

**SUMNER COUNTY ZONING BOARD OF APPEALS  
MINUTES  
6:00 P.M.  
DECEMBER 13, 2007**

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

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

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

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

**MOTION FOR APPROVAL OF THE NOVEMBER MINUTES BY MR. PERDUE, SECONDED BY MR. COLE. MOTION PASSED UNANIMOUSLY.**

1. **STEVE YOUNG** WAS REQUESTING A CONDITIONAL USE PERMIT TO OPERATE A GAME ROOM. SUBJECT PROPERTY IS LOCATED AT 1088 FAIRFIELD ROAD, WESTMORELAND, TN., IS ON TAX MAP 11, PARCEL 001.05, CONTAINS APPROXIMATELY 1 ACRE AND IS ZONED AGRICULTURAL.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON NOVEMBER 30, 2007. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

STEVE YOUNG CAME FORWARD TO REPRESENT AND EXPLAIN THIS REQUEST. MR. YOUNG STATED HE WANTED TO PUT A FEW POOL TABLES AND VIDEO GAMES IN THE REQUESTED GAME ROOM. THIS GAME ROOM WOULD BE IN A SEPARATE BUILDING FROM THE EXISTING STORE.

MR. MOULTON STATED MR. YOUNG HAS BEEN OPERATING THE EXISTING STORE SINCE MAY 2007. MR. YOUNG WAS GRANTED A CONDITIONAL USE PERMIT IN MARCH 2007 FOR A STORE AT THIS LOCATION, BUT WAS TOLD IF AT A LATER DATE HE WANTED TO OPEN A GAME ROOM HE WOULD HAVE TO COME BACK BEFORE THIS BOARD. THIS IS WHY HE IS BEFORE YOU TONIGHT.

MR. COLE ASKED MR. YOUNG IF THERE WOULD BE ANY GAMBLING. MR. YOUNG RESPONDED TO MR. COLE THAT THERE WOULD BE NEITHER GAMBLING NOR DRINKING.

MR. MOULTON ASKED MR. YOUNG WHAT DAYS OF THE WEEK WOULD THE GAME ROOM BE OPEN.

MR. YOUNG RESPONDED TO MR. MOULTON THAT THE GAME ROOM WOULD BE OPEN WHEN THE STORE WAS OPEN, WHICH IS SEVEN (7) DAYS A WEEK.

THERE WAS DISCUSSION.

**MOTION FOR APPROVAL BY MR. WILLIAMS, SECONDED BY MR. COLE. (MR. COLE STATED THAT HE FELT THE CHAIRMAN SHOULD, JUST TO PLAY IT SAFE WITH THE PEOPLE IN THIS AREA, ASK THE SHERIFF'S DEPARTMENT TO CHECK ON THIS STORE/GAME ROOM. OCCASIONALLY) CHAIRMAN MCKEE REPLIED TO MR. COLE BY SAYING THAT SINCE THERE WILL NOT BE ANY DRINKING OF ANY KIND, HE HAD NO OBJECTION.) MR. YOUNG STATED THAT THIS AREA IS HEAVILY PATROLLED BECAUSE OF THE HEAVY VOLUMES OF BREAK INS. MOTION PASSED UNANIMOUSLY.**

**2. CATHERINE FENOFF WAS REQUESTING A CONDITIONAL USE PERMIT FOR AN INTERNET BASED RETAIL TO CONSUMER BUSINESS, LOCATED WITHIN AN EXISTING STRUCTURE, WILL HAVE NO EMPLOYEES; NO SIGN; WITH NO MORE THAN THREE (3) DELIVERIES PER WEEK BY A PARCEL DELIVERY SERVICE. THERE WILL BE NO SITE SALES AND ALL MERCHANDISE FOR RESALE WILL BE TAKEN OFF SITE BY THE OWNER. SUBJECT PROPERTY IS LOCATED AT 190 BUTTERMILK HOLLOW ROAD, BETHPAGE, TN., IS ON TAX MAP 70, PARCEL 11.01, CONTAINS APPROXIMATELY 18.7 ACRES AND IS ZONED AGRICULTURAL.**

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

CATHERINE FENOFF CAME FORWARD TO EXPLAIN HER REQUEST.

MR. WILLIAMS ASKED MS. FENOFF WHAT SHE WAS SELLING ON THE INTERNET. MS. FENOFF STATED SHE WOULD BE SELLING HOUSEHOLD ITEMS.

MR. MOULTON STATED THAT THIS WOULD NORMALLY FALL UNDER A HOME OCCUPANCY BUSINESS. HER BUSINESS MAY TURN INTO WHERE THERE ARE FIVE OR SIX HOME DELIVERIES PER WEEK, AND WHEN THIS HAPPENS WE MAY START RECEIVING CALLS FROM THE NEIGHBORS TO INQUIRE AS TO WHAT IS GOING ON. HE STATED THAT HE FELT IT WAS IN HER BEST INTEREST TO ESTABLISH THIS THROUGH THE ZONING BOARD OF APPEALS.

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

THERE WAS DISCUSSION.

**MOTION FOR APPROVAL FOR TWO YEARS BY MS. WEBSTER, SECONDED BY MR. PERDUE. MOTION PASSED UNANIMOUSLY.**

**3. SUSAN UHLS WAS REQUESTING A FRONT YARD SETBACK VARIANCE OF 34 FEET AND A REAR YARD SETBACK VARIANCE OF 15 FEET TO REPLACE AN EXISTING SINGLE WIDE MOBILE HOME WITH A NEW 16' X 76' SINGLE WIDE MOBILE HOME. SUBJECT PROPERTY IS LOCATED AT 3194 HWY 76, PORTLAND, TN., IS ON TAX MAP 58, PARCEL 038.00, IS A LOT OF RECORD AND CONTAINS 0.363 OF AN ACRE AND IS ZONED AGRICULTURAL.**

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON DECEMBER 2, 2007. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

THIS REQUEST WAS NOT HEARD UNTIL 7:00 P.M. BECAUSE THIS WAS ADVERTISED INCORRECTLY IN THE NEWS EXAMINER THREE TIMES. THE LAST TIME IT WAS ADVERTISED IN THE NEWS EXAMINER WAS FOR THIS PUBLIC HEARING TO BE HEARD AT 7:00 P.M. (FOR THE RECORD THESE THREE MISTAKES WERE THE NEWS EXAMINER'S MISTAKE NOT THE COUNTY'S.)

AT 7:00 P.M. THE ZONING BOARD OF APPEALS WAS CALLED BACK TO ORDER.

MR. CLAUDE UHLS CAME FORWARD TO REPRESENT THIS REQUEST. THIS MOBILE HOME WILL BE FOR HIS DAUGHTER AND GRANDSON. THE LOT IS ALL ROAD FRONTAGE.

MR. WILLIAMS QUESTIONED WHETHER THERE WAS A SEPTIC TANK ON THIS PARCEL. MR. GREEN SHOWED THE BODY THAT HE DID IN FACT HAVE A SEPTIC TANK PERMIT.

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

THERE WAS DISCUSSION.

MOTION TO APPROVE BY MR. WILLIAMS, SECONDED BY MR. PERDUE. MOTION PASSED UNANIMOUSLY.

MEETING ADJOURNED AT 7:10 P.M.

**OTHER BUSINESS:**

**A. GEORGE GREENE-** TO DISCUSS THE CONTINUANCE OF THE HARDSHIP THAT HE RECEIVED ON DECEMBER 11, 2001. SUBJECT PROPERTY IS LOCATED AT 135 T.L. JONES LANE, PORTLAND, TN., IS ON TAX MAP 51, PARCEL 34.02, CONTAINS 5.03 ACRES AND IS ZONED AGRICULTURAL.

THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY REGULAR MAIL.

GARY GREENE CAME FORWARD TO STATE THAT THE HARDSHIP STILL EXISTS AND HE PROVIDED THIS BODY WITH A LETTER FROM THE PHYSICIAN.

THERE WAS DISCUSSION.

MOTION TO CONTINUE THE HARDSHIP FOR TWO YEARS BY MR. PERDUE, SECONDED BY MS. WEBSTER. MOTION PASSED UNANIMOUSLY.

MEETING ADJOURNED AT 7:15 P.M.