

**SUMNER COUNTY ZONING BOARD OF APPEALS
MINUTES
6:00 P.M.
OCTOBER 11, 2007**

SUMNER COUNTY ADMINISTRATION BUILDING
COMMITTEE MEETING ROOM # 112
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:

OTHERS PRESENT:
GARY L. HAMMOCK, BUILDING COMMISSIONER
LISA WILLIAMS, ADMINISTRATIVE ASSISTANT

MOTION FOR APPROVAL OF THE SEPTEMBER MINUTES BY MR. COLE, SECONDED BY MS. WEBSTER. MOTION PASSED UNANIMOUSLY.

1. JODY TRAVIS-HARWELL WAS REQUESTING A CONDITIONAL USE PERMIT TO OPERATE A BEAUTY SALON WITH TWO (2) EMPLOYEES, AND THE HOURS OF OPERATION WILL BE TUESDAY THROUGH SATURDAY FROM 9 A.M. UNTIL 5 P.M. SALON WILL BE LOCATED IN A NEW STRUCTURE, WITH FOUR (4) PARKING SPACES AND IS ALSO REQUESTING A DUST FREE PARKING VARIANCE, AND THREE (3) SIGNS. SUBJECT PROPERTY IS LOCATED AT 6344 OLD HWY 31E, BETHPAGE, TN., IS ON TAX MAP 64, PARCEL 49.11. LOT SIZE IS APPROXIMATELY 2.11 ACRES AND IS ZONED AGRICULTURAL.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON SEPTEMBER 23, 2007. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

JODY TRAVIS-HARWELL CAME FORWARD TO EXPLAIN THIS REQUEST. MS. HARWELL PRESENTED THIS BODY WITH A SIX (6) PAGE PETITION OF PEOPLE THAT WOULD LIKE TO SEE A BEAUTY SALON IN THE BETHPAGE AREA. MS. HARWELL STATED SHE HAS A BEAUTY SALON IN THIS AREA TWO BUILDINGS DOWN, BUT IT IS IN NEED OF REPAIR. THERE WILL BE SIGNS ON THE BUILDING AND THE "OPEN" SIGN IN THE WINDOW.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

JEWEL HIGH AND AN UNNAMED GENTLEMAN CAME FORWARD TO STATE THAT THEY WERE IN FAVOR OF THE BEAUTY SALON.

THERE WAS DISCUSSION.

MOTION FOR APPROVAL FOR A TWO YEAR PERIOD BY MR. RAINEY AND FOR THE DUST FREE PARKING VARIANCE, PERMISSION FOR ONE SIGN IN THE WINDOW AND TWO OUTSIDE SIGNS, AND TWO EMPLOYEES, SECONDED BY MR. COLE. MOTION PASSED UNANIMOUSLY.

2. JAMES CHOATE WAS REQUESTING A CONDITIONAL USE PERMIT TO OPERATE AN AUTO REPAIR SHOP LOCATED IN AN EXISTING BUILDING. THERE WILL BE TWO (2) EMPLOYEES, AND THE HOURS OF OPERATION WILL BE MONDAY THROUGH FRIDAY FROM 8 A.M. UNTIL 5 P.M. HE IS ALSO REQUESTING A DUST FREE PARKING VARIANCE, AND ONE (1) SIGN. SUBJECT PROPERTY IS LOCATED AT 608 KEYTOWN ROAD, PORTLAND, TN., IS ON TAX MAP 60, PARCEL 21.02. LOT SIZE IS APPROXIMATELY 1.47 ACRES AND IS ZONED AGRICULTURAL.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON SEPTEMBER 26, 2007. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MR. CHOATE CAME FORWARD TO EXPLAIN HIS REQUEST. MR. CHOATE STATED THAT HE HAS HAD A COUNTY LICENSE (BUSINESS LICENSE) FOR A GOOD WHILE.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

IRVA BYRD CAME FORWARD TO SPEAK CONCERNING THIS REQUEST. MRS. BYRD EXPRESSED CONCERN ABOUT AN INCREASED AMOUNT OF CARS AND TRUCKS SITTING AROUND FOR PARTS AND REPAIRS, AND CONCERNED ABOUT THIS LOWERING HER PROPERTY VALUES.

CHAIRMAN MCKEE EXPLAINED TO MRS. BYRD THAT WE WERE NOT REZONING THIS PROPERTY TO COMMERCIAL. HE IS THE ONLY ONE THAT IS APPROVED FOR THIS VARIANCE, IF IT IS GRANTED, HE CAN NOT SELL THIS BUSINESS TO SOMEONE ELSE.

MARY CLEMENT CAME FORWARD TO SPEAK CONCERNING THIS REQUEST. THIS IS A BIG GARAGE AND THERE IS MORE BEING DONE THAN JUST AUTO REPAIR. MS. CLEMENT WAS CONCERNED THAT THIS WOULD LOWER THE PROPERTY VALUES IN THE AREA AND DID NOT WANT ANY MORE CARS SITTING AROUND THEN THERE ALREADY IS CURRENTLY.

MR. RAINEY STATED THAT THIS BODY CAN NOT REZONE A PIECE OF PROPERTY, OUR JOB IS TO DETERMINE WHETHER THERE IS A NEED FOR THIS SERVICE IN THE AREA. IF THERE IS A NEED WE NEED TO MAKE SURE THE REQUESTOR ADHERES TO ANY CONDITIONS THAT WE PUT ON THEM. A FEW YEARS AGO WE HAD SO MANY PROBLEMS WITH CONDITIONAL USE PERMITS, WE VOTED TO LIMIT THE APPROVAL TO A TIME PERIOD UP TO TWO YEARS.

MR. RAINEY ASKED MR. CHOATE HOW MANY VEHICLES HE WAS STORING AT THIS SITE CURRENTLY.

MR. CHOATE RESPONDED TO MR. RAINEY BY SAYING THAT HE DOES NOT STORE ANY VEHICLES. THERE MIGHT BE UP TO FOUR OR FIVE CARS AT A TIME THERE WAITING ON REPAIR.

MR. HAMMOCK STATED THAT MR. CHOATE HAD STATED THAT THIS STRUCTURE COULD HOLD UP TO THREE VEHICLES AT A TIME. HOW MANY OUTSIDE STORAGE VEHICLES CAN YOU HOLD WHILE YOU ARE WAITING TO REPAIR THEM?

MR. CHOATE ASKED MR. HAMMOCK DO YOU MEAN PARKING SPACES.
MR. HAMMOCK RESPONDED BY SAYING YES SIR.
MR. CHOATE STATED THAT THERE IS EIGHT PARKING SPACES.

THERE WAS DISCUSSION.

MR. RAINEY ASKED MR. HAMMOCK HOW MR. CHOATE WAS KEEPING HIS PROPERTY.

MR. HAMMOCK STATED WHEN WE(CODE INSPECTORS) ARE OUT IN THIS AREA WE ARE PRETTY MUCH DESIGNATED TO GO FROM POINT A TO POINT B TO LOOK AT NEW CONSTRUCTION AND THESE(CONDITIONAL USE) ISSUES ARE PRIMARILY ZONING ISSUES. MR. HAMMOCK STATED TO BE HONEST HE DID NOT SEE ANYTHING OUT OF THE WAY ON MR. CHOATE'S PROPERTY.

MR. RAINEY ASKED MR. CHOATE IF HE WOULD STAY BUSY WITHOUT A SIGN?
MR. CHOATE STATED HE PROBABLY WOULD STILL STAY BUSY.

MOTION FOR APPROVAL FOR A PERIOD OF TWELVE (12) MONTHS WITH THE HOURS HE HAS REQUESTED, INCLUDE A VARIANCE ON THE DUST FREE PARKING, BUT HE CAN NOT HAVE NO MORE THAN FIVE (5) VEHICLES OUTSIDE WAITING TO BE WORKED ON (THIS WOULD MEAN HE COULD WORK ON EIGHT (8) VEHICLES AT A TIME, THIS INCLUDES 3 VEHICLES THAT WOULD BE INSIDE) THIS MOTION DOES NOT INCLUDE APPROVAL OF A SIGN AND THERE WILL BE NO OUTSIDE STORAGE OF CAR PARTS, TIRES, HOODS, BUMPERS, ETC., SECONDED BY MR. PERDUE. MOTION PASSED UNANIMOUSLY.

3. EDWARD GREEN WAS REQUESTING A CONDITIONAL USE PERMIT TO OPERATE AN INTERIOR DESIGN BUSINESS LOCATED IN AN EXISTING BUILDING. THERE WILL BE THREE (3) EMPLOYEES, AND THE HOURS OF OPERATION WILL BE MONDAY THROUGH FRIDAY FROM 9 A.M. UNTIL 5 P.M. HE IS ALSO REQUESTING ONE (1) SIGN. SUBJECT PROPERTY IS LOCATED AT 796 NEW SHACKLE ISLAND ROAD, HENDERSONVILLE, TN., IS ON TAX MAP 138, PART OF PARCEL 041.01. LOT SIZE IS APPROXIMATELY 15 ACRES AND IS ZONED RESIDENTIAL A.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON SEPTEMBER 28, 2007. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MR. GREEN CAME FORWARD TO EXPLAIN THIS REQUEST. MR. GREEN STATED THAT HE DOES WANT TO INCREASE THE EXISTING SIGN.

MRS. GREEN STATED THAT THIS BUSINESS IS CURRENTLY IN HER GRANDMOTHER'S HOUSE AND PEOPLE LOVE THIS. WE MAY HAVE TWO CLIENTS A WEEK THAT COME LOOK AT OUR WORK. MRS. GREEN EXPLAINED THAT IN OUR BUSINESS WE GO TO THE CLIENTS HOME.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.
THERE WAS NO ONE PRESENT TO SPEAK.

MR. GREEN STATED THAT HE HAD SPOKEN TO THE NEIGHBORS ABOUT THIS REQUEST.

THERE WAS DISCUSSION.

MOTION FOR APPROVAL FOR A PERIOD OF TWO YEARS BY MR. PERDUE, SECONDED BY MR. COLE. MOTION PASSED UNANIMOUSLY.

4. CHARLES HAYNES WAS SEEKING A VARIANCE, PER THE SUMNER COUNTY ZONING RESOLUTION (ARTICLE VI, SECTION 1.2), FOR A CLUSTER RESIDENTIAL DEVELOPMENT. SUBJECT PROPERTY IS LOCATED ON HICKORY RIDGE ROAD, GALLATIN, TN., IS ON TAX MAP 82, PART OF PARCEL 25. LOT SIZE IS APPROXIMATELY 81.3 ACRES AND IS ZONED AGRICULTURAL AND RESIDENTIAL A.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON SEPTEMBER 26, 2007. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

CHARLES HAYNES CAME FORWARD TO EXPLAIN THIS REQUEST. MR. HAYNES PASSED OUT SOME PICTURES OF WHAT IS BEING BUILT IN THIS AREA AND THEY PLAN TO MIRROR THESE HOMES IN THIS PROPOSED CLUSTER DEVELOPMENT. WHAT HAS OPENED THIS UP FOR A CLUSTER DEVELOPMENT IS THE CASTALIAN SPRINGS/BETHPAGE UTILITY DISTRICT HAS TAKEN UPON THEMSELVES TO GET IN THE SEWER BUSINESS, CENTRALIZED STEP SYSTEM. THEY WILL BE MANAGING THE SYSTEM, AND THE COUNTY EXECUTIVE SIGNED OFF ON THIS.

MR. RAINEY ASKED HOW MUCH OPEN SPACE ARE YOU GOING TO HAVE?

MR. HAYNES EXPLAINED THAT THERE WOULD BE 71 LOTS AND I THINK YOU CAN HAVE 1 LOT PER ACRE, THERE WOULD BE ABOUT 12 ACRES OF OPEN SPACE. THE SMALLEST LOT SIZE IS $\frac{3}{4}$ OF AN ACRE, 30,000 SQUARE FEET. WE WILL BE ABLE TO LINE THE HOUSES UP JUST LIKE WE HAD CITY SEWER.

MR. RAINEY POINTED OUT TO THE BOARD THIS BOARD HAS APPROVED ONE OR MAYBE TWO CLUSTER DEVELOPMENTS LIKE THIS ONE PREVIOUSLY.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

MRS. PEITSCH CAME FORWARD TO STATE HER PROPERTY WAS BEHIND THIS DEVELOPMENT AND WAS CONCERNED ABOUT THE HOUSES THAT WILL BACK UP TO HER LOT. MRS. PEITSCH ASKED IF THERE WILL BE A BUFFER AREA, AND A GREEN AREA LEFT?

MR. HAYNES STATED THAT THE HICKORY RIDGE LANE IS HEAVILY TREED AREA AND WE ARE TRYING NOT TO DISTURB ANY OF THE TREES.

MRS. PEITSCH ASKED MR. HAYNES IF HE HAD DONE AN ENVIRONMENTAL STUDY?

MR. HAYNES RESPONDED TO MRS. PEITSCH BY SAYING HE HAD DONE AN ENVIRONMENTAL STUDY ON THE SOILS AREA.

MRS. PEITSCH ASKED WHAT ABOUT ALL THE ANIMALS THAT LIVE ON THIS SITE?.

CHAIRMAN MCKEE RESPONDED TO MRS. PEITSCH BY SAYING, THE ANIMALS WILL STILL LIVE THERE, GUARANTEE YOU THAT YOU CAN NOT GET RID OF THEM.

MR. PEITSCH ASKED QUESTIONS ABOUT THE ENTRANCE, AND ASKED IF HE WAS GOING TO LEAVE THE OLD HOUSE ON THE PROPERTY.

MR. HAYNES STATED THAT THE ENTRANCE WILL BE AT THE HIGH POINT WHERE THERE IS GOOD SITE DISTANCE, AND THE OLD HOUSE WILL BE LEFT ON THE CORNER LOT.

MR. PEITSCH ASKED MR. HAYNES IF THIS DEVELOPMENT WOULD LOWER HIS PROPERTY VALUES.

MR. HAYNES RESPONDED TO MR. PEITSCH BY SAYING NO HE DID NOT THINK THIS DEVELOPMENT WOULD LOWER HIS PROPERTY VALUES.

MRS. PEITSCH ASKED MR. HAYNES WHAT ABOUT THE TRAFFIC ON WRIGHTS LANE AND DESHEA CREEK ROAD?

MR. HAYNES REPLIED TO MRS. PEITSCH BY SAYING YOU WILL HAVE MORE TRAFFIC ON THOSE ROADS.

MR. GARY HAMMOCK TOLD EVERYONE THAT THIS IS NOT A QUESTION AND ANSWER SESSION; THE APPLICANT HAS MADE HIS REQUEST. YOU HAVE THE RIGHT TO GET UP AND ASK THE BOARD QUESTIONS, BUT WE ARE NOT GOING TO SIT HERE AND HAVE A QUESTION AND ANSWER SESSION ALL NIGHT LONG. MR. HAMMOCK STATED THAT HE JUST WANTED TO GET THAT CLEAR.

MR. AND MRS. PEITSCH ASKED IF A TRAFFIC STUDY BEEN DONE OR WILL THERE BE ONE IN THE FUTURE.

MR. RAINEY RESPONDED THAT A TRAFFIC STUDY WILL NOT BE DONE, NOR WILL IT BE REQUIRED.

MR. RAINEY EXPLAINED THAT WHAT MR. HAYNES IS REQUESTING IS TO DECREASE THE LOT SIZE BY 25 % AND PUT THE REMAINING AREA INTO A COMMON GROUND TO BE USED AS A SEPTIC AREA. THE TRAFFIC SITUATION DOES NOT MATTER TO THIS BOARD.

MR. PEITSCH STATED THAT THIS WAS A DONE DEAL.

SHARON VANDERPOOL CAME FORWARD TO SPEAK. MS. VANDERPOOL STATED SHE DID NOT WANT SEWAGE IN FRONT OF HER HOUSE. MS. VANDERPOOL STATED THAT THE ROADS ARE NOT WIDE ENOUGH FOR THE TRAFFIC CURRENTLY AND COULD NOT SEE PLACING 71 HOMES ON PROPERTY WHERE THERE HAS ONLY BEEN FOUR HOMES ON PREVIOUSLY. MS. VANDERPOOL WAS CONCERNED FOR HER CHILDREN RIDING BICYCLES AND HER ANIMALS.

CHAIRMAN MCKEE EXPLAINED THAT THIS BODY HAS NOTHING DO TO WITH THE ROAD WIDTH.

MS. GOODMAN CAME FORWARD TO SPEAK IN OPPOSITION TO THIS REQUEST. MS. GOODMAN STATED SHE HAS CATTLE AND CATTLE DOGS AND EVERY TIME WE TURN AROUND SOMEONE WILL BE SAYING YOUR CATTLE ARE BOTHERING ME AT NIGHT, AND YOUR DOG IS COMING OVER IN MY YARD. MS. GOODMAN SAID YOU ALL WILL TAKE PART OF OUR FARM TO WIDEN THE ROAD.

CHAIRMAN MCKEE TOLD THEM TO BUILD GOOD FENCES.

MR. RAINEY STATED THAT THERE IS NOT A DARN THING THAT THIS BODY CAN DO ABOUT ALL OF THE COMPLAINTS THAT THE ADJOINING PROPERTY OWNERS HAVE PROPOSED TONIGHT. IF YOU CAN SHOW THIS BODY THAT THESE PROPOSED SMALLER LOTS WILL DOWN GRADE YOUR PROPERTY WE MIGHT BE ABLE TO DO SOMETHING ABOUT THIS DEVELOPMENT.

MS. GOODMAN REPLIED TO MR. RAINEY THAT IT DID NOT DO US ANY GOOD TO COME SAY WHAT WE WANTED TO SAY BECAUSE THIS IS A DONE DEAL.

THERE WAS A LOT OF COMPLAINTS COMING FROM PEOPLE THAT WERE SITTING IN THE AUDIENCE.

BOB OLAN CAME FORWARD TO STATE HE HAD A PROBLEM WITH THE TRAFFIC AND HOW IT WOULD CHANGE DRAMATICALLY AND THE ROADS CAN NOT HANDLE THE TRAFFIC. IF YOU CAN NOT ASK FOR A TRAFFIC STUDY WHICH ENTITY OF THE COUNTY CAN ASK FOR A TRAFFIC STUDY?

MR. RAINEY STATED THAT ROAD CONDITIONS ARE A COUNTY WIDE PROBLEM. YOU COULD CALL YOUR COUNTY COMMISSIONER IN YOUR AREA AND TELL THEM THAT YOU ARE WORRIED ABOUT THE ROADS. YOU CAN ALSO CONTACT HIGHWAY DEPARTMENT, COUNTY ROAD COMMISSION, AND THE PLANNING COMMISSION TO DISCUSS THE ROAD SITUATION.

MR. RAINEY ASKED MR. HAYNES COULD YOU ADD TO YOUR PLAN A BUFFER EASEMENT ON THE REAR OF THE LOTS TO MAKE SURE THE HOME OWNER DOES NOT CUT THE TREES DOWN?
MR. HAYNES ASKED MR. RAINEY, WHAT IF WE PUT THIS IN A DEED RESTRICTION INSTEAD OF A BUFFER EASEMENT, THAT ON THE BACK 25 FEET THERE COULD NOT BE ANY DISTURBANCE.
MR. RAINEY STATED THAT HE WOULD LIKE TO SEE THIS ON THE REAR OF ALL THE PERIMETER LOTS WITH THE EXCEPTION OF LOT 71 (THIS COULD CREATE A PROBLEM DOWN THERE).

MR. HAYNES STATED WHAT HE WAS AGREEING TO RESTRICT IF THE LOTS THAT REACH OUT AND TOUCH OTHER PEOPLE, NOT THE LOTS THAT BACK UP TO PROPERTIES THAT I OWN.

MOTION TO GRANT THE CONDITIONAL USE PERMIT WITH THE RESTRICTION THAT HE LEAVE A 25 FOOT BUFFER EASEMENT IN THE DEED RESTRICTIONS ON THE REAR OF THE PERIMETER LOTS (THAT TOUCH SOMEBODY ELSE), BY MR. RAINEY, SECONDED BY MR. COLE. MOTION PASSED UNANIMOUSLY.

THERE WAS EXTENSIVE DISCUSSION.

OTHER BUSINESS:

A. THOMAS CARTER - THIS IS A TWO YEAR FOLLOW UP TO DISCUSS CONTINUING THE CONDITIONAL USE PERMIT TO OPERATE A SAWMILL ON THE PROPERTY WHERE HE RESIDES. THE CONDITIONAL USE WAS ORIGINALLY GRANTED OCTOBER 9, 2003. SUBJECT PROPERTY IS LOCATED AT 729 CLEARVIEW ROAD, COTTONTOWN, TN., IS ON TAX MAP 37, PARCEL 34.02, CONTAINS 6.71 ACRES AND IS ZONED AGRICULTURAL.

THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY REGULAR MAIL.

MR. CARTER CAME FORWARD TO EXPLAIN HIS REQUEST.

MR. HAMMOCK PASSED AROUND A LETTER FROM MS. CARTER (NO RELATION TO MR. THOMAS CARTER) AN ADJOINING PROPERTY THAT HAD NO PROBLEM WITH MR. CARTER'S SAWMILL, AND STATED THAT SHE HAD ONLY HEARD THE SAW MILL ONE TIME.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

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

MOTION BY MR. RAINEY TO CONTINUE THIS CONDITIONAL USE PERMIT FOR TWO YEARS, SECONDED BY MS. WEBSTER. MOTION PASSED UNANIMOUSLY.

MEETING ADJOURNED AT 7:15 p.m.