

**SUMNER COUNTY ZONING BOARD OF APPEALS
MINUTES
6:00 P.M.
FEBRUARY 9, 2006**

**SUMNER COUNTY ADMINISTRATION BUILDING
ROOM 210
355 N. BELVEDERE DRIVE
GALLATIN, TN. 37066**

MEMBERS PRESENT:

**MARK MCKEE JR., CHAIRMAN
BRUCE RAINEY, VICE-CHAIRMAN
JAMES COLE
SANDY WEBSTER
ALTON PERDUE**

MEMBERS ABSENT:

**MOTION FOR APPROVAL OF THE DECEMBER 2005 MINUTES BY MR. COLE,
SECONDED BY MR. PERDUE. MOTION PASSED UNANIMOUSLY.**

1. MICHAEL AND LEE ANN BARTLEY WERE REQUESTING A CONDITIONAL USE PERMIT TO OPERATE A PET CREMATORY ON THEIR PROPERTY. THEY WANT TO INSTALL AND OPERATE A SMOKELESS AND ENVIRONMENTALLY-SAFE CREMATORY FOR PETS UP TO 250 POUNDS IN AN EXISTING BARN.

SUBJECT PROPERTY IS LOCATED AT 1444 LIBERTY LANE, GALLATIN, TN., IS ON TAX MAP 115, PARCEL 7.05, CONTAINS 5.01 ACRES, AND IS ZONED ESTATE A.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON JANUARY 23, 2006. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MICHAEL AND LEE ANN BARTLEY CAME FORWARD TO REPRESENT AND EXPLAIN THIS REQUEST.

MRS. BARTLEY MADE HER PRESENTATION AND HANDED OUT A BROCHURE FOR THE MEMBERS. SHE EXPLAINED THAT THEY WANTED TO OPERATE A SMOKELESS AND ENVIRONMENTALLY SAFE CREMATORY IN AN EXISTING BARN. MRS. BARLEY EXPLAINED THE DETAILS OF THE INCINERATOR IN THE CREMATORY FURNACE. SHE STATED THAT THERE WOULD BE REGULAR INSPECTIONS BY THE STATE. THEY PLAN TO PURCHASE THE C-5000P FURNACE MODEL AND EXPLAINED IN DEPTH THE DETAILS OF THIS MODEL. THIS CREMATORY WILL NOT PRODUCE ANY ADDITIONAL TRAFFIC, THERE WILL BE NO SIGNAGE, AND THEY WOULD PICK UP THE ANIMALS FROM THE VETERINARY CLINICS. MRS. BARTLEY STATED THAT THEY FELT THAT THERE IS A NEED FOR THIS PET CREMATORY IN SUMNER COUNTY. MRS. BARTLEY STATED THAT THEY PLAN TO BUILD THEIR HOME RIGHT NEXT TO THE CREMATORY. MRS. BARTLEY STATED THAT SHE SPOKE TO A REALTOR ON LIBERTY LANE AND HE STATED HE DID NOT FEEL THIS CREMATORY WOULD DEVALUE PROPERTIES IN THIS AREA. MRS. BARTLEY STATED THAT THEY ARE NOT ASKING FOR THIS PROPERTY TO BE REZONED.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

MR. ANTHONY HOLT, COUNTY COMMISSIONER, CAME FORWARD TO SPEAK BECAUSE HE HAS RECEIVED A LOT OF PHONE CALLS FROM THE CITIZENS THAT LIVE IN THIS COMMUNITY WHO ARE VERY CONCERNED ABOUT THIS AND ARE IN OPPOSITION TO THIS CREMATORY. MR. HOLT STATED AS A COUNTY COMMISSIONER HE HAD AN OBLIGATION TO COME AND SPEAK AGAINST THIS. MR. HOLT ASKED THE BOARD TO PLEASE VOTE AGAINST THIS. MR. HOLT PASSED AROUND SOME PHOTOS A LADY HAS TAKEN OF NICE HOMES IN THE AREA AND PRESENTED A PETITION OF 78 NAMES THAT ARE AGAINST THE CREMATORY. THE PEOPLE IN THIS AREA FEEL THAT THIS CREMATORY WOULD DEVALUE THEIR PROPERTY VALUES.

LINDA VESTAL, 1004 LIBERTY LANE, STATED THAT SHE HAS MADE A SIGNIFICANT INVESTMENT IN THEIR PROPERTY, AND IF A CREMATORY MOVES IN TO THIS AREA IT WILL CHANGE THE COMPLEXION OF THE NEIGHBORHOOD. MRS. VESTAL STATED THAT SHE WAS CONCERNED SINCE THE BARTLEY'S DO NOT LIVE AT THIS PROPERTY, WHAT HAPPENS IF THERE IS A FIRE. MRS. VESTAL ALSO STATED THAT AFTER DOING SOME RESEARCH THERE WOULD NOT BE ANYONE FROM THE STATE THAT WILL EVER COME TO THE SITE AND CHECK THIS CREMATORY, THEY ARE SELF CONTROLLED.

GEORGE DUZANE, ATTORNEY, 1625 LIBERTY LANE, CAME FORWARD TO SPEAK AGAINST THIS CREMATORY. MR. DUZANE WAS CONCERNED THAT THE EPA WILL COME ONE TIME TO THE SITE TO DO THE INSPECTIONS AND WILL NOT COME BACK. IF YOU ALLOW THIS CREMATORY, THIS WILL OPEN THE DOOR FOR MORE COMMERCIAL IN THIS AREA.

CRIMM BLAKESLEE, 140 CAPTAIN BELL LANE, STATED THERE IS NO STATE REGULATION OF CREMATORIES IN THE STATE OF TENNESSEE. THIS IS AGAINST THE DESIRES OF PEOPLE PRESENT TONIGHT (APPROXIMATELY 50 + PEOPLE). THIS IS JUST THE WRONG PLACE TO OPERATE A CREMATORY. THIS WOULD BE A FACTORY ON LIBERTY LANE. HE WAS CONCERNED FOR FUEL LEAKS IN TRUCKS, EMISSIONS, ASH PILES, AND THREAT OF EXPLOSIONS. HE ASKED FOR THIS BOARD TO TURN DOWN THIS REQUEST.

MANCE HOFFMAN, 203 LANKFORD LANE, SPOKE IN OPPOSITION TO THIS REQUEST. THIS WILL HURT PROPERTY VALUES IN THE AREA, AND HE STATED THAT HE WAS CONCERNED FOR THE INFRASTRUCTURE TO SUPPORT COMMERCIAL TRAFFIC ON THE ROADS, AND THIS IS AN AGRICULTURAL AREA.

MR. RAINEY ASKED FOR A SHOW OF HANDS OF PEOPLE OPPOSED TO THIS REQUEST. FOR THE RECORD, THERE WAS APPROXIMATELY 50 + PEOPLE PRESENT IN OPPOSITION.

DOYLE CLAIBORNE, 1448 LIBERTY LANE, WHO LIVES NEXT DOOR TO THE PROPOSED CREMATORY. MR. CLAIBORNE STATED THAT HE CAN NOT SEE ANYTHING THAT IS WRONG WITH THE CREMATORY. WE HAVE FIVE SENSES, HEARING, TASTING, SEEING, SMELLING AND FEELING. MY UNDERSTANDING IS YOU WILL NOT SEE IT, YOU WILL NOT HEAR IT, YOU WILL NOT FEEL IT, TASTE IT OR SMELL IT. MR. CLAIBORNE STATED THAT THERE ARE OTHER BUSINESSES ON LIBERTY LANE, SUCH A CONCRETE BUSINESS, PICTURE FRAMING, VETERINARY, ETC. HE STATED HE WAS NOT PRESENT TO MAKE EVERYONE MAD.

CHARLIE TAYLOR, 1326 LIBERTY LANE, CAME FORWARD TO SPEAK AGAINST THIS CREMATORY. MR. TAYLOR STATED THAT THERE ARE PRIVATE RESTRICTIONS THAT STATE YOU CANNOT HAVE A BUSINESS ON THIS AREA OR A FARM TRACTOR. MR. TAYLOR SAID HE DID NOT HAVE A COPY OF THE RESTRICTIONS WITH HIM.

KATHLEEN MCCAULEY, 1266 LIBERTY LANE, CAME FORWARD TO SPEAK AGAINST THIS REQUEST. MS. MCCAULEY STATED THAT SHE FEARED THAT KIDS WOULD BREAK INTO THIS BARN AND VANDALIZING THE MACHINE. SHE FEARED FOR THE SAFETY OF THE CHILDREN WHO WOULD BE CURIOUS.

TRACY TOWNSEND, 622 NEALS LANE, CAME FORWARD TO SPEAK IN OPPOSITION TO THE CREMATORY. HE STATED HE WOULD NOT WANT TO LIVE NEXT TO A CREMATORY.

JODI BARNES, 1258 LIBERTY LANE, CAME FORWARD TO SPEAK IN OPPOSITION TO THIS REQUEST. SHE STATED SHE HAS A CHILD WITH SEVERE ALLERGIES AND THIS WOULD LIMIT THEM TO WALKING DOWN THE ROAD, AND PLAYING OUTSIDE. SHE QUESTIONED WHERE THE SMELL WOULD GO. SHE STATED THAT SHE DID NOT WANT TO LIVE NEXT TO A CREMATORY.

CHAIRMAN MCKEE CLOSED THE PUBLIC HEARING.

MR. RAINEY ASKED THE BARTLEY SEVERAL QUESTIONS.

MR. RAINEY ASKED THE BARTLEY'S WHO THEIR CLIENTELE WOULD BE?

MR. BARTLEY STATED THAT HE WOULD GO AROUND TO THE AREA VETERINARIANS. THERE WOULD BE NO TRAFFIC COMING IN AND OUT OTHER THAN HIMSELF.

MR. RAINEY STATED THAT THEY ARE LOCATED IN AN ESTATE A ZONING TO PROTECT THE AREAS THEY DID NOT WANT SMALL SUBDIVISIONS IN. MR. RAINEY REFERRED TO USES PERMITTED IN THE SUMNER COUNTY ZONING RESOLUTIONS UNDER ESTATE A ZONING, THE ONLY THING THAT COMES CLOSE TO THEM OPERATING A CREMATORY IS CUSTOMARY HOME OCCUPATIONS CONDUCTED WITHIN THE PRINCIPAL STRUCTURE, BUT ONLY BY THE PERSON OF RESIDENCE OF THE PREMISES. I DON'T THINK THEY FIT THE BILL BECAUSE IT SAYS "HOME OCCUPATION" SINCE THERE IS NOT A HOME ON SITE CURRENTLY. THE OTHER THING IS GENERAL FARMING USE, THEY ARE NOT RAISING THE ANIMALS ON SITE, THEREFORE IT DOES NOT FALL UNDER THIS CATEGORY. MR. RAINEY READ THE USES THAT ARE PERMITTED ON APPEAL IN THE SUMNER COUNTY ZONING RESOLUTION. MR. RAINEY STATED THAT HE IS HAVING A HARD TIME READING INTO THIS THAT WE HAVE THE RIGHT TO GRANT THIS USE ,EVEN ON APPEAL.

CHAIRMAN MCKEE STATED THAT IT ALSO STATES THAT THE SPECIAL USE SHOULD BE SOMETHING NEEDED IN THE AREA. CHAIRMAN MCKEE STATED HE AGREED WITH MR. RAINEY THAT WE DO NOT HAVE JURISDICTION OVER THIS USE ON APPEAL.

THERE WAS DISCUSSION.

MOTION BY MR. RAINEY THAT THIS REQUEST IS OUT OF ORDER AND WE HAVE NO GROUNDS TO HEAR IT, SECONDED BY MS. WEBSTER. MOTION PASSED UNANIMOUSLY.

2. **ERIC AND NICOLE SCHUH** WERE REQUESTING A 10 FOOT SIDE YARD SETBACK VARIANCE ON THE EAST SIDE, AND A 15 FOOT SIDE YARD VARIANCE ON THE WEST SIDE FOR A PROPOSED HOME.

SUBJECT PROPERTY IS LOCATED AT 1441 DICKERSON BAY DRIVE, GALLATIN, TN., IS ON TAX MAP 147K, GROUP C, PARCEL 18, THE LOT IS 64.1 X 244.3 IRREGULAR (ACCORDING TO THE TAX ASSESSORS OFFICE) THIS WOULD BE LOT # 77 OF THE STATION CAMP INLET SUBDIVISION AND IS ZONED RESIDENTIAL A.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON JANUARY 30, 2006. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

ERIC AND NICOLE SCHUH CAME FORWARD TO REPRESENT AND EXPLAIN THIS REQUEST.

MR. RAINEY STATED THAT ONE OF THEIR NEIGHBORS WAS PRESENT EARLIER TONIGHT TO SPEAK IN FAVOR OF THE VARIANCE, BUT HIS LEG WAS HURTING AND HE LEFT.

MRS. SCHUH STATED THAT THEY WANTED TO TEAR THE EXISTING HOME DOWN AND REBUILD. MRS. SCHUH STATED THAT THEY HAVE A LETTER IN SUPPORT OF THE VARIANCE BY THE BULLOCKS, AN ADJOINING NEIGHBOR.

MR. RAINEY ASKED IF THEY COULD CUT THEIR HOUSE DOWN BY 5 FEET. MRS. SCHUH STATED THAT THEY HAVE STRUGGLED TO FIND A FLOOR PLAN THAT WOULD EVEN FIT. THIS LOT IS VERY NARROW.

THERE WAS NO ONE PRESENT TO SPEAK FOR OR AGAINST THIS REQUEST.

MR. MOULTON ADDED THAT THIS VARIANCE WOULD NOT TAKE AWAY FROM THE CHARACTER OF THE PROPERTY.

MR. RAINEY STATED THAT THE 10 FOOT SIDE YARD VARIANCE IS NOT A PROBLEM, BUT IF WE GRANT THE 15 FOOT SIDE YARD VARIANCE THIS WOULD SET A PRECEDENCE. IN THIS CASE WITH THE ADJOINING NEIGHBOR'S HOUSE BEING MORE THAN 20 FEET AWAY FROM THE PROPERTY LINE, I DO NOT SEE THAT THIS WOULD BE A BIG FIRE ISSUE.

MR. RAINEY ASKED MR. MOULTON IF THEY WISHED TO BUILD AN ACCESSORY STRUCTURE, COULD THEY BUILD IT 5 FEET FROM THE PROPERTY LINE. MR. MOULTON REPLIED YES, IF THEY BUILT THE ACCESSORY STRUCTURE IN THE REAR YARD.

MR. MOULTON STATED IF THIS VARIANCE WAS APPROVED THAT THIS MOTION APPLIES SPECIFICALLY TO THIS PROPERTY AND DOES NOT IN ANY WAY APPLY TO ANY OTHER PROPERTIES.

MR. RAINEY STATED THAT WE WILL SEE MANY MORE OF THE VARIANCES OF THIS TYPE IN THIS AREA IN THE FUTURE.

MR. RAINEY CAUTIONED THEM (SCHUH'S) TO MAKE SURE TO CHECK ON A RESERVE SYSTEM FOR THE SEPTIC SYSTEM.

THERE WAS DISCUSSION.

MR. RAINEY RECOMMENDED THAT THEY HIRE A SURVEYOR HAVE HIM PUT A HIGH INTENSITY GRID ON IT WHICH IS A 25 OR 50 FOOT GRID, AND HAVE PRIVATE SOIL SCIENTIST COME IN AND SEE IF CAN FIND YOU A SPOT FOR BACK UP SYSTEM.

MR. RAINEY STATED THAT SINCE WE HAVE DETERMINED THAT THIS REQUEST IS SITE SPECIFIC, THE EXCEPTION OF NARROWNESS OF THE LOT IN THE FRONT (45 FOOT OF FRONTAGE), THIS WOULD FALL IN OUR PURVIEW OF EXCEPTIONAL CASE ON THAT HE WAS READY TO MAKE A MOTION.

MOTION FOR APPROVAL OF THE SIDE YARD VARIANCES ON BOTH SIDES BY MR. RAINEY, SECONDED BY MS. WEBSTER. MOTION PASSED UNANIMOUSLY.

OTHER BUSINESS:

MR. WILBURN MOORE-TO DISCUSS CONTINUANCE OF A HARDSHIP VARIANCE THAT WAS GRANTED ON FEBRUARY 12, 2002. SUBJECT PROPERTY IS LOCATED AT 199 ASHWORTH LANE, PORTLAND, TN., IS ON TAX MAP 14, PARCEL 2.00, AND IS ZONED AGRICULTURAL AND **CONTAINS 14.36 ACRES.**

MR. MOORE WAS NOT PRESENT TO DISCUSS THIS HARDSHIP VARIANCE.

THIS WAS DEFERRED FOR 30 DAYS.

MEETING ADJOURNED AT 7:25 P.M.