

**SUMNER COUNTY ZONING BOARD OF APPEALS  
MINUTES  
6:00 P.M.  
JUNE 8, 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  
JAMES COLE  
SANDY WEBSTER  
ALTON PERDUE**

**MEMBERS ABSENT:**

**OTHERS PRESENT:**

**GARY HAMMOCK, BUILDING COMMISSIONER  
LISA WILLIAMS, ADMINISTRATIVE ASSISTANT**

MR. HAMMOCK REPORTED TO THE BOARD THAT MR. MOULTON IS DOING WELL AND SHOULD BE BACK TO WORK VERY SOON.

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

1. VALERIE A. LAW WAS REQUESTING A 17 FOOT FRONT YARD SETBACK VARIANCE FOR AN EXISTING ABOVE GROUND SWIMMING POOL.  
SUBJECT PROPERTY IS LOCATED AT 1059 HILLTOP ROAD, WHITE HOUSE, TN., IS ON TAX MAP 99E, GROUP G, CONTROL MAP 99F, PARCEL 7.00, IS LOT # 88 OF TYREE WOODS ESTATES, SECTION 7, AND IS ZONED RESIDENTIAL A.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON MAY 19, 2006. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED CERTIFIED MAIL.

MS. LAW CAME FORWARD TO EXPLAIN HER REQUEST. MS. LAW STATED THAT SHE COULD NOT PUT THE ABOVE GROUND POOL ANYWHERE ELSE ON HER PROPERTY THAT WOULD ALLOW THE POOL TO MEET THE REQUIRED SETBACKS. MS. LAW SHOWED PICTURES OF HER PROPERTY AND EXPLAINED THAT SHE COULD NOT PUT THE POOL IN THE REAR YARD DUE TO HER SEPTIC LINES AND HER HOUSE IS BUILT ON A RIDGE.

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

THERE WAS DISCUSSION.

MR. RAINEY STATED THAT HE WENT BY THE SUBJECT PROPERTY AND EXPLAINED THAT MS. LAW PUT THIS POOL IN THE ONLY PLACE IN HER YARD THAT SHE COULD. MR. RAINEY STATED THAT HE HAD READ THE RESTRICTIVE COVENANTS AND HE FELT THIS POOL WAS IN VIOLATION OF THE COVENANTS.

MR. RAINEY REPORTED HE UNDERSTOOD THE REQUESTORS PLIGHT, AND THERE IS NOT AN ADEQUATE FENCE AROUND IT AT THIS POINT. MR. RAINEY STATED THAT HE HAD A PROBLEM WITH THE POOL IN THE FRONT YARD THAT CLOSE TO THE ROAD.

MR. HAMMOCK STATED THAT THE CODES DEPARTMENT RECEIVED A COMPLAINT A POOL WAS BEING INSTALLED ON SUBJECT PROPERTY WITHOUT A BUILDING PERMIT. MR. HAMMOCK STATED AT THAT POINT THE CODES DEPARTMENT PUT UP A STOP WORK ORDER ON THE POOL. MS. LAW THEN CONTACTED THE CODES DEPARTMENT ABOUT OBTAINING A BUILDING PERMIT. MR. HAMMOCK EXPLAINED THAT HE COULD NOT ISSUE A PERMIT FOR THE POOL DUE TO THE FACT THAT IT DID NOT MEET SETBACKS, UNLESS THIS BOARD GRANTED A SETBACK VARIANCE.

MS. LAW STATED THAT SHE WAS NOT AWARE THAT A PERMIT WAS NEEDED TO INSTALL A POOL.

MR. RAINEY STATED THAT THE POOL COMPANY SHOULD HAVE BEEN AWARE THAT A BUILDING PERMIT WAS NEEDED FOR THE POOL.

THERE WAS DISCUSSION.

**MOTION BY MR. RAINEY TO DENY THE REQUEST, SECONDED BY MR. COLE. MOTION PASSED UNANIMOUSLY.**

MS. LAW STATED THAT SHE COULD NOT AFFORD TO TAKE THIS POOL DOWN.

MR. COLE STATED MS. LAW COULD GO BACK ON THE POOL COMPANY, BECAUSE THEY KNOW THAT A BUILDING PERMIT WAS NEEDED FOR A POOL.

MS. LAW ASKED WHAT SHE SHOULD DO NOW.

MR. RAINEY TOLD HER TO TAKE THE POOL BACK AND GET HER MONEY BACK.

MS. LAW SAID SHE DID NOT WANT TO TAKE THE POOL BACK. MS. LAW ASKED IF THEY WERE GOING TO FIGHT HER OR TAKE HER TO JAIL. MS. LAW SAID LET'S GET IT ON THE TABLE AND TELL ME HOW MUCH YOU ARE GOING TO FINE ME.

MR. RAINEY TOLD MS. LAW THAT SHE CAN TAKE THIS TO COURT IF YOU DISAGREE WITH OUR DECISION.

MS. LAW STATED THAT SHE DID NOT HAVE THE MONEY TO GO TO COURT.

MS. LAW ASKED IF SHE COULD GET A PERMIT IF SHE PUT THE POOL ON THE SEPTIC AREA.

MS. LAW ASKED WHAT WILL HAPPEN IF SHE DID NOT MOVE THE POOL.

MR. RAINEY STATED THAT SHE WOULD BE CITED INTO COURT AND APPEAR BEFORE A JUDGE, THEN IT WILL BE UP TO THE JUDGE'S DECISION.

2. **JO ELLEN SHANKLIN** WAS REQUESTING PERMISSION FOR A DECORATIVE SIGN THAT IS LOCATED APPROXIMATELY 225 FEET OFF THE ROAD. THE GULF SIGN IS 20 FEET HIGH AND IS 4' X 6" ROUND. SUBJECT PROPERTY IS LOCATED AT 1075 COKER FORD ROAD, PORTLAND, TN. SUBJECT PROPERTY IS ON TAX MAP 2, PARCEL 18.02 CONTAINS 2.38ACRES, AND IS ZONED AGRICULTURAL.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON MAY 26, 2006. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MS. SHANKLIN CAME FORWARD TO EXPLAIN HER REQUEST AND SHOWED THE MEMBERS PICTURES OF THE GULF SIGN.

MR. PERDUE STATED THAT THIS SIGN IS IN THE BACK OF THE PROPERTY AND DOES NOT INTERFERE WITH ANYBODY.

MS. SHANKLIN STATED THAT THIS IS JUST AN ANTIQUE SIGN. MS. SHANKLIN EXPLAINED THAT SHE HAD SPOKEN WITH LUTHER BRATTON, AN APPRAISER, AND HE EXPLAINED THAT THIS DID NOT DEVALUE THE ADJOINING PROPERTIES OR HAVE ANY ADVERSE EFFECT.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

MARY ANN MALCOLM CAME FORWARD TO SPEAK AGAINST THE SIGN AND SHOWED PICTURES OF THE SIGN AS IT LOOKED FROM OUTSIDE HER DINNING ROOM WINDOW. MS. MALCOLM STATED THAT THIS SIGN LIGHTS UP AT NIGHT.

MS. SHANKLIN STATED THAT THE SIGN DOES NOT LIGHT UP, BUT THERE IS A SECURITY LIGHT NEAR THE GULF SIGN.

THERE WAS DISCUSSION.

MR. RAINEY ASKED MS. SHANKLIN IF THEY WERE OPERATING ANY HOME BUSINESS OUT OF THIS HOME, ARE YOU SELLING ANYTHING, OR OFFERING TO SELL ANYTHING. MS. SHANKLIN REPLIED NO.

MR. RAINEY STATED THAT HE READ THE DEFINITION OF SIGNS IN THE ZONING ORDINANCE AND THE DEFINITION OF SIGNS IS SIGNS USED TO SELL, PROMOTE OR ADVERTISE. THERE IS NOTHING IN OUR ORDINANCE PERTAINING TO A DECORATIVE SIGN. MR. RAINEY DOES NOT SEE THIS SIGN BEING ANY DIFFERENT THAN CONCRETE STRUCTURES IN PEOPLE'S YARDS FOR DECORATIVE PURPOSES. MR. RAINEY STATED THAT THIS BOARD DOES NOT HAVE THE RIGHT TO TELL ANY PROPERTY OWNER HOW TO DECORATE THEIR YARD.

MR. HAMMOCK STATED THAT SINCE GULF IS NO LONGER A VIABLE BUSINESS, THE QUESTION WE NEED TO DECIDE TONIGHT IS WHETHER OR NOT THIS IS A DECORATIVE SIGN.

MR. RAINEY ASKED MS. SHANKLIN IF SHE DID HAVE THIS SIGN FOR DECORATIVE PURPOSES.

MS. SHANKLIN STATED THAT THIS IS TRUE.

THERE WAS DISCUSSION.

**MOTION FOR APPROVAL BY MR. RAINEY DUE TO THE FACT THAT THIS SIGN IS A PERSONAL DECORATION FOR THE PROPERTY OWNER, SECONDED BY MR. PERDUE. MOTION PASSED UNANIMOUSLY.**

3. **JOSEPH LAOYAN** WAS REQUESTING SPECIAL USE PERMIT TO ADD ONTO THE EXISTING RESIDENTIAL FOR THE AGED "LONG HOLLOW TERRACE". THE PLAN IS TO ADD 29 ADDITIONAL UNITS. MR. LAOYAN IS ALSO REQUESTING PERMISSION FOR ONE UN-ILLUMINATED SIGN MEASURING 36" X 72" AND 20' HIGH. SUBJECT PROPERTY IS LOCATED AT 3048 LONG HOLLOW PIKE, HENDERSONVILLE, TN., IS ON TAX MAP 123, PARCEL 45.01, CONTAINS 5.08 ACRES AND IS ZONED R1A.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON MAY 26, 2006. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED CERTIFIED MAIL.

MR. JOSEPH LAOYAN CAME FORWARD TO EXPLAIN HIS REQUEST, AS WELL AS, RALPH B. PIANSAY.

MR. RAINEY EXPLAINED THAT HE DID SOME WORK ON THIS PROPERTY WHEN IT WAS OWNED BY MR. TOM HUNTER, AND THAT THE REQUESTOR HAS ASKED HIM TO DO SOME WORK ON THIS PROPERTY HOWEVER HE HAS DECLINED TO DO SO.

MR. LAOYAN EXPLAINED THEY HAVE OWNED THIS PROPERTY FOR SIX YEARS AND HAVE CHANGED IT FROM A HOME FOR THE AGED TO AN ASSISTED LIVING FACILITY. MR. LAOYAN EXPLAINED ALL THE CHANGES HE HAD MADE TO THE FACILITY. OUR FACILITY IS FILLED TO CAPACITY AND BECAUSE OF THEIR SIZE THEY ARE UNABLE TO MEET THE DEMANDS OF THE COMMUNITY. WE PLAN TO EXPAND BY 29 BEDS AND GET PERMISSION FOR ONE UN-ILLUMINATED SIGN. MR. LAOYAN STATED THEY HAVE 10 ROOMS CURRENTLY.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

MS. SARA EZELL CAME FORWARD TO SPEAK IN FAVOR OF THE REQUEST. MS. EZELL STATED THAT HER MOTHER AND GRANDMOTHER HAVE BEEN RESIDENTS THERE AND THAT THIS IS A VERY CARING FACILITY. MS. EZELL STATED THAT SHE ALSO HAD NO PROBLEM WITH THE PROPOSED SIGN.

MR. RAINEY STATED THAT HE HAS NEVER HEARD ANYTHING BAD ABOUT THE FACILITY. MR. RAINEY STATED THAT HE WAS CONCERNED ABOUT THIS BOARD TAKING THIS STEP TO ALLOW HIM TO EXPAND. MR. RAINEY EXPLAINED THAT HE REALLY WANTED HIM TO EXPAND, BUT IF THIS BOARD GRANTED THIS VARIANCE AND HE HAS TO REPORT BACK EVERY TWO YEARS AND HE COULD BE SUBJECT TO DENIAL.

MR. RAINEY WAS CONCERNED THAT BY CONSTRUCTING A NEW BUILDING WE ARE CHANGING THE CHARACTER OF THE REQUEST. MR. RAINEY STATED HE WAS CONCERNED THAT HE WAS GOING TO BE SPENDING A LOT OF MONEY ON A STRUCTURE THAT IS SUBJECT TO THIS BODY REVIEWING IT EVERY TWO YEARS AND IT IS STILL A RESIDENTIAL AREA THAT THE RESIDENTS NEED TO LOOK AT THIS AS A REZONING. HE IS IN A RIA ZONING THAT WOULD ONLY ALLOW 24 RESIDENTS BASED ON THE ZONING ORDINANCE.

THEY ALLOW ONE (1) RESIDENT FOR THE FIRST 40,000 SQ. FT. AND ONE (1) ADDITIONAL RESIDENT FOR EACH 7,500 SQUARE FEET, THIS COMES TO 24 RESIDENTS. WE ARE ALSO BEING ASKED TO CIRCUMVENT THE DENSITY REQUIREMENTS IN THIS ORDINANCE. MR. RAINEY STATED THAT IN KEEPING WITH THE LAND USE PLAN FOR A FORM OF COMMERCIAL TO BE IN THAT QUADROON, THEREFORE HE NEEDS TO MAKE THIS REQUEST OF THE ELECTED OFFICIALS (COUNTY COMMISSIONERS) RATHER THAN THE ZONING BOARD. IF HE IS SUCCESSFUL IN THIS REZONING HE WOULD NOT HAVE TO COME BACK SUBJECT TO REVIEW BY THE ZONING BOARD OF APPEALS EVERY TWO YEARS.

THERE WAS DISCUSSION.

**MOTION TO TABLE THIS REQUEST INDEFINITELY BY MR. RAINEY, SECONDED BY MS. WEBSTER. MOTION PASSED UNANIMOUSLY.**

**OTHER BUSINESS:**

**A. MR. JOE WILKES-DISCUSSED CONTINUANCE OF A HARDSHIP VARIANCE THAT WAS GRANTED ON MAY 13, 2004, SUBJECT PROPERTY IS LOCATED AT 1765 HIGHWAY 109 NORTH, IS ON TAX MAP 92, PARCEL 52 AND IS ZONED AGRICULTURAL. (THIS WAS ON THE JUNE 2006 AGENDA DUE TO THE FACT MR. WILKES WAS GOING TO BE OUT OF TOWN IN MAY 2006.)**

MR. AND MRS. WILKES CAME FORWARD TO REPRESENT THIS REQUEST. MRS. WILKES STATED THAT NOTHING HAS CHANGED IN HER CONDITION AND SHE STILL NEEDS SOMEONE TO LIVE IN HER GARAGE APARTMENT TO CARE FOR HER. MRS. WILKES PRESENTED THIS BODY WITH A LETTER FROM THE LADY WHO LIVES IN THE GARAGE AND ASSISTS HER.

THERE WAS DISCUSSION.

**MOTION TO CONTINUE THE HARDSHIP FOR TWO YEARS AND FOR MRS. WILKES TO PROVIDE THE PLANNING OFFICE WITH A DOCTOR'S STATEMENT, SECONDED BY MS. WEBSTER. MOTION PASSED UNANIMOUSLY.**

**B. MARY FORD-** 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 AT THE APRIL 2006 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. WILLIAMS EXPLAINED THAT SHE HAD SPOKEN WITH RAY COLE, SURVEYOR, AND HE SAID IT WAS READY TO RECORD WHEN THE \$800.00 FEE IS RECEIVED FOR HIS SERVICES.

THERE WAS DISCUSSION.

**MOTION BY MR. RAINEY TO PUT THIS ITEM ON THE AGENDA IN THIRTY DAYS, SECONDED BY MS. WEBSTER. MOTION PASSED UNANIMOUSLY.**

*MEETING ADJOURNED AT 7:00 P.M.*