

**SUMNER COUNTY ZONING BOARD OF APPEALS
MINUTES
6:00 P.M.
SEPTEMBER 13, 2007**

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

MEMBERS PRESENT:

**MARK MCKEE JR., CHAIRMAN
JAMES COLE
SANDY WEBSTER
ALTON PERDUE
MIKE WILLIAMS, ALTERNATE MEMBER**

MEMBERS ABSENT:

BRUCE RAINEY, VICE CHAIRMAN

OTHERS PRESENT:

GARY HAMMOCK, BUILDING COMMISSIONER
LISA WILLIAMS, ADMINISTRATIVE ASSISTANT

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

1. STATE LINE GENERAL BAPTIST CHURCH WAS REQUESTING A FIFTEEN (15) FOOT FRONT SETBACK VARIANCE AT THE NORTHWEST (NW) CORNER OF THE EXISTING CHURCH. THE PROPERTY IS LOCATED AT 1740 RAPIDS ROAD, PORTLAND, TN., IS ON TAX MAP 2, PARCEL 014.00. LOT SIZE IS APPROXIMATELY 1.38 ACRES AND IS ZONED AGRICULTURAL.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON AUGUST 17, 2007. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MR. DEWAYNE CALDWELL CAME FORWARD TO EXPLAIN THIS REQUEST. THIS CHURCH HAS BEEN THERE SINCE THE LATE 1800'S AND THE NEIGHBORS HAVE GIVEN THEM SOME PROPERTY TO ADD TO THE EXISTING CHURCH PROPERTY. BY THEM INCREASING THE ACREAGE, WE HAD TO DO A MINOR PLAT. IN DOING SO, WE HAD TO SHOW THE SETBACKS, AND THIS PLAT REVEALED THAT THE EXISTING BUILDING WAS IN VIOLATION.

CHAIRMAN MCKEE OPENED THE FLOOR AND THERE WAS NO ONE PRESENT TO SPEAK CONCERNING THIS REQUEST.

THERE WAS DISCUSSION.

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

2. PAUL & ELIZABETH KIRBY WERE REQUESTING A CONDITIONAL USE PERMIT TO OPERATE AN ELECTRICAL BUSINESS, MONDAY THROUGH FRIDAY 7 A.M. TO 4 P.M. WITH APPROXIMATELY SEVEN EMPLOYEES. THERE WILL BE NO SALES DONE AT THIS LOCATION AND NO SIGN. THEY ARE ALSO REQUESTING A VARIANCE FROM DUST FREE PARKING. THERE WOULD BE OCCASIONAL SUPPLY DELIVERIES, BUT NO SEMI-TRUCKS. SUBJECT PROPERTY IS LOCATED AT 1037 KANSAS LANE, GALLATIN, TN., IS ON TAX MAP 90, PARCEL 23.03. LOT SIZE IS APPROXIMATELY 5.00 ACRES AND IS ZONED AGRICULTURAL.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON AUGUST 22, 2007. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MR. AND MRS. KIRBY CAME FORWARD TO EXPLAIN THIS REQUEST. MRS. KIRBY SHOWED THE MEMBERS PICTURES OF THE HOME WHERE THE BUSINESS WILL BE CONDUCTED. MRS. KIRBY STATED THAT THIS IS NOT A RETAIL BUSINESS.

MR. KIRBY STATED THAT MOST OF THE MATERIALS ARE LOCATED ON THE TRUCK, RATHER THAN IN THE SHOP.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

STEVE JACKSON CAME FORWARD TO SPEAK IN FAVOR OF THIS REQUEST. MR. JACKSON EXPLAINED THAT THEIR OPERATION IS CLEAN, CAUSE NO TRAFFIC PROBLEMS, AND THEY POSE NO PROBLEMS IN THE NEIGHBORHOOD.

MR. HAMMOCK STATED THAT HE HAD SPOKEN TO MR. SHAWN FENNELL WHO WAS HERE TONIGHT EARLIER BUT HAD TO LEAVE AND, FOR THE RECORD HE HAD ASKED MR. HAMMOCK TO STATE THAT HE WAS IN FAVOR OF THIS REQUEST.

THERE WAS DISCUSSION.

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

3. STANLEY OVERSTREET WAS REQUESTING A CONDITIONAL USE PERMIT TO OPERATE A TATTOO STUDIO WITH NO EMPLOYEES. HOURS OF OPERATION WILL BE TUESDAY THROUGH SATURDAY FROM 1 P.M. UNTIL 9 P.M. HE IS REQUESTING ONE (1) SIGN TO BE PLACED ON THE OUTSIDE OF THE EXISTING BUILDING AND A DUST FREE PARKING VARIANCE. SUBJECT PROPERTY IS LOCATED AT 543 WATT NOLEN ROAD, COTTONTOWN, TN., IS ON TAX MAP 79, PART OF PARCEL 52.00. LOT SIZE IS APPROXIMATELY 5.01 ACRES AND IS ZONED AGRICULTURAL.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON AUGUST 29, 2007. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

STANLEY OVERSTREET CAME FORWARD TO EXPLAIN HIS REQUEST. MR. OVERSTREET EXPLAINED TO THE APPROXIMATELY THIRTY (30) PEOPLE PRESENT IN OPPOSITION THAT NOTHING WOULD CHANGE IN THE AREA, NO SIGNS ETC. THE ONLY DIFFERENCE YOU MIGHT SEE IS ONE (1) OR TWO (2) CARS PARKED AT MY HOUSE. THIS IS SOMETHING I LIKE TO DO, HAVE DONE THIS FOR A LONG TIME, AND WOULD LIKE TO KEEP DOING. MR. OVERSTREET EXPLAINED THAT HE COULD NOT AFFORD TO GO INTO TOWN AND RENT A BUILDING.

CHAIRMAN MCKEE REMINDED THE MEMBERS THAT THERE MUST BE A NEED IN THE AREA FOR THIS TYPE OF REQUESTED USE.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

MR. DONNIE NOLEN CAME FORWARD TO EXPRESS HIS OPPOSITION, AND HANDED THE CHAIRMAN A PETITION OF THIRTY ONE (31) PEOPLE WHO HAD SIGNED IN OPPOSITION TO THE TATTOO STUDIO. MR. NOLEN STATED HE FELT THAT YOU SHOULD NOT HAVE A COMMERCIAL BUSINESS IN AN AGRICULTURAL AREA.

MRS. PAM NOLEN CAME FORWARD TO SPEAK IN OPPOSITION TO THIS REQUEST. MRS. NOLEN EXPRESSED HER BIGGEST CONCERN IS IF THIS REQUEST IS ALLOWED IT WILL JUST OPEN UP THE DOOR FOR OTHERS TO DO THE SAME THING. MRS. NOLEN ALSO EXPRESSED HER CONCERN FOR THE CONDITION OF WATT NOLEN ROAD, WHICH IS VERY DANGEROUS AND CURVY, AND HER CONCERN FOR THE INCREASED TRAFFIC THIS BUSINESS WOULD GENERATE. MRS. NOLEN SHOWED PICTURES WHERE WATT NOLEN ROAD AND HIGHWAY 25 MEET.

WHILE MRS. NOLEN WAS PRESENTING HER SPEECH, MR. OVERSTREET SPOKE UP AND SAID HE WOULD LIKE TO WITHDRAW THIS REQUEST. MR. OVERSTREET STATED THAT HE DID NOT WANT ANY PROBLEMS IN THIS AREA. MR. OVERSTREET STATED THAT HE LISTENED TO BARKING DOGS ALL DAY AND NIGHT.

THIS REQUEST WAS WITHDRAWN BY MR. OVERSTREET, THEREFORE THERE WAS NO MOTION REQUIRED.

REQUEST WITHDRAWN

4. ROBERT AND REBA SULLIVAN WERE REQUESTING A CONDITIONAL USE PERMIT TO OPERATE A WOOD RECYCLING BUSINESS IN THE NAME OF "LONG AGO LUMBER". THIS BUSINESS WILL BE OPERATED IN AN EXISTING BUILDING WITH FOUR (4) EMPLOYEES. HOURS OF OPERATION WILL BE MONDAY THROUGH FRIDAY 7 A.M. UNTIL 4 P.M. AND SATURDAY FROM 7 A.M. UNTIL 1 P.M. THEY ARE REQUESTING ONE (1) SIGN TO BE PLACED ON THE OUTSIDE OF THE EXISTING BUILDING AND A DUST FREE PARKING VARIANCE. SUBJECT PROPERTY IS LOCATED AT 6460 HWY 31E, BETHPAGE, TN., IS ON TAX MAP 64, PARCEL 66.01. LOT SIZE IS APPROXIMATELY 1.87 ACRES AND IS ZONED AGRICULTURAL.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON AUGUST 31, 2007. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MR. SULLIVAN CAME FORWARD TO EXPLAIN HIS REQUEST. MR. SULLIVAN STATED THAT THIS IS A RECLAIM LUMBER BUSINESS.

MR. WILLIAMS STATED THAT HE UNDERSTOOD THAT HE TEARS DOWN OLD BARNES.

MR. SULLIVAN CONCURRED TO MR. WILLIAMS.

MR. WILLIAMS ASKED MR. SULLIVAN IF THERE WAS ANY DEBRIS LEFT AFTER HE TORE THE BARNES DOWN.

MR. SULLIVAN STATED THAT HE CLEANED UP THE SITE THE BEST THAT HE COULD AFTER THE BARNES ARE TORN DOWN.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

SHAWN FENNEL, 1ST DISTRICT COUNTY COMMISSIONER, CAME FORWARD TO SPEAK IN FAVOR OF MR. SULLIVAN'S REQUEST. MR. FENNEL STATED THAT HE LIVES ACROSS THE ROAD FROM THIS SITE, AND STATED THAT HE HELPED HIM GET INTO THIS BUSINESS. THIS BUSINESS IS LIKE A HOLDING PLACE, IS A GOOD SERVICE, AND THERE IS A NEED IN THIS AREA FOR THIS TYPE OF BUSINESS. MR. FENNEL ALSO STATED THAT MR. SULLIVAN KEEPS A CLEAN PLACE.

THERE WAS DISCUSSION.

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

5. RUTH FREEMAN WAS REQUESTING A LOT SIZE VARIANCE OF .73 ACRE TO REPLACE A BURNED HOUSE WITH A DOUBLEWIDE MOBILE HOME. SUBJECT PROPERTY IS LOCATED AT 3482 NEW HOPE ROAD, HENDERSONVILLE, TN., IS ON TAX MAP 101, PARCEL 20.00. LOT SIZE IS APPROXIMATELY .19 ACRE AND IS ZONED AGRICULTURAL.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON AUGUST 31, 2007. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

BARBARA FREEMAN, RUTH FREEMAN'S DAUGHTER, CAME FORWARD TO EXPLAIN THIS REQUEST.

CHAIRMAN MCKEE ASKED MS. FREEMAN IF THE LOT WAS THIS SIZE WHEN THEY PLACED THE DOUBLEWIDE MOBILE HOME ON IT PREVIOUSLY.

MS. FREEMAN EXPLAINED THAT THE LOT WAS BIGGER UNTIL THEY SOLD SOME OF THIS PROPERTY OFF TO HER BROTHER.

CHAIRMAN MCKEE ASKED IF THIS WAS BIG ENOUGH FOR A SEPTIC TANK.

MS. FREEMAN STATED THAT SHE HAS RECEIVED PERMISSION FROM THE ENVIRONMENTAL OFFICE TO REUSE THE SEPTIC TANK THAT IS ALREADY THERE.

MR. WILLIAMS ASKED MS. FREEMAN WHAT SIZE THE HOUSE WAS THERE WAS ON THIS LOT PREVIOUSLY.

MS. FREEMAN STATED THAT IS WAS A THREE (3) BEDROOM THAT WAS ON THE PROPERTY THAT BURNED. THE PREVIOUS HOME IS THE SAME SIZE MOBILE HOME THAT SHE IS CURRENTLY LOOKING AT TO PURCHASE.

MS. FREEMAN STATED THAT THE HOME BURNED IN APRIL 2007.

LISA WILLIAMS ASKED MS. FREEMAN WHAT YEAR THIS PROPERTY WAS SUBDIVIDED.

MS. FREEMAN STATED THAT THIS WAS SUBDIVIDED IN 1972.

MR. HAMMOCK STATED THAT ACCORDING TO THE SUMNER COUNTY ZONING RESOLUTION, IF YOU HAVE A PARCEL OF LAND THAT IS NON-CONFORMING AND WAS CREATED BEFORE JULY 10, 1973, IT IS GRANDFATHERED IN AS FAR AS THE LOT SIZE GOES. IF THAT STRUCTURE WAS PLACED ON THE LAND AT THE TIME THAT IT WAS GRANDFATHERED AND IT DID NOT MEET THE CURRENT ZONING SETBACKS, IT WOULD STILL BE GRANDFATHERED IN. IF THAT STRUCTURE WAS BURNED OR A NATURAL DISASTER OCCURRED, YOU CAN ACTUALLY PLACE A STRUCTURE BACK ON THAT PARCEL AS LONG AS YOU DO NOT INCREASE THE FOOT PRINT OR THE NON-CONFORMING SIZE. WHAT WE HAVE HERE, IS THAT THIS PROPERTY WAS SUBDIVIDED IN 1972, BUT THE DEED WAS NOT RECORDED UNTIL AFTER 1973, WHICH **MEANS YOU LOOSE THE GRANDFATHER PROTECTION**. SINCE THAT TIME, THIS HAS BEEN A NON-CONFORMING LOT AS WELL AS, THE USAGE OF THIS LOT. WHAT THE APPLICANT IS TRYING TO DO IS CLEAR UP THIS ISSUE. MR. HAMMOCK STATED THAT HAD THE DEED BEEN RECORDED SHORTLY AFTER THE SUBDIVISION OF THE PROPERTY HAD TAKEN PLACE THEN IT WOULD BE A NON ISSUE TO BE DISCUSSED TONIGHT. MR. HAMMOCK STATED HE HAD MET WITH THE APPLICANT TO MAKE SURE THERE WOULD NOT BE ANY SETBACK ISSUES. MR. HAMMOCK EXPLAINED THAT SHE HAS MET WITH THE ENVIRONMENTAL OFFICE TO MAKE SURE THERE WOULD NOT BE ANY SEPTIC TANK ISSUES. THE ONLY ISSUE WE HAVE HERE TONIGHT IS LOOKING AT THE LOT SIZE ITSELF, IF THE DEED HAD BEEN RECORDED IN 1972, THIS REQUEST WOULD NOT EVEN BE ON THE AGENDA TONIGHT. MR. HAMMOCK STATED HE COULD NOT ISSUE HER A PERMIT, UNLESS THIS BOARD GRANTS HER A LOT SIZE VARIANCE, OR SHE ACQUIRES MORE PROPERTY TO ADD TO IT.

THERE WAS DISCUSSION.

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

OTHER BUSINESS:

A. JACKIE RAY GAMBRELL - THE PURPOSE OF THIS MEETING IS A SIX MONTH FOLLOW UP FROM THE MARCH MEETING TO DISCUSS EXTENDING THE CONDITIONAL USE PERMIT THAT WAS GRANTED DECEMBER 14, 2006. SUBJECT PROPERTY IS LOCATED AT 3706 HWY. 76, COTTONTOWN, TN., IS ON TAX MAP 74, PARCEL 31, CONTAINS 1.10 ACRES AND IS ZONED AGRICULTURAL.

THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY REGULAR MAIL.

MR. GAMBRELL CAME FORWARD TO DISCUSS HIS CONDITIONAL USE PERMIT.

CHAIRMAN MCKEE STATED THAT THE REPORT IS THAT EVERYTHING ON HIS PROPERTY IS IN GOOD SHAPE.

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 ONE (1) YEAR, BY MR. WILLIAMS, SECONDED BY MR. PERDUE. MOTION PASSED UNANIMOUSLY.

MEETING ADJOURNED AT 6:45 P.M.