

**SUMNER COUNTY ZONING BOARD OF APPEALS
MINUTES
6:00 P.M.
AUGUST 11, 2005**

**SUMNER COUNTY ADMINISTRATION BUILDING
ROOM 210
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:

**MIKE MOULTON, PLANNING DIRECTOR
LISA WILLIAMS, ADMINISTRATIVE ASSISTANT**

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

1. MICHAEL MCMURTRY WAS REQUESTING A CONDITIONAL USE PERMIT TO OPERATE A SEASONAL HAUNTED HOUSE/TRAIL, AS WELL AS, PERMISSION FOR A 4' X 6' ILLUMINATED SIGN AND APPROXIMATELY 20 EMPLOYEES. SUBJECT PROPERTY IS LOCATED AT 273 MCMURTRY ROAD, HENDERSONVILLE, TN., IS ON TAX MAP 117, PARCEL 57, CONTAINS 40.76 ACRES, AND IS ZONED AGRICULTURAL AND R1A.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON JULY 29, 2005. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MR. MCMURTRY CAME FORWARD TO EXPLAIN THIS REQUEST. MR. MCMURTRY EXPLAINED THIS HAUNTED HOUSE WOULD BE IN A BARN/POLE SHED. HE STATED THAT THERE WAS PLENTY OF ROOM TO PARK CARS IN A WELL LIGHTED AREA WITH A SUMNER COUNTY DEPUTY ON HAND. HE EXPLAINED THAT HE WOULD NOT ALLOW ANY PARKING ON THE ROAD. THIS HAUNTED HOUSE WILL BE OPERATED ON FRIDAY AND SATURDAY NIGHTS FROM 7:00 P.M. UNTIL 12:00 A.M. THIS HAUNTED HOUSE WILL OPERATE FOR EIGHT WEEKENDS BEGINNING ON THE 9TH OF SEPTEMBER AND RUN THROUGH HALLOWEEN. HE ESTIMATED THERE WOULD BE ANY WHERE FROM 200 TO 400 PEOPLE PER NIGHT ATTENDING THE HAUNTED HOUSE.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

MR. CHARLES LEWIS CAME FORWARD TO SPEAK ABOUT ISSUES CONCERNING SANITATION, GARBAGE, BATHROOMS, ETC.

MR. MCMURTRY STATED THERE WOULD BE TWO PORTABLE TOILETS FOR THE VISITORS AND ONE ON TOP OF THE HILL FOR THE WORKERS.

MR. RAINEY ASKED MR. MCMURTRY IF HE HAD CHECKED WITH THE HEALTH DEPARTMENT TO SEE IF THIS IS AN ADEQUATE AMOUNT OF PORTABLE TOILETS.

MR. RAINEY QUESTIONED THE PARKING.

MR. MCMURTRY STATED THAT HE HAD ABOUT 3 ½ ACRES OF OPEN SPACE FOR PARKING.

MR. RAINEY ASKED WHAT IF IT RAINS?

MR. MCMURTRY STATED HE WOULD PUT SOME GRAVEL OUT IF NECESSARY.

MR. RAINEY ASKED IF HE HAD LIABILITY INSURANCE?

MR. MCMURTRY REPLIED HE WOULD GET SOME INSURANCE FROM ROGER SMITH IN GOODLETTSVILLE, TN.

MR. MOULTON REMINDED MR. MCMURTRY THAT HE WOULD NEED TO OBTAIN A BUSINESS LICENSE.

MR. MCMURTRY STATED AT THIS TIME HE DID NOT HAVE HIS BUSINESS LICENSE, BUT HE WOULD DO THAT.

MR. COLE STATED THAT THIS HAS BEEN OPERATING FOR YEARS AND HE HAS NEVER HEARD A COMPLAINT ON THIS HAUNTED HOUSE.

MR. RAINEY ASKED WHAT KIND OF CONCESSIONS WOULD HE BE SELLING.

MR. MCMURTRY STATED THEY WOULD SELL CAN COKES, PACKAGE FOOD, NO BEER.

MR. MOULTON STATED THAT FOR THE RECORD THAT THIS PARTICULAR PIECE OF PROPERTY HAS BEEN IN ZONING VIOLATION FOR SOMETIME AND HE IS PROUD TO SAY THAT MR. MIKE MCMURTRY HAS BROUGHT THIS PROPERTY INTO COMPLIANCE AND HAS DONE A FANTASTIC JOB.

MR. COLE ASKED HOW FAR THE PROPOSED SIGN WOULD BE OFF OF THE ROAD.

MR. MCMURTRY STATED THAT THIS SIGN WOULD BE APPROXIMATELY 8 TO 10 FEET OFF THE ROAD.

THERE WAS DISCUSSION.

MOTION TO APPROVE BY MR. COLE, SECONDED BY MR. RAINEY WITH CONDITIONS:
MOTION PASSED UNANIMOUSLY.

- 1) THAT HE HAS A SUMNER COUNTY DEPUTY ON SITE DURING OPERATION
- 2) OBTAIN A BUSINESS LICENSE AND PROVIDE PROOF TO MR. MOULTON
- 3) PROVIDE PROOF OF INSURANCE TO MR. MOULTON
- 4) PROVIDE RECOMMENDATION FROM THE SUMNER COUNTY HEALTH DEPARTMENT AS TO THE SANITY FACILITIES BOTH FOR HUMAN WASTE AND GARBAGE TO MR. MOULTON
- 5) THIS WILL BE ALLOWED FOR ONE YEAR AND WILL HAVE TO BE RENEWED NEXT YEAR

MR. COLE ADDED THAT IF THERE ARE COMPLAINTS ABOUT DRINKING, HE WOULD BE THE FIRST TO CALL YOU TO APPEAR BEFORE THIS BOARD.

FYI: MR. MOULTON STATED THAT HE CHECKED WITH THE TAX ASSESSOR'S OFFICE AND THAT SINCE THIS IS A PART TIME OPERATION, THE TAX RATE FOR THE PROPERTY DOES NOT CHANGE.

OTHER BUSINESS:

- **UPDATE REGARDING JACKIE RAY GAMBRELL'S PROPERTY LOCATED ON THE CORNER OF HWY 25 AND HWY 76**

MR. MOULTON UPDATED THIS BODY AS TO MR. GAMBRELL'S PROGRESS : HE WAS REQUIRED TO COME BACK TO THE PLANNING COMMISSION IN JUNE 2005 WITH AN AS BUILT SITE PLAN. AT THE VERY LAST MINUTE HE SUBMITTED AN AS BUILT SITE PLAN, HE HAS PAVED A LARGER AREA THAT WAS REFLECTED ON HIS SITE PLAN, HE HAS NOT INSTALLED HIS LANDSCAPE BUFFER, (PRIMARYLY TREES), SO THEY GAVE HIM UNTIL THE END OF NOVEMBER 2005 TO HAVE HIS TREES PLANTED AND TO BE COMPLETELY COMPLIANT WITH THIS SITE PLAN. IF HE IS NOT COMPLETELY COMPLIANT WITH HIS SITE PLAN THIS WILL BE REPORTED TO THIS BODY AND WE WILL GO FROM THERE.

- **MARY FORD- (HARDSHIP CASE)MR. MOULTON REPORTED WHETHER SHE SEPARATED HER PROPERTY-SUBJECT PROPERTY IS LOCATED AT 1159 JONES ROAD, HENDERSONVILLE, TN., IS ON TAX MAP 95, PARCEL 61.**

MR. MOULTON STATED THAT MS. FORD'S PROPERTY HAS NOT BEEN SEPARATED. MR. MOULTON STATED HE WENT TO SEE MS. FORD AND WAS TOLD SHE IS TRYING TO GET RAY COLE TO DO THE SURVEY.

MR. MOULTON STATED THAT MS. FORD STATES THAT THIS IS A FINANCIAL BURDEN TO DO THE SURVEY, BUT SHE UNDERSTANDS THAT THIS IS SOMETHING THAT HAS TO BE DONE. MR. MOULTON STATED THAT HE FELT THAT IT WOULD BE ALRIGHT TO GIVE HER MORE TIME.

MR. MOULTON STATED THAT THE MOTHER HAS DIED AND THE NIECE WHO WAS LIVING WITH HER IS STILL LIVING IN THE MOBILE HOME, WHICH WAS FOR A HARDSHIP.

THERE WAS DISCUSSION.

MR. RAINEY MADE THE MOTION THAT WE NOTIFY MS. FORD THAT THIS LAND SEPARATION HAS TO BE COMPLETED BY OUR MEETING IN NOVEMBER (NOVEMBER 10, 2005). SECONDED BY MRS. WEBSTER. MOTION PASSED UNANIMOUSLY.

FYI: MR. MOULTON STATED THAT WE WILL REPORT TO THIS BODY CONCERNING THE STATUS OF THIS SUBJECT PROPERTY AT THE DECEMBER 2005, ZONING BOARD MEETING.

- MR. MOULTON DISCUSSED THE TRAINING FOR THE ZONING BOARD OF APPEALS AND PLANNING COMMISSION THAT WOULD TAKE PLACE IN AUGUST 2005 AT THE CITY OF GOODLETTSVILLE. MR. MOULTON EXPLAINED THAT WE WOULD HAVE A PHASE 2 GROUND WATER CONTROL TRAINING IN THE FALL OF 2005 THAT WOULD COUNT FOR THEIR FOUR HOURS OF REQUIRED TRAINING. THIS TRAINING WILL BE AT CHARLES HAYNES HOME IN SIDEVIEW, TN. AND WOULD BE FOR 7 OR 8 HOURS. MR. MOULTON EXPLAINED TO THE MEMBERS THAT THE COUNTY WOULD PAY IF ANYONE WAS INTERESTED IN ATTENDING THE UPCOMING TRAINING IN GOODLETTSVILLE, TN. MR. RAINEY STATED HE WOULD LIKE TO ATTEND AND WISHED THAT MR. MOULTON WOULD ATTEND ALSO.

MEETING ADJOURNED AT 6:35 P.M.