

**SUMNER COUNTY ZONING BOARD OF APPEALS  
MINUTES  
6:00 P.M.  
OCTOBER 20, 2005**

**SUMNER COUNTY ADMINISTRATION BUILDING  
ROOM 210  
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:**

LISA WILLIAMS, ADMINISTRATIVE ASSISTANT

**OTHERS ABSENT:**

MIKE MOULTON, PLANNING DIRECTOR

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

1. BERNARD C. VOLTZ, JR. WAS REQUESTING (3) SETBACK VARIANCES FOR BUILDING # 18 AS FOLLOWS,

- ❖ 10 FEET AT THE SOUTH WEST REAR;
- ❖ 17 FEET AT THE SOUTH EAST REAR;
- ❖ 20 FEET AT THE EAST SIDE

FOR A PROPOSED MULTI-FAMILY BUILDING CONSISTING OF (4) SINGLE FAMILY UNITS.  
(VARIANCE TO AMEND RECORDED PLAT)

SUBJECT PROPERTY IS LOCATED AT 154, 155, 156, AND 157 TANASI SHORES, GALLATIN, TN., IS ZONED RESIDENTIAL PLANNED UNIT DEVELOPMENT AND IS ON TAX MAP 158M, GROUP C, PARCEL 1.00.

*THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON SEPTEMBER 21, 2005. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.*

*MR. VOLTZ CAME FORWARD TO EXPLAIN THIS REQUEST AND TO ANSWER ANY QUESTIONS. MR. VOLTZ STATED THAT HE NEEDED TO DO A PLAT AMENDMENT TO CHANGE THE DIMENSION OFF THE SIDE PROPERTY LINE, WHICH IS 34 FEET. THIS WILL BE ONE BUILDING WITH FOUR UNITS. MR. VOLTZ STATED THAT HE IS HERE TONIGHT BECAUSE HE IS BOUND BY MEASUREMENTS ON THE PLAT INSTEAD OF SETBACKS.*

MR. RAINEY ASKED MR. VOLTZ IF WE WERE TO GRANT YOUR REQUEST, HOW FAR WILL YOUR BUILDING BE FROM THE EASTERLY PROPERTY LINE?  
MR. VOLTZ REPLIED "14 FEET".

MR. RAINEY ASKED MR. VOLTZ HOW FAR WILL THE BUILDING BE FROM THE SOUTHERLY (SOUTHEAST) PROPERTY LINE?  
MR. VOLTZ REPLIED "34 FEET".

MR. RAINEY ASKED MR. VOLTZ HOW FAR WILL THE BUILDING BE FROM THE SOUTHWEST PROPERTY LINE?  
MR. VOLTZ REPLIED "34 FEET".

MR. RAINEY STATED THAT HIS REQUEST IN THE REAR IS IN EXCESS OF THE REQUIRED ZONING. THE REAR YARD SETBACK REQUIREMENT IS 30 FEET. WE CAN NOT ACT ON THIS END OF IT, BECAUSE THE PLAN WAS APPROVED AND ADOPTED BY THE PLANNING COMMISSION. IF THIS IS PRESENTED TO THE PLANNING COMMISSION AND THEY DID DECIDE TO APPROVE IT THEY WOULD ALSO HAVE TO DECIDE IF IT CONSTITUTED A MAJOR CHANGE IN THE ORIGINAL APPROVAL, WHICH COULD MEAN IT WOULD HAVE TO GO BACK BEFORE THE COUNTY COMMISSION. MR. RAINEY STATED HE FELT THIS BODY COULD ONLY ACT ON THE SIDE YARD VARIANCES. MR. RAINEY STATED THAT HE PULLED THE OLD ZONING ORDINANCE, AND IT REFLECTED A 25 FOOT PERIMETER SETBACK FOR A PLANNED UNIT DEVELOPMENT. MR. RAINEY EXPLAINED THAT WHAT WE ARE ACTUALLY LOOKING AT IS A 11 FOOT ZONING VARIANCE ON THE EAST PROPERTY LINE. MR. RAINEY STATED THAT IN THE 80'S ZONING ORDINANCE IT STATED THAT ANY CHANGES TO A PLANNED UNIT DEVELOPMENT WOULD HAVE TO BE APPROVED BY THE PLANNING COMMISSION.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

TIMOTHY CARO, 1505 SEMINOLE CIRCLE, CAME FORWARD TO ASK IF THIS VARIANCE WOULD PUSH HIS CONDO CLOSER TO HIS PROPERTY.

MARY MCCABE, 1503 SEMINOLE CIRCLE, CAME FORWARD TO ASK QUESTIONS. SHE WAS CONCERNED THAT IT WOULD BE TOO CLOSE TO THE PROPERTY LINE. SHE SPOKE AGAINST THIS REQUEST.

BETTY OATS, 153 SEMINOLE CIRCLE, CAME FORWARD TO SPEAK AGAINST THIS REQUEST. THIS BUILDING WILL ENCROACH ON HER DRIVEWAY AND THIS WOULD ALSO AFFECT THE GREEN SPACE.

JODI OATS HERMEY CAME FORWARD TO SPEAK AGAINST THIS REQUEST.

BO SIMPSON AND RALID MCFARLIN, REPRESENTATIVES OF THE HOME OWNERS ASSOCIATION WERE ALSO PRESENT. MR. SIMPSON STATED THAT THEY DID APPROVE HIM TO BUILD THIS CONDO BASED ON THE VARIANCES, IF APPROVED. MR. MCFARLIN, STATED THAT THE EXISTING HOUSE IS NOT BUILD WHERE IT IS SUPPOSE TO BE.

MR. VOLTZ SHOWED THE BODY A SITE PLAN THAT HE PRESENTED TO THE BOARD OF THE HOMEOWNERS ASSOCIATION.

THOMAS KRAFT, 1503 SEMINOLE CIRCLE, CAME FORWARD TO SPEAK AGAINST THE REQUEST.

MR. RAINEY ASKED MR. VOLTZ IF HE WOULD CONSIDER CUTTING DOWN THE SIZE OF THIS CONDO TO FIT IN THE AVAILABLE AREA.

MR. VOLTZ STATED HE ACTUALLY WAS DOING THIS FOR A FRIEND, AND THIS WOULD CUT HIS PROFITS TO LESS THAN 5 %.

THERE WAS EXTENSIVE DISCUSSION.

MR. RAINEY STATED THAT HE HAD A PROBLEM WITH THIS PROPOSED CONDO TAKING ANY OF THE DRIVEWAY OF THE ADJOINING PROPERTY, WHICH HAS HAD A CONDO ON IT FOR MANY YEARS. MR. RAINEY STATED THAT HE QUESTIONED THE RIGHTS, ONE OVER THE OTHER TO TAKE THAT FROM HER. THE 1980'S ZONING ORDINANCE PROTECTED THEM WITH THE MINIMUM 25 FEET FROM A PERIMETER ON A PLANNED UNIT DEVELOPMENT.

**MOTION BY MR. RAINEY TO DENY THE REQUEST, SECONDED BY COLE. MOTION PASSED UNANIMOUSLY.**

2. **RIVER OF FAITH MINISTRIES** WAS REQUESTING PERMISSION FOR THE PLACEMENT OF TWO SIGNS. (i.e- 5' X 8' SIGN- FREE STANDING & 2' X 4' X 5 1/2" SIGN ON THE BUILDING) SUBJECT PROPERTY IS LOCATED AT 1920 HIGHWAY 31-W, WHITE HOUSE, TN., IS ON TAX MAP 99, PARCEL 8.01, CONTAINS 5 ACRES AND IS ZONED RA.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON SEPTEMBER 30, 2005. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

PASTOR STEVE BIVINS CAME FORWARD TO EXPLAIN THIS REQUEST.

GEORGE AND MARTHA SIPE, 5070 BRICK CHURCH PIKE, CAME FORWARD TO STATE THAT THEY HAVE NO PROBLEMS WITH THE CHURCH AND THAT THEY HAVE BEEN GOOD NEIGHBORS TO US. MR. SIPE STATED THAT THIS IS A RESIDENTIAL AREA AND THERE IS GETTING TO WHERE THERE ARE A LOT IS SIGNS IN THE AREA. THE CHURCH ALREADY HAS ONE SIGN THERE AND NOW THERE ARE 7 MORE SIGNS UP AND DOWN WHAT WAS OUR ORIGINAL DRIVEWAY, SOME ARE SAFETY SIGNS, ETC. MR. SIPE EXPLAINED THAT THEIR DRIVEWAY IS AN EASEMENT BACK TO TWO OTHER HOMES, SINCE THIS PROPERTY WAS SUBDIVIDED. THREE HOMES ARE SHARING THIS DRIVEWAY. WE FEEL LIKE THE CHURCH HAS A SIGN ALREADY. MR. SIPE STATED THAT HE ALSO HAD A PROBLEM WITH THE AMERICAN FLAG FLYING AS AN ADVERTISEMENT.

PASTOR STEVE STATED THAT THE EXISTING SIGN WOULD COME DOWN. PASTOR STEVE STATED THAT ONE OF THE THINGS HE WAS GOING TO ENQUIRE ABOUT IS WHETHER THEY COULD HAVE A FLAG POLE. PASTOR STEVE STATED THAT HE SPEND HIS TIME IN THE MILITARY AND THE FLAG IS NOT FOR ADVERTISEMENT.

MR. SIPE STATED THAT THE FLAG SHOULD BE TAKEN DOWN AT NIGHT AND PUT UP IN THE MORNING.

PASTOR STEVE STATED THAT HE DID NOT HAVE A PROBLEM WITH TAKING THE FLAG DOWN AT NIGHT.

MR. HAINES, AN ADJOINING PROPERTY OWNER, STATED HE DID NOT HAVE A PROBLEM WITH THE EXISTING SIGN. MR. HAINES STATED THAT HE FELT IF THE NEW SIGN WHICH WOULD BE DOUBLE IN SIZE WOULD BE AN OBSTRUCTION IN EXISTING THE AREA.

PASTOR STEVE STATED THAT THE PLACEMENT OF THE NEW SIGN WILL GO WHERE THE OLD SIGN IS LOCATED. THE PURPOSE OF THE NEW SIGN IS FOR IT TO LOOK MORE PROFESSIONAL.

THERE WAS EXTENSIVE DISCUSSION.

MR. RAINEY ASKED THE ADJOINING PROPERTY OWNERS PRESENT, IF THEY COULD SEE TO ENTER THE ROAD IN CONJUNCTION OF WHERE THE EXISTING SIGN IS LOCATED THEY ALL CONCURRED THAT THEY COULD SEE TO EXIT.

MR. SIPE STATED THAT IF THIS SIGN IS ALLOWED, THAT IT BE PLACED AS FAR ON THE CORNER TOWARD THE FIRE DEPARTMENT, AND BACK AS FAR AS THE PRESENT SIGN IS LOCATED. MR. SIPE STATED HE HAD A PROBLEM WITH AN ILLUMINATED SIGN.

MR. RAINEY ASKED WHY PASTOR BIVINS WANTED TO ILLUMINATE THE SIGN. PASTOR BIVINS RESPONDED BY SAYING FOR VISIBILITY.

MR. RAINEY STATED HE HAD A PROBLEM WITH AN ILLUMINATED SIGN. MR. RAINEY STATED HE DID NOT HAVE A PROBLEM WITH A SIGN IF IT PLACED AS FAR BACK AS THE EXISTING SIGN, NO CLOSER TO THE ROAD.

MR. RAINEY ASKED THE ADJOINING PROPERTY OWNERS WOULD THEY HAVE AN OBJECTION TO HAVING THE SIGN PLACED ON A TIMER FOR THE ILLUMINATION.

MS. SIPE STATED THAT SHE WOULD HAVE A PROBLEM WITH A SIGN WITH A TIMER.

PASTOR BIVINS STATED THAT THE SIGN WOULD BE ILLUMINATED FROM WITHIN THE SIGN.

THERE WAS MORE DISCUSSION.

**MOTION BY MR. COLE TO ALLOW THEM TO PUT UP AN INTERNAL ILLUMINATED SIGN NOT TO BE LOCATED ANY CLOSER TO THE ROAD THAN THE PRESENT SIGN IS, AND THIS SIGN WOULD HAVE A TIMER THAT WOULD ALLOW THE ILLUMINATION TO COME ON AT DARK AND WOULD GO OFF AT 8:00 P.M. AT NIGHT, SECONDED BY MR. RAINEY. MOTION PASSED UNANIMOUSLY.**

**(FYI: THIS MOTION ALLOWS FOR THE FREE STANDING SIGN; THE SIGN REQUESTED TO BE PLACED ON THE BUILDING WAS NOT APPROVED)**

**3. BARBARA RADCLIFFE** WAS REQUESTING A 14 FOOT SIDE YARD SETBACK VARIANCE ON THE SOUTH SIDE FOR AN EXISTING MANUFACTURED HOME. SUBJECT PROPERTY IS LOCATED AT 406 COKER FORD ROAD, PORTLAND, TN., IS ON TAX MAP 2, PARCEL 27.03, CONTAINS 2.08 ACRES AND IS ZONED AGRICULTURAL.

THIS IS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON OCTOBER 3, 2005. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MS. RADCLIFFE CAME FORWARD TO EXPLAIN AND REPRESENT THIS REQUEST AND TO ANSWER ANY QUESTIONS.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

RUSSELL MCGLOTHLIN CAME FORWARD TO STATE WHY HE WAS IN OPPOSITION TO THIS REQUEST. HE STATED THAT HE WAS BUILDING A HOUSE NEXT DOOR TO SUBJECT PROPERTY AND MS. RADCLIFFE'S DRIVEWAY IS ENCRDACHING ON HIS PROPERTY, AND ALSO HER SEPTIC TANK IS ON THIS PROPERTY.

MS. RADCLIFFE STATED SHE WAS AWARE OF THIS SITUATION. SHE STATED THAT MR. MOULTON CALLED HER AND SAID SHE HAD TWO OPTIONS. SHE COULD GO TO THE ENVIRONMENTAL OFFICE AND APPLY FOR A REPAIR PERMIT AND HAVE THE SEPTIC TANK MOVED ONTO HER PROPERTY, OR SHE COULD ASK THE NEIGHBORS IF THEY WOULD GIVE HER A UTILITY VARIANCE WHICH WOULD MAKE IT LEGAL.

MS. RADCLIFFE STATED THAT ALLEN RATHER, ENVIRONMENTALIST GRANTED HER A PERMIT TO MOVE THE SEPTIC TANK. SHE STATED SHE NEEDS TIME, BUT SHE WILL MOVE THE SEPTIC TANK. SHE STATED SHE HAD SPOKEN WITH AN ATTORNEY AND THERE ARE SOME KIND OF RIGHTS WITHIN LAW. SHE HAS USED THIS DRIVEWAY FOR 10 YEARS.  
SHE WANTS TO CONSULT SOMEONE BEFORE SHE MOVES THE DRIVEWAY.

MR. RAINEY STATED THAT ALL WE CAN LOOK AT TONIGHT IS A SIDE YARD VARIANCE. THE DRIVEWAY IS A CIVIL MATTER AND MUST BE DEALT WITH SOMEWHERE ELSE.

MR. RAINEY EXPLAINED THAT MR. MCGLOTHLIN COULD GRANT AN EASEMENT FOR THE DRIVEWAY.

PENNY MCGLOTHLIN CAME FORWARD TO SPEAK. SHE ASKED WHAT BEARING WOULD THIS VARIANCE, IF GRANTED, HAVE ON THE ADJOINING PROPERTY.  
MR. RAINEY STATED THAT IF THIS VARIANCE IS GRANTED THIS WOULD HAVE NO BEARING AT ALL ON THE ADJOINING PROPERTY.

THERE WAS DISCUSSION.

**MOTION FOR APPROVAL SINCE THE COUNTY ISSUED THE BUILDING PERMIT BY MR. RAINEY, SECONDED BY MR. COLE. MOTION PASSED UNANIMOUSLY.**

**4. BRIAN HARPER DBA HARPER TRUCKING** WAS REQUESTING A CONDITIONAL USE PERMIT TO SERVICE DUMP TRUCKS IN AN EXISTING 46' X 50' SHOP, PERMISSION TO PARK 4 DUMP TRUCKS ON SUBJECT PROPERTY, AND FOR 4 EMPLOYEES. SUBJECT PROPERTY IS LOCATED AT 1111 JONES ROAD, HENDERSONVILLE, TN., IS ON TAX MAP 95, PARCEL 64, CONTAINS 21 ACc, AND IS ZONED RA.

*THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON OCTOBER 10, 2005. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.*

*MR. HARPER CAME FORWARD TO EXPLAIN THE REQUEST. MR. HARPER EXPLAINED THAT HE KEEPS THE TRUCKS PARKED ABOUT A 1,000 FEET OFF THE ROAD.*

*THERE WAS DISCUSSION.*

*THERE WAS NO ONE PRESENT TO SPEAK FOR OR AGAINST MR. HARPER.*

*MR. RAINEY DECLARED A POSSIBLE CONFLICT OF INTEREST SINCE MR. HARPER HAS HAULED DIRT FOR ME IN THE PAST.*

*MS. WEBSTER STATED THAT MR. HARPER HAS WORKED FOR HER ALSO.*

*THERE WAS DISCUSSION.*

***MOTION FOR APPROVAL BY MR. COLE, SECONDED BY MR. PERDUE. MOTION PASSED.  
AYES: COLE, PERDUE, MCKEE  
ABSTAIN: RAINEY & WEBSTER***

*MR. RAINEY STATED HE IS NOT VOTING ON THIS ITEM BUT WOULD LIKE TO BRING TWO ITEMS TO MR. HARPER'S ATTENTION. 1) A LOT OF PEOPLE HAVE ALMOST BEEN RUN OFF THE ROAD BY HIS TRUCKS, HE NEEDS TO SLOW THESE TRUCKS DOWN, 2) HE NEEDS TO RENEW HIS BUSINESS LICENSE.*

*MR. HARPER HANDED MR. RAINEY A COPY OF HIS LICENSE RENEWAL.*

**5. NEXTEL COMMUNICATIONS (JERRY THURMAN PROPERTY OWNER)** IS REQUESTING A SPECIAL EXCEPTION PERMIT TO CONSTRUCT A 250 FOOT SELF SUPPORTING COMMUNICATIONS TOWER. SUBJECT PROPERTY IS LOCATED AT 230 HAZE HYDE HOLLOW ROAD, BETHPAGE, TN., IS ON TAX MAP 64, PARCEL 44 AND IS ZONED AGRICULTURAL.

*THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON OCTOBER 10, 2005. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.*

JIM YARBROUGH CAME FORWARD TO EXPLAIN THIS REQUEST. MR. YARBROUGH STATED HE WAS REQUESTING AT CELL TOWER TO BE PLACED AT 145 HAZE HOLLOW ROAD. MR. YARBROUGH STATED HE SUBMITTED APPLICATION FOR A 250 FOOT TOWER, BUT THROUGH MISCOMMUNICATION HE NEEDED TO ASK PERMISSION FOR A 350 FOOT GUY TOWER.

MR. RAINEY STATED THAT THIS REQUEST HAS A COUPLE OF PROBLEMS. MR. RAINEY STATED THAT HE DID NOT KNOW WHICH HEIGHT HE WANTED TO BUILD, AND NOT SURE WHAT THE CORRECT ADDRESS IS. MR. RAINEY STATED THE APPLICATION WAS FOR 230 HAZE HYDE HOLLOW, THE LETTER SUBMITTED REFLECTED 135 HAZE HYDE HOLLOW, AND YOU JUST STATED YOU WERE REQUESTING PERMISSION FOR 145 HAZE HYDE HOLLOW.

AFTER SPEAKING WITH THE ENGINEER, MR. YARBROUGH STATED THE REQUEST WAS FOR 135 HAZE HYDE HOLLOW ROAD.

MR. RAINEY STATED THAT HE REQUESTED PERMISSION FOR A 250 FOOT TOWER AND THE WRONG ADDRESS WAS ADVERTISED.

THERE WAS DISCUSSION.

MR. HARRISON STATED HE HAD OBJECTION TO THIS TOWER. MR. HARRISON STATED THE PUBLIC NOTICE HE RECEIVED HAD HIS PERSONAL ADDRESS LISTED FOR THE TOWER LOCATION, AND THEY ARE CROSSING A STRIP OF MY LAND TO GET TO THIS TOWER AND NOBODY SAID ANYTHING ABOUT WHAT THEY WERE DOING.

NANCY HARRISON WAS PRESENT IN OBJECTION TO THIS TOWER.

ACCORDING TO THE STAFF ,THEY WERE NOTIFIED OF THE PROBLEM WITH THE ADDRESS, AND IT WAS NOT CORRECTED. MR. RAINEY STATED THAT WE NEED TO GIVE THEM TIME TO CORRECT THIS PROBLEM AND READVERTISE.

**MOTION BY MR. RAINEY TO DEFER THIS REQUEST UNTIL THE FEBRUARY 2006 MEETING, SECONDED BY MR. PERDUE. MOTION PASSED UNANIMOUSLY.**

6. NEXTEL COMMUNICATIONS (MARILYN WATSON PROPERTY OWNER) WAS REQUESTING A SPECIAL EXCEPTION PERMIT TO CONSTRUCT A 250 FOOT SELF SUPPORTING COMMUNICATIONS TOWER. SUBJECT PROPERTY IS LOCATED AT 4200 BLEDSOE STREET, WESTMORELAND, TN., IS ON TAX MAP 44, PARCEL 131.01 AND IS ZONED AGRICULTURAL.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON OCTOBER 10, 2005. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MR. YARBROUGH CAME FORWARD TO REPRESENT THIS REQUEST.

CHAIRMAN MCKEE ASKED IF THIS ADDRESS WAS CORRECT AND WAS THE TOWER HEIGHT 250 FEET?

MR. YARBROUGH SAID YES SIR.

MR. RAINEY ASKED IF THE DRIVEWAY TO THE TOWER BE PAVED OR GRAVEL.

MR. YARBROUGH STATED IT WOULD BE GRAVEL.

MARILYN WATSON AND FRANKLIN WATSON WERE PRESENT AND WERE BOTH IN AGREEMENT WITH NEXTEL'S PLANS.

THERE WAS DISCUSSION.

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

OTHER BUSINESS;

THOMAS CARTER-729 CLEARVIEW ROAD, COTTONTOWN, TN. -TIME TO REVISIT MR. CARTERS CONDITIONAL USE PERMIT, HE WAS GRANTED A CONDITIONAL USE PERMIT IN APRIL 2004 FOR AN ADDITIONAL 18 MONTHS.

MR. CARTER CAME FORWARD AND ASKED PERMISSION TO OPERATE HIS SAWMILL ON SATURDAY ALSO, SINCE HE HAD A JOB DURING THE WEEK AND WAS UNABLE TO RUN IT DURING THE WEEK.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

PEGGY WIX CAME FORWARD TO SPEAK IN OPPOSITION. MS. WIX STATED SHE DID NOT WANT TO HAVE TO LISTEN TO THE SAWMILL ON SATURDAY'S. NO ONE HAS EVER COME OUT TO HEAR WHAT WE HAVE TO LISTEN TO ESPECIALLY WHEN THAT BLADE COMES INTO CONTACT WITH THE WOOD. DURING THE WEEK THIS SAWMILL IS INTOLERABLE, I DO NOT WANT TO LISTEN TO THIS ON THE WEEKEND.

SHE ALSO ASKED THIS COMMITTEE MAKE SURE ALL LAWS AND CODES WERE BEING FOLLOWED AS FAR AS ENVIRONMENTAL, NOISE POLLUTION, ETC.

MS. WIX ALSO STATED THAT THIS BODY WAS GIVEN A LETTER FROM THE NASHVILLE FIRE MARSHALL STATING THAT THIS SAWMILL COULD CAUSE A FIRE TO MR. MCELROY'S PROPERTY.

MR. MCELROY CAME FORWARD TO SPEAK IN OBJECTION.

MR. MCELROY STATED THAT THIS IS NOT ZONED FOR A SAWMILL. HE STATED THAT SAWMILLS ARE IN INDUSTRIAL ZONES. MR. MCELROY STATED HE WANTED A CEASE AND DESIST ORDER PLACED ON THE SAWMILL.

CINDY JOHNSON, TOM CARTER'S SISTER IN LAW AND EMPLOYER CAME FORWARD TO SPEAK. MS. JOHNSON STATED SHE DID KNOW WHEN THE LAST TIME WAS THAT THEY COULD HAVE HEARD THE SAWMILL. SHE STATED SHE HAS KEPT MR. CARTER SO BUSY THERE WAS NO TIME TO RUN THE SAWMILL. SHE SAID THE SAWMILL HAS PROBABLY ONLY RUN TWICE IN THE LAST SIX MONTHS. SHE STATED THAT MR. CARTER WORKS FOR HER AT LEAST 60 HOURS A WEEK.

MR. RAINEY ASKED HOW OFTEN WILL YOU RUN THE SAWMILL EVERY WEEKEND IF YOU ARE GRANTED THIS REQUEST.

MR. CARTER REPLIED THAT HE MAY RUN THE SAWMILL TWO OR THREE WEEKENDS IN A ROW, OR THERE MIGHT BE A MONTH I MAY NOT RUN IT ON A SATURDAY AT ALL.

THERE WAS DISCUSSION.

MR. RAINEY STATED MR. CARTER IS WELL WITHIN HIS RIGHTS TO REQUEST A CONDITIONAL USE PERMIT IN AN AGRICULTURAL ZONE. WE PUT CONDITIONS ON HIM LAST TIME THAT LIMITED HIS HOURS OF OPERATION. MR. RAINEY STATED THAT HE HAS HAD A CALL OR TWO ABOUT THE NEED FOR THE SAWMILL IN THE AREA.

MOTION BY MR. RAINEY TO CONTINUE THE CONDITIONAL USE PERMIT WITH THE ADDITION OF 9:00 A.M. TO 4:30 P.M. OPERATION ON SATURDAY AND WITH ALL OTHER CONDITION PREVIOUSLY SET FORTH FOR A PERIOD OF 24 MONTHS, SECONDED BY MR. COLE. MOTION PASSED UNANIMOUSLY.

OTHER BUSINESS:

THERE WAS DISCUSSION ABOUT AN INCREASE IN THERE PAY.

MOTION BY CHAIRMAN MCKEE TO INCREASE THE MEMBERS SALARY FROM \$75.00 TO \$100.00 PER MEETING, SECONDED BY MS. WEBSTER. MOTION PASSED UNANIMOUSLY.

MEETING ADJOURNED AT 7:30 P.M.