

**SUMNER COUNTY ZONING BOARD OF APPEALS
MINUTES
6:00 P.M.
MAY 11, 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
ALTON PERDUE**

MEMBERS ABSENT:

OTHERS PRESENT:

**GARY L. HAMMOCK, BUILDING COMMISSIONER
LISA WILLIAMS, ADMINISTRATIVE ASSISTANT**

MR. HAMMOCK GAVE THE BOARD AN UPDATE ON MR. MOULTON'S CONDITION AFTER HIS HEART SURGERY. HE SHOULD RETURN TO WORK AFTER 6 TO 7 WEEKS FOR LIGHT DUTY.

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

1. SPRINT (RANDY AND SUZANNE PEMERTON; PROPERTY OWNER) WAS REQUESTING A SPECIAL EXCEPTION PERMIT TO CONSTRUCT A 175 FOOT MONOPOLE TOWER (CELL TOWER).

SUBJECT PROPERTY IS LOCATED AT 1237 WILLIS BRANCH ROAD, GOODLETTSVILLE, TN., IS ON TAX MAP 143, PARCEL 52.01, AND IS ZONED RESIDENTIAL A.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON MARCH 31, 2006. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

THIS WAS DEFERRED AT THE APRIL 2006 ZONING BOARD OF APPEALS MEETING FOR THIRTY DAYS.

MR. LANNIE GREEN CAME FORWARD TO REPRESENT THIS REQUEST.

THERE WAS DISCUSSION.

THERE WAS NO ONE PRESENT TO SPEAK IN OPPOSITION TO THIS REQUEST.

MR. RAINEY ASKED MR. HAMMOCK IF THEY HAD SATISFIED ALL OF THE STAFF COMMENTS. MR. HAMMOCK REPLIED THAT THEY WERE IN COMPLIANCE.

MOTION FOR APPROVAL BY MR. RAINEY, SECONDED BY MR. PERDUE. MOTION PASSED UNANIMOUSLY.

2. **DAVID BANDY** WAS REQUESTING A 10 FOOT FRONT YARD SETBACK VARIANCE, AND A 12 FOOT REAR YARD SETBACK VARIANCE TO CONSTRUCT A NEW HOME. SUBJECT PROPERTY IS LOCATED AT 3514 HIGHWAY 25, COTTONTOWN, TN., IS ON TAX MAP 57, PARCEL 73, CONTAINS .57 OF AN ACRE AND IS ZONED AGRICULTURAL.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON APRIL 28, 2006. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MR. BANDY CAME FORWARD TO EXPLAIN AND REPRESENT THIS REQUEST.

MR. RAINEY STATED HE UNDERSTOOD THAT THERE IS AN EXISTING OLD STRUCTURE ON SUBJECT PROPERTY. MR. RAINEY STATED THAT WE HAVE TWO OPTIONS, WE CAN DENY THIS REQUEST THEN THIS GENTLEMAN WOULD HAVE THE RIGHT TO REMODEL THE EXISTING HOUSE, OR WE CAN ALLOW HIM REMOVE THIS EXISTING HOME AND BUILD ANOTHER HOUSE WHICH WOULD COMPLY WITH THE BUILDING CODES, EXCEPT IT WOULD NOT MEET THE BUILDING SETBACKS. THE NEW HOUSE WOULD BE NO MORE OF AN EYESORE THAN THE EXISTING HOME IS CURRENTLY.

MR. HAMMOCK CONCURRED WITH WHAT MR. RAINEY HAD EXPLAINED TO THIS BODY REGARDING MR. BANDY'S REQUEST.

MR. BANDY PASSED OUT PICTURES OF THE EXISTING HOUSE.

THERE WAS NO ONE PRESENT TO SPEAK IN OPPOSITION TO THIS REQUEST.

MOTION FOR APPROVAL BY MR. RAINEY, CONTINGENT THAT THE EXISTING HOUSE BE DEMOLISHED IN TOTAL PRIOR TO CODES DEPARTMENT PERFORMING A FRAMING INSPECTION ON THE NEW STRUCTURE (CODES CAN NOT DO A FRAMING INSPECTION ON THE NEW HOME UNTIL THE EXISTING HOUSE IS COMPLETELY GONE), SECONDED BY MS. WEBSTER. MOTION PASSED UNANIMOUSLY.

3. **JOHN R. STERN** WAS REQUESTING A 30 FOOT ROAD FRONTAGE VARIANCE FOR AN EXISTING DRIVEWAY. THE SUMNER COUNTY SUBDIVISION REGULATIONS SECTION 1.113.109 REQUIRES AT LEAST 50 FEET OF ROAD FRONTAGE FOR TRACTS OF LAND WHICH CONTAINS LESS THAN 5 ACRES.

SUBJECT PROPERTY IS LOCATED AT 313 MARTIN LANE, COTTONTOWN, TN., IS ON TAX MAP 75, PARCEL 11.00, CONTAINS 1.192 ACRES AND IS ZONED AGRICULTURAL.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE BARGAIN BROWSER ON APRIL 25, 2006. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MR. STERN CAME FORWARD TO REPRESENT AND EXPLAIN THIS REQUEST.

MR. STERN STATED THAT ORIGINALLY WE OWNED ALL THE PROPERTY, THEN WE SUBDIVIDED THE PROPERTY INTO TWO LOTS AND RECORDED THE PLAT IN 1995. OUR ORIGINAL HOME WAS ON LOT 1. WE HAVE SINCE THEN SOLD LOT 1 AND WE HAD A 50 FOOT EASEMENT TO THE BACK LOT # 2, WHICH IS WHERE OUR HOME IS CURRENTLY. THE PROBLEM WAS CUMBERLAND ELECTRIC HAD A POWER LINE ACROSS THERE WHICH THEY PROMISED TO MOVE WHEN WE GOT READY TO BUILD THE HOUSE (ON LOT # 2). THEY CAME OUT AND SAID THEY WOULD NOT MOVE THE POWER LINE BECAUSE THE GENTLEMAN THAT WAS THE HEAD OF CUMBERLAND ELECTRIC THAT HAD PROMISED US THAT THEY WOULD MOVE THE POWER LINE ORIGINALLY HAD RETIRED. THEY TOLD US WE WOULD HAVE TO MOVE OUR HOUSE(ON LOT #2) OVER TO THE LEFT WAY OVER FROM THE POWER LINE. WE ENDED UP PUTTING A DRIVEWAY EASEMENT ON THE LEFT SIDE OF THE PROPERTY BECAUSE OF THE POSITION OF OUR NEW HOME. THE LAWS CHANGED AND SO MR. MOULTON SUGGESTED THAT WE COULD REMOVE THE 50 FOOT EASEMENT OVER ON THE RIGHT AND GET A 30 FOOT ROAD FRONTAGE VARIANCE ON THE EXISTING 20 FOOT DRIVEWAY.

MR. RAINEY EXPLAINED THAT HE IS NOT SURE HE NEEDS A VARIANCE. AS LONG AS HE KEEPS THAT 50 FOOT EASEMENT, LOT 1A IS STILL A LEGAL LOT. THE COUNTY ZONING EASEMENT DOES NOT REQUIRE THAT THE DRIVEWAY IS TO BE LOCATED IN THAT EASEMENT. ALL HE IS REALLY DOING TO ADDING 20 FEET TO HIS LOT, HE WILL STILL HAVE A 50 FOOT EASEMENT.

THERE WAS NO ONE TO SPEAK IN OPPOSITION TO THIS REQUEST.

THERE WAS DISCUSSION.

MOTION BY MR. RAINEY THAT THE ZONING BOARD OF APPEALS ACKNOWLEDGE THE EXISTENCE OF THE EXISTING 50 FOOT ACCESS EASEMENT AS EVIDENCED IN PLAT BOOK 15 PAGE 299 AND TO AUTHORIZE THE PLANNING OFFICE TO SIGN THE PLAT ADDING THE ADDITIONAL 20 FOOT OWNERSHIP TO LOT 2, AND DO THIS AS A PLAT NOTE, SECONDED BY MR. PERDUE. MOTION PASSED UNANIMOUSLY.

4. **SCOTT GAGE** WAS REQUESTING A 10 FOOT SIDE YARD SETBACK VARIANCE ON THE EAST SIDE, A 10 FOOT SIDE YARD SETBACK VARIANCE ON THE WEST SIDE, AND A 10 FOOT REAR YARD SETBACK VARIANCE TO BUILD A HOME.

SUBJECT PROPERTY IS LOCATED AT 1339 DICKERSON BAY DRIVE, GALLATIN, TN., IS ON TAX MAP 147K, GROUP B, PARCEL 30, IS LOT 2 OF THE PATRICK QUIGLEY SUBDIVISION, AND IS ZONED RESIDENTIAL A.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON MAY 1, 2006. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MR. GAGE CAME FORWARD TO EXPLAIN AND REPRESENT THIS REQUEST.

MR. RAINEY RECUSED HIMSELF FROM VOTING BECAUSE HE WAS THE SURVEYOR OF THE PATRICK QUIGLEY PLAT.

MR. HAMMOCK STATED THAT THIS PLAT(PATRICK QUIGLEY) CAME IN SHOWING A 10 FOOT SIDE YARD AND A 20 FOOT REAR YARD SETBACK. THIS PLAT WAS SIGNED AND RECORDED. MR. HAMMOCK STATED THAT HE HAD SPOKEN WITH MR. RON COOPER, STATE PLANNER, AND HE STATED THAT EVEN THOUGH THE PLAT WAS SIGNED WITH THE INCORRECT SETBACKS THAT THE NEW PROPOSED HOUSE HAS TO MEET CURRENT ZONING SETBACKS.

THERE WAS NO ONE PRESENT TO SPEAK IN OPPOSITION TO THIS REQUEST.

**MOTION FOR APPROVAL BY MR. PERDUE, SECONDED BY MS. WEBSTER. MOTION PASSED.
3 AYES: COLE, PERDUE AND WEBSTER
1 ABSTENTION: RAINEY**

5. BETHPAGE UNITED METHODIST CHURCH, INC. WAS REQUESTING PERMISSION TO PLACE AN APPROXIMATE 14'7" X 10'6" PERMANENT ILLUMINATED FREE STANDING SIGN.

SUBJECT PROPERTY IS LOCATED AT 3140 HIGHWAY 31-E, BETHPAGE, TN., IS ON TAX MAP 84, PARCEL 43, CONTAINS 22.11 ACRES AND IS ZONED AGRICULTURAL.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON APRIL 28, 2006. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MR. JOHN JOHNSON CAME FORWARD TO EXPLAIN AND REPRESENT THIS REQUEST.

MR. RAINEY RECUSED HIMSELF FROM VOTING.

THERE WAS NO ONE PRESENT TO SPEAK IN OPPOSITION TO THIS REQUEST.

THERE WAS DISCUSSION.

**MOTION FOR APPROVAL BY MR. COLE, SECONDED BY MR. PERDUE. MOTION PASSED.
3 AYES: COLE, WEBSTER, AND PERDUE
1 ABSTAIN: RAINEY**

6. PEGGY MARCHETTI WAS REQUESTING A CONDITIONAL USE PERMIT TO OPERATE A FAMILY FARM FESTIVAL AT 1228 WILLIS BRANCH ROAD, GOODLETTSVILLE, TN., ON JUNE 17, 2006, FROM 9:00 A.M. TO 3:00 P.M. SHE IS ALSO REQUESTING PERMISSION TO PLACE 4 UN-ILLUMINATED SIGNS (3 SIGNS WILL BE 2.5 FEET X 12 FEET, AND 1 SIGN WOULD BE 3.5 FEET X 3 FEET), AND PERMISSION FOR 11 EMPLOYEES.

SUBJECT PROPERTY IS ON TAX MAP 143, PARCELS 49, 83, AND 83.01, AND IS ZONED RESIDENTIAL A.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON MAY 1, 2006. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

PEGGY MARCHETTI CAME FORWARD TO REPRESENT AND EXPLAIN THIS REQUEST.

THERE WAS NO ONE PRESENT TO SPEAK IN OPPOSITION TO THIS REQUEST.

THERE WAS DISCUSSION.

MOTION FOR APPROVAL BY MR. RAINEY, SECONDED BY MR. COLE. MOTION PASSED UNANIMOUSLY.

OTHER BUSINESS:

- A. JOSEPH MADDEN - TO REVIST HIS SPECIAL 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.

THE MOTION ON MAY 13, 2004 WAS TO GRANT THE CONDITIONAL USE OF THIS PROPERTY UNDER OUR NORMAL CONDITIONS AND THAT HE WILL HAVE TO APPEAR BEFORE THE ZONING BOARD OF APPEALS AGAIN IN TWO YEARS. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY REGULAR MAIL.

MR. RAINEY ASKED MR. HAMMOCK IF THERE WERE ANY COMPLAINTS IN THE FILE AND HAD HE (MR. MADDEN) DONE EVERYTHING WE HAD ASKED HIM TO DO.

MR. HAMMOCK REPLIED TO THE BEST OF HIS KNOWLEDGE HE WAS COMPLIANT.

MRS. WILLIAMS STATED THAT MR. HIGHT, ZONING INSPECTOR, HAD VISITED THE SITE AND SAID HE WAS COMPLIANT.

MOTION TO CONTINUE THIS SPECIAL USE PERMIT FOR TWO MORE YEARS BY MR. RAINEY, SECONDED BY MR. COLE. MOTION PASSED UNANIMOUSLY.

MR. HAMMOCK STATED THAT HE HAD SPOKEN WITH MR. MOULTON AND SINCE MR. MOULTON HAS SO MANY MEETINGS TO ATTEND AT NIGHT, THAT HE (GARY HAMMOCK) VOLUNTEERED HIS SERVICES TO ATTEND THE ZONING BOARD OF APPEALS MEETINGS TO FREE MR. MOULTON UP ONE NIGHT A MONTH.

CHAIRMAN MCKEE STATED THAT THEY WOULD BE GLAD TO HAVE HIM ABOARD.

MEETING ADJOURNED AT 6: 35 P.M.