

**SUMNER COUNTY ZONING BOARD OF APPEALS  
MINUTES  
6:00 P.M.  
FEBRUARY 8, 2007**

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  
SANDY WEBSTER  
ALTON PERDUE  
MIKE WILLIAMS, ALTERNATE

**MEMBERS ABSENT:**  
JAMES COLE

**OTHERS PRESENT:**

MIKE MOULTON, PLANNING DIRECTOR  
LISA WILLIAMS, ADMINISTRATIVE ASSISTANT

**MOTION BY MS. WEBSTER, SECONDED BY MR. PERDUE TO APPROVE THE JANUARY MINUTES. MOTION PASSED UNANIMOUSLY.**

1. **DANIEL METZGAR** WAS REQUESTING A TWENTY FIVE (25) FOOT VARIANCE FROM THE REQUIRED FIFTY (50) FOOT EASEMENT, THAT IS NECESSARY TO OBTAIN A BUILDING PERMIT. SUBJECT PROPERTY IS LOCATED AT 4212 LONG HOLLOW PIKE, GOODLETTSVILLE, TN., IS ON TAX MAP 140, PARCEL 32.01, CONTAINS APPROXIMATELY 2.34 ACRES AND IS ZONED RESIDENTIAL 1A.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON JANUARY 12, 2007. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MR. METZGAR CAME FORWARD TO EXPLAIN HIS REQUEST AND TO ANSWER ANY QUESTIONS. MR. METZGAR STATED THAT HE WAS REQUESTING A TWENTY-FIVE (25) FOOT VARIANCE FROM THE REQUIRED FIFTY (50) FOOT FOR NEW CONSTRUCTION. MR. METZGAR EXPLAINED THAT HE WAS NOT AWARE THAT THERE NEEDED TO BE A FIFTY-FOOT EASEMENT WHEN HE PURCHASED THE PROPERTY.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

MS. ALICE THOMPSON CAME FORWARD TO STATE THAT SHE OWNED THE PROPERTY THAT THIS EASEMENT IN QUESTION RUNS THROUGH.

MARK MIDGETT CAME FORWARD TO SPEAK. MR. MIDGETT STATED THAT HE OWNS THE FIVE (5) ACRE TRACT ADJOINING MR. METZGAR. MR. MIDGETT STATED THAT THE BOTTOM ALWAYS STAYS WET BECAUSE OF THE SPRING LOCATED ON MR. METZGAR'S PROPERTY. MR. MIDGETT IS CONCERNED THAT WHERE MR. METZGAR IS GOING TO PUT HIS FIELD LINES, WHICH IS UP THE HILL, AND PUMPING IT UP THE HILL AND ACROSS, THAT EVENTUALLY THE SEWAGE IS GOING TO SEEP DOWN AND GET INTO THIS NATURAL SPRING.

CHRIS CARR CAME FORWARD TO STATE HE HAD THE SAME CONCERNS THAT MR. MIDGETT HAD ABOUT THE SEPTIC LEAKING INTO THE SPRING. MR. CARR STATED THAT HIS PROPERTY IS THE LOW PIECE IN THE AREA, AND HE HAS A CREEK THAT RUNS DOWN BESIDE HIS PROPERTY. MR. CARR STATED THAT THERE IS A SPRING THAT WAS SOMEHOW ROUTED TO THE BASEMENT OF HIS HOUSE. MR. CARR WAS CONCERNED THAT THE SEPTIC WILL GET IN THE SPRING THAT IT WOULD BE COMING INTO HIS BASEMENT AND DOWN THE CREEK. MR. MIDGETT STATED THAT THE SPRING HAS ALWAYS BEEN MANAGEABLE, BUT EVER SINCE THEY CUT THIS DRIVEWAY, HE COULD NOT MAINTAIN THIS SPRING.

MR. METZGAR STATED THAT HIS PROPERTY WAS PERKED FOR A LOW PRESSURE SEPTIC SYSTEM ALMOST TWO YEARS AGO.

CHAIRMAN MCKEE EXPLAINED THAT IF THE ENVIRONMENTAL SYSTEM SAYS IT PERKS, WE HAVE TO ACCEPT WHAT THEY RECOMMEND.

MR. RAINEY STATED THAT THE ONLY THING BEFORE US IS TO LOOK AT A RIGHT-OF-WAY. MR. RAINEY STATED THAT THE CONCERNED CITIZENS MIGHT WANT TO EXPRESS THEIR CONCERNS TO THE SUMNER COUNTY ENVIRONMENTAL OFFICE. MR. RAINEY STATED THAT THE ENVIRONMENTAL OFFICE WILL NOT ALLOW A SYSTEM TO GO IN THAT WOULD SUPPOSEDLY CONTAMINATE THE GROUND WATER.

THERE WAS DISCUSSION.

MR. MOULTON STATED THAT ONE OPTION THIS BOARD NEEDS TO CONSIDER WAS WHETHER MR. METZGAR HAS ANY OTHER OPTIONS AVAILABLE. ONE OPTION COULD BE IF MS. THOMPSON WAS WILLING TO SELL HIM AN ADDITIONAL TWENTY-FIVE FOOT EASEMENT, MAKING THIS A FULL FIFTY-FOOT EASEMENT, THEREFORE A VARIANCE WOULD NOT BE NECESSARY. MR. MOULTON EXPLAINED THAT HE WAS CONCERNED THAT THIS PLAT WAS PLATTED AND RECORDED AFTER WE ADOPTED THE SUMNER COUNTY ZONING RESOLUTION IN 1973. MR. MOULTON STATED THAT THE DEED BEFORE HIM WAS DATED 1983.

MR. MOULTON STATED THAT THIS BOARD'S PREFERENCE WOULD BE THAT YOU DID NOT REQUIRE A VARIANCE.

MR. RAINEY EXPLAINED TO MR. METZGAR THAT THIS PROPERTY WAS CREATED ILLEGALLY PER THE LAWS OF SUMNER COUNTY.

MR. MOULTON SUGGESTED TO THE BOARD THAT SINCE THIS IS A NON-CONFORMING LOT OF RECORD THAT MAYBE A MOTION WOULD BE PUT FORTH THAT WOULD STIPULATE THAT MR. METZGAR TRY TO NEGOTIATE AN ARRANGEMENT IN THE FRONT TO ACQUIRE AN ADDITIONAL TWENTY- FIVE (25) FEET OF EASEMENT, AND IF THIS DOES NOT OCCUR IN SAY SIXTY (60) DAYS THAT THIS BOARD WOULD DECIDE WHETHER OF NOT THEY WANT TO GRANT HIM THIS VARIANCE.

MR. RAINEY ASKED MR. HAMMOCK'S OFFICE TO RESEARCH THIS AGAIN. MR. RAINEY STATED THAT MR. METZGAR MIGHT HAVE A RECOURSE BACK TO THE TITLE COMPANY, BECAUSE AS IT STANDS TODAY HE DOES NOT HAVE A LEGAL ACCESS TO THAT PROPERTY, NOR COULD HE GET A BUILDING PERMIT. THIS PROPERTY WAS ILLEGALLY CREATED. MR. RAINEY STATED HE DID NOT FEEL COMFORTABLE MAKING A MOTION TO APPROVE IT TONIGHT.

THERE WAS DISCUSSION.

MR. MOULTON STATED FOR AN FYI THAT AN EASEMENT MEANS YOU CANNOT IMPEDE IT IN ANY WAY SUCH AS A FENCE OR A GATE ACROSS IT.

**MOTION FOR DEFERRAL FOR THIRTY DAYS BY MR. RAINEY TO GIVE HIM TIME TO WORK IT OUT AND GIVE OUR STAFF TIME TO GET ANSWERS, SECONDED BY MS. WEBSTER. MOTION PASSED UNANIMOUSLY.**

MR. RAINEY TOLD MR. METZGAR THAT IF HE WAS ABLE TO PURCHASE AN ADDITIONAL TWENTY-FIVE FEET THAT HE WOULD NOT NEED TO COME BACK BEFORE THIS BODY.

MR. METZGAR STATED THAT HE WOULD NOT BE PURCHASING THE PROPERTY, BUT JUST THE RIGHT TO USE THIS PROPERTY FOR AN EASEMENT.  
MR. RAINEY CONCURRED.

MR. MOULTON STATED THAT IF YOU WERE ABLE TO PURCHASE AN ADDITIONAL TWENTY-FIVE FOOT EASEMENT, YOU WILL NEED TO RECORD A NEW DEED SHOWING THE NEW MEETS AND BOUNDS TO INCLUDE THAT EASEMENT. MR. MOULTON ADDED THAT THEN MR. HAMMOCK WOULD BE ABLE TO ISSUE A BUILDING PERMIT.

**2. B. R. MCMILLAN & ASSOCIATES** WAS REQUESTING A CONDITIONAL USE PERMIT TO OPERATE A FAMILY OWNED, OFFICE ONLY, CONSTRUCTION BUSINESS IN AN EXISTING STRUCTURE. THEY WERE ALSO REQUESTING A VARIANCE FROM DUST FREE PARKING. SUBJECT PROPERTY IS LOCATED AT 4030 HWY 31 W NORTH, COTTONTOWN, TN., IS ON TAX MAP 56, PARCEL 53.01, CONTAINS APPROXIMATELY 6.48 ACRES AND IS ZONED AGRICULTURAL.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON JANUARY 26, 2007. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MR. MCMILLAN CAME FORWARD TO EXPLAIN HIS REQUEST. MR. MCMILLAN STATED THAT HE BOUGHT SIX ACRES WITH A LOG HOME BEHIND HIS HOME AND RENOVATED IT AND PUT THE FAMILY BUSINESS IN IT. HE RECENTLY FOUND OUT HE WAS ILLEGAL AND WANTED TO DO THE RIGHT THING. MR. MCMILLAN STATED THAT WHAT THEY DO IS FINISH WORK FOR COMMERCIAL BUILDING, SUCH AS INSTALLING THE DOOR AND HARDWARE IN THE SUMNER COUNTY ADMINISTRATION BUILDING. THEY DO ALL THE INTERIOR WORK IN HOSPITALS IN ARIZONA, TEXAS, FLORIDA, NORTH CAROLINA, ETC. MOST OF THEIR WORK IS OUT OF STATE. MR. MCMILLAN STATED THAT THERE ARE SIX PEOPLE THAT WORK IN THE OFFICE, ALL THE MEN ARE ALWAYS OUT OF TOWN.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING AND THERE WAS NO ONE PRESENT TO SPEAK FOR OR AGAINST.

THERE WAS DISCUSSION.

MR. MOULTON STATED THAT MR. MCMILLIAN DID NOT REALIZE THAT WHEN HE STARTED THIS BUSINESS THAT HE HAD TO GET THIS CLEARED AS A ZONING ISSUE. THIS BUSINESS IS WAY OFF OF THE ROAD. MR. MOULTON STATED THAT MR. MCMILLIAN VOLUNTARILY CAME INTO THE OFFICE INQUIRING ABOUT HIS BUSINESS. MR. MOULTON STATED THAT MR. MCMILLIAN IS NOT ASKING FOR ANY SIGNAGE, BUT IS ASKING FOR A DUST FREE PARKING VARIANCE, AS WELL AS, A CONDITIONAL USE FOR THE BUSINESS.

**MOTION FOR APPROVAL FOR TWO YEARS BY MR. RAINEY, SECONDED BY MR. WILLIAMS. MOTION PASSED UNANIMOUSLY.**

OTHER BUSINESS:

**MR. WADE LYLES-** DISCUSSED THE CONTINUANCE OF THE SPECIAL USE PERMIT THAT HE RECEIVED ON FEBRUARY 1, 1994 AND UPDATED FEBRUARY 10, 2005. MR. LYLES WAS GRANTED A SPECIAL USE PERMIT TO OPERATE AN AUTO REPAIR SHOP, WITH TIRE SALES AND NO SIGNAGE. SUBJECT PROPERTY IS LOCATED AT 2048 HWY. 109 NORTH, GALLATIN, TN., IS ON TAX MAP 092, PARCEL 006.04, CONTAINS 8.51 ACRES, AND IS ZONED AGRICULTURAL.

MR. LYLES CAME FORWARD TO REPRESENT THIS REQUEST.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.  
THERE WAS NO ONE PRESENT TO SPEAK FOR OR AGAINST THIS REQUEST.

MR. MOULTON STATED THAT MR. LYLES GOT HIS STATE PERMIT THAT WE HAD REQUESTED FOR HIS SIGN, GOT HIS DRIVEWAY CUT, AND THERE HAVE BEEN NO COMPLAINTS FROM THE NEIGHBORS.

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

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