

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

**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  
MIKE WILLIAMS, ALTERNATE MEMBER**

**MEMBERS ABSENT:  
ALTON PERDUE**

**OTHERS PRESENT:**

**MIKE MOULTON, PLANNING DIRECTOR  
GARY HAMMOCK, BUILDING COMMISSIONER  
LISA WILLIAMS, ADMINISTRATIVE ASSISTANT**

**MOTION FOR APPROVAL OF THE OCTOBER MINUTES BY MR. RAINEY, SECONDED BY MR. COLE. MOTION PASSED UNANIMOUSLY.**

**1. DAVID LATIMER WAS REQUESTING A CONDITIONAL USE PERMIT TO OPERATE A WHOLESALE MACHINE SHOP IN AN EXISTING BUILDING; AND A VARIANCE FROM DUST FREE PARKING. SUBJECT PROPERTY IS LOCATED AT 1024 OPOSSUM LANE, PORTLAND, TN. IS ON TAX MAP 51, PARCEL 21, CONTAINS APPROXIMATELY 1 ACRE AND IS ZONED AGRICULTURAL.**

**THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON OCTOBER 27, 2006. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.**

**DAVID LATIMER CAME FORWARD TO REPRESENT AND TO EXPLAIN THIS REQUEST. MR. LATIMER PRESENTED A PETITION THAT WAS SIGNED BY 20 OF HIS NEIGHBORS WITHIN A MILE OF RADIUS OF SUBJECT PROPERTY IN FAVOR OF HIS REQUEST. MR. LATIMER STATED THAT THE ENTRANCE TO SUBJECT PROPERTY IS A PRIVATE ONE LANE CREEK GRAVEL DRIVE. MR. LATIMER EXPLAINED THAT THE ONLY EMPLOYEES WILL BE HE AND HIS SON AND PLANS TO HIRE ONE MORE GENTLEMAN. THIS WILL BE A FAMILY OPERATION, NO PLANS TO GROW, JUST WANT TO MAKE A LIVING FOR HIS FAMILY. THIS OPERATION WILL BE IN AN EXISTING POLE BARN, 54 FT. X 34 FT. THERE WILL BE NO NEED FOR A SIGN ON THE ROAD ADVERTISING THIS OPERATION.**

**MR. MOULTON STATED THAT THIS IS A WHOLESALE OPERATION WHICH MEANS HE WILL NOT HAVE TO GET A BUSINESS LICENSE, DUE TO THE FACT HE WILL NOT BE REQUIRED TO PAY SALES TAX.**

**PETER VARSAKELIS CAME FORWARD TO STATE THAT THE CREEK GRAVEL DRIVE THAT MR. LATIMER IS REFERRING TO IS THE ONLY WAY THAT HE CAN ACCESS HIS PERSONAL LAND.**

MR. VARSKELIS STATED HE WAS GOING TO PUT THE EXISTING SINGLEWIDE ON THE FRONT OF THE PROPERTY AND PUT A DOUBLEWIDE ON THE BACK OF THE SINGLEWIDE TO MAKE IT LOOK LIKE A HOUSE. MR. VARSAKELIS STATED MR. LATIMER'S FATHER GOT MAD AT HIM BECAUSE HE THOUGHT HE WAS GOING TO FILL THIS PROPERTY UP WITH MOBILE HOMES AND TOLD HIM HE COULD NOT USE THE DRIVE ANYMORE, AND THAT I NEEDED TO MAKE MY OWN ROAD. MR. VARSAKELIS STATED IF THIS DRIVE IS GOING TO BE USED FOR A BUSINESS, THEN HE SHOULD BE ABLE TO ACCESS HIS LAND WITH THIS DRIVE ALSO. HE HAS CUT MY ACCESS OFF AFTER THIRTEEN YEARS.

MR. LATIMER STATED THAT MR. VARSKELIS HAS GOTTEN SEVERAL BUILDING PERMITS FOR THESE TRAILERS AND NEVER COMPLETED SETTING THEM UP AND THEN STARTED BUILDING A ROAD AND NEVER FINISHED IT. MR. LATIMER EXPLAINED THAT FROM WHAT HE COULD TELL MR. VARSKELIS HAS NEVER FINISHED ANYTHING HE HAS EVER STARTED IN THIRTEEN YEARS. MR. LATIMER STATED THAT MR. VARSKELIS DOES NOT LIVE ON THIS PROPERTY, HE LIVES IN GALLATIN.

MR. LATIMER EXPLAINED THAT THE GRIEVANCE THAT MR. VARSKELIS HAS WITH MY FATHER AND GRANDMOTHER ON THIS DRIVE/ROAD HAS NOTHING TO DO WITH ME OPENING A BUSINESS ON MY PROPERTY. THIS ROAD IS ON MY GRANDMOTHER'S DEED, AND MY FAMILY HAS SERVICED THIS DRIVE/ROAD FOR FIFTY YEARS.

CHAIRMAN MCKEE EXPLAINED THAT AS FAR AS WHO USES THE DRIVE/ROAD IN QUESTION TONIGHT IS NOT UP TO THIS BODY.

THERE WAS DISCUSSION.

MR. RAINEY ASKED MR. LATIMER TO EXPLAIN WHY THIS OPERATION WOULD BE NEEDED IN THIS AREA AND TO EXPLAIN EXACTLY WHAT HE WILL BE DOING.

MR. LATIMER STATED THAT HE WILL COME IN WITH RAW MATERIALS (PIECES OF STEEL), AND WHEN WE ARE COMPLETED WE SELL FINISHED PARTS/PRE-ORDERED PARTS, SUCH AS REPLACEMENT DIE PARTS.

MR. RAINEY SAID IN OTHER WORDS YOU COULD HELP YOUR NEIGHBOR IF THEY HAD A TRACTOR THAT BROKE DOWN, ETC.

MR. LATIMER RESPONDED BY SAYING YES SIR, IF THEY NEEDED SOMETHING WELDED HE COULD HELP THEM WITH THAT.

MR. MOULTON STATED THAT THIS WOULD BE STRICTLY WHOLESALE, AND MR. LATIMER UNDERSTANDS THAT THERE WILL NOT BE ANY RETAIL BUSINESS ALLOWED ON SUBJECT PROPERTY.

MR. RAINEY EXPLAINED THAT THE DISPUTE THE NEIGHBOR THAT SPOKE HAD WAS WITH AN EASEMENT THAT IS OUT OF OUR HANDS.

**MOTION FOR APPROVAL OF A CONDITIONAL USE PERMIT AND FOR DUST FREE PARKING, AND HE WILL BE REQUIRED TO APPEAR BEFORE THIS BODY IN TWO YEARS, BY MR. RAINEY, SECONDED BY MS. WEBSTER. MOTION PASSED UNANIMOUSLY.**

**OTHER BUSINESS:**

**A. PAUL SCOTT WEBSTER-** DISCUSSED THE CONTINUANCE OF THE SPECIAL USE PERMIT HE RECEIVED ON NOVEMBER 10, 2003. MR. WEBSTER WAS GRANTED A SPECIAL USE PERMIT TO STORE MATERIALS, AS WELL AS, DISPLAY MODELS AND TO MAINTAIN OFFICE SPACE FOR A CUSTOM SIDING BUSINESS IN AN EXISTING BARN ON HIS PROPERTY. SUBJECT PROPERTY IS LOCATED AT 1398 HIGHWAY 25, GALLATIN, TN., CONTAINS 5.56 ACRES, IS ON TAX MAP 114, PARCEL 6.01 AND IS ZONED R1A.

MR. PERRY NESS, PARTNER OF MR. WEBSTER. CAME FORWARD TO REPRESENT THIS REQUEST.

MR. MOULTON STATED THAT THIS PROPERTY IS VERY WELL MAINTAINED AND SAW NO REASON THAT WE SHOULD NOT CONTINUE THE SPECIAL USE PERMIT UNLESS SOMEONE MAKES US AWARE OTHER WISE.

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

THERE WAS DISCUSSION.

**MOTION TO CONTINUE THE SPECIAL USE PERMIT FOR ANOTHER TWO YEARS BY MR. RAINEY, SECONDED BY MR. WILLIAMS. MOTION PASSED UNANIMOUSLY.**

**B. MR. HAROLD KNIGHT-** DISCUSSED THE CONTINUANCE OF THE HARDSHIP HE RECEIVED ON NOVEMBER 7, 1995 TO CARE FOR THE PARENTS OF J. KNIGHT. SUBJECT PROPERTY IS LOCATED AT 150 PEACEFUL VALLEY, PORTLAND, TN AND IS ON TAX MAP 51, PARCEL 12.01.

MR. AND MRS. KNIGHT CAME FORWARD TO REPRESENT AND EXPLAIN THIS SITUATION.

MR. MOULTON STATED THAT THE LETTER THAT WAS SENT OUT DID SAY THAT THIS WAS A CONTINUATION OF A HARDSHIP BUT ACTUALLY THIS IS NOT THE CASE. IN 1995 THE HARDSHIP WAS GRANTED AND REVIEWED ON A NORMAL BASIS AND IN NOVEMBER 2004 IT CAME BACK BEFORE THIS BOARD AND ACTUALLY WHAT HAPPENED WAS A MOTION WAS MADE TO DENY THE CONTINUATION OF THE HARDSHIP. IT WAS SUGGESTED THAT THEY HIRE A SURVEYOR AND CUT OFF 5 ACRES AROUND THE SECOND HOME WHICH WOULD CREATE ANOTHER TRACT, THEN THERE WOULD NOT BE A NEED FOR A HARDSHIP. MR. MOULTON STATED THAT THEY HAVE 25 ACRES WHICH WOULD ALLOW THEM TO HAVE A SECOND DWELLING BUT IN ORDER TO DO THIS YOU MUST HAVE DOUBLE SETBACKS. THEY NEED 100 FEET BETWEEN THE TWO STRUCTURES, MR. HAMMOCK WENT OUT AND MEASURED AND THEY ONLY HAVE 71 ½ FEET BETWEEN THE TWO STRUCTURES.

MRS. KNIGHT STATED THAT HER MOTHER IS IN A NURSING HOME SINCE 2001, AND THEY ARE TRYING TO SELL THE TRAILER TO MOVE IT OFF THE PROPERTY. MRS. KNIGHT STATED THAT NO ONE IS LIVING IN THE TRAILER CURRENTLY.

THERE WAS DISCUSSION.

MR. MOULTON STATED THAT THIS IS NOT A ZONING BOARD OF APPEALS MATTER IT IS A ZONING ENFORCEMENT MATTER. THIS WILL BE SHIFTED TO THE HEALTH AND SAFETY BOARD. WE WILL HAVE TO ADDRESS IT AS A SECOND DWELLING.

MR. MOULTON STATED HE WOULD BE IN TOUCH AND WORK WITH THE KNIGHTS. MR. MOULTON STATED HE WILL GIVE THEM MORE TIME AND WE WILL NEED TO ESTABLISH FOR THE RECORD THAT WE HAVE SOMETHING GOING. WE WILL ADDRESS IT AS A MATTER OF A SECOND RESIDENCE.

THERE WAS NO ACTION TAKEN, THIS MATTER WAS WITHDRAWN.

*MEETING ADJOURNED AT 6:35 P.M.*