

SUMNER COUNTY ZONING BOARD OF APPEALS
MINUTES
6:00 P.M.
MAY 13, 2010

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
SANDY WEBSTER
DON DICKERSON
MARSH RAGLAND, ALTERNATE MEMBER

MEMBERS ABSENT:
JAMES COLE

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

MOTION TO APPROVE THE MAY MINUTES BY MS. WEBSTER, SECONDED BY MR. DICKERSON.
MOTION PASSED UNANIMOUSLY.

1. **RONALD PERRY** WAS REQUESTING A 12 FOOT SIDE SETBACK VARIANCE ON THE NORTH SIDE TO CONSTRUCT A ROOM ADDITION. SUBJECT PROPERTY IS LOCATED ON 2300 DOBBINS PIKE, PORTLAND, TN., IS ON TAX MAP 70, PARCEL 3.02, BEING LOT 3 OF THE NORTHUP ESTATES SUBDIVISION AND IS ZONED AGRICULTURAL.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON **APRIL 21, 2010**. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MR. PERRY CAME FORWARD TO STATE THAT HE WANTED TO BUILD AN ADDITION ON THE SIDE OF HIS HOUSE. HE PLANS TO BUILD A BEDROOM AND A BATHROOM.

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

MR. RAINEY ASKED WHY HE COULDN'T ADD ON TO THE BACK OF THE HOUSE.
MR. PERRY STATED THAT IT WAS MORE ECONOMICAL TO BUILD STRAIGHT OUT THE SIDE.

MR. RAINEY ASKED HOW FAR AWAY IS THE HOUSE ON LOT # 4 FROM THE PROPERTY LINE?
MR. PERRY EXPLAINED THAT THERE IS NO HOUSE ON LOT 4, WHICH CONTAINS AN EASEMENT.

MR. RAINEY STATED THAT SOMEONE COULD BUILD ON LOT # 4 IN THE FUTURE, WHICH IS MY CONCERN.

MR. PERRY STATED THAT RAY DORRIS OWNS THE MAJORITY OF THE PROPERTY WHICH SURROUNDS HIM.

MR. RAINEY STATED THAT OUR RULES STATE THAT TO GRANT THIS TYPE OF VARIANCE THERE MUST BE SOME PHYSICAL FEATURE TO KEEP YOU FROM BUILDING THIS ADDITION WHERE IT IS SUPPOSE TO BE. ECONOMIC HARDSHIP CAN NOT BE TAKEN INTO CONSIDERATION.

MR. RAINEY STATED THAT WE WERE NOT PROVIDED A SKETCH OF HOW THE POOL LAYS WITH THE HOUSE. IF WE HAD MORE DETAIL OF WHERE THE HOUSE ACTUALLY SITS AND WHERE THE POOL IS, THIS WOULD HELP US MAKE A DECISION. WITH OUR CURRENT RULES, YOU HAVE NOT GIVEN US GROUNDS TO MAKE A DECISION.

MR. RAINEY ASKED MR. PERRY IF HE HAD APPROACHED MR. DORRIS TO SEE IF HE COULD BUY 12 FEET OF PROPERTY.

MR. PERRY STATED HE WAS MISTAKEN ABOUT THE EXACT LOCATION OF HIS PROPERTY LINES UNTIL HE HIRED A SURVEYOR RECENTLY.

MR. HAMMOCK SUGGESTED THAT THIS BE DEFERRED UNTIL JUNE AND HAVE MR. DORRIS WRITE A LETTER IF SOMEONE WAS TO BUILT ON LOT # 4 THAT THEY WOULD BE IN AGREEMENT TO SET THE HOUSE FURTHER AWAY TO KEEP THE DISTANCE 40 FEET BETWEEN THE DWELLINGS.

THERE WAS DISCUSSION.

MOTION BY MR. RAINEY TO DEFER UNTIL THE JUNE MEETING TO GIVE MR. PERRY TIME TO TALK WITH MR. DORRIS TO EITHER SELL HIM (MR. PERRY) AN ADDITIONAL TWELVE FEET OF LAND, OR ASK MR. DORRIS TO CHANGE HIS SETBACK TO 32 FEET ON THE SIDE (ON MR. DORRIS SIDE) RATHER THAN THE TWENTY FEET THAT IS REQUIRED NOW. THEY CAN DO A THREE PAGE PLAT AMENDMENT, HAVE MR. DORRIS SIGN IT AND MOVE THIS SETBACK LINE, SECONDED BY MS. WEBSTER. MOTION PASSED UNANIMOUSLY.

2. DOYLE GENE AND ALICE FAYE GLASGOW WERE REQUESTING A HARDSHIP VARIANCE TO PLACE A MOBILE HOME ON THEIR PROPERTY. THIS MOBILE HOME IS FOR ALICE FAYE'S DAUGHTER TO LIVE, SO SHE WILL BE ABLE TO CARE FOR ALICE FAYE DUE TO HER HEALTH ISSUES. SUBJECT PROPERTY IS LOCATED AT 189 VANTREASE LANE, GALLATIN, TN., IS ON TAX MAP 102, PARCEL 8, CONTAINS 1.9 ACRES AND IS ZONED RIA.

(FYI-THIS IS THE SAME PROPERTY THAT A HARDSHIP WAS GRANTED ON MARCH 6, 1990, FOR GENE GLASGOW TO CARE FOR HIS WIFE. ON FEBRUARY 2, 2010, MR. GLASGOW CAME TO THE CONSTRUCTION AND DEVELOPMENT OFFICE AND STATED THAT HE HAD SOLD THE PROPERTY TO HIS SON AND NO LONGER LIVED AT THIS PROPERTY AND DID NOT NEED THE HARDSHIP)

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON **APRIL 30, 2010**. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

DOYLE AND ALICE FAYE GLASGOW CAME FORWARD TO SPEAK AND TO EXPLAIN THIS REQUEST.

CHAIRMAN MCKEE ASKED IF THIS WAS THE SAME MOBILE HOME THAT WAS RELEASED MONTHS AGO FROM AN EXISTING HARDSHIP. HE EXPLAINED THAT HIS MOBILE HOME SHOULD HAVE BEEN REMOVED IF THE HARDSHIP CEASED TO EXIST. HE ASKED WHO IS SICK AND NEEDS LOOKING AFTER?

ALICE FAY GLASGOW STATED THAT SHE WAS SICK AND NEEDED CARE.

MR. RAINEY DISCUSSED THAT THE HARDSHIP WAS ORIGINALLY BROUGHT ABOUT BECAUSE GENE GLASGOW (DOYLE'S DAD) NEEDED HELP CARING FOR HIS WIFE (DOYLE'S MOTHER).

MR. RAINEY ASKED WHEN MRS. GENE GLASGOW QUIT LIVING ON SUBJECT PROPERTY AND NO LONGER NEEDED A HARDSHIP VARIANCE.

ALICE FAY GLASGOW RESPONDED THAT SHE WENT INTO THE NURSING HOME IN 1999.

MR. RAINEY STATED WE RECEIVED DOCUMENTS THAT MUST HAVE CONTAINED FALSE STATEMENTS SINCE 1999. WHY SHOULD WE GRANT ANOTHER HARDSHIP VARIANCE?

MR. RAINEY STATED THAT HE HAD A REAL PROBLEM THAT WHEN OUR STAFF DOES EVERYTHING THEY ARE SUPPOSE TO DO, THEY GET THE DOCUMENTATION, AND THEN WE ARE LIED TO.

ALICE FAY GLASGOW STATED THAT THEY BOUGHT THE PROPERTY AND MOVED THERE IN 1999 AND GENE GLASGOW TOLD HER THAT HE MUST TAKE CARE OF THE HARDSHIP SINCE IT WAS IN HIS NAME.

ALICE FAY GLASGOW SAID THAT THEY LIVED IN THE TRAILER WHILE GENE GLASGOW LIVED IN THE HOUSE. GENE GLASGOW MOVED TO THE HOUSING PROJECTS SEVERAL MONTHS AGO AND AT THIS TIME SHE AND DOYLE MOVED INTO THE HOUSE. ALICE FAY GLASGOW'S DAUGHTER LIVES IN THE TRAILER TO HELP TAKE CARE OF HER.

CHAIRMAN MCKEE SUGGESTED THAT HER DAUGHTER COULD LIVE IN THE HOUSE WITH THEM AND THEN THE MOBILE HOME COULD BE MOVED OFF THE PROPERTY.

THERE WAS EXTENSIVE DISCUSSION.

MOTION BY MR. RAINEY TO DEFER UNTIL THE JUNE MEETING AT WHICH TIME THEY WOULD BE REQUIRED TO BRING TO THE JUNE MEETING A CERTIFICATE OF OWNERSHIP (CERTIFIED DEED), DR. STATEMENT, TAX CARD, AND FOR STAFF GO TAKE PICTURES OF SUBJECT PROPERTY AND SEE WHO IS LIVING THERE, AND HE WOULD LIKE TO SEE PREVIOUS MINUTES PERTAINING TO THIS SITUATION SECONDED BY MS. WEBSTER.

3. EDDIE SHERWOOD WAS REQUESTING A 12,995 SQUARE FOOT LOT SIZE VARIANCE AND A 11.28 FOOT SIDE YARD SETBACK VARIANCE ON THE NORTH SIDE FOR AN EXISTING HOME. SUBJECT PROPERTY IS LOCATED AT 1082 EDGEWATER CIRCLE, GALLATIN, TN., BEING LOT 34 OF STATION CAMP LANDING SUBDIVISION, IS ON TAX MAP 147F, GROUP B, CONTROL MAP 147K , PARCEL 3.00 AND IS ZONED RA.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON **APRIL 28, 2010**. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MR. SHERWOOD CAME FORWARD TO REPRESENT THIS REQUEST. MR. SHERWOOD STATED THAT THEY ARE REQUESTING A VARIANCE BECAUSE OUR LOTS DO NOT MEET THE CURRENT ZONING. WE ARE SIMPLY TRYING TO RE-PLAT OUR LOTS, THE SIMPLE AND CORRECT WAY.

MR. RAINEY STATED THAT IT APPEARS THAT THE SURVEYOR TRIED TO BALANCE OUT AND KEEP THE SAME ACREAGE ON BOTH LOTS.

MR. HAMMOCK STATED THAT BY LOOKING AT THE PLAT IT APPEARS TO BE A GIVE AND TAKE SITUATION.

MR. RAINEY ASKED IF THIS HAD BEEN TO THE PLANNING COMMISSION YET?

MR. HAMMOCK STATED THAT IT HAS NOT YET BEEN SUBMITTED TO THE CONSTRUCTION AND DEVELOPMENT DEPARTMENT FOR REVIEW.

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

THERE WAS DISCUSSION.

MR. RAINEY STATED THAT HE RECALLS OTHER VARIANCES IN THE SUBDIVISION IN THE PAST. THIS SUBDIVISION WAS CREATED MANY YEARS PRIOR TO OUR OWN ZONING ORDINANCE. THIS WILL NOT COMPLY WITH ANYTHING ANYWHERE.

MOTION TO APPROVE BY MR. RAINEY, SECONDED BY MR. DICKERSON. MOTION PASSED UNANIMOUSLY.

4. RICHARD GAIA WAS REQUESTING A 9.75 FOOT SIDE YARD SETBACK VARIANCE ON THE SOUTH SIDE, A 9.53 FOOT SIDE YARD SETBACK VARIANCE ON THE NORTH SIDE, AND A 17,682 SQUARE FOOT LOT SIZE VARIANCE FOR AN EXISTING HOME. SUBJECT PROPERTY IS LOCATED AT 1088 EDGEWATER CIRCLE, GALLATIN, TN., BEING LOT 33 OF STATION CAMP LANDING SUBDIVISION, IS ON TAX MAP 147F, GROUP B, CONTROL MAP 147K, PARCEL 2.00, AND IS ZONED RA. THIS IS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON **APRIL 28, 2010**. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MR. SHERWOOD CAME FORWARD TO REPRESENT THIS REQUEST.

HIS EXPLANATION OF THIS REQUEST WAS DISCUSSED PREVIOUSLY IN THE EDDIE SHERWOOD (RICHARD GAIA'S NEIGHBOR) REQUEST.

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

THERE WAS DISCUSSION.

MOTION TO APPROVE BY MR. RAINEY, SECONDED BY MR. DICKERSON. MOTION PASSED UNANIMOUSLY.

OTHER BUSINESS:

1. ANDY AND MARTHA FAYE PAGE SR.-100 HIGHCLIFF DRIVE, HENDERSONVILLE, TN.
THEY WERE REQUESTING A CONTINUATION OF A CONDITIONAL USE PERMIT GRANTED ON FEBRUARY 14, 2010 TO OPERATE A PRESSURE WASHING SERVICE, PRESSURE WASHING EQUIPMENT SALES AND CHEMICAL SALES. SUBJECT PROPERTY CONTAINS APPROXIMATELY 1.6 ACRES, IS ON TAX MAP 122, PARCEL 14 P/O, IS ZONED AGRICULTURAL.
THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MS. PAIGE CAME FORWARD TO REPRESENT THIS REQUEST.

CHAIRMAN MCKEE STATED THEY HAD BEEN PRESENTED A PETITION CONTAINING 13 NAMES THAT WERE AGAINST THE CONTINUATION OF THE CONDITIONAL USE PERMIT.
CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

MR. PAUL FREELS CAME FORWARD TO SPEAK AGAINST THIS REQUEST. HE EXPLAINED THEY PUT A ROOF ON IT AND THE ROOF IS STILL NOT ENCLOSED. THERE ARE 2 TRACTORS, 2 TRUCKS AND 2 CARS ON SUBJECT PROPERTY. MR. FREELS ALSO STATED THAT THE MINUTES FROM TWO YEARS AGO STATE THAT HE (ANDY PAIGE) IS NOT GOING TO NEED THIS CONDITIONAL USE PERMIT TOO LONG. THERE IS ALSO A LOT OF FARM EQUIPMENT ON THIS SMALL LOT. WHEN YOU GO UP THE HILL BESIDE MR. PAIGE'S HOME, THE PEOPLE HAVE SOME FINE HOMES AND I AM SURE WHEN THEY GO BY IT THEY THINK I WOULD NOT WANT TO LIVE THERE (ANDY PAIGE'S HOME), I AM LIVING UP ON THE HILL WHERE THE HOUSES ARE REAL NICE. I CAN NOT IMAGINE YOU ALL GIVING HIM PERMISSION TO RUN THIS BUSINESS AT THIS LOCATION.

MR. RAINEY STATED THAT HIS UNDERSTANDING OF WHAT MR. FREELS IS SAYING IS THAT SOME OF THE EQUIPMENT ON SUBJECT PROPERTY IS NOT PART OF THE PRESSURE WASHING BUSINESS AND WE DID NOT PUT ANY CONTROLS ON THIS REQUEST. WE DID ASK MR. PAIGE TO KEEP HIS VEHICLES OFF OF HIGHCLIFF AND TO STRAIGHTEN THE PROPERTY UP. MR. MOULTON TOLD US IN 2008 THAT WE HAD NO CONTROL OVER THE FARM EQUIPMENT

MR. RAINEY ASKED MRS. PAIGE WHICH LOT IS THE PRESSURE BUSINESS LOCATED ON?
MRS. PAIGE STATED IT IS LOCATED WHERE THE TWO STORY HOME IS (102 HIGHCLIFF).

MR. RAINEY STATED THAT THE WHOLE AREA FROM WHERE YOU LIVE FROM HIGHCLIFF TO NEW SHACKLE ISLAND YOU COULD NOT GET ANOTHER PIECE OF EQUIPMENT AND IT IS TRASHED UP.

MRS. PAIGE STATED THAT ANDY HAS BEEN SICK FOR A WHILE AND WE HAD TO ADOPT FIVE (5) OF OUR GRANDDAUGHTERS. I AM TRYING TO DO THE BEST I CAN.

MR. RAINEY ASKED MRS. PAIGE IF THIS BOARD GAVE YOU THIRTY (30) DAYS COULD YOU CLEAN THIS UP AND KEEP IT WHERE IT COULD BE PRESENTABLE?

MRS. PAIGE STATED THAT SHE COULD GET HER DAUGHTER AND SOME OF THE BOYS TO HELP HER CLEAN UP THIS PROPERTY.

THERE WAS A LOT OF DISCUSSION.

MOTION BY MR. RAINEY TO CONTINUE THE CONDITIONAL USE PERMIT FOR THIRTY (30) DAYS AND AT THE END OF THIRTY (30) DAYS I WANT THIS SITE CLEANED UP AND PUT THE FARM EQUIPMENT DOWN NEAR THE GARDEN, AND MAKE IT LOOK MORE LIKE A RESIDENTIAL AREA, SECONDED BY MRS. WEBSTER. MOTION PASSED UNANIMOUSLY.

2. JOSEPH W. MADDEN- ASKED FOR A CONTINUATION OF HIS CONDITIONAL USE PERMIT TO OPERATE A BUS REPAIR AND SERVICE. SUBJECT PROPERTY IS LOCATED AT 136 MOCKINGBIRD HILL ROAD, HENDERSONVILLE, TN., CONTAINS 3.07 ACRES, AND IS ZONED AGRICULTURAL AND RESIDENTIAL A, AND IS ON TAX MAP 95, PARCEL 46.03.

FYI: HE RECEIVED THE CONDITIONAL USE PERMIT ON MAY 13, 2004, UNDER NORMAL CONDITIONS.

THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY REGULAR MAIL.

MR. MADDEN CAME FORWARD TO ASK FOR A CONTINUATION OF HIS CONDITIONAL USE PERMIT.

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

THERE WAS DISCUSSION.

MOTION TO CONTINUE THIS CONDITIONAL USE PERMIT FOR TWO (2) YEARS BY MR. RAINEY, SECONDED BY MS. WEBSTER. MOTION PASSED UNANIMOUSLY.

MARIA BODDE-480 CUMMINGS LANE-TAX MAP 102, PARCEL 16-RECEIVED A CONDITIONAL USE PERMIT TO HOST OCCASIONAL WEDDINGS IN 2007.

MR. HAMMOCK EXPLAINED THAT THEY HAVE HAD BAD LUCK SINCE RECEIVING THIS PERMIT. MISCHA HAS LIVER CANCER, AND IN APRIL 2010 HE RECEIVED A LIVER TRANSPLANT. HE IS CURRENTLY IN AND OUT OF THE HOSPITAL. THEY ARE NOT SURE HIS BODY WILL ACCEPT THIS NEW LIVER. THEY STILL HAVE NOT HAD ANY WEDDINGS AS OF THIS DATE. MR. HAMMOCK WAS ASKING FOR A POSSIBLE EXTENSION.

MOTION BY MR. RAINEY TO CONTINUE THIS CONDITIONAL USE PERMIT UNTIL THE FIRST OF THE YEAR (JANUARY 2011), DUE TO THE FACT OF THE ILLNESS AND THE FACT THEY HAVE NEVER STARTED THIS OPERATION, SECONDED BY DICKERSON. MOTION PASSED UNANIMOUSLY.

MR. HAMMOCK STATED THAT LAST MONTH THIS BODY GRANTED A VARIANCE FROM THE ZONING RESOLUTION TO ALLOW AN INDIVIDUAL TO PULL IN A SINGLEWIDE MOBILE HOME IN A R1A ZONING.

MR. HAMMOCK STATED THAT SINCE THE FLOOD, I EXPECT THAT WE ARE GOING TO RUN IN TO PEOPLE NEEDING TO LIVE IN SINGLEWIDE MOBILE HOMES WHILE THERE HOME IS BEING RECONSTRUCTED. I WOULD LIKE THIS BOARD TO GIVE ME PERMISSION TO PUT A FAMILY IN A SINGLEWIDE IN A R1A ZONING IF NEED BE.

THEN IF NEEDED WE CAN BRING THIS BACK TO THE BOARD IF THIS IS NEEDED, AND THERE WILL BE NO PERMIT FEES. WHEN THE INDIVIDUAL GETS BACK ON THEIR FEET AND THEY CAN CLEAR UP THE PAPER WORK. MR. HAMMOCK ASKS FOR SOME LENIENCY AND IN A REASONABLE AMOUNT OF TIME THEY MUST REMOVE THE SINGLEWIDE OR ASK THIS BOARD FOR A VARIANCE.

MR. RAINEY ASKED MR. HAMMOCK HOW MUCH TIME HE NEEDED TO GIVE THEM.

MOTION TO ALLOW THE DIRECTOR OF THE CONSTRUCTION AND DEVELOPMENT DEPARTMENT, GARY HAMMOCK, AT HIS DISCRETION TO ALLOW SINGLEWIDES TO BE PLACED IN AN R1A ZONING FOR FLOOD VICTIMS FOR A PERIOD OF ONE (1) YEAR. THE PROPERTY OWNER WOULD BE REQUIRED TO REMOVE THE SINGLE WIDE MOBILE HOME OR TO APPLY FOR A VARIANCE FROM THE SUMNER COUNTY ZONING RESOLUTION AFTER ONE YEAR, SECONDED BY MR. DICKERSON MOTION PASSED UNANIMOUSLY.

THERE WAS DISCUSSION ABOUT REQUIREMENTS FOR THE HARDSHIP VARIANCE APPLICANTS SINCE RECENT DOCUMENTS HAVE BEEN FALSIFIED ABOUT HARDSHIPS.

MR. HAMMOCK STATED THAT THEY SHOULD BRING IN A CERTIFIED COPY OF THEIR DEED, A COPY OF THEIR TAX CARD, AND A DR. STATEMENT WHEN APPLYING FOR A HARDSHIP OR ASKING FOR A CONTINUATION OF AN EXISTING HARDSHIP.

MEETING ADJOURNED AT 7:00 P.M.

