special Exceptions:

In the R-1, Low-Density Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Churches.
2. Public and private schools offering general education courses.
3. Family day care homes.
4. Public and semi-public recreational facilities and grounds.
5. Utility facilities (without storage yards) necessary for the provision of public services.
6. Government buildings and community centers.
7. Cemeteries.
8. Bed and Breakfast Home Residences.

D. Uses Prohibited:

Mobile homes; mobile home parks; billboards and similar advertising structures; uses not specifically permitted; or uses not permitted upon approval as a special exception.

E. Dimensional Regulations:

All uses permitted in the R-1, Low-Density Residential District shall comply with the following requirements except as provided in ARTICLE VI.

1. Minimum Lot Size:

Area	30,000 sq. ft.
Area Per Family	30,000 sq. ft.
Lot Width At Building Setback Line	120ft.

2. Minimum Yard Requirements:

Front Setback	40ft.
Side	15ft.
Rear	25ft.

3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed thirty-five (35) percent of the total area of such lot or parcel.

4. Height Requirement: No building shall exceed thirty-five (35) feet in height, except as provided in ARTICLE VI, SECTION 6.030.

5. Parking Space Requirements: As regulated in ARTICLE IV, SECTION 4.010.

filed for RECORD MARCH 7, 1978, at 3:15 O'CLOCK P.M.

RESTRICTIVE COVENANTS

Restrictive covenants applicable to WOODLANDS OF THE HARPETH, Section IV, of record in Book 2, Page 72. Register's Office, Cheatham County, Tennessee, dated

1. No lot shall be used except for residential, church or school purposes.
2. No residential structure on any lot shall be designed, constructed or used for more than one family.
3. Before any lot may be used for church purposes, either with or without the construction of a building thereon, there shall be obtained:
(a) approval of the undersigned or his successor in office, for the use of said lot, and (b) the approval of the undersigned, or his successor in office, of the plans of the building, or buildings, proposed to be constructed on said lot or lots, together with a plot plan showing the location of said building, or buildings, on said land.
4. No lot may be re-subdivided except with the joint approval of the undersigned owner, Cheatham County Planning Commission and Cheatham County Health Department, and, except with such approval, shall remain as shown on the recorded plan; and not more than one residence building may be constructed or maintained on any one lot.
5. No noxious or offensive operations shall be conducted or maintained on any lot, and nothing shall be done on any lot which may constitute a nuisance or unreasonable annoyance to the neighborhood.
6. No live stock, swine or animals shall be allowed or maintained on any lot at any time; provided, however, that this shall not preclude the keeping of one horse or pony, if fenced in, and dogs, cats or other household pets as such, provided that nothing herein shall permit the keeping of dogs, cats or other animals for commercial purposes.
7. No trailer, basement house, tent, garage, barn, or other outbuilding shall be erected or used as either a temporary or permanent residence, however, a barn or storage combination may be erected on rear 1/4 of lot provided it does not exceed 700 square feet and is no closer to rear lot line and side line than 20 feet; and provided said building is constructed of new materials and erected in quality workmanship and neat architectural appearance, and further provided that said building shall be maintained in a neat appearance at all times.
8. No building shall be constructed or maintained on any lot nearer either lot side line than twenty feet, and the combined distances from the residence to the two side lot lines shall be not less than fifty feet. Steps and landing platforms, either covered or uncovered, shall be permitted to extend beyond the side setback line, and any measurement to determine compliance shall be taken from the main walls of the residence to the side lot line of the lot on which constructed.

The owner expressly reserves the right, with the approval of the Cheatham County Planning Commission and/or Kingston Springs Planning Commission, to amend or alter the minimum setback lines or sidelines as shown on said plan and/or specified in the restrictive covenants.

Notwithstanding the minimum set-back lines, as shown on the said plan, before commencing construction of a residence upon any lot, the front set-back line for that particular lot shall be approved by the Cheatham County Health Department.

FOR ~~RECORD~~ CONSTRUCTION,
SEE BOOK 217, PAGE 77
TO RESTRICTIVE COVENANTS

- 9. The sewerage disposal facilities provided for any residence, church or school, shall meet the requirements of the sanitary laws and regulations of Cheatham County, or such other governmental agency as may have the power to prescribe and enforce sanitary regulations.
- 10. All owners of lots in this subdivision shall consult with Cheatham County Highway Department before installation of any driveway, culvert, or other structure within the dedicated roadway, and such placement or construction shall be done on accordance with the rules and regulations of said Highway Department.
- 11. On corner lots no fence shall be constructed or maintained between either building or setback line, and either street; and on all other lots, no fences shall be constructed or maintained between the front building or setback line and the street; provided, however, the planting of hedges, shrubbery, or evergreens in lieu of a fence, and extending to the front or sides of any lot is permitted, provided such planting shall not be maintained at a height in excess of 42 inches.
- 12. No residence, school or church structure shall be maintained on any lot unless the same be connected with, and served with water from, the water supply mains. Any residence erected on any lot shall have a complete bath with a minimum of three fixtures.
- 13. The developers of this subdivision, or their assigns, reserve the right to enter upon any lot for the purpose of cutting grass and cleaning up said lot, if the same be reasonably required, charging the expense to the owner thereof, which shall become a lien upon the land.
- 14. The minimum ground floor area of any single family dwelling shall be as follows:
 - (a) The above minimum applies where the residence shall have been constructed with attached garage, but if constructed without attached garage such minimum shall be increased 200 square feet. The term "attached garage" shall include a car-port or basement garage.
 - (b) Any 1-1/2 story or 2 story house shall contain not less than 1000 square feet of living area on the first floor.
 - (c) No duplex or multi-family residences shall be permitted in this development.
 - (d) The moving completed residences, or other buildings from another location not in said subdivision to any lot in said subdivision is expressly prohibited.
- 15. All buildings or structures of any kind constructed on any lot in this subdivision shall have full masonry foundations, and shall have brick or stone veneer to finish grade, or may be stuccoed.
- 16. Drainage easements, as shown on the recorded plan, shall be for the purpose of constructing and maintaining, opening or widening storm drains, sewerage lines and open ditches.
- 17. (a) No vehicles other than family cars and/or pickup truck that are operable, on wheels and carrying current years license plates, shall be kept stored on any lot, unless they are kept in garages or basements. No automotive vehicles are to be torn down, sanded or spray painted, except same is confined to garage or basement, and no one shall operate a vehicle repair service for public or private.

- (b) Mail boxes shall be of standard manufactured type, as approved by U. S. Post Office; such articles as stove pipe, stoves, plows, welded chains shall not be permitted.
 - (c) Residents will not be permitted to store wet garbage, rags, paper, shavings, bones, tin cans, open bottles, etc. on any lot, except they be kept in standard type garbage cans or in water-tight plastic bags. No barrels are to be used for garbage cans or incinerators.
 - (d) Any and all buildings started on any lot or part of any lot shall be completed within 12 months from time that construction is started.
 - (e) Building materials shall not be stored on any lot or part thereof for a period of more than 4 months unless construction is started and then said construction is to be completed within 12 months from the time that material is placed on lot (this does not include materials that are stored within a finished building).
 - (f) No lot owner will be permitted to store - old or wrecked - cars, trucks, road machinery, crates, barrels, boxes, scrap metal or unsightly junk of any kind on the lot unless same is contained within a building.
 - (g) Fences of old barrel staves, scrap metal boxes, plywood, barrel crates, cans or junk will not be permitted.
 - (h) All wood fences except split rail or redwood are to be painted within 6 months from the time they are built.
 - (i) Fence rows shall be kept clean of weeds and unattractive bushes.
 - (j) Gates are to be constructed and hung in a good workmanlike manner.
18. The Restrictive Covenants contained in this instrument shall run with the land for a period of thirty years from the recording of this instrument, and thereafter they shall be automatically extended for successive periods of five years each, provided, however, that the owners of two-thirds or more of the lots in this subdivision may, at any time, within two years preceeding the expiration of the original or any successive term, amend these Restrictive Covenants by an instrument in writing which shall be duly recorded in the office of the Register of Cheatham County, Tennessee.
19. The right of enforcement of each of the Restrictive Covenants is vested in the owner of each and all of the lots in this subdivision, and any owner of any lot shall have the right at any time to compel compliance with said covenants, or any of them, or to prevent the violation of any of them, by the institution of an action at law, or a suit in equity for injunctive or other relief.
20. The owner expressly reserves the right to cancel, or amend, any existing easements or rights-of-way as shown on said plan, and to create new easements or rights-of-way; provided, however, that no such cancellation, or amendments, of existing easements or rights-of-way, or creation of new easements or rights-of-way, shall be made without the approval of the Cheatham County Planning Commission, and the approval of the then owner or owners of lots abutting or adjoining said easement or rights-of-way; provided, further however, nothing herein shall be construed as giving the owner the right to close any street or road after the same shall have been constructed and accepted for maintenance by the Cheatham County Highway Commission and/or Quarterly Court.

21. The right is expressly reserved to the developers and owners of this subdivision, their representatives, heirs, successors and assigns, to construct all streets, roads, alleys, or other public ways as now, or hereafter may be, shown on this plan of subdivision, at such grades or elevations as they, in their sole discretion, may deem proper; and, for the purpose of construction such streets, roads, alleys or public ways, they additionally, shall have an easement, not exceeding ten (10) feet in width, upon and along each adjoining lot, for the construction of proper bank slopes in accordance with the specifications of the governmental body or agency having jurisdiction over the construction of public roads; and no owner of any lot in this subdivision shall have any right of action or claim for damages against anyone on account of the grade or elevation at which such road, street, alley or public way may hereafter be constructed, or on account of the bank slopes constructed within the limits of the said ten (10) foot easement.

Henry Hudson

 HENRY HUDSON

STATE OF TENNESSEE)
 COUNTY OF DAVIDSON)

Personally appeared before me, Henry Hudson, with whom I am personally acquainted and who acknowledged that he executed the within instrument for the purposes therein contained.

This 7th day of March, 1978.

James W. Stennett, Jr.

 NOTARY PUBLIC
 (NOTARY SEAL)

MY COMM. EXPIRES: 10-31-80

STATE OF TENNESSEE }
 CHEATHAM COUNTY: }
 Office of the Register: 3-7, 1978
 I, BETTY J. ROSS, Cheatham County Register do
 certify that the foregoing instrument and certificate
 were received in my office at 3:15 o'clock
 P.M. on 3-7, 1978; entered in
 Note Book L, Page 7, and recorded
 in Book No. 193, Page 175. The following
 amounts were paid under Receipt No. 22744.
 STATE TAX: DEEDS: \$ _____
 STATE TAX: MTGS.: \$ _____
 PROBATE FEE : \$ _____
 RECORDING FEE : \$ 8.00
 TOTAL : \$ 8.00
Betty J. Ross Register

FILED FOR RECORD MARCH 30, 1982, at 9:30 O'CLOCK A.M.

CORRECTION TO RESTRICTIVE COVENANTS

FIDELITY FEDERAL SAVINGS AND
LOAN ASSOCIATION OF NASHVILLE

WHEREAS, restrictive covenants applicable to WOODLANDS OF THE HARPETH, Section IV, a plan which is of record in Book 2, page 72, Register's Office for Cheatham County, Tennessee, were executed and recorded on March 7, 1978, in Book 193, page 175, said Register's Office.

WHEREAS, in Section 8 of said instrument, reference was made to minimum set back lines but none are shown on said plan nor specified in the restrictive covenants;

WHEREAS, in Section 14(a) reference is made to minimum ground floor area but no specific square footage for same is specified;

WHEREAS, in Section 15 an ambiguity exists as to what portion of the building or structure "may be stuccoed"; and

WHEREAS, the undersigned, Henry Hudson, the original developer of said subdivision, desires to correct said errors or ambiguities.

NOW THEREFORE, for and in consideration of the premises and in order to correct said errors and ambiguities, said restrictive covenants are hereby amended as follows:

The following paragraph shall be inserted between the first and second paragraphs of Section 8:

"No portion of any building shall be constructed or maintained on any lot nearer than thirty (30) feet from the front line of said lot."

Section 14(a) shall be amended to read as follows:

"If constructed of natural stone, brick, natural stone veneer or brick veneer, 1400 square feet of living area. The above minimum applies where the residence shall have been constructed with attached garage, but if constructed without attached garage such minimum shall be increased 200 square feet. The term 'attached garage' shall include a car-port or basement garage."

Section 15 shall be amended to read as follows:

"All buildings or structures of any kind constructed on any lot in this subdivision shall have full masonry foundations, and shall have brick or stone veneer to finish grade, or said foundations may be stuccoed."

All remaining terms and provisions of said restrictive covenants shall remain in full force and effect.

[REDACTED]

TOWN OF KINGSTON SPRINGS, TENNESSEE

Petitioner

vs.

GERALD M. CARTER and wife,
PATRICIA L. CARTER; CHEATHAM COUNTY,
TENNESSEE; CHEATHAM STATE BANK;
ROBERT L. PERRY, JR., TRUSTEE;
THE LOMAS & NETTLETON COMPANY;
and ERNEST W. TURNBULL, TRUSTEE,

Defendants

902 4155

KINGSTON SPRINGS
WASTEWATER TREATMENT
FACILITIES PROJECT

TRACT-FILE A-23, Map
11, PARCEL (96D/C),
20 and 21



JUDGMENT AND FINAL DECREE

This cause came on to be heard on the 1st day of June, 1987, before the Honorable Robert E. Burch, Judge of the Circuit Court for Cheatham County, Tennessee, upon the Motion for Default Judgment filed by the Petitioner seeking to have its petition for condemnation taken as confessed. The Court was of the opinion and found there was proper service upon Gerald M. Carter and wife, Patricia L. Carter, and all other defendants with interest in and to the subject lands. Further, there being no answer filed to the original petition within the time allowed by the law, it was proper to grant the Petitioner's Motion for Default and that the petition be taken as confessed. It further appearing to the Court that the Petitioner had deposited the sum of One Hundred Forty-Three and 13/100 (\$143.13) Dollars with the Clerk of the Circuit Court and that said sum be the judgment of the Court for all property rights taken by virtue of the acquisition in and to the tract of land hereinafter decreed and appropriated to the Petitioner, its successors and assigns. A separate instrument styled Order of Possession for the subject premises is hereby incorporated in and made a part of this Judgment and Final Decree.

It is, therefore, ORDERED, ADJUDGED and DECREED that the Defendants have and recover of the Town of Kingston Springs, Tennessee the sum of One Hundred Forty-Three and 13/100 (\$143.13) Dollars, as just compensation.

It is further, ORDERED, ADJUDGED and DECREED by the Court that the right, title, claim and interest of all the Defendants in and to the condemned property hereinafter described, to the extent and in the manner indicated in said description, be, and is hereby, divested out of each one of them, vested in the Town of Kingston Springs, Tennessee, its successors and assigns, and for the use and benefit of the Town of Kingston Springs, Tennessee, said property being in the 11th Civil District of Cheatham County, Tennessee, the same being a perpetual easement and being more particularly described as follows:

PERPETUAL EASEMENT

BEING a part of Lot No. 413 and part of Lot No. 414, on the plan of Woodlands of the Harpeth, Section IV, of record in Plat Book 2, Page 72, Register's Office for Cheatham County, Tennessee, to which reference is made for a more complete description and being further described as follows:

A permanent perpetual easement for underground sewer wastewater utility purposes to include the right of ingress and egress for the purposes of construction, operation, maintenance, repair, replacement and inspection, ten (10') feet in width along the entire rear lot line of Lot Nos. 413 and 414; said easement to be a total of twenty (20') feet in width along the rear lot lines of Lot Nos. 413 and 414 during the period of construction of the aforesaid underground sewer line.

BEING a part of the same property conveyed to Gerald M. Carter and wife, Patricia L. Carter, by deed from Fidelity Federal Savings and Loan Association of Tennessee, of record in Book 222, Page 683, and Book 236, Page 562, Register's Office for Cheatham County, Tennessee.

It is further, ORDERED, ADJUDGED and DECREED that the sum One Hundred Forty-Three and 13/100 (\$143.13) Dollars paid by the Petitioner is the total damages the Defendants are entitled to recover in this cause and includes all damages for the property taken, including full settlements of all claims for compensation of any nature due the Defendants because of the construction of the wastewater treatment facilities project for which this condemnation was necessary.

It is further, ORDERED, ADJUDGED and DECREED that the Clerk of this Court be directed to ascertain and pay out of the funds due the Defendants, any real property taxes on the property acquired by the Petitioner.

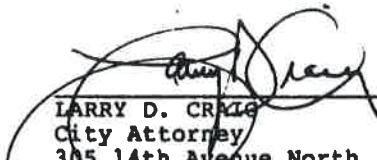
The costs of this cause are taxes to the Town of Kingston Springs, Tennessee.

754

Entered this 1 day of June, 1987.



CIRCUIT JUDGE

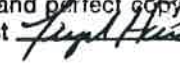
APPROVED FOR ENTRY:


LARRY D. CRAIG
City Attorney
305 14th Avenue North
Nashville, TN 37203
(615) 320-5577

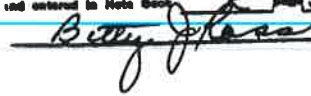
CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing has been mailed to all adversary parties and/or counsel of record this 1st day of June, 1987.


LARRY D. CRAIG

I hereby certify this to be a full, true and perfect copy 6-1-19 87.
Attest  Circuit Court Clerk

(SEAL OF CIRCUIT COURT)

STATE OF TENNESSEE }
CHEATHAM COUNTY }
Office of the Register 6-1 1987
I, BETTY J. ROSS, Register of said County, do certify that the foregoing instrument and certificate are registered in said office, in Book No. 256
page No. 752 and that they were received 6-1 1987 at 12:15 o'clock P.M.
and entered in Note Book 348




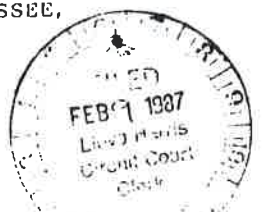
IN THE CIRCUIT COURT FOR CHEATHAM COUNTY, TENNESSEE,
AT ASHLAND CITY, TENNESSEE

TOWN OF KINGSTON SPRINGS, TENNESSEE,

Petitioner

VS.

NO. 4165



GERALD M. CARTER and wife,
PATRICIA L. CARTER; CHEATHAM COUNTY,
TENNESSEE; CHEATHAM STATE BANK;
ROBERT L. PERRY, JR., TRUSTEE;
THE LOMAS & NETTLETON COMPANY;
and ERNEST W. TURNBULL, TRUSTEE,

KINGSTON SPRINGS
WASTEWATER TREATMENT-
FACILITIES PROJECT

TRACT-FILE A-23, Map
11, PARCEL (96D/C),
20 and 21

Defendants

ORDER OF POSSESSION

BE IT REMEMBERED that this cause came on to be heard upon the original petition for condemnation of a certain real property easement for municipal sewer purposes; the Notice of the filing of the Petition for Condemnation; the tender by the Town of Kingston Springs; personal service on all defendants of a copy of said Petition and Notice; and upon the entire record in this cause.

From all of which it appears to the Court that no objection has been filed by the defendants contesting or challenging the Petitioner's right to condemn and take the real property to be condemned in this proceeding and that, further, the petitioner, under the law, is entitled to immediate possession of said real property permanent easement sought to be acquired in this proceeding.

It is, therefore, ORDERED, ADJUDGED and DECREED by the Court that the Petitioner be, and hereby is put in immediate possession of the property described in the petition and that on application of the petitioner, if necessary, the Clerk shall issue a Writ of Possession to the Petitioner in full and complete possession of the property described in the Petition. The issue of just compensation is reserved for a jury trial. This order shall take effect from the date of signing hereof. The aforesaid property in the 11th Civil District of Cheatham County, Tennessee, which hereby is put in immediate possession of the petitioner is more particularly described as follows:

A permanent perpetual easement for underground sewer wastewater utility purposes to include the right of ingress and egress for the purposes of construction, operation, maintenance, repair, replacement and inspection, ten (10') feet in width along the entire rear lot line of Lot Nos. 413 and 414; said easement to be a total of twenty (20') feet in width along the rear lot lines of Lot Nos. 413 and 414 during the period of construction of the aforesaid underground sewer line.

BEING a part of the same property conveyed to Gerald M. Carter and wife, Patricia L. Carter, by deed from Fidelity Federal Savings and Loan Association of Tennessee, of record in Book 222, Page 683, and Book 236, Page 562, Register's Office for Cheatham County, Tennessee.


All further matters are reserved unto the Court.

Entered this 9 day of February, 1987.


CIRCUIT COURT JUDGE

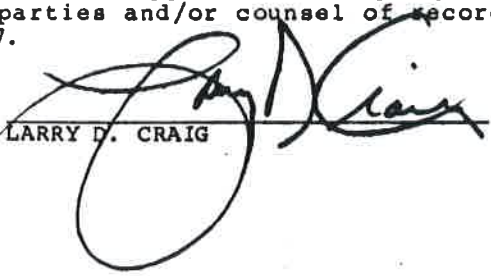
APPROVED FOR ENTRY:

ROBERTS, CRAIG & HANSEL

BY: 
LARRY D. CRAIG
City Attorney for the Town of
Kingston Springs, Tennessee
627 Second Avenue South
Nashville, Tennessee 37210

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing has been mailed to all adversary parties and/or counsel of record this 9th day of February, 1987.


LARRY D. CRAIG

STATE OF TENNESSEE }
CHEATHAM COUNTY }

Office of the Registrar 2-9 19 87

I, BETTY J. BROWN, Registrar of Cheatham County, do hereby certify that the

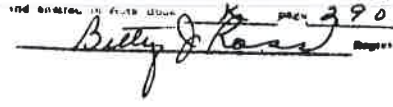
foregoing instrument is a true and correct copy of the original as filed in said

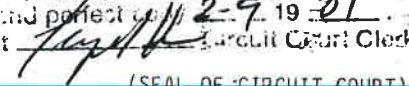
office, in Book No. 253

Page No. 288 and that this is a true and correct

copy of the original as filed in said office on this 9th day of February, 1987.

and entered in this office on this 9th day of February, 1987.


Betty J. Brown Registrar

I hereby certify this to be a full,
true and correct copy of 2-9 19 87
Attest  Circuit Court Clerk

(SEAL OF CIRCUIT COURT)

Fidelity Federal Savings and Loan Association of Tennessee, being the owner of substantially all unimproved lots in said subdivision, joins in the execution of this instrument for the purpose of consenting to and approving this corrective instrument.

IN WITNESS WHEREOF the parties have set their hands this 29th day of March, 1982.

STATE OF TENNESSEE }
CHEATHAM COUNTY }
Office of the Register MARCH 30 1982
I, BETTY J. ROSS, Register of said County, do certify that the foregoing instrument and certificate are Registered in said office, in Book No. 217
page No. 77 and that they were received 2:30 19 82 at 9:30 o'clock A. M.
entered in Note Book J page 54
Betty J. Ross Register

Henry Hudson
Henry Hudson

Fidelity Federal Savings and Loan Association of Tennessee
By: Mr. W. M. McBride
Senior Vice Pres

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before, Shene B. Stevens a Notary Public in and for said County and State, the within named, Henry Hudson, with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand and official seal at Nashville, Tennessee, this 29th day of March, 1982.

Shene B. Stevens
Notary Public

My Commission Expires: 7-21-85 (NOTARY SEAL)

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Before me, Patsy Herron a Notary Public, within and for the State and County aforesaid, personally appeared, W. M. McBride, with whom I am personally acquainted and who upon his oath acknowledged himself to be the Senior Vice President of the bargainor, a corporation, and that he as such Senior Vice President being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by the said W. M. McBride as such Senior Vice President.

WITNESS my hand and official seal at office at Nashville, Tennessee this 29 day of March, 1982.

Patsy Herron
Notary Public

My Commission Expires: 10/15/83 (NOTARY SEAL)

Gerald M. Carter, and wife
Patricia L.

To

Town of Kingston Springs

FILED FOR RECORD AUGUST 31, 1989 AT 11:00 O'CLOCK A.M.

AGREEMENT FOR DEDICATION OF EASEMENT

FOR AND IN CONSIDERATION of the mutual benefits that will accrue by reason of the hereinafter described improvements, the undersigned do hereby grant, transfer and convey unto the Town of Kingston Springs, Tennessee, its successors and assigns, forever, an easement and right-of-way for utilities, including an underground sewer line, septic tank(s) and appurtenances, said easement consisting of an area two feet outside the existing septic tank along all sides, and an area five feet on either side of a discharge pipe to be constructed to a sewer main.

The existing septic tank is conveyed unto the Town of Kingston Springs, Tennessee, its successors and assigns for ownership, operation and maintenance.

Being easement Parcel 21, Map 96D, of record in Plat File A-23, Map 3, Register's Office, Cheatham County, Tennessee, to which record reference is made for a more complete description.

Being a part of the property conveyed to the undersigned, as shown in the Cheatham County Assessor's Office on Map 96D, Parcel 21, and which is recorded in Book 222, Page 683, ROCC, TN.

The property shall be protected and restored to a condition equal to that existing prior to the construction.

The Town of Kingston Springs, Tennessee, its servants, agents and sewer department is hereby deeded the right to construct, operate, maintain, repair, replace and inspect utilities, including sewer lines and septic tank(s) within the limits of the aforesaid or right-of-way.

TO HAVE AND TO HOLD easement or right-of-way to the Town of Kingston Springs, Tennessee, its successors and assigns, forever. The undersigned does hereby covenant with said municipality that they are lawfully seized and possessed of said land in fee simple and have good right to make this conveyance.

Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

Witness our hand, this 30 day of August, 1989, the corporate party, Town of Kingston Springs, Tennessee, having caused its name to be signed hereto by its duly authorized officer(s) on said day and date.

Gerald M. Carter
LANDOWNER Gerald M. Carter

TOWN OF KINGSTON SPRINGS, TENNESSEE,

Patricia L. Carter
LANDOWNER Patricia L. Carter

BY

Larry D. Craig
MAYOR

CHEATHAM COUNTY, STATE OF TENNESSEE
Office of Register 8-31-1989
I, BETTY J. ROSS, Register of said county, do certify that the foregoing instrument and certificate are Registered in said office, in Book No. 283 Page No. 233 and that they were received 8-31 1989 at 11:00 o'clock P. M. and entered in Note Book 77 page 47 Record No. 31529
Betty J. Ross Register

STATE OF TENNESSEE
COUNTY OF _____

Personally appeared before me, the undersigned, a notary public in and for said County and State, Gerald M. & Patricia L. Carter the within named bargainer(s), with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that they executed the within instrument for the purpose therein contained.

Witness my hand and seal at Kingston Springs, Tennessee, this 30 day of August, 1989.

My commission expires: 15 Jan 1992

Audrey Beck
NOTARY PUBLIC

This instrument prepared by:
Larry D. Craig, Attorney
305 14th. Avenue, North
Nashville, TN. 37203

(NOTARY SEAL)

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License Search and Verification

Visit <https://core.tn.gov> and click "Public Search" for additional search features.

For best results, please limit the number of search fields. Only exact matches will be displayed. You may need to try different variations of search terms. e.g., "Smith and Smith Construction" and "Smith & Smith Construction." If any name has an apostrophe in it, please replace the apostrophe with a percent sign, entering "Smith's Auto Shop" as "Smith%s Auto Shop."

After you submit the search form, your results will appear below the form in this window (the form will remain for your reuse)...if you cannot see the results below, please scroll further down the search form.

For self-insured workers' compensation, or other reports, please submit to the [Public Record Request form](#).

<< [Click Here To Go Back To The Search Page](#)

License Details

License Status	Active - Fully Licensed
License #	74439
License ID	74439
Expiration Date	Oct 31 2022
Original Date	Feb 8 1989
Profession Code	1601
Profession Name	Cosmetology Licensee
First Name	SARA
Middle Name	P
Last Name	HAMILTON
City	KINGSTON SPRINGS
State	TN
Zip Code	37082
Rank	Cosmetologist
License Activity Description	Active - Fully Licensed



Home **Properties for Sale** Commercial for Sale Commercial for Lease Simple Mortgage Calculator

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Real Estate Professional Detail

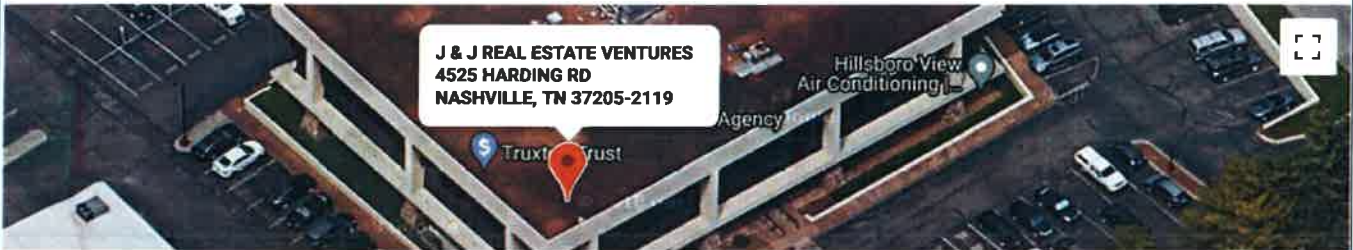
Contact details, ratings, and reviews for Jeff Hammers

Jeff Hammers , Owner | J & J Real Estate Ventures

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Phone: (615)620-4626

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