

**SUMNER COUNTY ZONING BOARD OF APPEALS**  
**MINUTES**  
**6:00 P.M.**  
**APRIL 14, 2011**

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

**MEMBERS PRESENT:**  
MARK MCKEE JR., CHAIRMAN  
SANDY WEBSTER  
DON DICKERSON

**MEMBERS ABSENT:**  
BRUCE RAINEY, VICE-CHAIRMAN  
JAMES COLE  
MARSH RAGLAND, ALTERNATE MEMBER

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**OTHERS PRESENT:**  
GARY L. HAMMOCK, DIRECTOR OF CONSTRUCTION AND DEVELOPMENT  
LISA DUNAGAN-DIORIO, ADMINISTRATIVE ASSISTANT

**Motion for approval of the March 2011 minutes, by Ms. Webster, seconded by Mr. Dickerson. Motion passed unanimously.**

1. **Shelton and Lindsay Cates** were requesting a hardship variance to care for her mother. Subject property is located at 1210 Upper Station Camp Creek Road, Cottontown, Tn., is on tax map 102, parcel 27.04, contains 2.46 acres and is zoned Estate A.

This was a public hearing and was advertised in the Gallatin News Examiner on March 30, 2011. The adjoining property owners were notified by certified mail.

Mr. and Mrs. Shelton Cates came forward to represent this case and provided this body with a statement from a physician that this hardship was in fact needed by Mrs. Cates mother. Mr. Cates stated that they were living in the mobile home and his mother-in-law would live in an existing building (old converted barn) on our property.

Mr. Hammock reported that the existing building Mr. Cates is referring to was once an old barn that had been turned into a dwelling. When Mr. Cates moved the mobile home on the property, we asked him to remove certain components from the existing building (old converted barn) so this will not be considered a second dwelling. Mr. Hammock stated that Mr. Cates complied with every thing he asked him to do.

Mr. Hammock presented pictures of the site.

Chairman McKee opened the floor for the public hearing and there was no one present to speak for or against this request.

Chairman McKee asked what would happen if this hardship ceased?

Mr. Hammock explained that they would have to take certain components out of the existing building (old converted barn), such as the kitchen, bedrooms, etc, which would make it no longer considered a second dwelling.

There was discussion.

Mrs. DiOrio asked if they would be required to obtain a building permit.

Mr. Hammock stated that there would not be any permits required since this is a remodel, but he would do inspections such as smoke detectors, etc.

**Motion for approval for two (2) years, by Mr. Dickerson, seconded by Ms. Webster. Motion passed unanimously.**

**2. Larry Sexton** was requesting a ten (10) foot road frontage variance for tax map 99, parcel 11.06, being 150 Cook Private Lane, White House, Tn. He is also requesting a ten (10) foot easement variance, a 14 foot front yard setback variance, and a 9 foot north side yard setback variance for tax map 99, parcel 11.05, being 140 Cook Private Lane  
Subject properties are zoned residential a.

This was a public hearing and was advertised in the Gallatin News Examiner on March 30, 2011. The adjoining property owners were notified by certified mail.

Mr. Sexton came forward to represent and explain this situation in detail. Mr. Sexton stated that he was going to tear one house down, move one house, and build a new house. Mr. Sexton stated that he did not have any road frontage and that the neighbor would not sell him any property so he could have road frontage. Mr. Sexton stated he could not rebuild his home if it burned, since he did not have any road frontage, therefore this is why he is here tonight asking for these variances.

Mr. Hammock discussed the stub out road, which is considered now to be a private road. In 1996, a building permit for a house was issued per Paul Freels at 140 Cook Lane, who at that time never checked setbacks or road frontage. Basically this was a disservice. Mr. Hammock explained that Mr. Sexton is just trying to get this cleared up for the future.

Mr. Hammock explained that the County Attorney and the Road Superintendent are working on the legality of the stub out road and trying to clear this up.

Chairman McKee asked if they could deed the stub out road to Mr. Sexton?

Mr. Hammock stated that is exactly what Mr. Sexton would like to see happen.

Mr. Hammock presented pictures of the site.

Chairman McKee opened the floor for the public hearing and there was no one present to speak for or against the request.

There was extensive discussion.

**Motion for approval of the easement variance and the two setback variances as advertised by Ms. Webster, seconded by Mr. Dickerson. (This motion does not include any decision on the stub out road) Motion passed unanimously.**

**3. Linda Stout Denning** was requesting a continuation of the conditional use permit she received on April 12, 2007 to operate a catering business with nine employees (the food is prepared on site then delivered off site) and she received a variance from dust free parking. Subject property is located at 165 Roberts Road, Portland, Tn., is on tax map 72, parcel 36, contains 29.6 acres and is zoned agricultural. The adjoining property owners were notified by regular mail.

Ms. Denning came forward to represent this request.

Mr. Hammock presented pictures of the site and stated he was advised by his inspector that everything was in order.

Chairman McKee opened the floor for the public hearing and there was no one present to speak for or against this request.

There was discussion.

**Motion to continue this conditional use permit for two (2) more years by Mr. Dickerson, seconded by Ms. Webster. Motion passed unanimously.**

4. **Mr. Willie Goad** was requesting a continuation of the conditional use permit he received on April 12, 2007, to operate a part time saw mill with a dust free parking variance. 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.

The adjoining property owners were notified by regular mail.

Mr. Goad came forward to represent this request.

Mr. Hammock presented pictures of the site.

Chairman McKee opened the floor for the public hearing and there was no one present to speak for or against this request.

There was discussion.

**Motion to continue this conditional use permit for two (2) more years by Mr. Dickerson, seconded by Ms. Webster. Motion passed unanimously.**

5. **Van Humphrey** was requesting a continuation of the hardship variance that he received on April 4, 2000, to care for his mother. Subject property is located at 1135 Smith Thompson Road, Bethpage, Tn., is on tax map 49, parcel 2 and is zoned agricultural.

Mr. Humphrey came forward to represent this request and also provided this body with a physician statement stating that the hardship does still in fact remain.

Mr. Hammock presented pictures of the site.

Chairman McKee opened the floor for the public hearing and there was no one present to speak for or against this request.

There was discussion.

Motion to continue the hardship for two (2) years by Ms. Webster, seconded by Mr. Dickerson. Motion passed unanimously.

**OTHER BUSINESS:**

**MEETING ADJOURNED AT 6:25 P.M.**

