

**SUMNER COUNTY ZONING BOARD OF APPEALS
MINUTES
6:00 P.M.
MARCH 13, 2008**

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

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

MEMBERS ABSENT:
BRUCE RAINEY, VICE-CHAIRMAN

OTHERS PRESENT:
MIKE MOULTON, PLANNING DIRECTOR
LISA WILLIAMS, ADMINISTRATIVE ASSISTANT

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

1. NICKIE BROWN WAS REQUESTING A CONDITIONAL USE PERMIT FOR A PORTABLE & SITE SAWMILL SERVICE. THE BUSINESS IS LOCATED IN AN EXISTING STRUCTURE APPROXIMATELY 16 X 50 FEET. THERE WILL BE NO EMPLOYEES. THERE WILL BE ONE (1) SIGN. THERE WILL BE APPROXIMATELY SIX (6) TEMPORARY PARKING SPACES. NO SEMI TRACTOR TRAILERS WILL BE USED. HE IS ALSO REQUESTING A DUST FREE PARKING VARIANCE FOR THE AREA AROUND THE SAWMILL. HOURS OF OPERATION WILL BE MONDAY THROUGH SATURDAY FROM 8:00 AM TO 5:00 PM AND SUNDAY FROM 8:00 AM TO 11:30 A.M. SUBJECT PROPERTY IS LOCATED AT 120 HARDISON WAY, COTTONTOWN, TN., IS ON TAX MAP 101, PARCEL 9.02, CONTAINS APPROXIMATELY 1.76 ACRES AND IS ZONED AGRICULTURAL.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON FEBRUARY 6, 2008. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MR. NICKIE BROWN CAME FORWARD TO REPRESENT THIS REQUEST. MR. BROWN STATED THAT CURRENTLY HE IS CUTTING WOOD FOR HIMSELF. THIS OPERATION IS LOCATED CURRENTLY IN A POLE SHED.

MR. WILLIAMS ASKED MR. BROWN HOW CLOSE IS THE CLOSEST NEIGHBOR?
MR. BROWN RESPONDED THE CLOSEST NEIGHBOR WOULD BE HIS SON WHICH IS LOCATED 300 FEET AWAY, AND THE NEXT CLOSEST NEIGHBOR IS 350 FEET AWAY.

THERE WAS DISCUSSION.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

MR. FRANK HOWELL CAME FORWARD TO SPEAK. MR. HOWELL DISCUSSED THE EASEMENT/DRIVEWAY THAT RAN THROUGH HIS PROPERTY TO THE HARDISON'S. MR. HOWELL STATED THAT MR. BROWN WAS TEARING THIS DRIVEWAY UP CARRYING LOGS IN AND OUT OF THE PROPERTY. MR. HOWELL STATED THAT THIS DRIVEWAY IS WASHING AWAY AND THE SAWDUST GOES INTO THE CREEK.

MR. HOWELL STATED THAT MR. BROWN COULD GO THROUGH HIS OWN PROPERTY TO GET TO THE SAWMILL.

MR. BROWN STATED THAT HE COULD NOT GO THROUGH HIS OWN PROPERTY DUE TO THE EXISTING GAS LINES.

MR. HOWELL STATED THAT THE DRIVEWAY IS DETERIORATING DUE TO THE FACT THAT MR. BROWN IS USING THIS DRIVE FOR HIS SAWMILL BUSINESS. MR. HOWELL ALSO STATED THAT HE DID NOT LIKE THE FACT THAT HE WAS RUNNING A BUSINESS IN AN AGRICULTURAL DISTRICT.

MR. BROWN STATED THAT IT IS IN HIS DEED THAT HE IS TO MAINTAIN THIS EASEMENT.

CHAIRMAN MCKEE CLOSED THE PUBLIC HEARING.

MR. WILLIAMS STATED THAT THE ONLY PROBLEM HE HAD WITH THIS REQUEST THAT HE WAS REQUESTING TO RUN THIS SAW MILL ON SUNDAY MORNING.

MR. BROWN STATED THAT THE REASON HE ASKED TO BE OPEN ON SUNDAY WAS BECAUSE THAT IS THE ONLY TIME THAT THE FARMERS CAN COME PICK UP THEIR LUMBER.

THERE WAS DISCUSSION.

MOTION FOR APPROVAL BY MR. WILLIAMS WITH THE EXCEPTION OF NO SAWING ON SUNDAY, THE ENTRY WAY SHOULD BE MAINTAINED, AND REPORT BACK TO THIS BODY EVERY TWO YEARS, SECONDED BY MR. PERDUE. MOTION PASSED UNANIMOUSLY.

2. MICHAEL STINSON WAS REQUESTING A CONDITIONAL USE PERMIT TO OPERATE WHITE HOUSE MACHINE, LLC AND SUBSIDIARIES WITH OCCASSIONAL ON SITE PARTS SALES AND A MAXIMUM OF FOUR (4) FULL TIME EMPLOYEES. THE BUSINESS IS LOCATED IN AN EXISTING STRUCTURE APPROXIMATELY 60 X 60 FEET. HE IS REQUESTING FIVE (5) TEMPORARY PARKING SPACES AND A DUST FREE PARKING VARIANCE. THERE WILL BE NO ROAD SIGNAGE AND HOURS OF OPERATION ARE MONDAY THROUGH SATURDAY FROM 7:00 AM TO 5:00 PM. SUBJECT PROPERTY IS LOCATED AT 375 MARTIN LANE, COTTONTOWN, TN., IS ON TAX MAP 075, PARCEL 11.03, CONTAINS APPROXIMATELY 6.265 ACRES AND IS ZONED AGRICULTURAL.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON FEBRUARY 27, 2008. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MR. STINSON CAME FORWARD TO EXPLAIN HIS REQUEST.

MR. MOULTON STATED THAT MR. STINSON LIVES IN THE GENERAL AREA THAT HE DOES AND HE DID NOT REALIZE THIS BUSINESS WAS BEING CONDUCTED. MR. MOULTON STATED THAT A NEIGHBOR HAD ASKED HIM TO VOICE HER CONCERN THAT ON OCCASION WHEN THEY BRING WORK FOR MR. STINSON TO WORK ON THEY UNLOAD ON THE STREET FOR HOURS. ANOTHER NEIGHBOR THAT OWNS THE FARM BEHIND SUBJECT REQUEST HAS ASKED ME TO EXPRESS THAT HE HAS NO PROBLEMS WITH THIS REQUEST. THIS WAS BROUGHT TO OUR ATTENTION BY AN ANONYMOUS LETTER.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

MR. A. W. WARD CAME FORWARD TO SAY THAT HE HAS NO PROBLEM WITH THIS REQUEST, THAT MR. STINSON HAS MADE A CONTRIBUTION TO THIS AREA, AND WAS THE BEST NEIGHBOR HE HAD EVER HAD.

CLEVELAND CROFT CAME FORWARD TO SAY HE NEVER HEARS ANYTHING AND THAT MR. STINSON TAKES GOOD CARE OF HIS PROPERTY.

CHAIRMAN MCKEE CLOSED THE PUBLIC HEARING.

MR. WILLIAMS QUESTIONED MR. STINSON ABOUT WHERE THE TRUCKS WERE UNLOADING ON THE STREET.

MR. STINSON STATED THAT HIS DRIVEWAY WAS APPROXIMATELY 300 FEET LONG AND THE VEHICLES THAT HE WORKS ON HAVE TO BE BROUGHT TO ME BY TRACTOR TRAILERS. THE TRACTOR TRAILERS CAN NOT TURN IN MY DRIVEWAY. MR. STINSON ONLY RECALLS THEM UNLOADING ON THE STREET ONE TIME. MR. STINSON STATED THAT HE COULD WIDEN HIS DRIVEWAY.

MR. WILLIAMS ASKED MR. STINSON SINCE THIS HAS BEEN BROUGHT TO OUR ATTENTION WOULD YOU WIDEN THIS DRIVEWAY TO WHERE SOMEONE COULD GET IN.

MR. STINSON STATED THAT HE WOULD PREFER IF THEY BROUGHT IT IN ON SMALL TRAILERS.

THERE WAS DISCUSSION.

MOTION FOR APPROVAL, CONTINGENT THAT HE BE REQUIRED TO POLICE THE PARKING ON THE ROAD AND COME BACK BEFORE THIS BODY EVERY TWO YEARS BY MR. WILLIAMS SECONDED BY MRS. WEBSTER. MOTION PASSED UNANIMOUSLY.

3. KIRK WHITWORTH WAS REQUESTING A CONDITIONAL USE PERMIT TO OPERATE A PILATES AND POTTERY STUDIO. THE STUDIO IS LOCATED IN AN EXISTING STRUCTURE AND WILL HAVE TWO (2) EMPLOYEES, ONE (1) SIGN, AND HOURS OF OPERATION WILL BE BY APPOINTMENT ONLY. SUBJECT PROPERTY IS LOCATED AT 336 SHUTE LANE, HENDERSONVILLE, TN., IS ON TAX MAP 146, PARCEL 77.00, CONTAINS APPROXIMATELY 5.25 ACRES AND IS ZONED RESIDENTIAL A.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON FEBRUARY 27, 2008. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MR. WHITWORTH CAME FORWARD TO EXPLAIN THAT THIS WOULD BE JUST FOR A PILATES AND A POTTERY CLASS BY APPOINTMENT ONLY.
MR. WHITWORTH EXPLAINED THAT THE CLOSEST HOUSE IS 400 OR 500 FEET ONE WAY AND 1,000 FEET IN THE OTHER DIRECTION.

MR. MOULTON READ FOR THE RECORD THE E-MAIL THAT HE RECEIVED FROM FRED ROGERS, HENDERSONVILLE PLANNING DIRECTOR MARCH 11, 2008 @ 14:52:08. DEALING WITH THIS PROPERTY BEING ANNEXED INTO THE CITY SOON. MR. MOULTON DID STATE THAT HE HAD A REAL PROBLEM WITH MR. WHITWORTH'S DRIVEWAY; CURRENTLY THIS IS A SAFETY HAZARD. MR. MOULTON SUGGESTED TO MR. WHITWORTH THAT THEY MAKE THE DRIVE A CIRCE DRIVE.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

MR. EALEY CAME FORWARD TO SHOW THIS BODY HIS HOUSE PLANS OF THE HOME THAT HE PLANS TO BUILD 30 FEET OFF OF MR. WHITWORTH'S PROPERTY. MR. EALEY STATED THAT HE OBJECTED TO THE BUSINESS BEING THERE, BECAUSE IT WOULD DEVALUE HIS PROPERTY, AND OBJECTS TO THE SIGNAGE THAT IS BEING PROPOSED. MR. EALEY EXPLAINED THAT THE CITY OF HENDERSONVILLE HAS BEEN ANNEXING THIS PROPERTY FOR TWO YEARS. MR. EALEY ARGUED THAT THIS IS A RESIDENTIAL AREA.

MR. CRAWLEY CAME FORWARD TO ADDRESS THE CONDITION OF SHUTE LANE AND STATED THAT IT NEEDS A MAJOR UPGRADE. THIS IS LAKE PROPERTY AND HAS BOAT DOCKS ALL AROUND IT. MR. CRAWLEY WENT ON TO SAY THIS IS JUST NOT THE RIGHT PLACE TO HAVE A BUSINESS.

MR. MOULTON EXPLAINED THAT THIS IS A BUSINESS, BUT DOES NOT ENVISION THIS AS A BOAT OR CAR REPAIR. THIS TYPE OF A BUSINESS IS NOT THE SAME AS A NURSERY. IF YOU DRIVE BY THIS PROPERTY YOU WILL NEVER KNOW IT IS ANYTHING BUT A RESIDENCE. IN FAIRNESS, THIS PROPERTY PREVIOUSLY HAS BEEN IN USE FOR A BUSINESS ILLEGALLY AND WE HAD TO STOP IT. MR. MOULTON STATED THAT SHUTE LANE IS A NARROW HIGHLY TRAVELED COUNTY ROAD. MR. MOULTON STATED THAT IF THIS IS APPROVED HE WOULD RECOMMEND THAT THEY CONSTRUCT THE DRIVEWAY COMING OUT ON THE OTHER SIDE FOR BETTER VISIBILITY.

CHAIRMAN MCKEE CLOSED THE PUBLIC HEARING.

MR. WILLIAMS ASKED MR. WHITWORTH IF THIS WAS STRICTLY A RESIDENCE OR A STUDIO THAT YOU WILL BE WORKING OUT OF.

MR. WHITWORTH RESPONDED TO MR. WILLIAMS THAT NO ONE WAS LIVING IN THE HOUSE AT THIS TIME; THE CLASSES WOULD BE BY APPOINTMENT ONLY.

MR. WHITWORTH STATED THAT THE SIGN THAT HE IS REQUESTING IS THE SIZE OF A REAL ESTATE SIGN.

MR. EALEY ASKED TO BE ABLE TO SPEAK AGAIN.

MR. MOULTON REMINDED MR. EALEY THAT THE PUBLIC HEARING WAS CLOSED AND THE MEMBERS WOULD HAVE TO VOTE TO SUSPEND THE RULES TO ALLOW HIM TO SPEAK AGAIN.

MOTION TO SUSPEND THE RULES TO ALLOW MR. EALEY TO SPEAK, BY MR. WILLIAMS, SECONDED BY MR. PERDUE. MOTION PASSED UNANIMOUSLY.

MR. EALEY EXPLAINED TO THIS BODY THAT THIS HOME WAS A BLACK FUNERAL HOME IN 1952. AFTER MR. WHITWORTH BOUGHT THIS HOME LAST YEAR HE PUT SIGNS UP ALL DOWN THE STREET WHICH READ "WILL BUY YOUR HOUSE" AND HE WAS AT ONE TIME RUNNING AN OFFICE OUT OF THIS HOME.

THERE WAS DISCUSSION.

MR. WILLIAMS ASKED MR. MOULTON IF WE APPROVED THIS TONIGHT AND HENDERSONVILLE ANNEXED THIS PROPERTY NEXT WEEK WHAT WOULD HAPPEN.

MR. MOULTON REPLIED TO MR. WILLIAMS BY SAYING THAT ACCORDING TO MR. FRED RODGERS, HENDERSONVILLE'S PLANNER, THIS WOULD BE A NON-CONFORMING USE AND HENDERSONVILLE WOULD NOT BE REQUIRED TO RECOGNIZE THIS CONDITIONAL USE.

MR. WILLIAMS EXPLAINED THAT HE WANTED MR. WHITWORTH TO UNDERSTAND THAT IF WE DID APPROVE THIS AND IT WAS ANNEXED BY HENDERSONVILLE, THEY (HENDERSONVILLE) WOULD NOT APPROVE IT.

MR. WHITWORTH EXPLAINED TO THE BOARD WHERE THE DRIVEWAY THAT MR. MOULTON HAD SUGGESTED TO HIM WOULD BE LOCATED.

MR. MOULTON EXPLAINED TO MR. WHITWORTH THAT IF HE RECEIVES APPROVAL TONIGHT AND HIS BUSINESS PICKS UP HE CAN NOT EXPAND THE FOOTPRINT. IF THIS REMAINED IN THE COUNTY AND HE WANTED TO EXPAND THIS BUSINESS HE WOULD HAVE TO COME BACK BEFORE THIS BODY.

THERE WAS DISCUSSION.

MOTION FOR APPROVAL BY MR. WILLIAMS, FOR EVERYTHING REQUESTED EXCEPT FOR THE SIGN (*SIGN NOT ALLOWED*), ADD TO THE EXISTING DRIVEWAY PER MR. MOULTON'S SUGGESTION, AND FOR MR. WHITWORTH TO UNDERSTAND THAT WE ARE NOT GUARANTEEING HIM ANYTHING BEYOND ANNEXATION (BY CITY OF HENDERSONVILLE), THE HOURS OF OPERATION WOULD BE 8:00 A.M. UNTIL 7:30 P.M., NO MORE THAN 5 VEHICLES AT A TIME, AND NEED TO COME BACK BEFORE THIS BOARD IN TWO YEARS AND THIS CONDITIONAL USE, AND THIS CAN NOT BE USE FOR ANY OTHER BUSINESS EXCEPT FOR THAT WHICH WAS REQUESTED TONIGHT, SECONDED BY MR. PERDUE. MOTION PASSED UNANIMOUSLY.

4. **JOHN WILBURN AND ARTHUR BURKE** WERE REQUESTING A CONDITIONAL USE PERMIT ON APPEAL TO OPERATE A HOME DE'COR AND COLLECTABLES SHOP LOCATED ON THE 1ST FLOOR; A FINE ARTS GALLERY AND ANTIQUES SHOP ON THE 2ND FLOOR IN AN EXISTING STRUCTURE. THEY ARE ALSO ASKING FOR A DUST FREE PARKING VARIANCE AND TWO (2) SIGNS. THE STORE HOURS WILL BE MONDAY-SATURDAY 8:00 A.M. TO 5:00 P.M. WITH (2) FULL TIME AND (1) PART TIME EMPLOYEE. SUBJECT PROPERTY IS LOCATED AT 2241 HIGHWAY 25 WEST, COTTONTOWN, TN., IS ON TAX MAP 94, PARCEL 38.02, AND CONTAINS ONE (1) ACRE, AND IS ZONED AGRICULTURAL.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON FEBRUARY 29, 2008. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MR. WILBURN CAME FORWARD TO EXPLAIN THIS REQUEST.

MR. MOULTON STATED THAT THEY HAVE WORKED OUT THEIR PARKING AND HAVE ALL OF THEIR PERMITS LINED UP. MR. MOULTON STATED THAT THIS WOULD BE GOOD FOR THE COTTONTOWN AREA. MR. MOULTON STATED THAT MR. WILBURN HAS SATISFIED ALL OF THE STIPULATIONS.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

JOE MCLAUGHLIN CAME FORWARD TO SPEAK. MR. MCLAUGHLIN ASKED WHERE THE PARKING LOT WOULD BE LOCATED. WHAT HAPPENS IF ONE OF THE BUSINESSES GOES OUT OF BUSINESS WHAT DOES THAT MEAN FOR THE OTHER BUSINESS THAT HE IS REQUESTING? HE ALSO HAD QUESTIONS ABOUT THE SEPTIC SYSTEM.

MR. MOULTON EXPLAINED THAT IF ONE OF THE PROPOSED BUSINESSES WENT OUT OF BUSINESS, THAT THE OTHER BUSINESS WOULD STILL BE ALLOWED TO OPERATE. IF THEY BOTH WENT OUT OF BUSINESS, THE CONDITIONAL USE WOULD BE NULL AND VOID AT THAT TIME.

MR. WILLIAMS STATED HE LIKES THE LOOK OF THE PROPOSED SIGN, BUT FELT THAT WAS A REALLY BIG SIGN.

M. WILBURN STATED THAT HE WAS GOING TO TRY TO REDUCE THE SIZE OF THE PROPOSED SIGN. MR. WILBURN STATED THAT THEY ARE REQUESTING PERMISSION FOR TWO SIGNS.

THERE WAS DISCUSSION.

MOTION FOR APPROVAL FOR TWO YEARS, BY MS. WEBSTER, SECONDED BY MR. WILLIAMS. MOTION PASSED UNANIMOUSLY.

OTHER BUSINESS:

A. RICHARD TATTARELLI-THIS IS A SIXTY DAY UPDATE ON THE PROGRESS OF CONSTRUCTION OF ATTACHED GARAGE. SUBJECT PROPERTY IS LOCATED AT 1095 EDGEWATER CIRCLE, GALLATIN, TN., IS ON TAX MAP 147F, GROUP A, PARCEL 028.00, CONTAINS APPROXIMATELY 0.46 ACRES AND IS ZONED RESIDENTIAL A.

MR. TATTARELLI CAME FORWARD TO STATE HE HAD COMPLETED HIS GARAGE AND SHOWED THE MEMBERS A COPY OF HIS CERTIFICATE OF OCCUPANCY.

THE BOARD THANKED MR. TATTARELLI, THERE WAS NO MOTION NEEDED SINCE MR. TATTERELLI WAS IN COMPLIANCE.

B. ROBERT & TERESA HAWN-THIS WAS A REQUEST TO AMEND A SUMNER COUNTY BASE ZONING MAP KNOWN AS MAP 158-L, GROUP A, PARCEL 14.00 ALSO KNOWN AS 1728 LAKE GRASSLAND WEST, GALLATIN, TN. THE OWNERS OF RECORD ARE ROBERT AND TERESA HAWN. CONTAINED WITHIN THE SUMNER COUNTY ZONING RESOLUTION UNDER ARTICLE XIII, 4 – POWERS, 4.1 ADMINISTRATIVE REVIEW THE BOARD HAS THE POWER TO AMEND/CORRECT AN ADMINISTRATIVE ERROR THAT OCCURRED DURING THE CONVERSION PROCESS WITH RESPECT TO DIGITIZING THE OLD ZONING MAP. THE REQUEST IS TO CORRECT THE BASE MAP BACK TO RESIDENTIAL A.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON FEBRUARY 6, 2008. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

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

MR. MOULTON STATED THAT THIS WAS SIMPLY A BOOK KEEPING MATTER. THE COUNTY RE-ESTABLISHED THE ZONING MAPS AT THE END OF A YEAR, WHICH WAS A THREE YEAR PROCESS AND SO FAR WE HAVE ONLY FOUND ONE ERROR WHICH NEEDS TO BE CORRECTED.

THERE WAS DISCUSSION.

**MOTION BY MR. WILLIAMS TO CORRECT THE ERROR, SECONDED BY MS. WEBSTER.
MOTION PASSED UNANIMOUSLY.**

MEETING ADJOURNED AT 7:45 P.M.