

SUMNER COUNTY ZONING BOARD OF APPEALS
MINUTES
6:00 P.M.
DECEMBER 10, 2009

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
DON DICKERSON

MEMBERS ABSENT:

MICHAEL BRIGGS, AICP, PLANNER
LISA DUNAGAN-DIORIO, ADMINISTRATIVE ASSISTANT

A) CHAIRMAN MCKEE WELCOMED NEW MEMBER DON DICKERSON.

B) MOTION FOR APPROVAL OF THE OCTOBER MINUTES BY MS. WEBSTER, SECONDED BY MR. COLE. MOTION PASSED UNANIMOUSLY.

1. SHADY COVE RESORT AND MARINA, INC., LLC WERE REQUESTING TO BRING THEIR PROPERTY INTO COMPLIANCE WITH CURRENT SUMNER COUNTY ZONING RESOLUTION STANDARDS.

SUBJECT PROPERTY IS LOCATED AT 1115 SHADY COVE ROAD, CASTALIAN SPRINGS, TN., IS ON TAX MAP 128, PARCEL 15, CONTAINS 3.02 ACRES, AND IS ZONED R1A.

THIS IS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON NOVEMBER 12, 2009. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

RICHARD GRAVES CAME FORWARD TO REPRESENT THIS REQUEST. HE STATED THAT SHADY COVE RESORT AND MARINA HAD BEEN IN OPERATION SINCE 1955 AND HAD NEVER BEEN REZONED. MR. GRAVES EXPLAINED THAT THE PLANNING DIRECTOR WANTED THEM TO OBTAIN A CONDITIONAL USE PERMIT FOR THE ACTIVITIES THAT ARE TAKING PLACE PRESENTLY i.e. RESTAURANT, CAMPGROUND, ETC.

MR. RAINEY STATED THAT HE DID A SURVEY ON THIS PROPERTY AROUND TWENTY FIVE (25) YEARS AGO.

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

MR. RAINEY EXPLAINED THAT WHAT IS CURRENTLY ON THIS PROPERTY TODAY SHOULD BE GRANDFATHERED IN, SINCE IT HAS BEEN IN OPERATION SINCE 1955.

THERE WAS DISCUSSION.

MOTION BY MR. RAINEY FOR A CONDITIONAL USE APPROVAL AS IT IS TODAY WITHOUT THE REQUIREMENT OF THEM HAVING TO COME BACK EVERY TWO (2) YEARS FOR A CONTINUATION OF THE CONDITIONAL USE PERMIT BECAUSE IT PREDATES THE ZONING ORDINANCE, SECONDED BY MS. WEBSTER. MOTION PASSED UNANIMOUSLY.

MR. RAINEY EXPLAINED THAT SUMNER COUNTY HAS ADOPTED A NEW STORM WATER ORDINANCE, AS WELL AS, NEW STORM WATER ILLICIT DISCHARGE ORDINANCE. THIS PROPERTY WILL BE DESIGNATED AS A "HOT SPOT" AND THE OWNER WILL BE RECEIVING NOTIFICATION OF SUCH.

MR. RAINEY STATED IF THEY EVER WERE TO UPGRADE OR ADD AT THAT POINT IT (SHADY COVE) WOULD HAVE TO GO TO THE PLANNING COMMISSION FOR SITE PLAN APPROVAL AND THEN COME BACK BEFORE THE ZONING BOARD OF APPEALS FOR A CONDITIONAL USE PERMIT FOR THE CHANGE. IF HE MAKES ANY EXTERIOR CHANGES OTHER THAN PAINTING HE WOULD HAVE TO APPEAR BEFORE THIS BODY.

2. RONALD W. HUNTSMAN, ETUX, OWNERS, AND AT&T LESSEE WERE REQUESTING A CONDITIONAL USE PERMIT TO CONSTRUCT A 195 FOOT CELL TOWER AT 150 PEA RIDGE ROAD. SUBJECT PROPERTY IS ON TAX MAP 10, PARCEL 27, AND IS ZONED AGRICULTURAL. THIS IS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON NOVEMBER 25, 2009. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

THERE WAS NO ONE PRESENT TO REPRESENT THIS REQUEST.

CHAIRMAN MCKEE OPENED THE PUBLIC HEARING.

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

MOTION TO DEFER SINCE THERE IS NO ONE PRESENT TO REPRESENT THIS UNTIL OUR NEXT REGULAR ZONING BOARD OF APPEALS MEETING BY MR. RAINEY, SECONDED BY MS. WEBSTER. MOTION PASSED UNANIMOUSLY.

OTHER BUSINESS:

A. GEORGE GREENE- DISCUSSED THE CONTINUATION OF THE HARDSHIP THAT HE RECEIVED ON DECEMBER 11, 2001. SUBJECT PROPERTY IS LOCATED AT 135 T. L. JONES LANE, PORTLAND, TN., IS ON TAX MAP 51, PARCEL 34.02, CONTAINS 5.03 ACRES AND IS ZONED AGRICULTURAL.

MR. GREEN CAME FORWARD AND PRESENTED THIS BODY WITH A DR. STATEMENT REFLECTING THAT THERE IS STILL A NEED FOR THE HARDSHIP.

THERE WAS DISCUSSION.

MOTION TO CONTINUE BY MS. WEBSTER, SECONDED BY MR. DICKERSON. MOTION PASSED UNANIMOUSLY.

B. ARTHUR PEREA-DISCUSS HARDSHIP REVOCATION-HARDSHIP DWELLING STILL ON SITE, AND HE HAS NOT NOTIFIED THE CONSTRUCTION AND DEVELOPMENT OFFICE THAT A NEED STILL EXISTS FOR THIS SECOND DWELLING. HE WAS NOTIFIED BY CERTIFIED LETTER OF POSSIBLE REVOCATION OF THIS HARDSHIP.

THERE WAS DISCUSSION THAT MR. PEREA SIGNED FOR THE CERTIFIED LETTER ON 10-29-09, WARNING HIM THAT HIS HARDSHIP VARIANCE WOULD BE REVOKED IF HE DID NOT CONTACT OUR OFFICE REGARDING THE STATUS OF THE HARDSHIP.

MR. PEREA MADE NO ATTEMPT TO CONTACT THE CONSTRUCTION AND DEVELOPMENT OFFICE AFTER HE RECEIVED THE LETTER ON 10-29-09, THEREFORE THIS IS WHY HE IS BEFORE THIS BODY TONIGHT.

MR. RAINEY REPORTED TO THE BOARD THAT WHEN THE INSPECTOR MADE A VISUAL INSPECTION RECENTLY OF THIS SITE, THERE WERE THREE (3) DWELLINGS ON THIS PARCEL WHICH IS NOT IN COMPLIANCE WITH THE ZONING.

THERE WAS DISCUSSION.

MOTION TO REVOKE THE HARDSHIP BY MR. RAINEY, SECONDED BY MR. COLE. MOTION PASSED UNANIMOUSLY.

FYI: A LETTER WAS MAILED BY REGULAR MAIL, AS WELL AS, BY CERTIFIED MAIL ON DECEMBER 14, 2009, TELLING HIM THAT MR. PEREA HAS UNTIL JANUARY 20, 2010, TO BRING THIS PROPERTY INTO COMPLIANCE OR LEGAL ACTION WILL BE TAKEN.

MEETING ADJOURNED AT 6:15 P.M.