

**SUMNER COUNTY ZONING BOARD OF APPEALS
MINUTES
6:00 P.M.
JANUARY 13, 2005**

**SUMNER COUNTY ADMINISTRATION BUILDING
ROOM 210
355 N. BELVEDERE DRIVE
GALLATIN, TN. 37066**

**MEMBERS PRESENT:
MARK MCKEE JR., CHAIRMAN
JAMES COLE
RALPH WEBSTER
ALTON PERDUE**

**MEMBERS ABSENT:
BRUCE RAINEY, VICE-CHAIRMAN**

➤ **MOTION FOR APPROVAL OF THE DECEMBER MINUTES BY MR. WEBSTER,
SECONDED BY MR. COLE. MOTION PASSED UNANIMOUSLY.**

1.. *WILLIAM A. VICK WAS REQUESTING A TWENTY FIVE (25) FOOT FRONT YARD SETBACK VARIANCE FOR A PROPOSED ADDITION. SUBJECT PROPERTY IS LOCATED AT 1335 HIDDEN COVE ROAD, GALLATIN, TN., BEING LOT # 13 OF THE LANGFORD NEWTON SUBDIVISION, IS ON TAX MAP 133I, GROUP A, PARCEL 18, LOT SIZE IS 57' X 155.3 ' IRR. AND IS ZONED R1A.*

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON DECEMBER 24, 2005. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MR. VICK CAME FORWARD TO EXPLAIN HIS REQUEST AND TO ANSWER ANY QUESTIONS. MR. VICK EXPLAINED THAT THE FRONT YARD SETBACK ISSUE IS BECAUSE THE COUNTY HAS MOVED THE ROAD. MR. VICK STATED WITHOUT ANY LEGAL ISSUES IS THAT HIS PROPERTY LINE SITS 15 FEET, 6 INCHES FROM THE PROPOSED ADDITION. THE ADDITION IS 40 FEET FROM WHAT THE COUNTY CLAIMS AS THEIR 30 FOOT RIGHT-OF-WAY. THERE IS DISCUSSION ABOUT THE RIGHT OF WAY BEING A 30 FOOT, 40 FOOT OR A 50 FOOT RIGHT-OF-WAY. MR. VICK STATED THAT HIDDEN COVE WAS CREATED IN 1960. MR. VICK STATED THAT HE FOUND A IRON PIN AND HAS ESTABLISHED HIS PROPERTY LINE.

MR. MOULTON STATED THAT THE NEIGHBOR TO THE RIGHT OF MR. VICK HAS NO OBJECTION TO THIS VARIANCE, AS WELL AS THE NEIGHBOR TO THE LEFT.

THERE WAS NO ONE PRESENT TO SPEAK FOR OR AGAINST THIS REQUEST.

THERE WAS DISCUSSION.

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

OTHER BUSINESS:

- **RONNY BROOKS**- DISCUSSED THE CONTINUANCE OF HIS HARDSHIP VARIANCE. SUBJECT PROPERTY IS LOCATED AT 180 WHIPPORWILL LANE, BETHPAGE, TN., AND IS ON TAX MAP 62, PARCEL 10.

FYI: MR. BROOKS EXPLAINED TO THE ZBA IN SEPTEMBER 9, 2004 THAT HE HAD PURCHASED 50 FEET OF ROAD FRONTAGE AND HE DID NOT NEED THE HARDSHIP VARIANCE ANY LONGER. THE MOTION AT THE SEPTEMBER 2004 MEETING WAS TO CONTINUE THE HARDSHIP FOR 60 MORE DAYS UNTIL WHICH TIME HE COULD HIRE A SURVEYOR AND PARCEL OFF 5 ACRES FOR THE SINGLEWIDE MOBILE HOME. MR. BROOK'S TIME HAS EXPIRED AND HE WAS ASKED TO BE HERE TONIGHT TO EXPLAIN WHY HE HAS NOT HIRED A SURVEYOR TO MAKE HIS LOT COMPLIANT.

MR. BROOKS CAME FORWARD TO EXPLAIN HIS SITUATION. MR. BROOKS STATED THAT HE HAS HAD THIS HARDSHIP FOR A WHILE AND HE JUST PREVIOUSLY PURCHASED FIFTY FEET OF ROAD FRONTAGE FROM A NEIGHBOR. MR. BROOKS STATED HE WAS TOLD THAT HE WOULD HAVE TO HAVE 5 ACRES FOR THE SINGLEWIDE THAT IS CURRENTLY ON THE ONE ACRE PARCEL. MR. BROOKS STATED HE HAS NOT BEEN ABLE TO HAVE THIS PROPERTY SURVEYED DUE TO THE HOLIDAYS. AFTER HAVING SAID THIS MR. BROOKS STATED THAT HE BROUGHT A LETTER FROM DR. SANDERS STATING THAT HIS FATHER STILL NEEDS THE HARDSHIP DUE TO HIS MEDICAL CONDITION.

MR. MOULTON STATED THAT THERE IS AN OPTION THAT HE COULD PURSUE WHICH WOULD NOT REQUIRE A VARIANCE. WE WOULD BE BETTER OFF TO GRANT HIM ANOTHER EXTENSION TO ALLOW HIM TO GET IT SURVEYED TO BRING THIS PARCEL INTO COMPLIANCE.

MR. BROOKS STATED THAT SINCE THE LAST MEETING HE HAS DECIDED TO SELL PART OF THE FARM. HE WOULD LIKE TO DO SURVEY AFTER THE FARM IS SOLD. MR. BROOKS STATED THAT HE WOULD LIKE TO HAVE HIS HARDSHIP EXTENDED FOR AT LEAST 8 TO 10 MONTHS LONGER WHICH WOULD ALLOW HIM TIME TO PUT IT ON THE MARKET, AND IF IT DOES NOT SELL HE WOULD KEEP 5 TO 15 ACRES.

MR. MOULTON EXPLAINED THAT, BASED ON THE ZBA TRAINING, ECONOMIC HARDSHIPS ARE NOT REASONS TO GRANT VARIANCES. MR. MOULTON STATED THAT HE COULD PLACE A FIFTY FOOT EASEMENT ACROSS THE FIFTY FOOT ROAD FRONTAGE TO ALLOW LEGAL BACK ACCESS TO THE FORTY ACRES, AS LONG AS IT STILL CONTAINS 5 ACRES.

MR. MOULTON STATED THAT SINCE YOU HAVE PURCHASED FIFTY FEET OF ROAD FRONTAGE YOU COULD REMOVE THE PLATTED ONE ACRE LOT AND COMBINE IT WITH THE FORTY ACRES AND MAKE IT ONE TOTAL ACREAGE. SINCE THIS IS ZONED AGRICULTURAL YOU COULD HAVE TWO RESIDENCES ON YOUR FARM LEGALLY BY ZONING DUE TO THE FACT IT IS MORE THAN TWENTY ACRES. WHEN THESE TRACTS ARE COMBINED THIS WOULD REMOVE ANY NEED FOR A HARDSHIP VARIANCE.

MR. BROOKS STATED THAT THE ONE ACRE PARCEL WAS NEVER SURVEYED THAT IT WAS PARCELED OFF FOR TAX PURPOSES.

THERE WAS DISCUSSION.

MR. MOULTON EXPLAINED THAT IT IS POSSIBLE THAT HE COULD REMOVE THE PLATTED ONE (1) ACRE PARCEL AND COMBINE IN BACK WITH THE FORTY (40) ACRES AND HE WOULD BE ALLOWED TO HAVE TWO (2) DWELLINGS WITHOUT NEEDING A HARDSHIP VARIANCE ANY LONGER. MR. MOULTON STATED THAT THERE IS ABSOLUTELY NO REASON THAT THIS CANNOT BE DONE.

MOTION BY MR. COLE TO EXTEND MR. BROOK'S HARDSHIP VARIANCE FOR FOUR (4) MORE MONTHS TO GIVE HIM A CHANCE TO DO WHAT HE IS GOING TO DO AND THEN COME BACK BEFORE THIS BOARD, SECONDED BY MR. WEBSTER. MOTION PASSED UNANIMOUSLY.

MR. BROOKS ASKED MR. MOULTON WHAT STEPS DOES HE NEED TO TAKE.

MR. MOULTON REPLIED TO MR. BROOKS THAT HE FIRST NEEDED TO ESTABLISH IF THIS ONE ACRE IS A SEPARATE PARCEL OR IF IT WAS SEPARATED FOR TAX PURPOSES. WE WILL HAVE TO DETERMINE A STARTING POINT TO SEE WHAT STEPS WOULD BE REQUIRED.

MR. MOULTON STATED THAT WE MAY RESOLVE THIS PROBLEM IN HOUSE. MR. MOULTON EXPLAINED THAT POSSIBLY MR. BROOKS MAY NOT HAVE TO APPEAR BEFORE THIS BODY AGAIN, STAFF COULD REPORT THE OUTCOME TO THIS BODY FOR HIM.

➤ **DISCUSSION OF THE ZONING BOARD OF APPEALS ASSOCIATE MEMBERS**

MR. MOULTON EXPLAINED TO THIS BODY THAT THE COUNTY COMMISSION DID PASS LAST MONTH, BY RESOLUTION, THE APPOINTMENT OF TWO ASSOCIATE ZONING BOARD MEMBERS. THESE MEMBERS WOULD NOT BE ACTIVE MEMBERS ON AN ONGOING BASIS, THEY WOULD BE UTILIZED ON AN AS NEEDED BASIS ONLY.

MR. MOULTON ASKED IF ANY OF THE MEMBERS HAD ANYONE THAT THEY WOULD LIKE TO SUGGEST TO BE AN ASSOCIATE MEMBER.

MR. PERDUE SUGGESTED MR. MOULTON AND MR. HAMMOCK. MR. MOULTON STATED HE HAD SPOKEN WITH THE COUNTY ATTORNEY AND WAS ADVISED THAT WOULD NOT WORK BECAUSE OF THE LEGALITY.

MR. MOULTON STATED THAT HE WOULD HAVE TO BRING THESE NEW ASSOCIATE MEMBERS UP TO SPEED REGARDING THE PURPOSES OF THIS BOARD ETC.

**SUMNER COUNTY ZONING BOARD OF APPEALS
JANUARY 13, 2005**

PAGE 4

CHAIRMAN MCKEE STATED HE HAD BEEN ON THIS COMMITTEE FOR MANY YEARS AND THERE HAS NEVER BEEN A TIME THAT THERE WAS NOT A QUORUM.

THERE WAS DISCUSSION.

MR. MOULTON EXPLAINED THAT THESE NAMES WOULD HAVE GO BEFORE THE COMMITTEE ON COMMITTEES AND THEN GO TO THE COUNTY COMMISSION FOR RATIFICATION.

MEETING ADJOURNED AT 6:30 P.M.