

SUMNER COUNTY ZONING BOARD OF APPEALS
MINUTES
6:00 P.M.
OCTOBER 8, 2009

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

MEMBERS ABSENT:

OTHERS PRESENT:
GARY HAMMOCK, DIRECTOR OF CONSTRUCTION AND DEVELOPMENT
LISA DIORIO, ADMINISTRATIVE ASSISTANT

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

1. **ROBERT BLANKENSHIP** WAS REQUESTING A CONDITIONAL USE PERMIT TO OPERATE A GUN MANUFACTURING BUSINESS IN HIS EXISTING BARN. SUBJECT PROPERTY IS LOCATED AT 145 B & L LANE, PORTLAND, TN., IS ON TAX MAP 59, PARCEL 78.00, CONTAINS 14.3 ACRES, AND IS ZONED AGRICULTURAL.

THIS WAS A PUBLIC HEARING AND THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL. THIS WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON SEPTEMBER 9, 2009.

MR. BLANKENSHIP CAME FORWARD TO EXPLAIN AND REPRESENT HIS REQUEST.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

MR. MARK SMITH, ATTORNEY FOR MR. BLANKENSHIP, CAME FORWARD TO SPEAK ON BEHALF OF THIS REQUEST. MR. SMITH STATED THAT MR. BLANKENSHIP HAS HAD THIS BUSINESS IN A SHOP ON HIS PROPERTY SINCE 1998. MR. SMITH STATED THAT MAYBE EVERY OTHER YEAR MR. BLANKENSHIP MAKES A GUN. HE MOSTLY DOES GUNSMITHING. HE IS NOT GOING TO CHANGE ANYTHING THAT HE HAS ALREADY BEEN DOING ON HIS PROPERTY SINCE 1998. HE IS NOT GOING TO BE MAKING THOUSANDS OF GUNS. HE SIMPLY WANTS TO COMPLY WITH THE ZONING.

CURTIS MCMAHON CAME FORWARD TO STATE HIS CONCERN OF THE USE, STORAGE, AND DISPOSAL OF CHEMICALS.

MR. BLANKENSHIP STATED THAT THE ONLY CHEMICAL HE HANDLES IS A PHOSPHATING SOLUTION, WHICH IS A SAFE CHEMICAL.

MR. RAINEY ASKED MR. BLANKENSHIP HOW HE DISPOSED OF THIS CHEMICAL.

MR. BLANKENSHIP RESPONDED TO MR. RAINEY THAT THIS CHEMICAL SLOWLY DISSIPATES AND EVAPORATES, THEREFORE HE NEVER HAS TO DISPOSE OF IT.

MR. RAINEY STATED THAT THE STATE OF TENNESSEE IS PUTTING ALL THE STATE UNDER RULES AND GUIDELINES OF DISPOSAL OF ANYTHING. THE STATE IS TRYING TO PROTECT THE WATERSHED. MR. RAINEY EXPLAINED THAT ANY CHEMICAL YOU DISPOSE OF YOU NEED TO KEEP AN ACCURATE RECORD OF.

THERE WAS DISCUSSION.

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

2. **SUMMIT INVESTMENTS, LLC** WAS REQUESTING A FOUR (4) FOOT FRONT YARD SETBACK VARIANCE, A ONE (1) FOOT SOUTH SIDE YARD SETBACK VARIANCE, AND A TWO (2) FOOT REAR YARD SETBACK VARIANCE FOR AN EXISTING HOME. SUBJECT PROPERTY IS LOCATED AT 1005 THORN HILL COURT, HENDERSONVILLE, TN., LOT 37 OF TOWER HILL (FORMERLY LONG BEECH HEIGHTS) IS ON TAX MAP 123P, GROUP C, PARCEL 22, CONTAINS 0.32 OF AN ACRE AND IS ZONED LDR PUD.

THIS WAS A PUBLIC HEARING AND THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL. THIS WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON SEPTEMBER 18, 2009.

MR. RAINEY RECUSED HIMSELF DUE TO A CONFLICT OF INTEREST.

CAL GENTRY AND DAVID LACKEY CAME FORWARD TO EXPLAIN AND REPRESENT THIS REQUEST.

MR. GENTRY STATED THEY RECENTLY BOUGHT THIS SUBDIVISION IN FORECLOSURE, AND FOUND THAT THIS EXISTING HOME WAS NOT BUILT IN COMPLIANCE WITH THE SETBACKS. WE INHERITED THIS PROBLEM, THE ORIGINAL BUILDER PLACED THE HOME IN THE WRONG SPOT. THIS HOME IS 95% BUILT.

MR. DAVID LACKEY STATED THAT THEY FOUND THIS PROBLEM WHEN THEY DID THE FOUNDATION SURVEY.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

NO ONE WAS PRESENT TO SPEAK FOR OR AGAINST.

THERE WAS DISCUSSION.

MOTION TO APPROVE BY MR. COLE, SECONDED BY MR. WILLIAMS. MOTION PASSED.

**3 AYES- COLE, WILLIAMS, AND WEBSTER
1 ABSTENTION: RAINEY**

3. HAROLD C. JR. AND MARTHA G. BOWDEN WERE REQUESTING A CONDITIONAL USE PERMIT TO SELL ANIMAL SUPPLIES AND ANIMAL FEED IN AN EXISTING DETACHED 36' X 48' STRUCTURE. THEY ARE ALSO REQUESTING A DUST FREE PARKING VARIANCE, PERMISSION FOR UP TO TEN (10) EMPLOYEES, 2 SIGNS, WILL OFFER A FEED DELIVERY SERVICE, AND TO BE OPEN SEVEN (7) DAYS A WEEK. SUBJECT PROPERTY IS LOCATED AT 146 MONTGOMERY DRIVE, GOODLETTSVILLE, TN., IS ON TAX MAP 122, PARCEL 51.00, CONTAINS APPRX. 35.50 ACRES, AND IS ZONED R1A.

THIS WAS A PUBLIC HEARING AND THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL. THIS WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON SEPTEMBER 23, 2009.

MR. RAINEY STATED THAT HE HAS DONE SOME WORK FOR MR. BOWDEN SEVERAL YEARS AGO, BUT DOES NOT FEEL HE HAS A CONFLICT OF INTEREST, AND WILL BE PARTICIPATING IN THIS DISCUSSION.

MR. BOWDEN CAME FORWARD TO REPRESENT AND EXPLAIN HIS REQUEST.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

THOMAS CARTER CAME FORWARD TO STATE THAT THERE IS A DEFINITE NEED FOR ANIMAL SUPPLIES TO BE SOLD IN THIS AREA, AND YOU COULD NOT ASK FOR A NICER MAN.

ROBERT BUCHANAN, III, CAME FORWARD TO STATE HE WOULD LIKE TO SEE MR. BOWDEN'S CUSTOMERS USE MONTGOMERY ROAD, NOT USE THE BACK ROAD AS AN ENTRANCE AND EXIT. IF THIS BOARD WOULD APPROVE THIS WITH A STIPULATION STATING THAT THEY (BOWDEN'S CUSTOMERS) COULD NOT USE THIS BACK ROAD TO ENTER AND EXIT THIS BUSINESS, INSTEAD THEY WOULD HAVE TO USE MONTGOMERY ROAD, HE WOULD HAVE NO OTHER PROBLEMS WITH THIS BUSINESS.

GEORGIA RAY CAME FORWARD TO STATE HER CONCERN WAS ABOUT THE INCREASED TRAFFIC, AND WAS AFRAID THE SIGN THAT MR. BOWDEN WILL PUT UP WILL ENABLE PEOPLE FROM BEING ABLE TO SEE HOW TO TURN ONTO LONG HOLLOW PIKE.

DEBBIE DUKE CAME FORWARD TO SPEAK ABOUT HER CONCERNS ABOUT THE INCREASED TRAFFIC, AND DOES NOT FEEL THE ROAD CAN HANDLE THE TRAFFIC.

RON MARTIN STATED THAT HE PARTIALLY OWNS THE BACK ROAD/PRIVATE ROAD THAT THEY HAVE BEEN REFERRING TO. MR. BOWDEN CHOSE TO PUT A ROAD FROM HIS PROPERTY TO CONNECT TO THIS BACK ROAD/PRIVATE ROAD. SINCE THIS HAPPENED, IT HAS CREATED A LOT OF TURMOIL. IF YOU COULD ASSURE ME THAT THE ONLY PEOPLE THAT WOULD USE THIS BACK ROAD/PRIVATE ROAD WOULD BE THE BOWDEN FAMILY AND MY FAMILY, I WOULD WALK AWAY RIGHT NOW. MR. MARTIN STATED THAT THIS ROAD/DRIVEWAY IS ONLY 14 FEET WIDE, IMPOSSIBLE TO PASS AND IS DANGEROUS. HE STATED THAT HE KNEW OF MORE THAN ONE OCCASION THAT MR. BOWDEN TOLD PEOPLE WHO BOARD THEIR HORSES AT MR. BOWDEN'S THAT THEY COULD USE THE BACK ROAD. THIS ROAD DOES NOT STAND UP TO THE ELEMENTS. MR. MARTIN STATED HE DOES NOT UNDERSTAND THIS ADDITIONAL ZONING REQUEST BECAUSE THEY ARE CURRENTLY USING THIS PROPERTY AS A FOR PROFIT BUSINESS, TO BOARD AND TRAIN HORSES, ETC.

MR. RAINEY STATED THAT THIS REQUEST WAS IN FRONT OF THE WRONG BODY. THIS HAS GONE FROM AN AGRICULTURAL/HOME BUSINESS TO A RETAIL BUSINESS. HE IS GOING TO BRING IN THE FEED BY A TRUCK TO SELL, NOT GROW IT. THIS REALLY SHOULD BE A REZONING MATTER BROUGHT BEFORE THE PLANNING COMMISSION.

MR. HAMMOCK STATED THAT WE HAD A REQUEST BEFORE THIS BODY RECENTLY REQUESTING SEVERAL EMPLOYEES. THIS BODY DISCUSSED WHETHER THERE WAS A NEED FOR THIS PARTICULAR REQUEST IN THAT AREA, AND IT WAS DENIED.

THERE WAS DISCUSSION.

MR. RAINEY STATED HE WAS CONCERNED THAT THIS MIGHT SET A PRECEDENT. MR. RAINEY STATED THAT MR. BOWDEN MIGHT WANT TO CONSIDER REZONING A PORTION OF HIS PROPERTY WHICH WOULD ALLOW HIM TO SELL ANIMAL FEED AND SUPPLIES.

MR. BOWDEN WITHDREW HIS REQUEST AFTER HEARING THE BOARD'S LENGTHY DISCUSSION ABOUT WHETHER THIS SHOULD BE REZONED TO COMMERCIAL AND SHOULD IT APPEAR BEFORE THE PLANNING COMMISSION.

THEREFORE THERE WAS NO ACTION TAKEN BY THIS BOARD, SINCE MR. BOWDEN WITHDREW THIS REQUEST.

4. EDDY BROWN WAS REQUESTING A CONDITIONAL USE PERMIT TO CONDUCT SOCIAL EVENTS, BIRTHDAY PARTIES, AND SMALL WEDDINGS ON THE WEEKEND ON HIS PROPERTY. HE IS ALSO REQUESTING TO DO AN AGRITOUR ON HIS FARM MONDAY THROUGH SATURDAY AND WOULD LIKE TO OPERATE A BED AND BREAKFAST IN HIS EXISTING HOME ALSO ON MONDAY THROUGH SATURDAY. SUBJECT PROPERTY IS LOCATED AT 1312 LIBERTY LANE, GALLATIN, TN., IS ON TAX MAP 115, PARCEL 11, CONTAINS 10.6 ACRES AND IS ZONED ESTATE A.

THIS WAS A PUBLIC HEARING AND THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL. THIS WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON SEPTEMBER 23, 2009.

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

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

MR. FRANK FREELS, COUNTY COMMISSIONER, CAME FORWARD TO SPEAK IN FAVOR OF THIS REQUEST.

CHAIRMAN MCKEE CLOSED THE PUBLIC HEARING.

THERE WAS DISCUSSION.

MR. RAINEY MADE A MOTION TO APPROVE THIS REQUEST ON THE CONDITIONS THAT THERE ARE NO EMPLOYEES, NO SIGNS, NO DUST FREE VARIANCE, AND THAT MR. BROWN

USE THE ONE (1) ROOM IN THE BACK OF HIS HOME FOR THE BED AND BREAKFAST, SECONDED BY MS. WEBSTER. MOTION PASSED UNANIMOUSLY.

**SUMNER COUNTY ZONING BOARD OF APPEALS MINUTES
OCTOBER 8, 2009**

PAGE 5

OTHER BUSINESS:

A. THOMAS CARTER-WAS REQUESTING A CONTINUATION OF THE SPECIAL USE PERMIT TO OPERATE A SAW MILL WHICH HE RECEIVED ON OCTOBER 9, 2003, ON THE PROPERTY WHERE HE RESIDES. SUBJECT PROPERTY IS LOCATED AT 729 CLEARVIEW ROAD, COTTONTOWN, TN., IS ON TAX MAP 37, PARCEL 34.02, AND IS ZONED AGRICULTURAL.

MR. CARTER CAME FORWARD TO STATE THAT HE WAS REQUESTING A CONDITIONAL USE PERMIT CONTINUATION.

THERE WAS NO ONE PRESENT TO SPEAK FOR OR AGAINST.

MR. HAMMOCK STATED THAT HIS OFFICE HAD NOT RECEIVED ANY COMPLAINTS ON MR. CARTER'S SAW MILL BUSINESS.

THERE WAS DISCUSSION.

MOTION FOR A TWO (2) YEAR CONTINUATION BY MR. RAINEY, SECONDED BY MS. WEBSTER. MOTION PASSED UNANIMOUSLY.

B. EDWARD GREEN-WAS REQUESTING A CONTINUATION OF THE SPECIAL USE PERMIT TO OPERATE AN INTERIOR DESIGN BUSINESS LOCATED IN EXISTING BUILDING THAT HE RECEIVED ON OCTOBER 11, 2007. SUBJECT PROPERTY IS LOCATED AT 796 NEW SHACKLE ISLAND ROAD, HENDERSONVILLE, TN., IS ON TAX MAP 138, PARCEL 41.01, AND IS ZONED RA.

MR. GREEN CAME FORWARD TO STATE THAT HE WAS REQUESTING A CONDITIONAL USE PERMIT CONTINUATION.

THERE WAS DISCUSSION.

MOTION FOR A TWO (2) YEAR CONTINUATION BY MS. WEBSTER, SECONDED BY MR. COLE. MOTION PASSED UNANIMOUSLY.

OTHER BUSINESS:

MR. GARY HAMMOCK ASKED THE BOARD TO MAKE A DECISION ON WHEN THE NOVEMBER 2010 ZONING BOARD OF APPEALS MEETING WOULD BE HELD, SO WE CAN FINALIZE THE 2010 ZBA CALENDAR. THE REGULAR SCHEDULED MEETING IN NOVEMBER AND WOULD FALL ON NOVEMBER 11, 2010, WHICH IS A HOLIDAY AND THE ADMINISTRATION BUILDING WOULD BE CLOSED.

THERE WAS DISCUSSION.

MOTION BY MR. RAINEY TO HAVE THE NOVEMBER 2010 ZBA MEETING ON NOVEMBER 4, 2010, SECONDED BY MS. WEBSTER. MOTION PASSED UNANIMOUSLY.

MR. MIKE WILLIAMS HANDED THE BOARD HIS LETTER OF RESIGNATION, DUE TO THE FACT HE HAS MOVED AND HIS ADDRESS IS OUTSIDE OF SUMNER COUNTY, TN.

THERE WAS DISCUSSION.

MOTION BY MR. RAINEY TO KEEP MR. MIKE WILLIAMS AS A ZONING BOARD OF APPEALS MEMBER UNTIL WHICH TIME THE COUNTY COMMISSION VOTES ON HIS REPLACEMENT, SECONDED BY MS. WEBSTER. MOTION PASSED UNANIMOUSLY.

MEETING ADJOURNED AT 6:45 P.M.