

SUMNER COUNTY ZONING BOARD OF APPEALS

MINUTES

6:00 P.M.

AUGUST 10, 2006

**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**

**MEMBERS ABSENT:
JAMES COLE**

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

1. **CONNIE TUTTLE** WAS REQUESTING A HARDSHIP VARIANCE TO PLACE AN ADDITIONAL DWELLING ON SUBJECT PROPERTY TO CARE FOR HER MOTHER. SUBJECT PROPERTY IS LOCATED AT 1320 DUTCH CREEK ROAD, WESTMORELAND, TN., IS ON TAX MAP 29, PARCEL 10.01, CONTAINS 1.72 ACRES, AND IS ZONED AGRICULTURAL.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON JULY 31, 2006. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MR. LARRY TUTTLE CAME FORWARD TO EXPLAIN THAT THIS HARDSHIP WAS FOR HIS MOTHER-IN-LAW, WHO IS IN BAD HEALTH. MR. TUTTLE PROVIDED THE BOARD WITH A LETTER FROM HIS MOTHER-IN-LAW'S(MS. BETTY CLARK) PHYSICIAN CITING ALL OF HER ILLNESSES. MR. TUTTLE STATED THAT HE HAD A CORRECTION DEED PREPARED FOR THIS PARCEL TO MATCH THE SURVEY. MR. TUTTLE STATED THAT HE WAS GOING TO PLACE THE SINGLEWIDE NEAR WHERE THE HOME THAT BURNED WAS PREVIOUSLY LOCATED.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

MS. ELAINE JOHNSON, 1320 DUTCH CREEK, CAME FORWARD TO ASK EXACTLY WHERE HE WAS PLACING THE SINGLEWIDE MOBILE HOME FOR HIS MOTHER-IN-LAW. MS. JOHNSON STATED THE SINGLEWIDE IS ALREADY SET UP ON BLOCKS ON THE ADJOINING PARCEL.

THERE WAS DISCUSSION.

MOTION TO APPROVE BY MS. WEBSTER, SECONDED BY MR. PERDUE. MOTION PASSED UNANIMOUSLY.

FYI: MR. RAINEY ENTERED THE MEETING.

MR. MOULTON EXPLAINED THAT IF THIS HARDSHIP NO LONGER EXISTS THE SINGLEWIDE MOBILE HOME WILL HAVE TO BE REMOVED FROM THE PROPERTY.

OTHER BUSINESS:

1. **MARY FORD**- MR. MOULTON GAVE AN UPDATE ON THE DIVISION OF MS. FORD'S PROPERTY. SUBJECT PROPERTY IS LOCATED AT 1159 JONES ROAD, HENDERSONVILLE, TN., IS ON TAX MAP 95, PARCEL 61, CONTAINS 3 ACRES, AND IS ZONED RESIDENTIAL A. FYI: AT THE DECEMBER 2005 ZBA MEETING, THE MOTION WAS TO CONTINUE HER HARDSHIP VARIANCE FOR 90 MORE DAYS TO ALLOW HER MORE TIME TO SUBDIVIDE HER PROPERTY. THIS WAS TABLED AT THE APRIL 13, 2006 MEETING FOR 60 DAYS.

MR. MOULTON REPORTED THAT MS. FORD HAS SUBMITTED TO THE PLANNING OFFICE A MINOR SUBDIVISION PLAT ON APRIL 12, 2006. THIS HAS NOT BEEN RECORDED AT THIS TIME.

MS. FORD WAS GIVEN A 30 DAY EXTENSION AT THE JUNE 2006 ZONING BOARD OF APPEALS MEETING.

FYI: MR. HAMMOCK SIGNED THE MARY FORD PLAT ON JUNE 14, 2006, AND IT WAS RECORDED THE SAME DAY.

MR. MOULTON REPORTED THAT MS. FORD'S PLAT WAS RECORDED ON JUNE 14, 2006.

2. UPDATE REGARDING JACKIE RAY GAMBRELL'S PROPERTY LOCATED ON HIGHWAY 76. THIS UPDATE IS PER THE AUGUST 14, 2003 ZONING BOARD OF APPEALS MINUTES WHICH READ AS FOLLOWS: "THIS BODY (ZONING BOARD OF APPEALS) MUST AT LEAST HAVE AN ANNUAL REPORT FROM THE CODES DEPARTMENT ON THE STATUS OF MR. GAMBRELL'S PROPERTY."

MR. MOULTON EXPLAINED THE PROCESSES, TO THE PRESENT, OF ALL THE MEETINGS THAT MR. GAMBRELL HAD BEEN THROUGH. MR. MOULTON STATED THAT THIS BODY DID GRANT MR. GAMBRELL A SPECIAL USE PERMIT BASED ON SOME PRETTY STRICT GUIDELINES AND HE DID RECEIVE SITE PLAN APPROVAL FROM THE PLANNING COMMISSION.

MR. MOULTON STATED THAT THE ONE REASON THAT MR. GAMBRELL HAS BEEN GIVEN SO MUCH LEEWAY IS THAT HIS COUNTY COMMISSIONERS IN HIS DISTRICT (12TH). THE COMMISSIONER CAME TO THE PLANNING COMMISSION MEETING, AS WELL AS THE ZONING BOARD OF APPEALS, AND DRESSED US DOWN AND TOLD US TO LEAVE HIM (GAMBRELL) ALONE AND TO BACK OFF.

MR. MOULTON STATED THAT HE PLANS TO GET THE STATE INVOLVED WITH THIS SITUATION.

MR. MOULTON READ THE MOTION FROM (PERTAINING TO THE SPECIAL USE PERMIT) THE MINUTES FROM THE AUGUST 14, 2003, ZONING BOARD OF APPEALS MEETING: **MOTION TO GRANT MR. GAMBRELL'S REQUEST TO OPERATE AN AUTO REPAIR SHOP ON HIS PROPERTY BY MR. RAINEY, WITH THE FOLLOWING CONDITIONS:**

- 1) THAT THERE BE ZERO (0) DISMANTLED VEHICLES ON SITE AT ANY TIME, NOT EVEN FOR A MINUTE OR FOR AN HOUR
- 2) THAT THERE BE NO PILES OF CAR PARTS, HE CAN HAVE A DUMPSTER DELIVERED TO PUT THE CAR PARTS IN, BUT THESE PARTS CANNOT BE OUTSIDE
- 3) AND HE WILL HAVE TO PREPARE A SITE PLAN TO BE APPROVED BY THE SUMNER COUNTY REGIONAL PLANNING COMMISSION AS TO HIS PARKING, ETC., LET THEM (PLANNING COMMISSION) LOOK AT HIS SITE PLAN AND LET THEM (PLANNING COMMISSION) CONTROL THIS
- 4) THAT THIS USE ON APPEAL WILL CEASE WITHIN TWENTY FOUR HOURS OF THE TIME THAT ANYBODY THAT IS AN OFFICIAL, THAT WORKS FOR SUMNER COUNTY, SEES A DISMANTLED VEHICLE ON SITE
- 5) AND THAT THIS BODY AT LEAST HAVE AN ANNUAL REPORT FROM THE CODES DEPARTMENT ON THE STATUS OF MR. GAMBRELL'S PROPERTY, SECONDED BY MR. WEBSTER. MOTION PASSED UNANIMOUSLY.

MR. MOULTON SHOWED THE MEMBERS PICTURES THAT WERE TAKEN ON TUESDAY OF THIS WEEK OF MR. GAMBRELL'S PROPERTY.

THERE WAS EXTENSIVE DISCUSSION.

MR. MOULTON STATED THAT THERE IS A PLAT NOTE ON THE SITE PLAN THAT STATES: "THAT THIS USE ON APPEAL WILL CEASE WITHIN TWENTY-FOUR HOURS OF THE TIME THAT ANYBODY THAT IS AN OFFICIAL THAT WORKS FOR SUMNER COUNTY SEE A DISMANTLED VEHICLE ON SITE".

MR. RAINEY STATED THAT WITH THIS BEING SAID MR. GAMBRELL NEEDS TO BE SERVED WITH A CEASE AND DESIST ORDER.

MOTION BY MR. RAINEY THAT WE SEND MR. GAMBRELL A NOTICE OF NON-COMPLIANCE AND TO CEASE AND DESIST HIS OPERATION AND BUSINESS, SECONDED BY MR. PERDUE. MOTION PASSED UNANIMOUSLY.

MR. MOULTON STATED THAT HE WOULD DISCUSS THIS MOTION WITH LEAH DENNEN, COUNTY ATTORNEY.

MR. MOULTON EXPLAINED FOR FYI, THE CORNER LOT (OWNED BY MR. GAMBRELL) HAS NOT BEEN IN QUESTION, BUT IT IS ABOUT TO.

MEETING ADJOURNED AT 6:35 P.M.