

SUMNER COUNTY ZONING BOARD OF APPEALS  
MINUTES  
FEBRUARY 14, 2013

SUMNER COUNTY ADMINISTRATION BUILDING  
COMMITTEE ROOM # 112  
355 N. BELVEDERE DRIVE  
GALLATIN, TN. 37066  
6:00 p.m.

MEMBERS PRESENT:

MEMBERS ABSENT:

MARK MCKEE, JR. CHAIRMAN  
BRUCE RAINEY, VICE-CHAIRMAN  
SANDY WEBSTER  
DON DICKERSON  
MARSH RAGLAND

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STAFF PRESENT:

GARY L. HAMMOCK, DIRECTOR OF CONSTRUCTION AND DEVELOPMENT  
LISA DUNAGAN-DIORIO, ADMINISTRATIVE ASSISTANT

**MOTION FOR APPROVAL OF THE JANUARY MINUTES BY MS. WEBSTER, SECONDED BY MR. DICKERSON. MOTION PASSED UNANIMOUSLY.**

1. **Jeremy and Julie Lemmon** were requesting a 7 foot east side yard setback variance for an existing dwelling built in 1983 and a 3 foot east side yard setback variance to construct an (elevated) covered porch. Subject property is located at 1113 Lochland Drive, Gallatin, TN, is on tax map 157I, Group B, Parcel 31.00, being lot 46 on the plan of Lake Grassland, Section 2 in Plat Book 9, page 166-168.

This was a public hearing and was advertised in the Gallatin News Examiner on January 25, 2013. The adjoining property owners were notified by certified mail

Mr. Lemmon came forward to represent and explain this request.

Mr. Lemmon explained that he did not build the house; he just purchased the home recently.

Mr. Rainey stated that in order for us to grant a variance there has to be something peculiar or particular to this lot to give us grounds to grant a variance. I do not think that we need to look at a variance for the house, if we grant a variance and the house is destroyed in a tornado etc., he would have to come back before us. If we do not grant him a variance and the house is destroyed by a tornado it has to meet current setbacks, if he does not build back in the same footprint.

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Mr. Hammock explained that as you can tell by the photographs the topography of the property would preclude any type of infrastructure being built without some type of hardship on this particular lot.

Mr. Lemmon explained that he wanted to put an elevated porch to walk on the existing porch over the driveway down to the deck.

Chairman McKee opened the floor for the public hearing.  
There was no one present to speak for or against this request.

There was discussion.

**Motion to grant the variance, due to the topography for the addition only, by Mr. Rainey (Mr. Rainey did not address the house), seconded by Ms. Webster. Motion passed unanimously.**

**Mr. Rainey discussed why he did not address the variance for the house. The house is existing and has been there since 1983, and he felt that if something were to happen to the house, he did not want to promote that.**

2. **Larry D. and Diane E. Kroll** were requesting a 12 foot side yard setback variance on the south side to build an addition on the existing home. Subject property is located at 2878 Highway 25, Cottontown, Tn., is on tax map 78, Parcel 19.04, being Lot 3 on the Plan of Barry Hills Subdivision, and is zoned Agricultural.

This was a public hearing and advertised in the Gallatin News Examiner on January 30, 2013. The adjoining property owners were notified by certified mail.

Mr. David Kroll (Larry and Diane Kroll's son) came forward to represent and explain this request.

Chairman McKee opened the floor for the public hearing.  
There was no one present to speak for or against this request.

Mr. Hammock explained that there was a utility easement on the side of this property.

Mr. Rainey asked Mr. Kroll if this property been surveyed.  
Mr. Kroll stated that he did not know if this property had been this surveyed.

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Mr. Rainey explained that we just don't know exactly where the property line is without a survey. Mr. Rainey stated that he really had a problem with granting a variance when we just don't know exactly what we are dealing with.

Mr. Hammock stated that this is an extremely old piece of property.

There was discussion.

**Motion by Mr. Rainey to continue this request for thirty (30) days until which time they can provide us with more documentation i.e., a copy of the survey and a plat amendment (if necessary), seconded by Mr. Dickerson. Motion passed unanimously.**

**3.B.R.McMillan and Associates** were requesting a continuation of the conditional use permit he received on February 16, 2007, to operate a family owned, office only, construction business in an existing structure. Subject property is located at 4030 Hwy 31W North, Cottontown, TN., is on tax map 56, parcel 53.01, contains approx. 6.48 acres and is zoned agricultural. The adjoining property owners were notified by regular mail.

John McMillan came forward to represent and explain this request.

Chairman McKee opened the floor for the public hearing.  
There was no one present to speak for or against this request.

Mr. Hammock explained that his office has not received any complaints.

There was discussion.

**Motion to continue this conditional use for two more years by Mr. Rainey, seconded by Mr. Dickerson. Motion passed unanimously.**

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4. **Jennings Hyde, etals** are to show cause why the conditional use permit they received on October 9, 2008, to operate a multi-resident adult care facility (Biblical Concepts) should not be rescinded. **This conditional use was approved with the following conditions, which are to be provided to staff at this meeting:**

**MOTION BY MR. RAINEY FOR APPROVAL OF THIS CONDITIONAL USE PERMIT WITH STANDARD EXCEPTIONS WITH THE FOLLOWING CONDITIONS: 1) THEY MUST GET THE PROPER BUILDING PERMIT FROM THE CODES DEPARTMENT, 2) THE CODES DEPARTMENT MUST TREAT THIS AS NEW CONSTRUCTION AS MUCH AS POSSIBLE, UNDER THE R4 CODES INSPECTIONS, INCLUDING THE ROOM, WIRING, INGRESS AND EGRESS, ADA COMPLIANCE, ETC. AND MUST PROVIDE A COPY OF ALL REQUIRED PERMITS DELIVERED TO THE PLANNING DEPARTMENT STAFF PRIOR TO THE OPENING OF THIS FACILITY, (WE DO NOT KNOW WHAT ALL PERMITS ARE REQUIRED, BUT WE WANT A LIST OF WHAT PERMITS ARE REQUIRED, THEY WILL BE REQUIRED TO APPLY FOR A NEW SEPTIC LETTER, AND A FIRE HYDRANT MUST BE PLACED IN FRONT OF THE PROPERTY, SECONDED BY WEBSTER. MOTION PASSED UNANIMOUSLY. Subject property is located at 3523 Hwy 25 East, Castalian Springs, Tn., is on tax map 130, parcel 29.01, contains 5.11 acres and is zoned R1A.**

**Upon agreement by counsel this item has been deferred for thirty days.**

**THEREFORE NO ACTION WAS TAKEN**

Meeting adjourned at 6:30 p.m.