

**SUMNER COUNTY ZONING BOARD OF APPEALS**  
**MINUTES**  
**6:00 P.M.**  
**MARCH 11, 2010**

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

**MEMBERS PRESENT:**  
**MARK MCKEE JR., CHAIRMAN**  
**DON DICKERSON**  
**MARSH RAGLAND, ALTERNATE**

**MEMBERS ABSENT:**  
**BRUCE RAINEY, VICE-CHAIRMAN**  
**JAMES COLE**  
**SANDY WEBSTER**

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**OTHERS PRESENT:**  
**GARY L. HAMMOCK, DIRECTOR OF CONSTRUCTION AND DEVELOPMENT**  
**LISA DUNAGAN-DIORIO, ADMINISTRATIVE ASSISTANT**

- A. CHAIRMAN MCKEE WELCOMED NEW ALTERNATE MEMBER MARSH RAGLAND**  
**B. MOTION FOR APPROVAL OF THE FEBRUARY 2010 MINUTES BY MR. DICKERSON,**  
**SECONDED BY CHAIRMAN MCKEE. MOTION PASSED UNANIMOUSLY.**

1. **CURTIS AND DAWN McMAHON** WERE REQUESTING A CONDITIONAL USE PERMIT TO TEACH THE STATE OF TENNESSEE HAND GUN CARRY CLASS FROM HIS HOME. THIS CLASS WOULD BE HELD ONE (1) TIME A MONTH, ON A SATURDAY, WITH TWO (2) STUDENTS MAXIMUM. EACH STUDENT IS REQUIRED TO FIRE FIFTY (50) ROUNDS OF AMMUNITION. HIS PREFERENCE IS TO USE A .22 CALIBER TO REDUCE NOISE LEVELS. THERE IS NO REQUEST FOR ANY SIGNS OR EMPLOYEES. MR. McMAHON IS ALSO REQUESTING A DUST FREE PARKING VARIANCE. SUBJECT PROPERTY IS LOCATED AT 140 B & L LANE, PORTLAND, TN., IS ON TAX MAP 59, PARCEL 78.05, CONTAINS 5.99 ACRES, AND IS ZONED AGRICULTURAL.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON FEBRUARY 5, 2010. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MR. McMAHON EXPLAINED THAT HE WAS NOT IN THIS FOR THE MONEY, BUT TO MAKE SURE THE PEOPLE ARE VERY THOROUGHLY TRAINED IN THESE HAND GUN CLASSES. HE SHOWED PICTURES OF HIS GUN RANGE AND STATED THAT HE MET ALL OF THE STATE REQUIREMENTS.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

BOBBY GRESHAM ASKED WHERE THIS GUN RANGE WAS LOCATED.

MR. RAGLAND ASKED FOR STAFF'S COMMENTS ON THIS REQUEST.

MR. HAMMOCK STATED THAT THIS IS A PERMITTED USE ON APPEAL, BUT DOES REQUIRE PERMISSION FROM THIS BOARD.

THERE WAS DISCUSSION.

MOTION FOR APPROVAL BY MR. DICKERSON, SECONDED BY MR. RAGLAND. MOTION PASSED UNANIMOUSLY.

**2. RICHARD DENNING AND JERRY DENNING, OWNERS, AND NEW CINGULAR WIRELESS PCS, LLC, LESSEE,** WERE REQUESTING A CONDITIONAL USE PERMIT TO PLACE A NEW 190 FOOT MONOPOLE TELECOMMUNICATIONS TOWER ON FAIRFIELD ROAD IN ORDER TO IMPROVE SERVICE IN THE AREA. SUBJECT PROPERTY IS LOCATED AT 662 FAIRFIELD ROAD, WESTMORELAND, TN., IS ON TAX MAP 23, PARCELS 7 & 8, CONTAINS 107.06 ACRES, AND IS ZONED AGRICULTURAL.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON FEBRUARY 24, 2010. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

NICK MEARS REPRESENTATIVE CAME FORWARD TO EXPLAIN THIS REQUEST.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

RICK TROUTT CAME FORWARD TO STATE HIS REASON WHY HE WAS OPPOSED TO THIS PROPOSED TOWER. THIS TOWER WILL BE LOCATED STRAIGHT IN FRONT OF MY DOOR. HE STATED IF HE WANTED TO LOOK AT BLINKING LIGHTS AND STROBE LIGHTS HE WOULD LIVE IN THE CITY. HE WOULD LIKE TO SEE THIS TOWER LOCATED SOMEWHERE ELSE. HE DOES NOT WANT TO SIT OUT AT NIGHT LOOKING AT THE STARS WITH HIS GRANDSON AND SEEING ALL THOSE STROBE LIGHTS.

MR. MEARS STATED THAT THEY HAD LOOKED AT SEVERAL LOCATIONS AND THIS WAS THE BEST LOCATION FOR THE TOWER.

AARON TROUTT ASKED WHY THEY COULD NOT PLACE THE TOWER ON ANOTHER PART OF THE DENNING'S PROPERTY WHERE HE WOULD NOT HAVE TO LOOK AT THIS TOWER. HE ALSO ASKED WHY THEY COULD NOT CO-LOCATE ON THE TOWER DOWN THE ROAD. HE ALSO STATED HE FELT THIS WOULD LOWER OUR PROPERTY TAXES, AND THERE ARE ALSO HEALTH ISSUES INVOLVED WITH THIS TOWER.

MR. MEARS STATED THAT CELL TOWERS ARE SCATTERED THROUGH OUT THE UNITED STATES AND THERE HAS BEEN A LOT OF STUDIES DONE ON THESE.

MR. HAMMOCK EXPLAINED THAT THIS IS NOT A QUESTION AND ANSWER SESSION. THE TROUTT'S SHOULD DIRECT THEIR QUESTIONS TO THE BOARD, THEN WHEN THIS PUBLIC HEARING IS CLOSED THIS BOARD CAN DIRECT THESE QUESTIONS BACK TO THE APPLICANT.

CHAIRMAN MCKEE STATED THAT THEY WERE TOLD BY THE COUNTY ATTORNEY THAT WE CAN NOT TURN THE CELL TOWER DOWN IF IT MEETS THE COUNTY REGULATIONS.

AARON TROUTT ASKED IF THIS BODY COULD REQUIRE ANY SCREENING ON THIS CELL TOWER.

MR. HAMMOCK EXPLAINED THAT THE PLANNING COMMISSION IS THE ONE THAT REVIEWS THE SITE PLAN AND CAN REQUIRE ANY SCREENING, ETC. IF THE CELL TOWER MEETS THE CONDITIONS OF THE SITE PLAN THIS BOARD HAS NO CHOICE BUT TO APPROVE IT. IF THIS BOARD WERE TO DENY THE REQUEST, THE APPLICANT CAN TAKE THIS TO COURT. IT IS A FEDERAL OBLIGATION THAT THEY HAVE TO PASS THIS TYPE REQUEST.

MR. AARON TROUTT ASKED COULD THIS BODY NOT STIPULATE THAT THIS TOWER BE CAMOUFLAGED TO A NATURAL VIEW.

MR. HAMMOCK REPLIED TO MR. TROUTT BY SAYING THIS IS CALLED STEALTH TECHNOLOGY. THIS WOULD HAVE TO BE ADDRESSED BY THE PLANNING COMMISSION, THIS BOARD CANNOT STIPULATE THAT.

THERE WAS DISCUSSION.

MR. TROUTT EXPLAINED THAT MR. DENNING (PROPERTY OWNER) HAD TOLD HIM THAT IN NO UNCERTAIN TERMS HE DID NOT WANT TO MAKE THE NEIGHBORS MAD.

NICK MEARS STATED THAT EVERY MEASURE HAS BEEN TAKEN. WE HAVE TALKED TO EVERYONE, i.e., THE LAND OWNERS TO MAKE SURE THAT EVERYBODY IS SATISFIED. AS FAR AS WE KNEW, WE THOUGHT EVERYONE WAS SATISFIED.

**MOTION FOR APPROVAL BY MR. DICKERSON, SECONDED BY MR. RAGLAND. MOTION PASSED UNANIMOUSLY.**

**OTHER BUSINESS:**

**A. NICKY BROWN** WAS REQUESTING A CONTINUATION PERMIT FOR A CONDITIONAL USE PERMIT FOR PORTABLE AND SITE SAWMILL SERVICE THAT HE RECEIVED ON MARCH 13, 2008. SUBJECT PROPERTY IS LOCATED AT 120 HARDISON WAY, COTTONTOWN, TN., IS ON TAX MAP 101, PARCEL 9.02, CONTAINS APPRX. 1.76 ACRES, AND IS ZONED AGRICULTURAL.  
**THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY REGULAR MAIL.**

MR. BROWN CAME FORWARD TO STATE THAT HE WOULD LIKE TO SEEK A CONTINUATION OF THE CONDITIONAL USE PERMIT HE RECEIVED ON MARCH 13, 2008, FOR A PORTABLE AND A SITE SAWMILL SERVICE.

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

THERE WAS DISCUSSION.

**MOTION BY MR. DICKERSON FOR A TWO (2) YEAR CONTINUATION, SECONDED BY MR. RAGLAND. MOTION PASSED UNANIMOUSLY.**

**B. MICHAEL STINSON-** HE WAS REQUESTING A CONTINUATION OF A CONDITIONAL USE PERMIT GRANTED ON MARCH 13, 2008, TO OPERATE WHITE HOUSE MACHINE, LLC AND SUBSIDIARIES. SUBJECT PROPERTY IS LOCATED AT 375 MARTIN LANE, COTTONTOWN, TN., IS ON TAX MAP 75, PARCEL 11.03, CONTAINS 6.265 ACRES AND IS ZONED AGRICULTURAL.  
**THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY REGULAR MAIL.**

MR. STINSON CAME FORWARD TO ASK FOR A CONTINUATION OF THE CONDITIONAL USE PERMIT HE RECEIVED ON MARCH 13, 2008.

MR. HAMMOCK REPORTED THAT HIS OFFICE HAD RECEIVED A LETTER FROM A CONCERNED NEIGHBOR ABOUT "A LARGE GRAVEL TRUCK THAT DELIVERED A LOAD OF WHAT APPEARED TO BE DRIVEWAY GRAVEL, DOES THIS MEAN THE DRIVEWAY IS BEING ENLARGED IN ADDITION TO THE PAVED SECTION?"

MR. STINSON STATED THAT LETTER WAS MORE THAN LIKELY FROM THE NEIGHBOR THAT WAS COMPLAINING ABOUT TRUCKS BEING PARKED ON THE ROAD. I DID WIDEN THE DRIVEWAY SO SEMI-TRUCKS COULD GET UP THE DRIVEWAY INSTEAD OF PARKING IN THE ROAD.

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

THERE WAS DISCUSSION.

**MOTION BY MR. RAGLAND FOR A TWO (2) YEAR CONTINUATION, SECONDED BY MR. DICKERSON. MOTION PASSED UNANIMOUSLY.**

**C. FYI- ANDY AND MARTHA PAGE SR. HAVE NOT PAID THE \$300.00 FEE TO ASK FOR A CONTINUATION OF A CONDITIONAL USE PERMIT TO OPERATE A PRESSURE WASHING SERVICE, PRESSURE WASHING EQUIPMENT SALES, AND CHEMICAL SALES. SUBJECT PROPERTY IS LOCATED AT 100 HIGHCLIFF DRIVE, HENDERSONVILLE, TN., TAX MAP 112, PARCEL 14.**

**DISCUSS HOW MUCH TIME WE CAN GIVE THEM TO ASK FOR A CONTINUATION PERMIT. THIS CONTINUATION PERMIT WAS GRANTED ON JANUARY 2008.**

**\* THIS WILL REQUIRE A MOTION FOR OFFICE FILE.**

THERE WAS DISCUSSION.

**MOTION TO SEND A CERTIFIED LETTER THAT ANDY AND MARTHA PAGE HAS THIRTY (30) DAYS FROM THE DATE OF THE LETTER TO PAY THE \$300.00 APPLICATION FEE TO ASK FOR A CONTINUATION OF THE CONDITIONAL USE PERMIT BY MR. DICKERSON, SECONDED BY MR. RAGLAND. MOTION PASSED UNANIMOUSLY.**

MEETING ADJOURNED AT 6:35 P.M.