

SUMNER COUNTY ZONING BOARD OF APPEALS
MINUTES
6:00 P.M.
SEPTEMBER 10, 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

OTHERS PRESENT:

GARY HAMMOCK, DIRECTOR C & D DEPARTMENT
LISA DIORIO, ADMINISTRATIVE ASSISTANT

MOTION FOR APPROVAL OF JULY MINUTES BY MS. WEBSTER, SECONDED BY MR. WILLIAMS. MOTION PASSED UNANIMOUSLY.

1. **NATHAN AND NADELLE GIER** WERE REQUESTING A CONDITIONAL USE PERMIT FOR A HOME BASED NURSERY. THEY INTEND TO SELL PLANTS, TREES, SHRUBS, GARDENING ACCESSORIES AND GIFT PLANT BASKETS. ALSO THEY ARE REQUESTING TO HAVE GARDENING SEMINARS AND CLASSES, REQUESTING PERMISSION FOR ONE (1) SIGN 4' X 8", UP TO A MAXIMUM OF FOUR (4) EMPLOYEES, AND A DUST FREE PARKING VARIANCE. SUBJECT PROPERTY IS LOCATED AT 635 ROCK BRIDGE ROAD, GALLATIN, TN., IS ON TAX MAP 83, PARCEL 18, CONTAINS 5.27 ACRES AND IS ZONED ESTATE B.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON AUGUST 26, 2009. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

NATHAN AND NADELLE GEIR CAME FORWARD TO EXPLAIN THEIR REQUEST AND ANSWER ANY QUESTIONS. THEY STATED THAT THEY WANTED TO BUILD A COUPLE OF GREENHOUSES. THEY STATED THAT THEY PLAN TO OPEN THIS NURSERY IN THE SPRING OF 2010. THEY PLAN TO BUY SOME PLANTS FROM WHOLESALERS.

MR. RAINEY ASKED THEM TO REFLECT ON THE SITE PLAN WHERE THE GREENHOUSE WAS TO BE LOCATED AND THE SIZE OF THE PROPOSED GREEN HOUSE, ETC.

MR. GIER SHOWED WHERE THE PROPOSED GREENHOUSE WOULD BE LOCATED ON THE SITE PLAN AND STATED THAT THE GREEN HOUSE WOULD BE 30' X 50'.

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

THERE WAS DISCUSSION.

MOTION TO APPROVE THE CONDITIONAL USE BY MR. RAINEY TO INCLUDE THE DUST FREE PARKING VARIANCE, 1 UN-ILLUMINATED SIGN, ALLOW UP TO FOUR (4) EMPLOYEES, ONE (1) GREENHOUSE (30' X 50') , THEY WILL HAVE TO COME BACK BEFORE THIS BOARD IF THEY DECIDE TO BUILD ANOTHER GREENHOUSE, SECONDED BY MS. WEBSTER. MOTION PASSED UNANIMOUSLY.

2. **RANDY SLOAN** WAS REQUESTING A CONDITIONAL USE PERMIT TO OPERATE A MAIL ORDER GUNSMITHING AND REFINISHING SHOP IN AN EXISTING 12' X 24' EXISTING UTILITY BUILDING. THERE WILL BE NO PUBLIC ACCESS, NO EMPLOYEES AND NO SIGNS. SUBJECT PROPERTY IS LOCATED AT 416 HARPER ROAD, PORTLAND, TN., IS ON TAX MAP 35, PARCEL 52.06, CONTAINS 4.00 ACRES, AND IS ZONED AGRICULTURAL.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON AUGUST 26, 2009. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MR. SLOAN CAME FORWARD TO REPRESENT THIS REQUEST AND TO ANSWER ANY QUESTIONS. MR. SLOAN EXPLAINED THAT HE HAD AN INTERNET BUSINESS PRESENTLY. THE GUNS WILL BE SENT TO HIM BY UPS AND HE WILL DO THE WORK AND SEND THEM BY UPS BACK TO THE OWNER. HE STATED THAT HE WOULD STRIP THE GUNS DOWN, SANDBLAST THEM, SPRAY A BAKE ON PAINT, REASSEMBLE. AND THEN SEND THEM BACK TO THE CUSTOMER.

MR. RAINEY QUESTIONED THE SOLVENT

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

THERE WAS DISCUSSION.

MOTION FOR APPROVAL BY MR. WILLIAMS, SECONDED BY MR. RAINEY. MOTION PASSED UNANIMOUSLY. (ALSO: PROVIDE THIS BODY WITH A RECORD OF THE WASTE THAT YOU DUMP AT THE RESOURCE AUTHORITY EVERY TWO YEARS WHEN YOU COME BACK BEFORE THIS BODY TO ASK FOR A CONDITIONAL USE CONTINUATION PERMIT.)

MR. HAMMOCK ADDED IF HE GETS INTO A SITUATION THAT YOU USE SOLVENT CONTACT OUR OFFICE AND LET THE INSPECTOR TAKE A LOOK AT THE SOLVENT. WE DO NOT WANT TO HAVE ANY CHEMICAL RUN OFF THAT COULD POSSIBLY GET INTO OUR STREAMS, ETC.

MR. SLOAN STATED THAT THERE IS A SMALL AMOUNT OF SOLVENT.

MR. RAINEY ASKED WHAT HE DID WITH THE WASTE?

MR. SLOAN STATED THAT THERE IS TWO OR THREE OUNCES AT A TIME AND TYPICALLY JUST THREW IT OUT.

MR. RAINEY STATED THAT YOU COULD TAKE THE WASTE TO THE RESOURCE AUTHORITY (HAZARDOUS WASTE SITE).

MR. RAINEY STATED THAT MR. SLOAN KEEP A RECORD OF THE WASTE AND QUANTITY THAT YOU DUMP AND PROVIDE THIS BODY WITH A RECORD NEXT TIME YOU APPEAR BEFORE THIS BODY.

OTHER BUSINESS:

A. **ROBERT AND REBA SULLIVAN** WERE REQUESTING A CONTINUATION PERMIT FOR THEIR CONDITIONAL USE PERMIT THEY RECEIVED ON SEPTEMBER 13, 2007, TO OPERATE A WOOD RECYCLING BUSINESS. SUBJECT PROPERTY IS LOCATED ON 6460 HIGHWAY 31-E, IS ON TAX MAP 64, PARCEL 66.01, CONTAINS APPROXIMATELY 1.87 ACRES, AND IS ZONED AGRICULTURAL.

THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL

ROBERT AND REBA SULLIVAN CAME FORWARD TO REPRESENT THIS REQUEST.

MR. RAINEY ASKED THE SULLIVAN'S IF THEY WERE USING ANY SOLVENTS, ETC.
MR. SULLIVAN REPLIED NO THEY WERE NOT USING ANY SOLVENTS.

THERE WAS DISCUSSION.

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

MOTION TO CONTINUE THE CONDITIONAL USE PERMIT BY MS. WEBSTER, SECONDED BY MR. RAINEY. MOTION PASSED UNANIMOUSLY.

B. **PAUL AND ELIZABETH KIRBY** WERE REQUESTING A CONTINUATION PERMIT FOR THEIR CONDITIONAL USE PERMIT THEY RECEIVED ON SEPTEMBER 13, 2007, TO OPERATE AN ELECTRICAL BUSINESS. SUBJECT PROPERTY IS LOCATED ON 1037 KANSAS LANE, IS ON TAX MAP 90, PARCEL 23.03, CONTAINS APPRX. 5.00 ACRES, AND IS ZONED AGRICULTURAL.

THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MRS. KIRBY CAME FORWARD TO REPRESENT THIS REQUEST.

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

MR. HAMMOCK TOLD MRS. KIRBY IF THERE ARE ANY COMMERCIAL VEHICLES THAT ARE LEAKING ANTIFREEZE OR TRANSMISSION FLUID YOU WILL NEED TO GET THAT COMMERCIAL GRADE POWDER TO ABSORB ANY FLUIDS TO PREVENT RUN OFF.

THERE WAS DISCUSSION.

MOTION FOR CONTINUE THE CONDITIONAL USE PERMIT BY MR. RAINEY, SECONDED BY MS. WEBSTER. MOTION PASSED UNANIMOUSLY.

OTHER BUSINESS:

MR. RAINEY ADDED TO THE AGENDA THE DISCUSSION OF AN INCREASE IN APPLICATION FEE FOR THE ZONING BOARD OF APPEALS.

MR. HAMMOCK STATED THAT HE HAD SPOKEN WITH COUNTY ATTORNEY, LEAH MAY DENNEN, AND WAS ADVISED THAT THE ZONING BOARD OF APPEALS CAN RAISE THEIR OWN FEES EXCLUSIVELY.

MR. RAINEY SUGGESTED THAT THERE SHOULD BE NO FEE FOR A **HARDSHIP VARIANCE**, BUT THE **CONDITIONAL USE FEE** BE RAISED TO \$ 300.00, AND THEY WILL HAVE TO PAY THE \$300.00 FEE EVERY TWO YEARS WHEN THEY COME BACK FOR THE CONDITIONAL USE PERMIT CONTINUATION, AND ALL OF THE SETBACK VARIANCES, ETC., FEE REMAIN \$75.00.

MOTION BY MR. RAINEY TO ADOPT THE NEW FEE SCHEDULE AS DISCUSSED ABOVE, SECONDED BY MS. WEBSTER. MOTION PASSED UNANIMOUSLY.

NEW ZONING BOARD OF APPEALS FEES:

HARDSHIP VARIANCES	NO FEE
CONDITIONAL USE PERMIT	\$300.00
VARIANCES	\$75.00

MEETING ADJOURNED AT 6:35 P.M.