

**MINUTES**  
**MADISONVILLE BOARD OF ZONING APPEALS**  
**Madisonville City Hall**  
**September 15, 2015**

**Members Present**

James Lee, Chairman  
Marilyn Atkins, Vice Chair  
Tony Wilson, Secretary  
Linda Garrett-Hensley  
Jack Harrill  
Susan Saunders  
Larry Smades

**Members Absent**

Shan Harris  
Glenn Moser, Mayor

**Others Present**

Ruth Viergutz Hawk, Planner  
Greg Altum, Press

**Citizens Present**

Leesa Atchley Robbins, Roxanne Sherlin, Edna Hunt, Pat Stanley, Peggy White, Brenda White, Johnnie Jones, Greg Jones, JoAnne Watson, Larry Watson, Regina Turpin, and Dawn Dasfrin.

**CALL TO ORDER AND APPROVAL OF MINUTES**

Chairman Lee called the meeting of the Board of Zoning Appeals to order at 6:04 p.m. Commissioner Saunders moved to approve the March 18, 2014, Board of Zoning Appeals minutes as presented. Commissioner Atkins seconded the motion and the motion passed 6-0, with Commissioner Smades having not yet arrived.

**PUBLIC HEARING ON REQUEST OF INTERPRETATION OF THE MADISONVILLE ZONING ORDINANCE, SECTION 11-402. CUSTOMARY HOME OCCUPATIONS, AS TO WHETHER A MASSAGE THERAPIST PRACTICE IS A SIMILAR USE TO THE USES EXPRESSLY ALLOWED AS HOME OCCUPATIONS (Roxanne Sherlin, Applicant)**

Staff read the Customary Home Occupations section of the Zoning Ordinance and explained that the roll of the Board in this case was to determine whether the requested use is similar to the uses expressly permitted and that this request was not tied to a particular geographic location. Staff stated that a massage therapist practice most closely resembled the uses listed in 1. e., "Professional office of a physician, dentist, lawyer, engineer, accountant..." As with these listed professions, massage therapists are required to be licensed by the State of Tennessee. A lengthy discussion followed.

Roxanne Sherlin distributed copies of her State of Tennessee license. Ms. Sherlin explained that her premises are inspected by the State Board of Health, that she is required to receive 24 hours of continuing education every two years, that her license must be renewed every two years, and that to obtain her license she had to receive one year of schooling. She also stated that she would not have any employees and that she would only have one client at a time with approximately two to four clients per day.

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The residents of Philpott Drive submitted a petition to the Board entitled "Petition to prevent the establishing of a business in a home on Philpott Drive" (Attachment A).

Larry Watson stated that he rented a residence to Ms. Sherlin for four years and she practiced out of that home. He stated that there was no more than one car at a time, she screened her clients, the premises were very clean, Ms. Sherlin ran a very professional business, and he had never received any or had any complaints.

Several Board members expressed concern about the type of clientele that a massage therapist would attract and questioned why not locate in a commercial district. Ms. Sherlin stated that she screened her clients and that she was too small a business to make it affordable to locate in a commercial district.

Brenda White, 421 Philpott Drive, stated that she lives in front of Ms. Sherlin and that the street only has 11 houses. She did not want a business in their neighborhood. Peggy White, 401 Philpott Drive, stated she wanted to keep the neighborhood residential because it was a quiet residential street.

Dawn Dasfrin, JoAnne Watson, Leesa Atchley Robbins, and Regina Turpin all spoke in support of Ms. Sherlin and the massage therapist practice, stating it generated very little traffic and that it would not negatively impact the neighborhood.

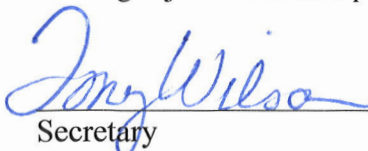
The Board questioned whether the State required a sign on the premises. Ms. Sherlin stated that no sign was required. It was pointed out that Elite Beauty Shop employs a massage therapist and there is no sign advertising the massage therapist.

**ACTION**

Commissioner Saunders moved to deny the request. Commissioner Harrill seconded the motion. The motion passed 5-1-1, with Commissioner Wilson casting the dissenting vote and Chairman Lee abstaining.

**ADJOURNMENT**

Commissioner Garrett-Hensley moved to adjourn. Commissioner Atkins seconded the motion and the meeting adjourned at 6:40 p.m.

  
Secretary

10-20-15  
Date

# Attachment A

## Petition to prevent the establishing of a business in a home on Philpott Drive

There are eleven homes on Philpott Drive which was developed over 55 years ago as a residential neighborhood. Ours is a family oriented neighborhood and a safe place for us and the children attending the two schools adjoining our street. We the under-sign want to keep Philpott Drive strictly residential.

NAME	YEARS OF RESIDENCY	
Brenda M. White	39 years	421 Philpott
E. C. Stanley	51 yrs	404 Philpott DR
Peggy C. White	41 years	401 Philpott
Patricia R. Stanley	51 yrs	404 Philpott Dr.
Roger Scott Stanley	42 yrs	404 Philpott Dr.
Johnnie Jones	? 55 years	202 Philpott Dr.
James J. Jackson	12 years (Madisonville)	200 Philpott DR.
Elizabeth Johnston	58 yrs	203 Philpott Ave
<del>Tommy</del>	41 yrs	106 Philpott Dr.
Pat Shoogman	41 yrs.	<del>Pat Shoogman</del> 106 Philpott Dr.

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