

**SUMNER COUNTY BOARD OF ZONING APPEALS
MINUTES
AUGUST 9, 2018
5:00 p.m.**

SUMNER COUNTY ADMINISTRATION BUILDING
COUNTY CHAMBERS
355 N. BELVEDERE DRIVE
GALLATIN, TN. 37066

MEMBERS PRESENT:

MARK MCKEE, JR. CHAIRMAN
BRUCE RAINEY, VICE-CHAIRMAN
SANDY WEBSTER
DON DICKERSON
JOHN WESLEY JONES

MEMBERS ABSENT:

STAFF PRESENT:

JOSH SUDDATH, DIRECTOR OF PLANNING & STORMWATER
LINDA MCCULLOUGH, ASSISTANT TO THE DIRECTOR OF PLANNING & STORMWATER

**Motion for approval of the July 2018 minutes by Ms. Webster, seconded by Mr. Dickerson.
Motion passed unanimously.**

- 1. Long Hollow Baptist Church** is requesting a continuation for a Conditional Use Permit granted on April 12, 2012, to use subject property as a proposed overflow parking lot. Subject property is located at **3031 Long Hollow Pike, Hendersonville, TN**, is on Tax Map 123, Parcel 047.02, containing 5 acres, is zoned RA, is zoned RA, and is in the 7th Commission Voting District (Loren Echols and Trish Lemarbre).
Adjoining property owners were notified by regular mail.

This item was moved to the end of the agenda since the applicant's representative was late to meeting.

- 2. Matt Lawler will represent David & Julie Thompson** and will be requesting a 7 foot variance on the South side yard and a 10 foot variance on the North side yard to construct an attached garage and living space. Subject property is located at **1311 Shoreside Drive, Hendersonville, TN 37075**, is on Tax Map 158C, Group A, Parcel 015.00, is zoned Residential A, contains .46 acres, and is in the 6th Commission Voting District (Kevin Pomeroy and Jim Vaughn).
The adjoining property owners were notified by certified mail and the agenda item was advertised in The Gallatin News on Thursday, July 26, 2018.

Mr. Suddath stated that the owner is requesting a 7 foot variance on the south property line and a 10 foot variance in the north property line. Mr. Suddath stated that the property is zoned RA which requires a 20 foot side yard setback, but since the parcel is only .46 acres, the required setback is not possible.

Mr. Matt Lawler came forward to explain and represent this request.

Mr. McKee opened the floor for the public hearing.

After confirming that no one else in the audience wished to speak, Mr. McKee closed the public hearing.

Mr. Rainey asked if the existing deck would encroach into the rear yard setback.

Mr. Suddath stated that it probably would but the request was just for the side yard setbacks and the applicant did not state of any improvements to the deck just the addition to the side yard.

There was discussion concerning the existing deck encroaching into the rear yard setbacks.

Mr. Rainey made a motion to approve the Variance due to the size of the lot, but this motion does not include the existing structures, seconded by Ms. Webster. Motion passed unanimously.

- 3. Kyle Mahaney** is requesting a Hardship Variance for a relative to live in an existing structure on subject property due to unforeseen circumstances. Subject property is located at **2530 Long Hollow Pike, Hendersonville, TN 37075**, is on Tax Map 123, Parcel 013.00, is zoned Residential 1A, contains 4.93 acres, and is in the 7th Commission Voting District (Loren Echols and Trish Lemarbre).

This item was deferred at the July meeting.

Mr. Suddath stated that this item was deferred at the July Board of Zoning Appeals meeting in order for Mr. Mahaney to complete some requirements requested by the Board. Those items included:

- Septic permit be obtained **(Complete)**
- Applicant and staff explore possibility of subdividing per applicant **(Not feasible due to financing issues)**
- Staff visit premises and look at residential improvements. Planning and Codes visited site July 23:
 - Building is not finished, and all required areas are uncovered and can be inspected. County cannot certify that foundation has been properly installed and other improvements are properly installed
 - Requested that applicant coordinate all inspections at his expense with a licensed engineer or other professional and provide letter from that individual to the County. **(Had not been completed at the time of meeting)**

Mr. McKee opened the floor for the public hearing.

After confirming that no one else in the audience wished to speak, Mr. McKee closed the public hearing.

Mr. Mahaney came forward along with his mother-in-law, Dorothy Crabtree, to explain this request.

Mr. Rainey stated to Mr. Mahaney that subdividing his property would not involve the transfer of money just making a new parcel.

Mr. Mahaney presented to Mr. Suddath a letter from his bank related to a potential subdivision of the property. Mr. Suddath read the letter to the Board.

Mr. Rainey stated the only issue this would cause is if Mr. Mahaney would want to sell the property and at that time he would have to get the permission of the bank to sell one of the parcels since both parcels would be in Mr. Mahaney's name.

Mr. Rainey stated that his concern was that once the hardship is no longer needed, the living area must be torn out under the supervision of the County Codes Department.

Ms. Crabtree stated that the only way she would no longer live in the dwelling would be if she should pass away. Ms. Crabtree stated that Mr. Mahaney has no problem with taking the living area out if she should pass away and use that area as storage. Ms. Crabtree asked Mr. Rainey if Mr. Mahaney would have a problem selling this, if he wanted too, as two pieces of property.

Mr. Rainey stated that it usually is not an issue.

Motion to approve the continuation of the Hardship Variance by Mr. Rainey with the following conditions:

- The building passing all required inspections, which are to be conducted by a licensed professional at the applicant's expense.**
- The applicant paying all applicable county fees, to include building permit and impact fees.**

seconded by Mr. Dickerson. The motion was not unanimous, therefore a vote was taken:

Mr. McKee – Yes Mr. Rainey – Yes Ms. Webster – Yes

Mr. Dickerson – Yes Mr. Jones – No

- 1. Long Hollow Baptist Church** is requesting a continuation for a Conditional Use Permit granted on April 12, 2012, to use subject property as a proposed overflow parking lot. Subject property is located at **3031 Long Hollow Pike, Hendersonville, TN**, is on Tax Map 123, Parcel 047.02, containing 5 acres, is zoned RA, is zoned RA, and is in the 7th Commission Voting District (Loren Echols and Trish Lemarbre).
Adjoining property owners were notified by regular mail.

Mr. Suddath stated that in 2012, the BZA granted a variance from the County's regulations related to landscape islands, site lighting, vegetative buffers, curbing and stormwater management. This lot was planned to be gravel, and would accommodate 400+ vehicles for Long Hollow Baptist Church with the intentions of building the parking lot out to county standards at a future date. Mr. Suddath stated that the church has renewed their lease with the current owners, the church is obligated to maintain the site, but is not obligated to improve the property to county standards. At this time the parking lot has been paved with asphalt, has been striped, and that stormwater improvements around the site have been made.

Mr. McKee opened the floor for the public hearing.

After confirming that no one else in the audience wished to speak, Mr. McKee closed the public hearing.

Mr. Jim Harrison, Civil Site Designs, came forward to explain and represent this request. Mr. Harrison stated that the property owners is incorrect on the GIS and is not Sumner 2000, LLC but is Tennessee Homes, LLC.

Mr. Rainey stated that at the previous meetings, the Board had approved a dust free parking variance. The reason for this was that the church did not know how much they would use it, to save money, and for additional development on this property. Since, there has not been any new development, and the parking lot has been paved and striped.

Mr. Rainey asked Mr. Suddath if the Planning Commission has seen this site plan.

Mr. Suddath stated that to his knowledge, the Planning Commission has not seen a site plan from the church.

Mr. Harrison stated that a full construction plan with drainage calculations was presented to the county some time ago.

Mr. Rainey asked Mr. Harrison if the site plan for 400 vehicles was ever submitted to the Planning Commission.

Mr. Harrison stated that all plans were submitted to staff for review.

Mr. Rainey asked Mr. Suddath if he knew who reviewed the plans.

Mr. Suddath stated that he did not know who reviewed the plans, but it likely would have been one of the engineers that the County usually uses.

Mr. Rainey stated that since the plans may have or may not have been looked at and since the floodway crosses this parking lot, he has many concerns about this site. Mr. Rainey stated that the plan the church submitted showed the floodway being moved out of the way before they did any improvements to the parking lot. Mr. Rainey stated that he looked today and FEMA has not recognized a map revision on this area.

Mr. Harrison stated that the map revision has been approved by FEMA as a condition and will not act upon this until the grading is done. Mr. Harrison went on to say that they researched dust free solutions that was requested by the BZA in 2016 and decided that a thin layer of asphalt would be better. Mr. Harrison stated that the parking lot is used on Sunday morning for church, various events, and school graduations so they felt the striping of the parking lot was a necessity.

Mr. Dickerson stated that he was a member of the Shackle Island rescue and when storms come through they go out and monitor flooded areas. Mr. Dickerson stated that earlier this year, they cut through the parking lot of Long Hollow Baptist and the parking lot was a sheet of water and the detention pond was overflowing. Mr. Dickerson asked Mr. Harrison what was going to happen to the floodway when the second section goes in.

Mr. Harrison stated that the southern part of the parking lot is not in the floodway, it's the northern part that is. Mr. Harrison stated that he understood Mr. Dickerson's concern but stated that the northern portion of the parking lot is used for overflow parking only and is gated off until it is used.

Mr. Suddath stated that staff looked through the file and did find the drainage calculations that Mr. Harrison noted and spoke to TDEC to see if they have been following their regulations. Mr. Suddath stated that all of these were in order.

Mr. Rainey asked Mr. Suddath if he had found any documentations of where a Land Disturbance had been issued from the county.

Mr. Suddath stated that a Land Disturbance Permit was issued by staff of the department. Mr. Suddath stated that since there were no notes in the file, he was not sure if the calculations were looked at by an engineer.

Mr. Rainey asked Mr. Harrison if there was a plan in place for safety in case a flooding event took place while the overflow parking lot was being used on a Sunday morning.

Mr. Harrison stated that since the southern part of the parking lot is not in the floodway, and only a minimal part of the northern part is in the floodway, a berm has been put in place to help with the flow of the water.

Mr. Rainey asked Mr. Harrison if he knew how deep the water got in the parking lot with our last flooding event.

Mr. Harrison stated that he did not.

Mr. Rainey stated that it was his understanding that if you built anything in the floodway you had to prove that it was not going to impact the drainage system. Mr. Rainey asked Mr. Harrison if the berm in the floodway would do this.

Mr. Harrison stated that was part of the conditional letter of map revision. The letter of map revision shows all the area to be filled above the 100 year flood plan and this was approved before the new bridge was built over to New Shackle Island Road.

Mr. Rainey asked Mr. Harrison about lighting in the parking lots for events after dark.

Mr. Harrison stated that the property owners had preferred not to put in lighting at this point because they are not sure what might be built in that area in the future. Mr. Harrison stated that right now the parking lot is only used for overflow parking. Mr. Harrison stated that they have installed sidewalks at the two access points for safe pedestrian walkways.

Mr. Rainey stated that staff had noted that the church could be relinquished from the lease with a 30 day notice.

Mr. Suddath stated that the property owner can notify the church and let them know that they want portions of the leased parcel, in order to utilize it for development.

Mr. Harrison stated that the intent is to deed over that piece of the parcel over to the church.

Mr. Rainey stated that he is not comfortable approving this with no record of a county consultant looking at the plans, the Planning Commission has not seen this site plan, and the same questions are being asked that was asked 6 years ago. Mr. Rainey stated that now there is a layer of asphalt on the parking lot and all the questions are still there.

Mr. Rainey asked Mr. Suddath if it would be beneficial to give staff time to work with the applicant to get these issues worked out.

Mr. Suddath stated that the drainage calculations were turned in and they would need to determine what the next appropriate steps would need to be taken since commercial site plans are not addressed in great detail in the zoning resolution, particularly for parking lots without accompanying structures.

Mr. Harrison stated that he has letters from TDEC and FEMA to show that they followed up on everything that was asked.

Mr. Rainey stated with all the drainage issues in that area, citizens are very concerned with these outcomes and he wanted to make sure that the Board and the county does everything possible to make this right.

Mr. Harrison stated as a good follow up he would like for staff come out and look at what has been done and if anything needs to be done.

Mr. Suddath stated that with the way the initial Conditional Use Permit was requested, he feels that the applicant's intentions were to check off all requirements to satisfy everyone.

Mr. Rainey stated to Mr. Harrison that the asphalt will be torn up once lighting and curbs are installed. Mr. Rainey asked how much asphalt was laid.

Mr. Harrison stated that it was an inch and a half and conduits we put in place because they knew at some point that lighting would need to be installed.

Mr. Rainey made a motion to continue the Conditional Use Permit until the January 10, 2019 meeting so no interruptions with the church will happen and give the applicant time to start come of the things on the checklist such as landscaping and drainage, seconded by Mr. Dickerson. Motion passed unanimously.

Motion to adjourn by Mr. Jones, seconded by Mr. Dickerson. Motion passed unanimously.

Meeting Adjourned at 6:10 p.m.

