

**SUMNER COUNTY ZONING BOARD OF APPEALS
MINUTES
6:00 P.M.
APRIL 12, 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
SANDY WEBSTER
ALTON PERDUE**

OTHERS PRESENT:

**MIKE MOULTON, PLANNING DIRECTOR
SUZIE BLANKENSHIP, ADMINISTRATIVE ASSISTANT**

APPROVAL OF MARCH MINUTES:

**MOTION BY MS. WEBSTER, SECONDED BY MR. COLE TO APPROVE THE MARCH
MINUTES. MOTION PASSED UNANIMOUSLY.**

1. J&C HOMES IS REQUESTING A THREE (3) FOOT FRONT YARD VARIANCE FOR A SINGLE FAMILY RESIDENCE THAT IS CURRENTLY UNDER CONSTRUCTION. SUBJECT PROPERTY IS LOCATED AT 1004 MADALYN WAY, PORTLAND, TN., IS ON TAX MAP 52C, GROUP C, PARCEL 32, CONTAINS APPROXIMATELY .92 ACRE AND IS ZONED AGRICULTURAL. THIS WAS DEFERRED FROM THE MARCH 2007 ZBA MEETING.

MR. CHRIS SMITH AND BUSINESS PARTNER DEVON SUTHERLAND CAME FORWARD TO EXPLAIN THEIR REQUEST AND TO ANSWER ANY QUESTIONS. MR. SMITH BROUGHT PICTURES TO HELP EXPLAIN WHY HE WAS ASKING FOR THE THREE (3) FOOT FRONT YARD VARIANCE. THE VARIANCE IS ON THE GARAGE SIDE. SHARP DROP-OFF IN THE BACK OF HOUSE. HAS APPROX. 4-5 FT WIDE PATH BETWEEN HOUSE AND DROP-OFF.

MR. SUTHERLAND EXPLAINED LOTS WERE ORIGINALLY DESIGNED FOR MODULAR HOMES; THE ORIGINAL SEPTIC AREA WAS IN THE BACK. WHEN THEY STAKED LOT FOR HOUSE HAD TO STAY OFF THE ORIGINAL SEPTIC AREA. SEPTIC AREA IS NOW IN THE FRONT AREA. CREEK IN BACK-COULD NOT HAVE SEPTIC IN BACK NOW.

MR. RAINEY ASKED WHICH INSPECTION NOTICED MISTAKE. MR. SUTHERLAND REPLIED FRAMING INSPECTION. COUNTY COULD NOT INSPECT FOR 2-3 DAYS. COULD NOT WAIT, HIRED ENGINEER (VARIFIED THAT WAS LEGAL TO DO).

SHOWED OLD AND REVISED PLAT W/SEPTIC CHANGES. MR. SMITH ADMITTED HIS MISTAKE IN MEASURING. MR. RAINEY ASKED ABOUT HIS REQUESTS FROM LAST MONTH FOR SPECIFICS OF CRITERIAS TO MEET VARIANCE. MR. SMITH HAD NOT MET MR. RAINEYS REQUESTS UNINTENTIONALLY.

THERE WAS DISCUSSION.

MR. MOULTON ASKED ABOUT THE TOPO OF REAR OF HOUSE. RECEIVED INFO. MR. RAINEY ASKED WHY COULDN'T MOVE HOUSE BACK 3 FT ORIGINALLY. MR. SMITH BELIEVED HE WAS 3 FT+ OFF LINE. WAS NOT CAUGHT IN TIME. MR. MOULTON ASK WHERE SEPTIC IS NOW. VARIFIED IT ON PLAT AMENDMENT. MR. MOULTON STATED TO BD MEMBERS: AS IT IS PRESENTLY RECORDED, SOILS AREA IS NOT A REASON TO GRANT VARIANCE. AS IT WAS ORIGINALLY PLATTED AND FOOTPRINT WAS LAYED OUT, THERE WOULD HAVE BEEN A REASON TO GRANT IT, IT COULD NOT HAVE BEEN BACKED UP.

MR. RAINEY & MR. MOULTON DISCUSSED VARIANCE DECISION AND IF IT WAS DECIDED TO GRANT VARIANCE; COULD THEY DEFEND THIS DECISION LEGALLY IF CAME UP IN THE FUTURE. MR. MOULTON: YES, HE COULD DEFEND LEGALLY.

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

2. WILLIE GOAD IS REQUESTING A CONDITIONAL USE PERMIT TO OPERATE A PART TIME SAW MILL. SUBJECT PROPERTY IS LOCATED AT 1905 OLD GALLATIN ROAD, PORTLAND, TN., IS ON TAX MAP 71, PARCEL 6.00, CONTAINS APPROXIMATELY 104 ACRES AND IS ZONED AGRICULTURAL.

THIS IS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON FEBRUARY 28, 2007. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MR. WILLIE GOAD CAME FORWARD TO OBTAIN PERMIT TO OPERATE SAW MILL.

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

MR. MOULTON STATED MR. GOAD WAS OPERATING SAW MILL WITHOUT PERMIT AND HAD ZONING VIOLATIONS. MR. GOAD HAS MET ALL REQUIREMENTS & CORRECTED ALL VIOLATIONS. MR. GOAD WILL NOT HAVE A SIGN. SEEKING VARIANCE ON DUST FREE PARKING. PER MR. MOULTON SERVICES ARE NEEDED IN COMMUNITY. NO PUBLIC SPEAKERS.

MR. RAINEY ASKED WHERE LOGS CAME FROM. FARM, TREE TRIMMERS, CUSTOM CUTS OFF-SITE. WILL NOT HAVE LOG TRUCKS ON ROAD. SMALL BUSINESS (PART-TIME). MR. COLE ASKED HOW MUCH CUTTING ON PROPERTY. WILL NOT RUN MILL ON SUNDAYS.

MOTION FOR APPROVAL BY MR. RAINEY, FOR 2 YEARS, AND FOR A DUST FREE PARKING VARIANCE. SECONDED BY MR. COLE. MOTION PASSED UNANIMOUSLY.

3. LINDA STOUT DENNING IS REQUESTING A CONDITIONAL USE PERMIT TO OPERATE A CATERING BUSINESS WITH NINE EMPLOYEES. FOOD IS PREPARED ON SITE THEN DELIVERED OFF SITE. SHE IS ALSO REQUESTING A VARIANCE FROM DUST FREE PARKING. SUBJECT PROPERTY IS LOCATED AT 165 ROBERTS ROAD, PORTLAND, TN., IS ON TAX MAP 72, PARCEL 36.00, CONTAINS APPROXIMATELY 29.6 ACRES AND IS ZONED AGRICULTURAL.

THIS IS A PUBLIC HEARING AND WAS ADVERTISED IN THE SUMNER AM/TENNESSEAN ON MARCH 18, 2007. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MS. DENNING CAME FORWARD TO OBTAIN PERMIT TO OPERATE BUSINESS.

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

MS. DENNING HAS SEVEN (7) EMPLOYEES. HOUSE IS 1,000 FEET OFF ROAD. MR. RAINEY ASKED HOW BUSINESS IS RAN. FOOD IS PREPARED ONSITE AND DELIVERED OFFSITE.

MR. MOULTON ORIGINALLY HAD THIS AS COMPLAINT. INVESTIGATED. MR. DENNING WAS VERY UP FRONT. LOW IMPACT BUSINESS. VERY GOOD SETUP. PROPER LICENSE AND PAYS PROPER TAXES. NEEDED SERVICE IN COMMUNITY. ASK MAKE MOTION TO GRANT VARIANCE FOR DUST FREE PARKING. NO SIGN NEEDED.

MOTION FOR APPROVAL BY MR. COLE, FOR 2 YEARS AND FOR A DUST FREE PARKING VARIANCE, SECONDED BY MS. WEBSTER. MOTION PASSED UNANIMOUSLY.

4. ROBERT L. DYER IS REQUESTING A 2,963 SQ. FT. LOT SIZE VARIANCE TO BE ABLE TO SUBDIVIDE THE EXISTING PARCEL. SUBJECT PROPERTY IS LOCATED AT 1618 CAIRO ROAD, GALLATIN, TN., IS ON TAX MAP 127, PARCEL 44, CONTAINS 2.1 ACRES AND IS ZONED RESIDENTIAL A.

THIS IS A PUBLIC HEARING AND WAS ADVERTISED IN THE SUMNER AM/TENNESSEAN ON MARCH 11, 2007. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MR. DYER AND GUEST, MR. CARROLL CARMAN, CAME FORWARD TO EXPLAIN REQUEST FOR LOT SIZE VARIANCE.

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

MR. DYER HAD SPOKEN TO MR. MOULTON ABOUT SPLITTING 2.1 ACRES DOWN THE MIDDLE TO MAKE 2 LOTS. MR. MOULTON SUGGESTED SURVEYOR. GOT MR. CARMAN TO SURVEY. PROBLEMS AROSE. NEW SURVEY CALCULATED SMALLER THAN ORIGINAL PLAT. NEED VARIANCE TO GET SEPTIC ON SMALLER LOT NOW. MR. CARMAN SAID IT WAS A SURVEYORS FAULT.

MR. RAINEY ASKED WHY DIDN'T SURVEYOR FIND ORIGINAL PROPERTY LINES SINCE IT WAS A PLAT OF RECORD. WHY NOT LIST ON DEED AS LOTS 1-4 AS EXAMPLE INSTEAD OF RESURVEYING. MR. CARMAN: THEY WERE TRYING TO IMPROVE/UPDATE THE SITUATION AS RECORDED.

THERE WAS EXTENSIVE DISCUSSION.

MR. MOULTON SUGGESTED NOT TO GRANT VARIANCE. MR. RAINEY STATED DID NOT MEET CRITERIA.

MOTION TO DENY BY MR. RAINEY, SECONDED BY MR. PERDUE. MOTION PASSED UNANIMOUSLY.

OTHER BUSINESS:

A. SHELLY NORRIS- TO DISCUSS THE CONTINUANCE OF THE HARDSHIP THAT SHE RECEIVED ON APRIL 6, 1999. SUBJECT PROPERTY IS LOCATED AT 578 BRAZIER LANE, GALLATIN, TN., IS ON TAX MAP 093, PARCEL 8.01, CONTAINS 1.44 ACRES, AND IS ZONED AGRICULTURAL.

MS. NORRIS 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.

MS. NORRIS STATED HER DAD IS DISABLED AND LIVES IN DOUBLEWIDE MOBILE HOME ON HER PROPERTY. SHE ALSO SUPPLIED A SOCIAL SECURITY BENEFIT STATEMENT FOR MR. T.C. NORRIS AS PROOF OF HARDSHIP.

MOTION BY MS. WEBSTER THAT WE CONTINUE THE HARDSHIP FOR 2 YRS., SECONDED BY MR. COLE. MOTION PASSED UNANIMOUSLY.

B. VAN HUMPHREY- TO DISCUSS THE CONTINUANCE OF THE HARDSHIP THAT HE RECEIVED ON APRIL 4, 2000. SUBJECT PROPERTY IS LOCATED AT 1135 SMITH THOMPSON ROAD, BETHPAGE, TN., IS ON TAX MAP 49, PARCEL 2, CONTAINS 1 ACRE, AND IS ZONED AGRICULTURAL.

MR. HUMPHREY IS OUT OF STATE.

MOTION BY MR. RAINEY FOR 30 DAY DEFERRAL, SECONDED BY MS. WEBSTER. MOTION PASSED UNANIMOUSLY.

C. THOMAS LAWRENCE- TO DISCUSS THE CONTINUANCE OF THE HARDSHIP THAT HE RECEIVED ON APRIL 1, 1997. SUBJECT PROPERTY IS LOCATED AT 112 BUCK PERRY ROAD, BETHPAGE, TN., IS ON TAX MAP 41, PARCEL 47, CONTAINS 19.13 ACRES, AND IS ZONED AGRICULTURAL.

MR. LAWRENCE 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. LAWRENCE STATED HIS PARENTS SOLD HOUSE IN NASHVILLE TO LIVE CLOSE TO HIM. THEY ARE MEDICALLY UNABLE TO LIVE ALONE AND LIVE IN MOBILE HOME ON HIS PROPERTY. HE ALSO SUPPLIED A LETTER FROM THEIR DOCTOR, DR. MICHAEL LITTELL, STATING NEED TO LIVE CLOSE TO FAMILY.

MOTION BY MR. RAINEY THAT WE CONTINUE THE HARDSHIP FOR 2 YRS., SECONDED BY MR. COLE. MOTION PASSED UNANIMOUSLY.

D. ROBERTA BROOKS- TO DISCUSS THE CONTINUANCE OF THE HARDSHIP THAT SHE RECEIVED ON APRIL 3, 1990. SUBJECT PROPERTY IS LOCATED AT 301 WHITSON ROAD, BETHPAGE, TN., IS ON TAX MAP 62, PARCEL 8, CONTAINS 1 ACRE, AND IS ZONED AGRICULTURAL. *****NOTE-WE RECEIVED A CALL FROM ROBERTA BROOKS ON 3/2/07 THAT THIS HARDSHIP WAS NO LONGER NEEDED AND THAT THE MOBILE HOME HAD BEEN REMOVED. ON 3/6/07 INSPECTOR AARON CARTER WENT THERE AND VERIFIED THAT IT HAD ACTUALLY BEEN REMOVED.**

E. WILBURN MOORE- FEBRUARY 2007 MR. MOORE WAS TO HAVE NOTIFIED OUR OFFICE IN WRITING, AS TO THE NEED OF THE HARDSHIP THAT HE RECEIVED ON FEBRUARY 12, 2002. SUBJECT PROPERTY IS LOCATED AT 199 ASHWORTH LANE, PORTLAND, TN., IS ON TAX MAP 14, PARCEL 2, CONTAINS 14.36 ACRES, AND IS ZONED AGRICULTURAL. *****NOTE-ATTEMPTS WERE MADE TO NOTIFY MR. MOORE BY MAIL IN JANUARY AND CERTIFIED MAIL IN MARCH, NO RESPONSE WAS RECEIVED. A VISUAL INSPECTION WAS MADE ON 3/30/07 INDICATING THAT THE SECOND DWELLING WAS STILL ON THE PROPERTY.**

MR. MOORE WAS NOT PRESENT.

MOTION BY MR. RAINEY TO DEFER 30 DAYS TO TRY TO CONTACT MR. MOORE. SECONDED BY MS. WEBSTER. MOTION PASSED UNANIMOUSLY.

MOTION TO ADJOURN MEETING BY MR. PERDUE, SECONDED BY MS. WEBSTER.

MEETING ADJOURNED AT 7:10 P.M.