

SUMNER COUNTY ZONING BOARD OF APPEALS
MINUTES
6:00 P.M.
DECEMBER 8, 2011

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
SANDY WEBSTER
DON DICKERSON
MARSH RAGLAND

MEMBERS ABSENT:

STAFF:

RODNEY JOYNER, PLANNER
LISA DUNAGAN-DIORIO, ADMINISTRATIVE ASSISTANT

Motion for approval of the October Minutes with a few corrections by Ms. Webster, seconded by Mr. Dickerson. Motion passed unanimously.

Cottontown Baptist Church Trustees were requesting a conditional use permit for a 6,000 square foot church on 201 County House Road, Cottontown, Tn., 37048. They are also requesting a dust free parking variance and two (2) signs. The church will have approx. 60 parking spaces and 3 handicap parking spaces. Subject property is on tax map 79, parcel 68 contains 5.01, acres and is zoned agricultural. This was a public hearing and was advertised in the Gallatin News Examiner on November 8, 2011. The property owners were notified by certified mail.

Mr. Larry Graves, pastor, came forward to explain this request and to answer any questions. He stated that he had received a septic tank permit for this location. He explained that they proposed to build a 187 seat sanctuary and they have approximately 125 members.

Mr. Rainey asked Mr. Graves why they were asking for a dust free parking variance.

Mr. Graves stated that it was explained to him by the contractor that they did plan on paving the parking lot, but if the money was not there at the time, they would ask for a variance until which time they could afford to pave.

Chairman McKee opened the floor for the public hearing.

Nancy Rawlings came forward to speak in opposition to this request because she felt this was located on such a narrow road, it's a bad corner to try to pull out of, and possible drainage issues, etc.

Brad Hackett came forward to speak against the church for reasons such as this would hurt the resale of his house.

Angela McCullum came forward to state she was concerned they would have a wedding reception and that there would be a lot of people there at midnight next to her property. She wanted to know when they were going to pave the driveway and wanted to know how much dust she will have in her back yard if they did not pave. Is the proposed sign going to be lighted?

Mr. Graves stated that when they have weddings, they make sure everyone is gone before they(staff) leave.

This became such a question and answer session for the pastor, Mr. Rainey made the following motion:

Motion by Mr. Rainey to move this item to the end of the agenda so the adjoining property could and go out in the hall way and discuss with the preacher all of their concerns, seconded by Mr. Dickerson. Motion passed unanimously.

This request for the church resumed.

Mr. Graves came forward again to state that the neighbors are concerned about the dust free parking, lowering their property values, leaving hooligans on the property at night and they would like us to put up a privacy fence. Mr. Graves said if it was necessary they would put up trees for buffers. Mr. Graves explained that he was not sure what day they would break ground if this was approved. Mr. Graves stated that they would try to be good neighbors.

Mary Keene came forward to speak in favor of this request. She stated she felt that a church would not devalue your property.

There was discussion.

Jerry Gillihan came forward to speak against this request. He cited such issues that the road is too narrow, this will hurt his property values and does not want a church in his back yard.

Mr. Rainey stated that he never remembered denying a church. They are a use allowed on appeal and a precedent has been set. Mr. Rainey stated that he was concerned about the narrow road. He stated that he would like for the church to submit to the Planning Commission a site plan for their review which would allow them to address any parking and drainage issues. The Planning Commission can look at the roadway issues. In regard to screening, he would prefer to see a live screening of some variety. He also stated that he would like to see instead of a paved parking lot for them to explore an environmentally friendly parking lot.

Motion for approval by Mr. Rainey, seconded by Ms. Webster. Motion passed unanimously.

Johnny R. and Mary Ann Keene were requesting a lot size variance of 0.2 of an acre to replace a singlewide mobile home with a doublewide mobile home. Per the Sumner County Zoning Resolution, the Estate A zoning minimum lot size requirement is 1.84 acres. Subject property is located at 420 Kirk Lane, Gallatin, Tn., contains 1.67 acres, is on tax map 102, parcel 46.01 and is zoned Estate A. This was a public hearing and was advertised in the Gallatin News Examiner on November 23, 2011. The property owners were notified by certified mail.

Mr. and Mrs. Keene came forward to represent this request and to answer any questions. Mr. Keene stated that he had letters from his adjoining property owners stating that they did not object to this variance.

Chairman McKee opened the floor up for the public hearing, but no one was present to speak for or against.

There was discussion.

Motion for approval by Mr. Rainey, seconded by Ms. Webster. Motion passed unanimously.

Mr. Joseph Gore was requesting a conditional use permit to repair and store ladder supplies and tools in an existing metal building at the rear of his property located at 145 Circle Drive, Cottontown, Tn., and is also requesting a dust free parking variance. There will be no signs and only minimal customers. There will be a fence around any ladders outside of the building. Subject property is on tax map 77, parcel 10, and contains 3.07 acres and is zoned RA. This is a public hearing and was advertised in the Gallatin News Examiner on November 8, 2011. The property owners were notified by certified mail.

Mr. Gore came forward to explain this request. Mr. Gore stated that he sold his business but still does some sub work for the gentleman that bought the business. I have very limited work that I still do. This location is located across the street from my home, so I can just walk to it as opposed to driving to Hwy 25. This property already has a building on it. Mr. Gore explained that he sold the man his customer list, \$10,000.00 worth of inventory and the trailer that went with the business.

Mr. Dickerson asked Mr. Gore where is the inventory that you sold him located.

Mr. Gore stated that he parks the trailer at 145 Circle Drive because we got broke into at 2911 Highway 25.

Mr. Gore stated that one of his neighbors on Circle Drive called the County Mayor and then the County Mayor contacted Gary Hammock about the ladder storage. Mr. Barrow, Zoning Inspector, sent me a letter about the ladders. I then called and talked to them at the Construction and Development Department about this. Because of the concerns of the neighbors on Circle Drive, I moved everything that was visible from the road and put up a fence on the side. This was my understanding from the Construction and Development Department that was what I needed to do.

Mr. Rainey said that the reason that we have both ladder sites on the agenda tonight is because I cannot ever remember this body granting a conditional use on appeal for multiple sites. We granted a conditional use for the ladder storage and repair on 2911 Highway 25 in 2003. Now Mr. Gore is asking for an additional site to repair and store ladders. The way I see this is if we grant him a conditional use for Circle Drive, we will have to include a time table for which he has to remove everything from 2911 Highway 25,

Chairman McKee opened the floor for the public hearing.

Sharon Myers came forward to speak in opposition to this request due to the fact that she does not want to see this in her backyard. This will devalue her home.

Robert Myers came forward to speak in opposition to this request. He stated that this will devalue our homes and stated that Mr. Gore does not have any respect for his neighbors or neighborhood. He stated that he was going to watch him real close.

Mr. Rainey stated that he was not in favor of approving the same conditional use for two different sites. You have to demonstrate that this is a need in the area. I do not think that this is a need in the area.

There was discussion.

Motion by Mr. Rainey, seconded by Ms. Webster, to approve the Circle Drive request, only for indoor use only, no outside storage what so ever at any time and he has 45 days to completely clean out the ladders, etc., from 2911 Highway 25. Motion passed unanimously.

Mr. Rainey explained to Mr. Gore that if he cannot live with this motion I will withdraw this motion and you can continue to operate at 2911 Highway 25. This will be your choice.

Mr. Gore stated that he cannot clean out 2911 Hwy 25 in 45 days. He also asked Mr. Rainey if he was revoking the conditional use permit at 2911 Hwy 25.

Mr. Rainey explained to Mr. Gore that he was revoking the conditional use permit at 2911 Hwy 25.

There was discussion between the members and Mr. Gore about them revoking the conditional use permit at 2911 Highway 25. Mr. Gore did not want the 2911 Highway 25 conditional use permit revoked.

Motion by Mr. Rainey that since Mr. Gore cannot remove his equipment from 2911 Highway 25 in 45 days, then he moves to reject the Circle Drive conditional use, seconded by Mr. Dickerson. Motion passed unanimously.

Ms. Webster asked if all the ladders must be removed from Circle Drive.

Mr. Rainey responded to Ms. Webster by stating that all the ladders, etc. must be removed from Circle Drive.

Other business:

Mr. Joseph Gore- Mr. Gore received a conditional use permit to on December 11, 2003, to repair and/or store ladders supplies and tools for his ladder repair business in two existing storage buildings located at 2911 Highway 25, Cottontown, Tn. Subject property contains 1 acre, is on tax map 74, parcel 123 and is zoned agricultural.

The reason Mr. Gore is appearing before you tonight is that he is storing ladders at another one of his properties located at 145 Circle Drive which he does not have permission from this body to do so. **You requested at the October 13, 2011, meeting that he appear before this body to show cause why his conditional use he received for his ladder business on 2911 Highway 25, Cottontown, Tn., should not be** revoked.

FYI; the conditional use permit for 2911 Highway is still in effect.

Meeting adjourned at 7:10 p.m.