

SUMNER COUNTY ZONING BOARD OF APPEALS
MINUTES
5:00 P.M.
FEBRUARY 12, 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
ALTON PERDUE

MEMBERS ABSENT:

OTHERS PRESENT:
MIKE MOULTON, PLANNING DIRECTOR
LISA WILLIAMS, ADMINISTRATIVE ASSISTANT

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

MR. WADE LYLES- DISCUSSED THE CONTINUANCE OF THE SPECIAL USE PERMIT THAT HE RECEIVED ON FEBRUARY 1, 1994. THIS SPECIAL USE PERMIT WAS CONTINUED ON FEBRUARY 16, 2007. MR. LYLES WAS GRANTED A SPECIAL USE PERMIT TO OPERATE AN AUTO REPAIR SHOP, WITH TIRE SALES AND PERMISSION FOR ONE SIGN. SUBJECT PROPERTY IS LOCATED AT 2048 HIGHWAY 109 NORTH, GALLATIN, TN., IS ON TAX MAP 92, PARCEL 6.04, CONTAINS 8.51 ACRES, AND IS ZONED AGRICULTURAL.

MR. LYLES CAME FORWARD TO EXPLAIN THIS REQUEST.

MR. RAINEY ASKED MR. MOULTON WHAT WAS APPROVED AS FAR AS SIGNAGE FOR THIS PROPERTY.

MR. MOULTON STATED THAT ON FEBRUARY 10, 2005, WHEN HE CAME BACK TO EXPAND HIS CONDITIONAL USE THERE WERE NO SIGNS APPROVED. ON JUNE 9, 2005, MR. LYLES REQUEST CAME BACK BEFORE THIS BODY TO DISCUSS PLACEMENT OF SIGNS AND WAS GRANTED APPROVAL OF ONE (1) SIGN (4' X 6' ILLUMINATED METAL)

MR. MOULTON STATED THAT HE HAS TWO (2) SIGNS ON EITHER SIDE OF THE ENTRANCE THAT SAYS THE SAME THING. HE ALSO HAS A PORTABLE SIGN ON A SPRING LOADED BASE.

MR. RAINEY ASKED MR. LYLES IF HE NEEDED ALL THREE (3) SIGNS.

MR. LYLES RESPONDED TO MR. RAINEY BY SAYING THAT THE TWO (2) SIGNS THAT ARE STATIONARY WOULD BE ENOUGH.

MR. MOULTON STATED THAT HE WOULD RATHER SEE MR. LYLES LEAVE ONE OF THE PERMANENT SIGNS AT THE ENTRANCE AND USE THE PORTABLE SIGN.

THERE WAS DISCUSSION.

THERE WAS NO ONE PRESENT TO SPEAK AT THE PUBLIC HEARING.

MR. MOULTON EXPLAINED THAT HE HAS NOT RECEIVED ANY CALL OR COMPLAINTS REGARDING MR. LYLES' BUSINESS.

MOTION BY MR. RAINEY TO CONTINUE THIS CONDITIONAL USE PERMIT FOR TWO (2) YEARS WITH THE PROVISION OF ONE (1) PERMANENT SIGN AND A TEMPORARY SIGN THAT HAS TO BE MOVED AROUND OCCASIONALLY (SO THIS SIGN DOES NOT APPEAR TO BE PERMANENT), SECONDED BY MR. PERDUE. MOTION PASSED UNANIMOUSLY.

B. R. MCMILLAN AND ASSOCIATES- DISCUSSED A CONTINUATION OF A CONDITIONAL USE PERMIT TO OPERATE A FAMILY OWNED, OFFICE ONLY, CONSTRUCTION BUSINESS IN AN EXISTING STRUCTURE WHICH WAS GRANTED ON FEBRUARY 16, 2007. SUBJECT PROPERTY IS LOCATED AT 4030 HIGHWAY 31W NORTH, COTTONTOWN, TN., IS ON TAX MAP 56, PARCEL 53.01, CONTAINS APPROX. 6.48 ACRES, AND IS ZONED AGRICULTURAL.

BEN MCMILLIAN CAME FORWARD TO REPRESENT THIS REQUEST.

MR. MOULTON EXPLAINED THAT HE HAS NOT RECEIVED ANY CALLS OR COMPLAINTS ABOUT THIS BUSINESS. MR. MOULTON STATED THAT THIS IS LOCATED IN HIS COMMUNITY AND YOU WOULD NOT EVEN KNOW THAT THIS EXISTS.

THERE WAS NO ONE PRESENT TO SPEAK AT THE PUBLIC HEARING.

THERE WAS DISCUSSION.

MOTION TO CONTINUE THIS CONDITIONAL USE PERMIT FOR TWO (2) YEARS BY MS. WEBSTER, SECONDED BY MR. COLE. MOTION PASSED UNANIMOUSLY.

OTHER BUSINESS:

MR. RAINEY ASKED MR. MOULTON TO DO SOME RESEARCH ON THE GRANTING OF HARDSHIP VARIANCES. MR. RAINEY STATED THAT ACCORDING TO THE ZONING BOARD OF APPEALS SEMINAR HE AND MR. COLE ATTENDED THAT THIS BODY DOES NOT HAVE THE BASIS OR THE RIGHT TO GRANT THEM. WE MIGHT WANT TO ADD SOME LANGUAGE IN THE ZONING RESOLUTION AND HAVE THE COUNTY COMMISSION PASS IT THEN THIS WOULD GIVE US SOME LEEWAY IN GRANTING THESE HARDSHIP VARIANCES.

MR. MOULTON STATED THAT HE WOULD DO THE RESEARCH AND REPORT BACK.
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MR. RAINEY REPORTED THAT MR. MOULTON NEEDS TO CHECK ON A CONDITIONAL USE THAT WAS GRANTED BY THIS BODY THAT DOES NOT SEEM TO COMPLY WITH THE CONDITIONS SET FORTH ON THE CORNER OF HWY 76 AND HWY 25. THIS LOOKS LIKE A JUNK YARD.

UPDATE ON JENNINGS HARDSHIP

MR. MOULTON STATED THAT THE LAST ACCOUNT HE HAD REGARDING THE JENNINGS HARDSHIP WAS THAT THE FAMILY HAD A MEETING AND AGREED TO COME UP WITH THE FUNDS TO LINE UP A SURVEYOR TO BRING THIS INTO COMPLIANCE. IF THEY DO NOT COME FORWARD, WE WILL HAVE TO MAKE THE DECISION AT THIS MEETING WHAT WILL HAVE TO BE DONE.

MEETING ADJOURNED AT 5:20 P.M.

