

**SUMNER COUNTY ZONING BOARD OF APPEALS**  
**MINUTES**  
**6:00 P.M.**  
**MARCH 12, 2009**

SUMNER COUNTY ADMINISTRATION BUILDING  
COMMITTEE MEETING ROOM # 112  
355 N. BELVEDERE DRIVE  
GALLATIN, TN 37066

**MEMBERS PRESENT:**  
**MARK MCKEE JR., CHAIRMAN**  
**MIKE WILLIAMS**  
**JAMES COLE**  
**SANDY WEBSTER**  
**ALTON PERDUE**

**ABSENT:**  
**BRUCE RAINEY- VICE-CHAIRMAN**

**OTHERS PRESENT:**  
**MIKE MOULTON, PLANNING DIRECTOR**  
**SUZIE BLANKENSHIP, ADMINISTRATIVE ASSISTANT**

**MOTION FOR APPROVAL OF FEBRUARY MINUTES BY MS. WEBSTER, SECONDED BY MR. PERDUE. MOTION PASSED UNANIMOUSLY. MIKE WILLIAMS ABSTAINED.**

**1. VERNON E. BRILEY HEIRS, OWNERS AND AMERICAN TOWER CORPORATION/JARED MORLEY, LESSEE WERE REQUESTING A SPECIAL EXCEPTION PERMIT TO CONSTRUCT A 280' GUYED TELECOMMUNICATIONS TOWER DESIGNED TO HOLD ANTENNAS FOR AT LEAST THREE (3) TELECOMMUNICATIONS CARRIERS. SUBJECT PROPERTY IS LOCATED AT 3221 HIGHWAY 76, COTTONTOWN, TN., IS ON TAX MAP 58, PARCEL 71 AND IS ZONED AGRICULTURAL.**

MR. SCOTT SMITH- XL COMMUNICATIONS CAME FORWARD TO EXPLAIN THE REQUEST. MR. SMITH IS A REAL ESTATE BROKER FROM N.C. AND ALSO REPRESENTING AMERICAN TOWERS WHO IS ONE OF THE LARGEST TOWERS COMPANIES IN THIS COUNTRY. AMERICAN TOWERS BUILD TOWERS AND LEASE THEM OUT TO PHONE CARRIERS. THE OBJECTIVE IS TO COVER THE GAP IN COVERAGE BETWEEN PORTLAND AND WHITE HOUSE ON HWY. 76. AT&T WOULD HAVE THE 280' LEVEL. MR. SMITH BROUGHT MAPS OF THE AREA FOR VIEWING OF THE BEFORE AND AFTER COVERAGE AREA FOR AT&T. AMERICAN TOWERS WANT TO LEASE THE OTHER 2 SECTIONS TO OTHER CARRIERS. MR. SMITH WAS HERE IN JANUARY FOR SITE PLAN REVIEW WHICH WAS APPROVED. MR. MOULTON STATED THAT AMERICAN TOWERS DID MEET ALL REQUIRED STANDARDS. MR. MOULTON DID ADD THAT THIS WOULD IMPROVE THAT AREA OF COMMUNICATION AND SINCE ALL REQUIREMENTS HAVE BEEN MET; BY LAW CANNOT BE DECLINED PER MR. MOULTON. SITE PLAN INCLUDES FENCE AROUND IT AND LANDSCAPING AND ACCESS TO TOWER.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

CATHERINE TAYLOR CAME FORWARD TO STATE THAT SHE FELT THAT THIS TOWER WOULD BE BENEFICIAL FOR CELL PHONE COVERAGE IN THAT AREA.

**MOTION FOR APPROVAL BY MR. WILLIAMS, SECONDED BY MS. WEBSTER. MOTION PASSED UNANIMOUSLY.**

2. **TRUSTEES OF THE MARTIN CHAPEL CHURCH** WERE REQUESTING A SPECIAL USE PERMIT FOR A 40' X 60' ATTACHED ADDITION TO THE CHURCH. SUBJECT PROPERTY IS LOCATED AT 112 OLD MARTIN CHAPEL ROAD, PORTLAND, TN., IS ON TAX MAP 3, PARCEL 35 AND PARCEL 36, IS ZONED AGRICULTURAL AND CONTAINS 6.5 ACRES.

MR. JERRY PERRY CAME FORWARD TO SPEAK. MR. PERRY STATED THAT THEY WOULD LIKE TO BUILD A FELLOWSHIP HALL FOR THE CHURCH AND THIS WOULD BE TIED BY A WALKWAY TO THE CHURCH BUILDING.

THERE WAS A SHORT DISCUSSION. SITE PLAN HAS BEEN REVIEWED PER MR. MOULTON. ZONING REQUIRES THAT ANY NEW CHURCH OR EXPANSION OF A CHURCH MUST APPEAR BEFORE THE ZONING BOARD. ALL REQUIREMENTS WERE MET.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

**THERE WAS NO ONE PRESENT TO SPEAK AT THE PUBLIC HEARING.**

**MOTION FOR APPROVAL BY MR. COLE, SECONDED BY MR. PERDUE. MOTION PASSED UNANIMOUSLY.**

3. **DAVID L. WILLIAMS** WAS REQUESTING A SIDE YARD SETBACK VARIANCE OF TEN (10) FEET ON THE SOUTHEAST CORNER FOR AN ADDITION TO AN EXISTING HOME. SUBJECT PROPERTY IS LOCATED AT 1099 EDGEWATER CIRCLE, GALLATIN, TN., BEING LOT #30 OF **STATION CAMP LANDING, IS ON TAX MAP 147F, GROUP A, 147K, PARCEL 29.00, AND IS ZONED RA.**

DAVID L. WILLIAMS CAME FORWARD TO EXPLAIN HIS REQUEST. MR. WILLIAMS EXPLAINED THAT THIS WILL REQUIRE THAT HE GOES 5 FOOT OVER THE SOUTHEAST CORNER SETBACK LINE. MR. DAVID WILLIAMS BROUGHT A SET OF PLANS FOR REVIEW. HE EXPLAINED THAT HE WOULD BE CONVERTING PART OF THE GARAGE FOR THE NEW ADDITION AND ADDING TO THE FRONT OF THE GARAGE FOR THE VEHICLES. MR. MOULTON HAS VERIFIED THE PLANS WITH THE WAY THE SEPTIC SYSTEM IS AND THE SHAPE OF THE LOT; THIS IS THE ONLY WAY TO DO THE ADDITION. MR. MOULTON ALSO STATED THERE IS NO CONFLICT WITH ZONING ORDINANCES. MR. MCKEE ASKED WHO OWNED THE LOT NEXT DOOR. MR. DAVID WILLIAMS STATED HIS PARENTS.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

**THERE WAS NO ONE PRESENT TO SPEAK AT THE PUBLIC HEARING.**

**MOTION FOR APPROVAL BY MS. WEBSTER, SECONDED BY MR. WILLIAMS. MOTION PASSED UNANIMOUSLY.**

4. **JOHNNY VAIL** IS REQUESTING A LOT SIZE VARIANCE OF .257 OF AN ACRE. SUBJECT PROPERTY IS LOCATED AT 1018 WILDWOOD STREET, WHITE HOUSE, TN., IS ON TAX MAP 99F, GROUP D, 99K, PARCEL 3, CONTAINS .663 OF AN ACRE AND IS ZONED RA.

JOHNNY VAIL CAME FORWARD TO EXPLAIN HIS REQUEST. MR. VAIL IS REQUESTING TO TRADE LAND WITH NEIGHBOR. THIS WOULD BE AN EVEN SWAP. MR. VAIL WOULD NEED THIS VARIANCE FOR A DOG RUN.

MR. MOULTON STATED THIS PROPERTY IS IN A SUBDIVISION IN WHITE HOUSE AND WAS ORIGINALLY PLATTED UNDER THE AUTHORITY OF THE CITY OF WHITE HOUSE. THE LOT SIZE REQUIREMENTS WERE DIFFERENT THAN THE COUNTIES. THE CITY OF WHITE HOUSE GAVE JURISDICTION OF THIS SUBDIVISION BACK TO THE COUNTY.

THIS LOT IS A LEGAL NON-CONFORMING LOT OF RESIDENCE. THE RESOLUTION READS THAT IF PROPERTY LINES ARE CHANGED ON NON-CONFORMING PROPERTIES THEY MUST MEET ALL OF THE MINIMUM STANDARDS WITHOUT A VARIANCE. THIS WOULD BE AN EVEN SQUARE FOOTAGE SWAP. THE SHAPE OF THE LOT WOULD CHANGE, BUT NOT THE SQUARE FOOTAGE. THERE WAS SOME DISCUSSION.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

**THERE WAS NO ONE PRESENT TO SPEAK AT THE PUBLIC HEARING.**

**MOTION FOR APPROVAL BY MR. COLE, SECONDED BY MS. WEBSTER. MOTION PASSED UNANIMOUSLY.**

**OTHER BUSINESS:**

**CATHERINE TAYLOR**-TO DISCUSS RENEWING A CONDITIONAL USE PERMIT SHE RECEIVED MARCH 8, 2007. THIS CONDITIONAL USE PERMIT WAS TO OPERATE A BED AND BREAKFAST IN HER PRIMARY RESIDENCE, ONE UN-ILLUMINATED SIGN AND A VARIANCE FROM DUST FREE PARKING WITH SOME CONDITIONS PLACED ON THIS APPROVAL.

SUBJECT PROPERTY IS LOCATED AT 1235 A.B. WADE ROAD, PORTLAND, TN., IS ON TAX MAP 51, PARCEL 35, CONTAINS APPRX. 5.15 ACRES, AND IS ZONED AGRICULTURAL.

CATHERINE TAYLOR CAME FORWARD TO EXPLAIN HER REQUEST. MR. WILLIAMS ASKED IF IT IS STILL A TRUE BED AND BREAKFAST. MS. TAYLOR STATED YES. MR. MOULTON DID STATE THAT MS. TAYLOR HAS NOT ACTUALLY STARTED THE BED AND BREAKFAST YET DUE TO THE ECONOMY. THE SAME STANDARDS STILL APPLY.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

**THERE WAS NO ONE PRESENT TO SPEAK AT THE PUBLIC HEARING.**

**MOTION TO CONTINUE THIS CONDITION USE PERMIT FOR TWO (2) YEARS BY MR. WILLIAMS, SECONDED BY MR. COLE. MOTION PASSED UNANIMOUSLY.**

**LARRY BROOKS**- TO DISCUSS CONTINUATION OF A CONDITIONAL USE PERMIT TO OPERATE A TIRE SALES AND REPAIR SERVICE, ONE (1) UN-ILLUMINATED SIGN AND A VARIANCE FROM DUST FREE PARKING WITH SOME CONDITIONS. SUBJECT PROPERTY IS LOCATED AT 215 OLD HIGHWAY 31-E, BETHPAGE, TN., IS ON TAX MAP 84, PARCEL 11, CONTAINS APPRX. 1.5 ACRES, AND IS ZONED AGRICULTURAL.

LARRY BROOKS CAME FORWARD TO EXPLAIN HIS REQUEST. MR. MOULTON STATED THE SIGN ON HWY. 31 MUST COME DOWN SINCE THE PROPERTY OWNER DID NOT COME BEFORE THE BOARD FOR APPROVAL ON MR. BROOKS BEHALF. ALSO, MR. MOULTON STATED THE TIRES NOT ON WHEELS MUST BE CLEANED UP AND HAULED OFF DUE TO MOSQUITO SEASON APPROACHING. MR. BROOKS STATED HE WILL BE HAULING THE TIRES OFF. MR. BROOKS ASKED IF HE COULD MOVE HIS SIGN TO HIS PROPERTY. MR. MOULTON ANSWERED YES.

ALSO, MR. MOULTON READ THE MINUTES TO MR. BROOKS FROM THE ORIGINAL MEETING REMINDING MR. BROOKS OF THE APPROVED SIGNAGE AND CLEAN UP.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

**THERE WAS NO ONE PRESENT TO SPEAK AT THE PUBLIC HEARING.**

**MOTION BY MR. WILLIAMS TO CONTINUE THIS CONDITIONAL USE PERMIT FOR TWO YEARS, TO MOVE THE SIGN AND CLEAN UP THE TIRES WITHIN 30 DAYS, SECONDED BY MR. COLE. MOTION PASSED UNANIMOUSLY.**

**GENE GLASGOW-** TO DISCUSS THE CONTINUANCE OF A HARDSHIP THAT HE RECEIVED ON MARCH 6, 1990 FOR HIS SON TO CARE FOR HIS WIFE. . SUBJECT PROPERTY IS LOCATED AT 191 VANTREASE LANE, GALLATIN, TN., IS ON TAX MAP 102, PARCEL 8.

MR. GLASGOW WAS PRESENT TO EXPLAIN HIS HARDSHIP AND ALSO PROVIDED A LETTER FROM THE DOCTOR. SON IS TO CONTINUE TO TAKE CARE OF MOTHER.

**MOTION TO CONTINUE HARDSHIP BY MS. WEBSTER, SECONDED BY MR. PERDUE. MOTION PASSED UNANIMOUSLY.**

**MOTION TO ADJOURN BY MR. WILLIAMS, SECONDED BY MS. WEBSTER**

**MEETING ADJOURNED AT 6:45 P.M.**