

SUMNER COUNTY ZONING BOARD OF APPEALS
MINUTES
6:00 P.M.
JUNE 14, 2007

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

MEMBERS:

MARK MCKEE JR., CHAIRMAN
BRUCE RAINEY, VICE-CHAIRMAN
JAMES COLE
ALTON PERDUE
MIKE WILLIAMS
SANDY WEBSTER

OTHERS PRESENT:

MIKE MOULTON, PLANNING DIRECTOR
LISA WILLIAMS, ADMINISTRATIVE ASSISTANT

MOTION FOR APPROVAL OF MAY MINUTES BY MR. RAINEY, SECONDED BY MR. WILLIAMS. MOTION PASSED UNANIMOUSLY.

1. MARIA BODDE WAS REQUESTING A CONDITIONAL USE PERMIT TO HOST OCCASIONAL WEDDINGS IN A GAZEBO TO BE CONSTRUCTED. SUBJECT PROPERTY IS LOCATED AT 480 CUMMINGS LANE, GALLATIN, TN., IS ON TAX MAP 102, PARCEL 16, CONTAINS APPROXIMATELY 5 ACRES AND IS ZONED AGRICULTURAL.

THIS WAS DEFERRED FROM THE MARCH 2007 ZBA MEETING.

MARY BODDE AND MISCHAEL ZAWASKIS CAME FORWARD TO REPRESENT THIS REQUEST.

CHAIRMAN MCKEE ASKED IF THEY HAD MET WITH THE NEIGHBORS TO DISCUSS THIS CONDITIONAL USE.

MS. BODDE REPLIED TO CHAIRMAN MCKEE THAT NONE OF THE NEIGHBORS HAD CONTACTED HER FOR A MEETING.

MS. BODDE STATED THAT MISCHAEL IS A CLASSICAL GUITARIST, AND HE WOULD LIKE TO PLAY FOR WEDDINGS AND THEY WOULD LIKE TO HAVE A LITTLE GAZEBO.

MR. ZAWASKIS STATED THAT THEY DECIDED TO DROP THE CATERING PART OF THE WEDDING. THIS WOULD BE FOR WEDDINGS ONLY. WE ARE GOING TO HAVE AN ATTORNEY DRAW UP A CONTRACT WITH A NO ALCOHOL CLAUSE, AND THEY WOULD ONLY HAVE 12 WEDDINGS A YEAR. THEN THEY WOULD LIKE TO RUN THIS CONTRACT BY THE NEIGHBORS TO SEE IF THEY HAVE ANY PARTICULAR DISLIKES FOR THE WAY THE CONTRACT IS WRITTEN.

MR. COLE STATED THAT THE BIGGEST COMPLAINT THE NEIGHBORS HAD TWO MONTHS AGO WAS THE TRAFFIC SITUATION.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

FRANK WOODS CAME FORWARD TO STATE HIS CONCERN FOR THIS COMMERCIAL TYPE ACTIVITY IN A RESIDENTIAL AREA, AND CONCERN FOR THE INCREASED TRAFFIC IN THE AREA THIS WOULD GENERATE.

MARTHA WOODS CAME FORWARD TO STATE THAT THEY MOVED OUT THERE FOR THE PEACE AND QUIET. SHE STATED THAT THEY CAN HEAR THEIR NEIGHBORS NOW, AND CAN ONLY IMAGINE HOW LOUD WEDDINGS AND MUSIC WILL BE, AND SHE QUESTIONED THE LOCATION OF THE PARKING.

MS. BODDE STATED THAT MISCHAEAL DOES NOT HAVE AN AMPLIFIER ON HIS GUITAR.

MR. ZAWASKIS STATED THAT THE GAZEBO IS DOWN BELOW THEIR HOUSE AND WITH THE BAMBOO PLANTINGS WHICH SHOULD BE 65 FEET TALL THAT THIS SHOULD SCREEN NOISE FROM THE CLASSICAL GUITAR.

MR. RAINEY ASKED HOW LONG WOULD IT BE UNTIL THEY GOT EVERYTHING READY TO HAVE THEIR VERY FIRST WEDDING?

MR. ZAWASKIS REPLIED TO MR. RAINEY IT WOULD BE APPROXIMATELY FOUR YEARS TO BE READY FOR THE FIRST WEDDING.

MR. MOULTON EXPLAINED THAT THEY JUST WANTED A LITTLE GARDEN AREA AND WANTED TO MAKE SURE THAT THEY WERE GOING TO BE ABLE TO CONDUCT WEDDINGS BEFORE THEY WENT TO ALL THAT EXPENSE FOR THE GAZEBO, BAMBOO, ETC.

MR. MOULTON SUGGESTED TO MS. BODDE & MR. ZAWASKIS IN THEIR RECENT MEETING THAT SINCE THE NEIGHBORS WERE CONCERNED ABOUT ALCOHOL THAT POSSIBLY THEY JUST RESTRICT THEMSELVES TO JUST CONDUCTING THE WEDDING, BUT NOT HAVING ANY RECEPTIONS.

MR. MOULTON READ THE MINUTES FROM THE MARCH 8, 2007 ZONING BOARD OF APPEALS MEETING RE: MARIA BODDE CONDITIONAL USE REQUEST: "MARIE MCDONALD'S CONCERN WAS IF A CONDITIONAL USE WAS APPROVED THIS MAY START A PRECEDENT FOR OTHERS IN THIS AREA. IF THIS WAS PASSED SHE WISHED THAT THIS BOARD COULD POSSIBLY ASK HER TO REPORT BACK TO THE BODY ONCE A YEAR." MR. MOULTON REMINDED THIS BODY THAT YOU CAN PLACE A TIME LIMIT ON THIS USE FOR REVIEW."

MR. COLE ASKED WHO WAS GOING TO BE THERE TO ENFORCE THEIR RULES AT THE WEDDINGS?

MS. BODDE REPLIED TO MR. COLE THAT SHE WOULD BE PRESENT AT THE WEDDINGS TO ENFORCE THE RULES. MS. BODDE STATED THAT THEY WOULD CALL THE POLICE IF SOMEONE DISOBEYED THE RULES.

THERE WAS DISCUSSION.

MOTION BY MR. RAINEY TO GRANT THE CONDITIONAL USE WITH THE FOLLOWING CONDITIONS: THAT THEY HOLD NO MORE THAN TWELVE WEDDINGS ANNUALLY, THAT THEY HAVE AS PART OF THEIR CONTRACT FOR SERVICES THAT IT INCLUDE LANGUAGE THAT WILL ALLOW NO FOOD OR DRINK TO BE SERVED ON SITE, AND THAT THEY COME BACK IN ANNUALLY TO REPORT, WHICH WOULD GIVE THE NEIGHBORS A CHANCE TO REPORT THIS USE IF IT BECOMES A NUISANCE, SECONDED BY MR. COLE. MOTION PASSED UNANIMOUSLY.

2. BETHPAGE UNITED METHODIST CHURCH WAS REQUESTING A CONDITIONAL USE PERMIT TO ALLOW FOR THE HOSTING OF PRIVATE WEDDINGS AND RECEPTIONS, WITH UP TO SIX (6) EMPLOYEES AND NO ALCOHOLIC BEVERAGES, IN THE EXISTING CHURCH. THEY ANTICIPATE HAVING 10 TO 12 WEDDINGS PER MONTH. SUBJECT PROPERTY IS LOCATED AT 504 OLD HIGHWAY 31-E, BETHPAGE, TN., IS ON TAX MAP 68, PARCEL 86.00, CONTAINS APPROXIMATELY 2.00 ACRES AND IS ZONED AGRICULTURAL.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON MAY 25, 2007. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MR. RAINEY STATED THAT HE WAS INVOLVED WITH DOING A SURVEY FOR THIS CHURCH, THEREFORE HE STATED THAT HE HAD A CONFLICT OF INTEREST, AND WOULD ABSTAIN FROM VOTING.

WANDA TIMPANI CAME FORWARD TO EXPLAIN THIS REQUEST. SHE EXPLAINED THAT THEY ARE GOING TO RENOVATE THE OLD BUILDING SO IT DOES NOT FALL APART, AND SHE IS IN THE PROCESS OF BUYING THE BUILDING.

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

MR. MOULTON STATED THAT HE GONE OVER RULES AND REGULATIONS WITH MS. TIMPANI. MR. MOULTON STATED THAT SHE WANTED TO KEEP THE TWO EXISTING SIGNS, AND WAS ASKING FOR A DUST FREE PARKING VARIANCE.

THERE WAS DISCUSSION.

MOTION FOR APPROVAL FOR TWO YEARS BY MR. PERDUE, SECONDED BY MR. COLE. MOTION PASSED.

**3 AYES: PERDUE, COLE AND WILLIAMS
1 ABSTENTION: RAINEY**

OTHER BUSINESS:

A. TERESA RITTENBERRY- DISCUSSION ON THE CONTINUANCE OF THE HARDSHIP THAT SHE RECEIVED ON JUNE 3, 1991. SUBJECT PROPERTY IS LOCATED AT 277 LAKE ROAD, WESTMORELAND, TN., IS ON TAX MAP 27, PARCEL 32.01, CONTAINS 8 ACRES, AND IS ZONED AGRICULTURAL.

MS. RITTENBERRY WAS NOT PRESENT.

MR. COLE MADE THE MOTION THAT IF SHE DOES NOT MAKE SOME KIND OF CONTACT TO THE PLANNING AND CODES OFFICE HER PERMIT WILL BE WITHDRAWN, SECONDED BY MR. RAINEY. (MR. RAINEY COMMENTED THAT THIS IS A GOOD MOTION BECAUSE WE DO NOT HAVE TO PUT HER ON THE AGENDA AGAIN NEXT MONTH) MOTION PASSED UNANIMOUSLY

MR. MOULTON STATED THAT WE WILL MAKE CONTACT WITH HER AND IF SHE HAS NOT MADE CONTACT WITH US IN THIRTY DAYS, AND IF THE DWELLING IS STILL OUT THERE SHE WILL BECOME IN VIOLATION OF THE SUMNER COUNTY ZONING RESOLUTION.

MEETING ADJOURNED AT 6:30 P.M.