

**SUMNER COUNTY ZONING BOARD OF APPEALS  
MINUTES  
6:00 P.M.  
MARCH 8, 2007**

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  
GARY HAMMOCK, BUILDING COMMISSIONER  
LISA WILLIAMS, ADMINISTRATIVE ASSISTANT

**MOTION FOR APPROVAL OF THE FEBRUARY MINUTES BY MS. WEBSTER, SECONDED BY MR. PERDUE. MOTION PASSED UNANIMOUSLY.**

**1. DANIEL METZGAR** WAS REQUESTING A TWENTY FIVE (25) FOOT VARIANCE FROM THE REQUIRED FIFTY (50) FOOT EASEMENT THAT IS NECESSARY TO OBTAIN A BUILDING PERMIT. SUBJECT PROPERTY IS LOCATED AT 4212 LONG HOLLOW PIKE, GOODLETTSVILLE, TN., IS ON TAX MAP 140, PARCEL 32.01, CONTAINS APPROXIMATELY 2.34 ACRES AND IS ZONED RESIDENTIAL 1A.

**THIS WAS DEFERRED FROM THE FEBRUARY 2007 ZBA MEETING.**

MR. METZGAR CAME FORWARD TO REPRESENT AND EXPLAIN HIS REQUEST. MR. METZGAR STATED THAT HE HAS HAD MANY CONVERSATIONS WITH MS. ALICE THOMPSON, THE LADY WHO OWNS THE ADJOINING PROPERTY, AND NOTHING WAS RESOLVED ABOUT PURCHASING AN ADDITIONAL TWENTY FIVE (25) FOOT EASEMENT. MR. METZGAR PRESENTED A BOUNDARY SURVEY THAT WAS JUST COMPLETED TODAY. (FYI: AT ONE POINT THE PAVED PRIVATE ROAD/DRIVEWAY (WHICH IS ALSO MS. THOMPSON'S DRIVEWAY) AKA LURA LANE APPEARED TO COME OVER SOME 15.02 FEET ONTO MR. METZGAR'S PROPERTY. MR. METZGAR DID PROVIDE THIS BODY WITH SOME PICTURES OF SUBJECT PROPERTY.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

MR. DON R. GIVAN CAME FORWARD TO STATE THAT HE WAS THE ONE THAT SOLD MR. METZGAR THE PROPERTY. MR. GIVAN STATED THAT HE HAD THIS PROPERTY SURVEYED IN 1984 WHEN HIS FATHER GAVE IT TO HIM. THIS PROPERTY HAD A TWENTY-FIVE (25) FOOT EASEMENT ON IT AT THIS TIME (1984) AND NO ONE EVER SAID ANYTHING ABOUT THIS NOT BEING CORRECT. MR. GIVAN STATED THAT HE DID GET THIS PROPERTY PERKED, BUT NEVER TRIED TO GET A BUILDING PERMIT FOR THIS PROPERTY.

MR. MOULTON STATED THE PROBLEM IS THAT ANY TIME YOU CUT OFF ANY PROPERTY LESS THAN FIVE (5) ACRES IT MUST BE PLATTED AND RECORDED, AND WE ARE NOT ABLE TO FIND WHERE THIS 2.34 ACRES WAS EVER PLATTED OR RECORDED.

MR. RAINEY EXPLAINED THAT IN ORDER FOR US TO GRANT A VARIANCE, THE REASON HAS TO BE PARTICULAR TO THIS SITE.

MR. MOULTON STATED THAT THE 2.34 ACRES WAS NEVER AN ISSUE UNTIL THEY TRIED TO OBTAIN A BUILDING PERMIT. THEY COULD HAVE RUN CATTLE ON THIS PROPERTY, USED IT FOR A PLAYGROUND, OR PUT A BARN ON SUBJECT PROPERTY, ETC. THE ZONING BOARD OF APPEALS IS NOT SUPPOSED TO GRANT A VARIANCE BASED STRICTLY ON ECONOMIC CONSIDERATION. MR. MOULTON STATED FOR THIS RECORD, THAT THIS IS NOT SOLELY BASED ON ECONOMIC CONSIDERATION.

MR. RAINEY EXPLAINED THAT THE BOUNDARY SURVEY PROVIDED BY THE APPLICANT IS SHOWING SOME DISCREPANCIES IN THE BOUNDARY LINES, SUCH AS A ROADWAY ON HIS PROPERTY THAT IS USED BY OTHER PEOPLE.

THERE WAS DISCUSSION ABOUT THE ROAD LEADING TO THE CEMETERY THAT IS ON MR. METZGAR'S PROPERTY.

MR. COLE STATED THAT HE VISITED THIS PROPERTY THIS MORNING AND THE SUBJECT DRIVEWAY IS 50 FEET WIDE.

MR. MOULTON STATED THAT THE TITLE COMPANY SHOULD HAVE DISCOVERED THIS BEFORE MR. METZGAR SPENT ALL THIS MONEY.

THERE WAS DISCUSSION.

MR. RAINEY MADE A MOTION TO GRANT THIS VARIANCE, SINCE THIS APPLICANT HAS MET THE CRITERIA TO THE POINT PARTICULAR TO HIS SITE ALONE, WITH THE FOLLOWING CONDITIONS: A PLAT MUST BE RECORDED WITH SOME WORDING TO NOT BE CONSTRUED THAT WE ARE MAKING A BLANKET APPROVAL (MIKE AND GARY ARE IN CHARGE OF THIS WORDING ON THE PLAT), BASED ON THE FACT THAT THIS WAS AN HEIR SHIP (THE COUNTY ATTORNEY MAY ASSIST WITH THIS WORDING), THERE NEEDS TO BE RESOLUTION IN MR. METZGAR'S BEST INTEREST REGARDING THIS ENCROACHMENT, AND A NOTE NEEDS TO BE ADDED TO THE PLAT THAT THIS PROPERTY CAN NEVER BE FURTHER SUBDIVIDED, SECONDED BY MR. COLE. MOTION PASSED UNANIMOUSLY.

**2. CATHERINE TAYLOR** WAS REQUESTING A CONDITIONAL USE PERMIT TO OPERATE A BED AND BREAKFAST IN HER PRIMARY RESIDENCE. SHE WAS ALSO REQUESTING ONE UNILLUMINATED SIGN AND A VARIANCE FROM DUST FREE PARKING. SUBJECT PROPERTY IS LOCATED AT 1235 AB WADE ROAD, PORTLAND, TN., IS ON TAX MAP 51, PARCEL 35, CONTAINS APPROXIMATELY 5.15 ACRES AND IS ZONED AGRICULTURAL.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON FEBRUARY 16, 2007. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MS. TAYLOR CAME FORWARD TO EXPLAIN HER REQUEST. MS. TAYLOR EXPLAINED THAT SHE HAD TWO (2) BEDROOMS AND TWO (2) BATH ROOMS IN HER PRIMARY RESIDENCE. MRS. TAYLOR STATED THAT SHE WOULD BE LIVING THERE AND WOULD BE SERVING BREAKFAST.

MR. MOULTON STATED THAT SHE WILL BE REQUESTING PERMISSION FOR A SIGN AND A VARIANCE FOR THE DUST FREE PARKING. MR. MOULTON STATED THAT HE HAS EXPLAINED TO HER THE RESTRICTIONS ON RUNNING THIS TYPE OF BUSINESS.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

CONNIE HOY CAME FORWARD TO SIGN THE SHEET IN FAVOR, BUT DID NOT SPEAK.

MR. RAINEY ASKED MS. TAYLOR IF SHE HAD HER SEPTIC TANK CHECKED.

MS. TAYLOR STATED THAT SHE HAS NOT HAD HER SEPTIC CHECKED YET, BUT THERE ARE NO RECORDS ON FILE REGARDING HER SEPTIC TANK IN THE ENVIRONMENTAL OFFICE. SHE STATED SHE PLANS ON HAVING HER SEPTIC TANK CHECKED, BECAUSE SHE DOES NOT WANT TO HAVE ANY ACCIDENTS. MS. TAYLOR STATED THAT SHE IS STILL RENOVATING THIS HOME AND IS LOOKING AT BEING READY TO OPEN, IF APPROVED, IN EIGHT (8) MONTHS.

THERE WAS DISCUSSION.

MR. RAINEY STATED THAT DUE TO THE FACT THAT YOU CAN NOT SEE THIS HOME FROM THE ROAD, AND IT IS A TWO BEDROOM HOME HE DID NOT SEE A PROBLEM WITH THIS BED AND BREAKFAST.

MR. MOULTON STATED THAT THE ONLY MEAL THAT SHE CAN SERVE IS BREAKFAST.

MR. HAMMOCK ASKED THAT MS. TAYLOR CONTACT THE SUMNER COUNTY CODES DEPARTMENT. MR. HAMMOCK EXPLAINED THAT THEY WOULD COME OUT AND DO A SAFETY REVIEW OF THE STRUCTURE TO MAKE SURE IT DOES MEET ALL OF THE SAFETY REQUIREMENTS.

**MOTION FOR APPROVAL BY MR. RAINEY WITH THE STIPULATION THAT THIS SHALL REMAIN A TRUE BED AND BREAKFAST, AND APPROVAL WITH THE CONDITIONS THAT IT BE A TWO GUEST ROOM, TWO BATH ROOM, AND THAT IT MEETS ALL THE CRITERIA OF THE SUMNER COUNTY ZONING ORDINANCE, AND GETS AN UPGRADE ON HER SEPTIC, AND THAT MS. TAYLOR CONTACT THE SUMNER COUNTY CODES DEPARTMENT SO THAT THEY COULD COME OUT AND DO A SAFETY REVIEW OF THE STRUCTURE TO MAKE SURE IT DOES MEET ALL OF THE SAFETY REQUIREMENTS, AND THIS APPROVAL WOULD BE FOR TWO YEARS, SECONDED BY MS. WEBSTER. MOTION PASSED UNANIMOUSLY.**

**3. JACKIE RAY GAMBRELL - THE PURPOSE OF THIS MEETING WAS FOR A 90-DAY REVIEW OF 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.**

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON FEBRUARY 21, 2007. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MR. GAMBRELL CAME FORWARD TO REPRESENT THIS REQUEST.

MR. MOULTON REPORTED THAT MR. GAMBRELL HAS KEPT UP HIS AGREEMENT, AND IS STILL OPERATING UNDER THE CONDITIONS THAT THIS COMMITTEE PUT ON HIM.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

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

THERE WAS DISCUSSION.

**MOTION BY MR. RAINEY TO EXTEND THIS CONDITIONAL USE PERMIT FOR SIX (6) MONTHS AND THEN IF EVERYTHING IS STILL IN COMPLIANCE THAT WILL BE A TOTAL OF A YEAR AND THEN WE MIGHT LOOK AT MAKING IT FOR LONGER, SECONDED BY MR. PERDUE. MOTION PASSED UNANIMOUSLY.**

**4. J&C HOMES** WAS REQUESTING A THREE (3) FOOT FRONT YARD VARIANCE FOR A SINGLE FAMILY RESIDENCE THAT IS CURRENTLY UNDER CONSTRUCTION. SUBJECT PROPERTY IS LOCATED AT 1004 MADALYN WAY, PORTLAND, TN., IS ON TAX MAP 52C, GROUP C, PARCEL 32, CONTAINS APPROXIMATELY .92 ACRE AND IS ZONED AGRICULTURAL.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON FEBRUARY 21, 2007. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MR. CHRIS SMITH CAME FORWARD TO EXPLAIN THIS REQUEST. HE EXPLAINED THAT HE IS A NEW BUILDER AND THAT HE MEASURED WRONG WHEN HE BUILT THE HOUSE. THIS MISTAKE WAS NOT CAUGHT AT THE FOOTING INSPECTION, BUT IT WAS CAUGHT AT THE FRAMING INSPECTION. THE GARAGE SECTION OF THE HOUSE IS THE PART THAT IS TOO CLOSE TO THE PROPERTY LINE.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

MR. HALL CAME FORWARD TO SPEAK REGARDING THIS REQUEST. MR. HALL WAS REPRESENTING THE BUYER OF THE HOME.

MOTION BY MR. COLE TO GRANT THE VARIANCE, THIS MOTION WAS NEVER VOTED ON, THEREFORE THIS MOTION DIED FOR LACK OF A VOTE.

MR. RAINEY STATED THAT WE HAVE TO BE EXTREMELY CAREFUL, WE HAVE HAD TWO OF THESE TYPE REQUEST IN THE PAST TWO YEARS WHICH HAVE BEEN DENIED. MR. RAINEY ASKED MR. HAMMOCK IF THERE WERE ANY GROUNDS WHICH WERE PARTICULAR TO THIS SITE THAT WOULD GIVE US GROUNDS TO GRANT THIS REQUEST.

MR. HAMMOCK STATED FOR THE RECORD THAT THIS CONTRACTOR HAD AN ENGINEER TO LOOK AT THE FOUNDATION WHICH WAS LEGAL BUT THE ENGINEER IS NOT RESPONSIBLE FOR SETBACKS. THE REQUIRED SETBACKS ARE THIRTY (30) FEET, AND ACCORDING TO THE SITE PLAN MR. SMITH PRESENTED IT SHOWED THE HOUSE WOULD BE 35 FEET BACK OFF THE PROPERTY LINE.

MR. RAINEY STATED THAT BASED ON THE EVIDENCE THEY HAVE PRESENTED TONIGHT THERE ARE NO GROUNDS TO GRANT THIS VARIANCE.

THERE WAS DISCUSSION.

MR. MOULTON REMINDED THIS BOARD THAT YOU ARE NOT SUPPOSE TO GRANT A VARIANCE STRICTLY ON ECONOMIC REASONS, THERE MUST BE A REASON, THIS IS THE LAW.

MR. HAMMOCK SUGGESTED THAT THE CODES DEPARTMENT START RECOMMENDING EVERY APPLICATION BE PRESENTED WITH A FOUNDATION SURVEY. THIS IS CURRENTLY BEING REQUIRED ON LOTS THAT ARE 20,000 SQUARE FEET AND SMALLER BECAUSE THE LOT LINES ARE SO TIGHT.

THERE WAS DISCUSSION.

**MOTION FOR DEFERRAL BY MR. RAINEY TO GIVE THIS GENTLEMAN EVERY OPPORTUNITY TO MEET OUR CODE AS FAR AS MEETING THE GROUNDS TO WHICH WE CAN GRANT A VARIANCE, IF HE CAN NOT FIND A WAY TO MEET THE CONDITION THAT IS PARTICULAR TO THE LOT THEN WE HAVE NO CHOICE BUT TO DENY THIS REQUEST, SECONDED BY MR. PERDUE. MOTION PASSED UNANIMOUSLY.**

MR. MOULTON TOLD MR. SMITH TO EITHER MEET WITH HIMSELF OR GARY HAMMOCK WE WILL REVIEW THIS WITH YOU AND SEE IF THERE IS ANYTHING THAT WOULD JUSTIFY THIS BOARD BEING ABLE TO GRANT THIS REQUEST WITHOUT GOING OUTSIDE THE LAW. IF YOU DO NOT WANT TO WAIT THIRTY DAYS TO GO ON WITH YOUR PROJECT YOUR OTHER CHOICE IS TO RESITUATE THE HOUSE WHERE IT MEETS THE SETBACKS. IF YOU CAN MEET THE SETBACKS BEFORE THE NEXT MEETING YOU WILL NOT HAVE TO APPEAR, WE WILL JUST REPORT ON THE RESULTS.

**5. DANNY KEY** WAS REQUESTING A FIVE (5) FOOT FRONT YARD VARIANCE FOR A SINGLE FAMILY RESIDENCE. SUBJECT PROPERTY IS LOCATED AT 491 WHITE ROAD, PORTLAND, TN., IS ON TAX MAP 13, PARCEL 2.01, CONTAINS APPROXIMATELY 1 ACRE AND IS ZONED AGRICULTURAL.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON FEBRUARY 23, 2007. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MR. KEY CAME FORWARD TO EXPLAIN AND REPRESENT THIS REQUEST.  
MR. KEY EXPLAINED THAT HE BUILT THIS HOUSE FOR RE-SALE.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.  
MRS. KEY CAME FORWARD TO SUPPORT HER HUSBAND.

MR. RAINEY ASKED HOW THE SETBACK LINE WAS DETERMINED ON THIS PROPERTY.

MR. MOULTON STATED THAT THIS SINCE THIS A COLLECTOR ROAD IT WOULD REQUIRE A 40 FOOT FRONT YARD SETBACK LINE.

MR. RAINEY ASKED MR. KEY HOW DID THIS HAPPEN?

MR. KEY STATED WHEN HE DECIDED TO BUILD A HOME ON THIS PROPERTY WITH A GARAGE, AND HE JUST GOT TOO CLOSE TO THE ROAD.

MR. HAMMOCK STATED THAT THIS IS A SITUATION WHERE THE INSPECTOR MEASURED FROM A POINT OF INTEREST, EITHER WHERE HE WAS TOLD OR ASSUMED, AND AT THIS POINT HE PULLED THE MEASURING TAPE. MR. HAMMOCK STATED HE HAD SPOKEN WITH THE INSPECTOR ABOUT THE ACTUAL FOOTING INSPECTION, AND THE INSPECTOR DID NOT HAVE TOTAL RECALL OF WHAT HE MEASURED FROM OR TO. MR. HAMMOCK STATED THAT HIS DEPARTMENT DID DO THE INSPECTIONS, AND DID FAIL TO PROPERLY IDENTIFY THE PINS. MR. HAMMOCK STATED THAT THIS WAS A TOTAL MISTAKE MADE IN HIS DEPARTMENT.

MR. KEY STATED THAT HE WAS ON WHITE ROAD YESTERDAY AND OBSERVED THAT THERE WERE FIVE OTHER HOUSES THAT WERE BUILT CLOSER TO THE ROAD, THAN HIS HOUSE IS BUILT.

MR. KEY STATED THAT HE HAS BUILT SEVERAL HOMES AND THIS HAS NEVER HAPPENED BEFORE.

MR. RAINEY ASKED IF THERE IS ANYTHING PECULIAR TO THIS LOT THAT WOULD PROHIBIT HIM FROM MOVING THIS HOME BACK.

MR. KEY STATED THAT THE HOME IS VERY CLOSE TO THE SEPTIC AREA.

THERE WAS DISCUSSION.

MR. MOULTON STATED THAT BASED ON THE IDENTIFIED SOILS AREA, IF HE MOVES THIS HOME BACK HE WOULD BE ENCROACHING ON THE SOILS AREA.

MR. RAINEY STATED THAT ACCORDING TO THE COUNTY ROAD LIST THAT WHITE ROAD HAS A FORTY (40) FOOT RIGHT-OF-WAY, IF WE HONOR THE FORTY (40) FOOT RIGHT-OF-WAY THAT WOULD MEAN THAT THE SUBDIVISION PLAT GRANTED AN ADDITIONAL FIVE (5) FEET. IF THE SUBDIVISION HAD NOT GRANTED AN ADDITIONAL FIVE (5) FEET AND HAD HONORED THE FORTY (40) FEET, MR. KEY WOULD BE IN COMPLIANCE.

MR. RAINEY WANDERED IF THE CAMBRIA FINANCIAL CORPORATION DEEDED THAT ADDITIONAL FIVE (5) FEET TO THE COUNTY.

MR. MOULTON REPORTED THAT THIS MISTAKE WAS CAUGHT ON A MORTGAGE SURVEY.

MR. MOULTON STATED THAT THIS CASE IS DIFFERENT THAN THE PREVIOUS REQUEST TONIGHT. WE ASKED THESE SAME QUESTIONS, AND THAT HOUSE WE DISCUSSED EARLIER THIS EVENING WAS NOT ENCREACHING ON THE SOILS AREA.

THERE WAS DISCUSSION.

**MOTION BY MR. RAINEY BASED ON THE EVIDENCE THAT WAS PRESENTED TONIGHT THAT THE VARIANCE IS JUSTIFIED, DUE TO THE SEPTIC TANK SITE, AND THE QUESTION OF DEDICATION OF RIGHT-OF-WAY AND THE QUESTION OF WHERE THE SETBACK LINES WERE MEASURED FROM, AND THAT THE CONDITION OF THE ZONING BOARD OF APPEALS HAD BEEN MET, SECONDED BY MR. PERDUE. MOTION PASSED UNANIMOUSLY.**

MR. KEY APOLOGIZED FOR HIS MISTAKE.

**6. MICHAEL CAUDILL** WAS REQUESTING A CONDITIONAL USE PERMIT TO OPERATE A CONVENIENCE STORE WITH GAS PUMPS. HE WILL PREPARE AND SERVE DINE IN AND CARRY OUT FOOD, SELL BEER, AND FUTURE USE OF A GAME ROOM. THERE WILL BE A 4x8 FOOT ILLUMINATED SIGN. SUBJECT PROPERTY IS LOCATED AT 1088 FAIRFIELD ROAD, WESTMORELAND, TN., IS ON TAX MAP 11, PARCEL 001.05, CONTAINS APPROXIMATELY 1 ACRE AND IS ZONED AGRICULTURAL.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON FEBRUARY 23, 2007. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MR. CAUDILL CAME FORWARD TO REPRESENT THIS REQUEST AND TO ANSWER ANY QUESTIONS.

MR. MOULTON STATED THAT THIS IS AN EXISTING BUILDING ON FAIRFIELD AND HAS BEEN USED FOR A STORE ON SEVERAL OCCASIONS. THIS STORE HAS BEEN VACATED AND NOT USED FOR MORE THAN TWELVE (12) MONTHS.

MR. MOULTON STATED IF THIS IS APPROVED IT SHOULD HAVE A STIPULATION THAT THEY GET THE SOILS AREA WORKED OUT. THE ENVIRONMENTAL OFFICE DOES NOT HAVE ANY RECORDS OF THE EXISTING SEPTIC TANK. MR. MOULTON STATED THAT THE ENVIRONMENTAL OFFICE SAID THAT IF THEY WOULD LOCATE A BACK UP SOILS AREA, THEY (ENVIRONMENTAL OFFICE) WOULD SIGN OFF ON IT.

MR. CAUDILL STATED HE WAS GOING TO START OUT WITH A CONVENIENCE STORE SELLING GROCERIES, BEER, CIGARETTES, ETC. WE WILL SERVE BREAKFAST, LUNCH, SUCH AS HAMBURGERS, HOT DOGS ETC.

MR. RAINEY STATED HE REMEMBERED THIS REQUEST BY A DIFFERENT OWNER COMING BEFORE US A FEW YEARS AGO.

MR. HAMMOCK STATED IT WAS ABOUT 5 TO 6 YEARS AGO THAT MS. HILAND DID APPEAR BEFORE THIS BODY, AND SHE WANTED TO SELL LOTTERY TICKETS AND BEER.

THE BOARD GRANTED THE SPECIAL USE CONDITION, BUT SHE COULD NOT SELL BEER.

MR. CAUDILL STATED THAT THE HOURS OF OPERATION WOULD BE FROM 5 A.M. TO 8 P.M. FOR SIX (6) DAYS A WEEK, AND SIX (6) HOURS ON SUNDAY.

THIS BOARD DISCUSSED THAT THE PUBLIC HAD OBJECTIONS FIVE (5) YEARS AGO WITH MS. HILAND'S REQUEST TO HAVE A GAME ROOM.

MR. RAINEY ASKED MR. CAUDILL IF HE WANTED TO HAVE A GAME ROOM IN THE NEAR FUTURE. MR. CAUDILL STATED THAT NO ONE WOULD BE DRINKING ALCOHOL AT THIS MARKET, HE DID NOT WANT ANY TROUBLE.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

THERE WAS NO PRESENT TO SPEAK FOR OR AGAINST.

**MOTION FOR APPROVAL OF THE CONDITIONAL USE WITH THE EXCEPTION OF A GAME ROOM, IF YOU WANT A GAME ROOM YOU WILL HAVE TO APPEAR BEFORE THIS BODY AGAIN, THIS APPROVAL DOES INCLUDE THE REQUEST FOR TWO (2) SIGNS, AND SATISFYING ENVIRONMENTAL OFFICE AND EVERYTHING THAT THE PLANNING OFFICE NEEDS, SECONDED BY MR. PERDUE. MOTION PASSED UNANIMOUSLY.**

**7. LARRY BROOKS** WAS REQUESTING A CONDITIONAL USE PERMIT TO OPERATE A TIRE SALES AND REPAIR SERVICE. HE IS ALSO REQUESTING A VARIANCE FROM DUST FREE PARKING AND TWO (2) SIGNS. SUBJECT PROPERTY IS LOCATED AT 215 OLD HWY 31 EAST, BETHPAGE, TN., IS ON TAX MAP 84, PARCEL 11, CONTAINS APPROXIMATELY 1.5 ACRES AND IS ZONED AGRICULTURAL.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON FEBRUARY 23, 2007. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MR. BROOKS CAME FORWARD TO REPRESENT AND EXPLAIN HIS REQUEST. MR. BROOKS STATED HE WOULD LIKE TO SELL TIRES, AND DO SMALL ENGINE REPAIR, NO MOTOR CHANGING, NO TEAR DOWN OF CARS, NOTHING LIKE THAT.

CHAIRMAN MCKEE ASKED MR. BROOKS IF HE WOULD LEAVE A BUNCH OF JUNK LYING AROUND.

MR. BROOKS REPLIED TO CHAIRMAN MCKEE THAT HE WOULD HAVE ALL OF THE JUNK PARTS HAULED OFF.

MR. MOULTON REFERRED TO MR. BROOK'S SITE PLAN, AND STATED THAT MR. BROOKS HAD RESTRICTED HIMSELF TO SIX (6) CUSTOMER VEHICLES AT ANY GIVEN TIME ON THE PROPERTY. MR. MOULTON STATED THAT MR. BROOKS UNDERSTANDS THAT IF THIS PROPERTY BECOMES A PROBLEM THAT HE WILL BE SUBJECT TO THE ZONING RESOLUTION OF SUMNER COUNTY.

MR. BROOKS STATED THAT HE WANTED TO PUT ONE OF THE REQUESTED SIGNS ON HIS BUDDIES PROPERTY WHICH WOULD NOT BE ON THE RIGHT-OF-WAY.

MR. MOULTON EXPLAINED TO MR. BROOKS THAT HE CAN NOT PUT A SIGN ON SOMEONE ELSE'S PROPERTY. MR. MOULTON EXPLAINED TO MR. BROOKS THAT IF HIS FRIEND WOULD LIKE TO HE COULD APPEAR BEFORE THE ZONING BOARD OF APPEALS AND ASK PERMISSION FOR A SIGN ON HIS PROPERTY TO ADVERTISE MR. BROOKS BUSINESS.

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

THERE WAS DISCUSSION.

MR. RAINEY STATED WE HAVE HAD OTHER REQUESTORS WITH THIS TYPE OF REQUEST, AND WE ENDED UP WITH A MAJOR PROBLEM. IT ENDS UP LOOKING MORE LIKE A JUNK YARD RATHER THAN A REPAIR SHOP.

MR. BROOKS STATED THAT THIS WOULD NOT HAPPEN. HE STATED THAT HE DID HAVE A COUPLE OF RACE CARS SITTING AROUND.

**MOTION FOR APPROVAL OF THIS CONDITIONAL USE BY MR. RAINEY SUBJECT TO HIS COMPLIANCE OF ZONING/CODES DEPARTMENT, WITH A VERY CLEAR CONDITION THERE WILL BE NO OUTSIDE STORAGE OF USED VEHICLE PARTS OF ANY NATURE, LIMITED TO SIX (6) PARKING SPACES, AND PERMISSION FOR ONE (1) SIGN NOT ILLUMINATED, VARIANCE FOR DUST FREE PARKING, AND YOU WILL HAVE TO APPEAR BEFORE THIS BODY AGAIN IN TWO (2) YEARS, SECONDED BY MR. PERDUE. MOTION PASSED UNANIMOUSLY.**

**8. MARIA BODDE WAS REQUESTING A CONDITIONAL USE PERMIT TO HOST OCCASIONAL WEDDINGS IN A GAZEBO TO BE CONSTRUCTED. SUBJECT PROPERTY IS LOCATED AT 480 CUMMINGS LANE, GALLATIN, TN., IS ON TAX MAP 102, PARCEL 16, CONTAINS APPROXIMATELY 5 ACRES AND IS ZONED AGRICULTURAL.**

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON FEBRUARY 23, 2007. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MS. BODDE AND MR. ZAWASKIS CAME FORWARD TO REPRESENT AND EXPLAIN THIS REQUEST.

MS. BODDE EXPLAINED THAT THEY WANTED TO HOST WEDDINGS IN THE PROPOSED GAZEBO AND THEY WOULD PROVIDE THE MUSIC.

MR. MOULTON STATED THAT THERE WAS A GOOD LINE OF SIGHT AT THEIR DRIVE WAY, AND ONE OF THE PARKING PADS IS ALREADY IN PLACE. MR. MOULTON STATED THAT HE VIEWED THIS AS A LOW IMPACT SITUATION. MR. MOULTON STATED THAT A LADY, WHOSE NAME HE DID NOT RECALL, WAS SUPPOSE TO FAX HIM SOMETHING STATING HER CONCERNS ABOUT ADDITIONAL TRAFFIC ON CUMMINGS LANE.

MR. MOULTON STATED THAT LADY DID VOICE CONCERNS ABOUT DRINKING AT WEDDINGS.

MS. BODDE STATED THAT THERE WOULD NOT BE ANY WEDDING RECEPTIONS.

MR. RAINEY ASKED HOW MANY WEDDINGS DID THEY ANTICIPATE HAVING IN A YEARS TIME?

MS. BODDE STATED SHE ANTICIPATED IT WOULD TAKE 2-3 YEARS UNTIL THE GARDEN DEVELOPS BEFORE THEY START HAVING WEDDINGS. SHE STATED SHE FELT THERE COULD POSSIBLY BE ONE (1) OR TWO (2) WEDDINGS A WEEK, THESE WEDDINGS WOULD BE SEASONAL, WHEN WEATHER PERMITS.

AN UNNAMED LADY RESPONDED FROM THE AUDIENCE THAT EVERYONE ON CUMMINGS LANE IS AGAINST THIS REQUEST.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

CONNIE HOY CAME FORWARD TO STATE THAT SHE WAS AGAINST THIS REQUEST. SHE STATED CUMMINGS LANE IS A CUT THROUGH AND IT IS A PROBLEM.

BRENDA SMOTHERMAN CAME FORWARD TO STATE TRAFFIC CONCERNS AND STATED THAT SHE WAS AGAINST A NON-AGRICULTURAL BUSINESS THAT WOULD BRING A VOLUME OF TRAFFIC TO A ROAD THAT ALREADY HAS TRAFFIC PROBLEMS.

MARIE MCDONALD CAME FORWARD WITH PICTURES OF CUMMING LANE TO SHOW HOW THIS ROAD IS CURVY AND HILLY. THERE ARE ALREADY TRAFFIC PROBLEMS CURRENTLY.

DAVID JOHNSTONE CAME FORWARD TO EXPRESS HIS CONCERNS ABOUT ADDITIONAL TRAFFIC.

CHARLENE JOHNSTONE CAME FORWARD TO STATE HER CONCERNS ABOUT ADDITIONAL TRAFFIC.

MARTHA WOODS CAME FORWARD TO STATE CONCERNS ABOUT ADDITIONAL TRAFFIC.

FRANK WOODS CAME FORWARD TO STATE CONCERNS ABOUT TRAFFIC.

FOR THE RECORD, THERE WAS A PETITION WITH EIGHT (8) NAMES THAT WERE AGAINST THIS REQUEST, THESE WERE PEOPLE THAT COULD NOT BE AT THE MEETING TONIGHT.

CHAIRMAN MCKEE STATED THAT THERE IS NOTHING THAT THIS BODY CAN DO ABOUT THE TRAFFIC, AND THIS ROAD WAS NOT NEAR AS BUSY BEFORE YOU ALL MOVED IN AS IT IS NOW.

MARIE MCDONALD'S CONCERN WAS IF A CONDITIONAL USE WAS APPROVED THIS MAY START A PRECEDENT FOR OTHERS IN THIS AREA. IF THIS WAS PASSED SHE WISHED THAT THIS BOARD COULD POSSIBLY ASK HER TO REPORT BACK TO THE BODY ONCE A YEAR.

THERE WAS DISCUSSION.

MR. RAINEY STATED THAT THIS BODY DOES NOT CONTROL ROADS, BUT WE CAN CONTROL WHAT IS DONE ON THE PROPERTY, SUCH AS ALCOHOL CONSUMPTION, LIMIT NUMBER OF WEDDINGS, AND TIME OF DAY THE WEDDINGS ARE, ETC. MR. RAINEY STATED THAT THEY DID NOT PROVIDE ENOUGH PARKING ON THEIR SITE PLAN FOR A VERY LARGE WEDDING.

MR. MOULTON STATED THAT WE COULD PUT A LIMIT ON THE SIZE OF THE WEDDING PARTY.

MOTION BY MR. RAINEY, SINCE THEY ARE NOT IN A BIG HURRY, THAT WE DEFER THIS FOR NINETY (90) DAYS, GIVE THEM TIME TO MEET WITH SOME OF THE NEIGHBORS, QUIET SOME OF THEIR FEARS, AND IF THEY DO NOT QUIET THEIR FEARS THE NEIGHBORS WILL HAVE THE RIGHT TO COME BACK IN NINETY DAYS AND TELL US THAT WE ARE THE SAME PLACE THAT WE WERE PREVIOUSLY, SECONDED BY MR. PERDUE. MOTION PASSED UNANIMOUSLY.

OTHER BUSINESS:

**A. MR. GENE GLASGOW-** TO DISCUSS THE CONTINUANCE OF THE HARDSHIP THAT HE RECEIVED ON MARCH 6, 1990. SUBJECT PROPERTY IS LOCATED AT 191 VANTREASE LANE, GALLATIN, TN., IS ON TAX MAP 102, PARCEL 8, CONTAINS 1.9 ACRES, AND IS ZONED R1A.

MR. GLASGOW STATED THAT HE HAS A DOCTOR'S APPOINTMENT THE 27<sup>TH</sup> OF APRIL AND DID NOT HAVE A DR. STATEMENT AT THIS TIME. MR. GLASGOW STATED THAT THE SAME MEDICAL CONDITIONS STILL EXIST AND THE HARDSHIP IS NEEDED.

THERE WAS DISCUSSION.

MOTION BY MR. RAINEY TO CONTINUE THE HARDSHIP UNDER NORMAL CONDITIONS, AND AFTER THE DR. VISIT MR. GLASGOW NEEDS TO SEND THE DR. STATEMENT TO THE SUMNER COUNTY CODES DEPARTMENT, SECONDED BY MS. WEBSTER. MOTION PASSED UNANIMOUSLY.

**OTHER BUSINESS:**

MR. GARY HAMMOCK ASKED THE BOARD IF THEY HAD ANY SUGGESTIONS ABOUT REQUIRING FOUNDATION SURVEY WHICH WOULD HELP ELIMINATE THESE VARIANCE REQUEST WE ARE GETTING AFTER THE HOME IS STARTED.

CHAIRMAN MCKEE STATED THAT THIS MAY COST THEM A LITTLE MORE, BUT IT COULD END UP CHEAPER IN THE LONG RUN.

MR. MOULTON STATED THEY WOULD APPRECIATE AN OFFICIAL RECOMMENDATION FROM THIS BOARD FOR FORMALITY PURPOSES AND THEN WE CAN REPORT THIS TO THE PLANNING COMMISSION.

THERE WAS DISCUSSION.

**MOTION BY MR. PERDUE TO RECOMMEND FOUNDATION SURVEY'S, SECONDED BY MS. WEBSTER. MOTION PASSED.  
AYES: PERDUE, COLE AND WEBSTER  
ABSTAIN: RAINEY**

*MEETING ADJOURNED AT 8:00 P.M.*