

**SUMNER COUNTY ZONING BOARD OF APPEALS
MINUTES
6:00 P.M.
MAY 10, 2007**

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

MEMBERS PRESENT:
MARK MCKEE JR., CHAIRMAN
JAMES COLE
SANDY WEBSTER
ALTON PERDUE
MIKE WILLIAMS, ASSOCIATE MEMBER

MEMBERS ABSENT:
BRUCE RAINEY, VICE-CHAIRMAN

OTHERS PRESENT:

MIKE MOULTON, PLANNING DIRECTOR
GARY HAMMOCK, BUILDING COMMISSIONER
LISA WILLIAMS, ADMINISTRATIVE ASSISTANT

MOTION FOR APPROVAL OF THE APRIL MINUTES BY MS. WEBSTER, SECONDED BY MR. PERDUE. MOTION PASSED UNANIMOUSLY.

1. DAVID & DEBBRA HUGGINS WERE REQUESTING A CONDITIONAL USE PERMIT TO ALLOW FOR THE HOSTING OF WEDDINGS AND RECEPTIONS ON THEIR PROPERTIES. THIS WILL INCLUDE THE SERVING OF FOOD AND BEVERAGES AND MAY INCLUDE ALCOHOLIC BEVERAGES. SUBJECT PROPERTIES ARE LOCATED AT 2522 HIGHWAY 52 EAST, PORTLAND, TN., IS ON TAX MAP 31, PARCELS 47.08 & 47.09, CONTAINING APPROXIMATELY 5.01 ACRES EACH AND ARE ZONED AGRICULTURAL.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON APRIL 29, 2007. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MR. AND MRS. HUGGINS CAME FORWARD TO REPRESENT AND EXPLAIN THIS REQUEST.

MR. HUGGINS STATED THAT THERE WOULD BE SMALL WEDDINGS, APPROXIMATELY 100 PEOPLE OR LESS AT THIS SITE. WE ARE NOT GOING TO BE DOING ANY CATERING, OR FURNISHING ANY FOOD, JUST FURNISHING A PLACE TO UPHOLD THE AMERICAN VALUES OF STATUS OF THE FAMILY.

MR. WILLIAMS QUESTIONED WHY THE APPLICATION INCLUDED THE SERVING OF FOOD AND BEVERAGES.

MR. HUGGINS REPLIED TO MR. WILLIAMS THAT THEY WOULD NOT BE SERVING ANY FOOD, JUST FURNISHING A PLACE TO HAVE WEDDINGS.

MRS. HUGGINS STATED THAT THE PEOPLE CAN CHOOSE THEIR OWN CATERER AND EVENTUALLY DOWN THE ROAD, WE MAY WANT TO CHOOSE A CATERER. MRS. HUGGINS STATED THAT WE WANT TO HAVE THE REHEARSAL ON FRIDAY NIGHT, AND THE WEDDING ON SATURDAY WITH A RECEPTION FOLLOWING.

CHAIRMAN MCKEE QUESTIONED SERVING ALCOHOLIC BEVERAGES.

MR. WILLIAMS STATED IF THEY WERE GOING TO SERVE ALCOHOLIC BEVERAGES THEY WOULD HAVE TO HAVE A LICENSES. WE CAN NOT APPROVE FOR YOU TO SERVE ALCOHOLIC BEVERAGES, ALL WE CAN DO IS GRANT THEM THE USE. MR. WILLIAMS STATED IF THIS IS APPROVED THE MOTION SHOULD STATE NO FOOD OR BEVERAGE TO BE SERVED EXCEPT BY AN OUTSIDE SOURCE.

MR. MOULTON STATED THE WAY THIS SHOULD BE SET UP IS A BIT CONFUSING. MR. MOULTON STATED THAT HE HAD ADVISED THE HUGGINS THAT THEY SHOULD INCLUDE IN THEIR REQUEST SERVING FOOD AND BEVERAGES WHICH MAY INCLUDE ALCOHOLIC BEVERAGES IF THAT IS WHAT THEY THINK THEY ARE GOING TO DO IN A YEAR FROM NOW. IF YOU DON'T ASK, YOU WILL NOT BE ABLE TO SERVE FOOD AND ALCOHOLIC BEVERAGES AT ANY FUTURE TIME. YOU WILL HAVE TO HAVE A BEER LICENSES ASSOCIATED WITH THIS PROPERTY, AND WE DO NOT CONTROL THIS. YOU HAVE TO APPEAR BEFORE THE BEER BOARD PRIOR TO SERVING ALCOHOLIC BEVERAGES, AS WELL AS , OBTAINING A BUSINESS LICENSES.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING. THERE WAS NO ONE WHO WISHED TO SPEAK FOR OR AGAINST THIS REQUEST, THEREFORE CHAIRMAN MCKEE CLOSED THE PUBLIC HEARING.

MR. MOULTON STATED THAT THIS IS TWO PARCELS OF LAND. THE POND AND WHERE THEY ARE HAVING THE WEDDINGS IS ON ONE PARCEL, BUT THE ENTRANCE TO THE WEDDINGS AND THE PARKING IS ON THE SECOND PARCEL. THEY WILL HAVE TO PAY COMMERCIAL TAXES ON THE PARCEL THAT IS ASSOCIATED WITH THE BUSINESS.

MR. WILLIAMS ASKED ABOUT DUST FREE PARKING, THE AGENDA DID NOT REFER TO A DUST FREE PARKING VARIANCE.

MR. MOULTON STATED THAT MR. WILLIAMS IS CORRECT, BUT THE DUST FREE PARKING IS NOTED ON THE DRAWING, AND THEY HAVE NOT REQUESTED TO HAVE ANY SIGNS.

THERE WAS DISCUSSION.

MR. WILLIAMS STATED HE DID NOT SEE THAT THIS REQUEST WOULD CREATE ANY PROBLEMS, AND STATED THAT IF THIS IS APPROVED IT SHOULD INCLUDE THE DUST FREE PARKING VARIANCE, AND MEET ALL OF THE LICENSING REQUIREMENTS.

MR. MOULTON STATED IF THEY DO NOT RECEIVE A BEER LICENSES, THEY CAN NOT SERVE ALCOHOLIC BEVERAGES.

MOTION TO APPROVE BY MR. WILLIAMS, WHICH WOULD INCLUDE DUST FREE PARKING VARIANCE, WITH THE REQUIRED LICENSES THAT WE TALKED ABOUT (BEER LICENSES AND BUSINESS LICENSES), FOR A PERIOD OF TWO YEARS WITH A REVIEW, SECONDED BY MR. PERDUE. MOTION PASSED UNANIMOUSLY.

2. KATHY NICHOLSON WAS REQUESTING A CONDITIONAL USE PERMIT FOR 365 LEE ROAD TO BE UTILIZED BY TRINITY MINISTRIES AS OFFICE SPACE FOR UP TO SIX EMPLOYEES, PRIMARILY USING TELEPHONE, INTERNET, AND FAX. THIS IS TO FACILITATE ENROLLMENT OF MEMBERS, PREDOMINANTLY CHRISTIAN CAMPS, CHURCHES AND SCHOOLS, IN HPSI, A GROUP PURCHASING ORGANIZATION. SUBJECT PROPERTY IS LOCATED AT 365 LEE ROAD, WHITE HOUSE, TN., IS ON TAX MAP 75, PARCEL 19.00, CONTAINS APPROXIMATELY 13.53 ACRES AND IS ZONED RESIDENTIAL A.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON APRIL 29, 2007. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MIKE RICHARDSON CAME FORWARD TO EXPLAIN THIS REQUEST. HE SAID THAT THE APPLICANTS THAT I AM REPRESENTING HAVE MORALS AND PRINCIPALS. THIS OPERATION WOULD OPERATE FIVE DAYS A WEEK WITH ONE EMPLOYEE, AND THEY ASKING PERMISSION FOR SIX EMPLOYEES AT A LATER DATE. THEY DO NOT GENERATE ANY TRAFFIC, NO GOODS WILL BE SOLD FROM THIS LOCATION, NO RETAIL. THEIR BUSINESS IS EITHER BY PHONE OR E-MAIL OCCASIONALLY THEY MAY HAVE A CLIENT VISIT WITH THEM.

MR. CLAYPOOL STATED THAT SO FAR THEY HAVE NOT HAD ANY CLIENTS TO VISIT. THERE WILL BE NO SIGNAGE, NO ONE WOULD EVER KNOW THAT WE WERE DOING ANYTHING AT THIS LOCATION, BECAUSE IT IS ALL DONE INSIDE.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

MR. ALAN APLIN CAME FORWARD WITH SEVERAL QUESTIONS SUCH AS WHAT THE ATTRACTION IS TO BRINGING THIS BUSINESS INTO A NEIGHBORHOOD.

MR. MIKE RICHARDSON STATED THAT HE WAS AN APPRAISER AND HE DID HIS BUSINESS FROM HIS HOME. THIS IS A CONVENIENCE, CONTROL AND ECONOMICS FACTOR.

JIM CAMPBELL STATED HE HEARD THAT THE FIVE ACRE TRACT WITH THE HOUSE IS FOR SALE, THEN WE GET THIS PUBLIC NOTICE THAT SAYS 13.53 ACRES. HE JUST WANTED CLARIFICATION.

MR. RICHARDSON EXPLAINED THAT BECAUSE THE PROPERTY IS CURRENTLY ONE TRACT, RIGHT NOW, WE HAD TO NOTIFY ALL THE ADJOINING PROPERTY OWNERS OF THE 13.53 ACRES.

MR. CLAYPOOL STATED THAT THEY ARE EVENTUALLY GOING TO BUILD A HOUSE ON THE HILL, THEN AT THIS POINT WE WILL JUST USE THE EXISTING HOME FOR JUST AN OFFICE.

MR. CAMPBELL ASKED IF THEY WOULD HAVE ANY CHURCH CAMPS ON THIS PROPERTY.

MR. CLAYPOOL REPLIED THAT THERE WOULD NOT BE ANY CHURCH CAMPS ON THIS PROPERTY.

MS. LINDA CLIFTON CAME FORWARD TO SPEAK. MS. CLIFTON ASKED IF THEY WERE A BUSINESS FOR PROFIT.

MR. CLAYPOOL STATED THAT THEY WERE IN FACT A BUSINESS FOR PROFIT CORPORATION.

MS. CLIFTON STATED SHE HAD CONCERNS, DID NOT WANT A HIGH TRAFFIC SITUATION. IS THIS GOING TO BE YOUR PRIMARY RESIDENCE OR IS IT CONTINGENT ON THE SALE OF YOUR PROPERTY?

MR. CLAYPOOL STATED THAT PURCHASE OF THIS PROPERTY IS NOT CONTINGENT UPON THE SALE OF HIS RESIDENCE. IF THIS CONDITIONAL USE PERMIT IS APPROVED, WE WILL MOVE QUICKLY TO CLOSING AND WILL PUT OUR HOME FOR GOODLETTSVILLE FOR SALE, AND DURING THIS TIME WE WILL REMODEL THIS NEWLY PURCHASED HOME AND GET IT READY TO BE LIVABLE AS SOON AS WE SELL OUR HOUSE IN GOODLETTSVILLE WE WILL MOVE IN IT AND BRING OUR ONE EMPLOYEE WITH US. AFTER THIS WE WILL MAKE PLANS TO SUBDIVIDE THE PROPERTY, AND THEN START BUILDING A HOME UP ON THE HILL.

MS. CLIFTON INQUIRED IF THIS BUSINESS IS APPROVED DOES THIS CHANGE OUR FIRE RATING OR OUR INSURANCE IN ANY WAY?

MR. MOULTON REPLIED TO MS. CLIFTON THAT THIS WOULD NOT AFFECT IT.

MR. MOULTON STATED FOR THE RECORD, THAT HE LIVES DIRECTLY ACROSS FROM THIS PROPERTY AND FOR THAT REASON HE STATED THAT HE WAS GOING TO RECUSE HIMSELF FROM MAKING ANY COMMENTS ON THIS BEING GRANTED OR NOT GRANTED. MR. MOULTON HAD A COUPLE OF COMMENTS BASED ON THE PUBLIC INPUT. THERE IS ONE CLARIFICATION THAT NEEDS TO BE MADE ON WHETHER THEIR PLANS ARE TO PURCHASE THE ENTIRE THIRTEEN ACRES OR FIVE ACRES. IF THESE FOLKS CHOOSE TO PURCHASE THIS HOME FOR THIS OPERATION AND HAVE UP TO TWO EMPLOYEES OUTSIDE EMPLOYEES THEY DID NOT EVEN HAVE TO COME THROUGH THIS BOARD PRIOR TO OPENING THEIR HOME BASED BUSINESS. THE RESIDENTIAL ZONING ALLOWS FOR HOME BASED BUSINESS WITH UP TO TWO EMPLOYEES AND WOULD NOT HAVE HAD TO SEEK A CONDITIONAL USE PERMIT. MR. MOULTON EXPLAINED THAT THIS IS NO DIFFERENT THAN HAVING A REAL ESTATE OFFICE IN THEIR HOME, OR BOOK KEEPER, ETC. IF THIS CONDITIONAL USE IS GRANTED THE USE WOULD CURRENTLY STAY THE SAME AS IT CURRENTLY IS. IF THEY CHOOSE TO BUILD A HOUSE AT A LATER DATE, THIS PROPERTY WOULD HAVE TO BE FURTHER SUBDIVIDED, AND THEY UNDERSTAND THAT. THEY ARE SHOWING THE EXACT LOCATION OF SIX PARKING SPACES ON THEIR SITE PLAN, AND THIS IS ALL THAT WILL BE ALLOWED. THIS DOES NOT AFFECT THE FIRE RATING, PER HIS KNOWLEDGE. THEY DID NOT ASK FOR PERMISSION FOR A SIGN, BUT ARE REQUESTING A DUST FREE PARKING VARIANCE.

MR. MOULTON EXPLAINED THAT THIS BOARD HAS THE AUTHORITY TO PUT ANY CONDITION THEY WANT ON THIS REQUEST, SUCH AS, MAKE THEM PUT LANDSCAPE BUFFER UP THE NORTH PROPERTY LINE OR NO MORE THAN SIX VEHICLES ON THE PROPERTY AT ONE TIME, OR ABSOLUTELY NO BUSINESS OPERATING BEFORE 8:00 A.M. IN THE MORNING AND NO AFTER 5:00 P.M. IN THE AFTERNOON. THESE STIPULATIONS WOULD BE UP TO THE COUNTY TO MONITOR.

MR. DAVID FLOWERS CAME FORWARD TO SPEAK. MR. FLOWERS QUESTIONED THE SECURITY LIGHTNING, HE STATED HE MOVED FROM THE NASHVILLE AREA TO GET AWAY FROM THE LIGHTS.

MR. JIM CAMPBELL STATED CONCERN SINCE THE ROAD IS SMALL ABOUT A LOT OF TRUCKS MAKING DELIVERIES TO THIS SITE.

MR. CLAYPOOL STATED THAT THE ONLY THING THAT WOULD BE DELIVERED TO THIS SITE WOULD BE IF WE PURCHASED A DESK FOR AN EMPLOYEE, TONER OR A PIECE OF SOFTWARE. THERE WOULD BE NO MORE DELIVERIES THAN IN A RESIDENTIAL AREA. MR. CLAYPOOL EXPLAINED THAT THERE WOULD BE POSSIBLY TWO OR THREE TIMES A MONTH SOMETHING MIGHT BE DELIVERED.

MIKE RHOADES STATED THAT HE, AS WELL AS, HIS NEIGHBORS WERE CONCERNED THAT ONCE WE ALLOW THIS TO TAKE PLACE AND NOT CALL IT COMMERCIAL, IS THERE ANYTHING YOU CAN TELL US THAT THERE IS NO INTENT TO DO ANYTHING WITH ALL THE REST OF THAT LAND TO BUILD OTHER THINGS ON. MR. RHOADES STATED THAT HE LEARNED SOMETHING TONIGHT, HE THOUGHT THAT THIS PROPERTY WAS GOING TO BE REZONED TONIGHT AND BE ESTABLISHED AS A COMMERCIAL SITE.

MR. WILLIAMS STATED THEY WOULD HAVE TO COME BEFORE THE PLANNING COMMISSION AND THE COUNTY COMMISSION AND ASK FOR A REZONING IF THEY WERE INTERESTED IN A COMMERCIAL ZONING. MR. WILLIAMS STATED THAT THEY COULD NOT JUST BUILD A SERVICE STATION, ETC.

THERE WAS DISCUSSION.

MR. HAMMOCK STATED THAT DURING THE PROCESS OF GOING FROM A RESIDENTIAL TO A BUSINESS ESTABLISHMENT WE NEED TO, FROM A CODES STAND POINT, MEET ALL OF THE BUILDING CODE SAFETY REQUIREMENTS.

MIKE RHOADES CAME FORWARD TO ASK IF THEY WERE GOING TO HAVE CAMPS ON THIS SITE.

MR. CLAYPOOL STATED THAT THERE WOULD NOT BE ANY CAMPS ON THIS SITE.

MIKE RICHARDSON STATED THAT THERE IS CURRENTLY THIRTEEN ACRES WITH A HOUSE, THIS PROPERTY IS JUST ONE TRACT OF LAND. SINCE THIS IS ONE TRACT OF LAND, EVERYONE THAT TOUCHES THIS PROPERTY HAD TO RECEIVE NOTICE OF THIS PUBLIC HEARING. MR. RICHARDSON STATED THAT THEY HAVE WRITTEN AN OFFER FOR 6 ½ ACRES. MR. RICHARDSON STATED THAT IF THIS CONDITIONAL USE IS GRANTED, THEY WILL MAKE FORMAL APPLICATION TO THE PLANNING COMMISSION TO SUBDIVIDE THIS PROPERTY TO BUILD ANOTHER HOME ON.

CHAIRMAN MCKEE CLOSED THE PUBLIC HEARING.

MIKE RICHARDSON EXPLAINED THAT WHEN THE PROPERTY IS SUBDIVIDED THE EXISTING HOME WILL KEEP THE CURRENT ADDRESS OF 365 LEE ROAD. THIS VARIANCE IF GRANTED WILL APPLY TO THE RESIDENCE AT 365 LEE ROAD.

MR. MOULTON STATED IF YOU GO BACK BEHIND THE HOUSE WHERE THERE IS JUST OPEN FIELD WHICH IS PART OF THE 6 + ACRES, THIS CONDITIONAL USE PERMIT IF GRANTED TONIGHT WOULD NOT ALLOW THEM TO DO ANYTHING WITH THAT VACANT LAND BEHIND THE HOUSE.

THERE WAS DISCUSSION.

MOTION FOR APPROVAL BY MR. WILLIAMS SUBJECT TO REVIEW IN TWO YEARS, AND NOT TO EXCEED SIX EMPLOYEES, AND HOURS OF OPERATION BEING 8:00 A.M. UNTIL 5:00 P.M. MONDAY THRU FRIDAY, JUST AS APPLIED FOR, AND THE COUNTY WILL BE MONITORING THEIR OPERATION, SECONDED BY MS. WEBSTER. MOTION PASSED UNANIMOUSLY.

OTHER BUSINESS:

A. VAN HUMPHREY- DISCUSSED 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 WAS OUT OF STATE AT THE TIME OF THE APRIL MEETING, THIS ITEM WAS DEFERRED TO THE MAY MEETING.**

MR. HUMPHREY CAME FORWARD TO STATE THAT THE HARDSHIP IS STILL NEEDED AND PROVIDED THIS BODY A LETTER FROM WESTMORELAND FAMILY CLINIC.

THERE WAS DISCUSSION.

**MOTION TO CONTINUE HARDSHIP BY MR. WILLIAMS, SECONDED BY MR. PERDUE.
MOTION PASSED UNANIMOUSLY.**

B. 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. THIS WAS DEFERRED FROM THE APRIL MEETING TO TRY TO CONTACT MR. MOORE, TELEPHONE ATTEMPTS HAVE BEEN MADE, WITH NO SUCCESS.**

MR. MOORE WAS NOT PRESENT.

MR. HAMMOCK STATED HIS OFFICE HAS MADE PHONE CALLS, SENT OUT LETTERS, AND STILL MR. MOORE HAS NOT CONTACTED THIS OFFICE. MR. HAMMOCK STATED THAT THIS SECOND DWELLING WAS STILL ON THE PROPERTY.

THERE WAS DISCUSSION.

MOTION TO WITHDRAW THE HARDSHIP VARIANCE BY MR. PERDUE, SECONDED BY MS. WEBSTER. MOTION PASSED UNANIMOUSLY.

MEETING ADJOURNED AT 6:50 P.M.