

**SUMNER COUNTY BOARD OF ZONING APPEALS
MINUTES
MARCH 12, 2020**

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

MEMBERS PRESENT:

SANDY WEBSTER, VICE-CHAIRMAN
MAC HOLT
MATT STAMPER
SHAWN UTLEY

MEMBERS ABSENT:

BRUCE RAINEY, CHAIRMAN

STAFF PRESENT:

JOSH SUDDATH, DIRECTOR OF DEVELOPMENT SERVICES
KATHY YOUNG, ASSISTANT TO THE DIRECTOR
MARSHALL WRIGHT, CODES DIRECTOR

Ms. Webster called the meeting to order.

APPROVAL OF FEBRUARY MINUTES

Mr. Utley made a motion to approve the February minutes, seconded by Mr. Holt. Motion passed unanimously.

Ms. Webster turned the meeting over to Mr. Suddath for staff presentation.

- 1. Tina Earp** was requesting a Conditional Use Permit to utilize Cluster Residential Development (subdivided) provisions, contained in Article VI, Section 5 of the Sumner County Zoning Regulations, for the purpose of creating a 310-lot Duplex Development on the subject property. Subject property is located at **Dobbins Pike, Gallatin, TN, 37066**, is on Tax Map 104, Parcels 025.00, 026.00 and 027.00, contains 384.6 acres, is zoned Residential 1A (R1A) and Gallatin Planning Region (Ga PR) and is in the 3rd Voting District (Alan Driver and Steve Graves). **This was a public hearing and was advertised in the Gallatin News on February 27, 2020. The adjoining property owners were notified by certified mail.**

Mr. Suddath requested that anyone wishing to speak to any item on the agenda, please sign up on the sign in sheet.

Mr. Suddath provided an overview of the property, displayed the map of the property, containing three parcels, totaling 384.6 acres.

Mr. Suddath stated that there have been numerous calls and emails concerning this request, then displayed the Public Notice that was printed in The Gallatin News.

At this point, Mr. Suddath provided an overview of the applicant's proposal, stating that they are seeking to gain approval of a 310 lot duplex development, adding that:

- The development calls for a minimum lot size of 24,000 square feet
- This minimum lot size is smaller than the 47,500 square foot minimum established for the R1A Zoning District for Duplexes (Two Family Dwellings)

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- R1A Minimum lot size: 40,000 square feet, Plus 7,500 square feet for each additional dwelling unit (Article VI, Part 7)
- The applicant is seeking to utilize provisions of the County Zoning Resolution related to Cluster Residential Developments
- Cluster Residential Developments are a use permitted upon appeal to the Board of Zoning Appeals.

Mr. Suddath then explained the role of the Board of Zoning Appeals in this process, stating that they are tasked, within State Law and the County Zoning Resolution, with hearing requests for “Special Exceptions” or as they are also known locally, “Conditional Use Permits”. Mr. Suddath emphasized that the role of the Board is to determine whether the application meets the requirements of the County Zoning Resolution.

Mr. Suddath stated that although state law is vague on the specifics of how this looks in practice, the Courts provide a good deal of guidance to Boards of Zoning Appeals in Tennessee on the limits of their authority. Mr. Suddath added that the Tennessee Chapter of the American Planning Association provides relevant training each year.

Additionally, Mr. Suddath stated that some rules for special exceptions include: The board may not act in a legislative capacity, the special exceptions are permitted uses, and the board cannot refuse to grant the special exception when the applicant proves that all required conditions and standards have been met.

At this point, Mr. Suddath provided four examples of Court rulings, within Tennessee, in which the courts overturned the BZA rulings, based upon the aforementioned rules.

Mr. Suddath then displayed the Sketch Plat and an Application Summary.

Delving into this request, Mr. Suddath stated that the first question the BZA must ask is whether the proposed use is allowed in the R1A District. Citing the Sumner County Zoning Resolution, Article VI, Section 7.1, Mr. Suddath stated that yes, duplexes (two-family dwellings) are allowed in the R1A Zoning District.

Secondly, Mr. Suddath stated that the BZA must determine if the Applicant may utilize “Cluster Residential Development” provisions of the County Zoning Resolution within the R1A Zoning District. Mr. Suddath stated that, yes, Cluster Residential Developments are allowable upon appeal to the Board of Zoning Appeals provided that all applicable conditions contained in the County Zoning Resolution are met.

The third question before the BZA, stated Mr. Suddath is: Has the Applicant satisfied the applicable requirements for “Cluster Residential Developments” contained in the County Zoning Resolution?

Mr. Suddath answered that Staff has reviewed the materials provided and has determined that the applicant has submitted a complete application.

Mr. Suddath added that:

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- It is incumbent upon the applicant to provide proof that they have met all requirements within their submittal package.
- It is incumbent upon the BZA to examine the submittal in order to determine whether all applicable conditions have been satisfied. Mr. Suddath explained that when a use is permitted upon appeal, the Board of Zoning Appeals must consult the Zoning Resolution to find applicable Development Standards for the proposed use and the BZA must determine if the information provided by the applicant meets these criteria, which are referred to as the “development requirements”.

Mr. Suddath then displayed a summary of Development Requirements for Cluster Residential Developments from the Zoning Resolution.

Displaying the Application Summary, Mr. Suddath compared the County Zoning Code Cluster Development Provisions to the Applicant’s Submittal. Mr. Suddath explained that the application meets Zoning requirements of:

- * minimum number of dwelling units
- * maximum density
- * minimum lot size and setbacks
- * structure location requirements
- * open space.

The final and fourth question that the BZA must answer, according to Mr. Suddath is, whether the applicant has satisfied the 8 requirements of Uses Permitted upon Appeal, as set forth in Zoning Resolution Article XIII, Section 4.2. Mr. Suddath stated that duplexes and single-family dwellings are equivalent, and both are allowed by right in the R1A zone according to the Sumner County Zoning Code.

Mr. Suddath stated that the applicant provided a letter of compliance to those 8 requirements, today, adding that all BZA members were given a copy prior to the meeting.

Mr. Suddath also entered into the record, a copy of a rezoning determination letter he sent to the applicant earlier this year.

Mr. Suddath mentioned some potential questions for the applicant, which include:

How are the portions of the submittal that are in the Gallatin Planning Region taken into account?

How is the public ROW taken into account?

Where is the location of the STEP System?

Where do they stand with regards to TDEC approval?

Mr. Suddath concluded his presentation with example motions.

Mr. Suddath stated that the applicant’s representative, Andy Leath, with GreenLID Design, is in attendance. Mr. Suddath stated that he would defer to Mr. Leath for an explanation of the Open Space Calculations.

Mr. Andy Leath, GreenLID Design, came forward and began by explaining the Density Calculation. While there are several ways to arrive at the density, Mr. Leath stated that he derived the calculation by taking 310 lots divided by 384 acres, to equal .81 density. Mr. Leath added that regardless of how this is calculated, they are far below the maximum density of 7

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units per acre, allowed by the county, for Cluster Developments. Mr. Leath went on to explain other ways to calculate this, stating that if, looking at the 620 dwelling units, divided by 384 acres, that equates to 1.61 density, or if you take 620 dwelling units and divide by the acreage restricted to lots, that produces the highest density, which is just under 3 dwelling units per acre. Mr. Leath stated that he is willing to show the density calculations, on the final plans, in any way required by Mr. Suddath.

With regards to Open Space Calculations, Mr. Leath stated that with 384.6 total acres, 208 acres in lots, the remainder of 134.2 acres is Open Space, which meets the minimum requirement of 130.04 acres. Mr. Leath added that the 42 acres in the ROW is not taken into account in the Open Space Calculation.

Mr. Leath stated that the Public ROW is not included in the calculations.

Addressing the STEP System, Mr. Leath stated that it could be located in the 134 acres of open space. Mr. Leath added that, at this point, it is premature to do an exploration of the soil area, but if granted the Special Exception, soil work will be done prior to submitting a Preliminary Plat. Mr. Leath then addressed the area of the development within the Gallatin Planning Region, stating that it is essentially left in the Open Space.

Mr. Leath stated his willingness to entertain questions.

Mr. Utley asked if there had been a traffic study.

Mr. Leath answered that the city of Gallatin has been given a traffic study along with a submittal of a more intense development for this property, at which point, Mr. Leath mentioned the interlocal agreement that is in discussion between the County and the City.

Mr. Utley asked about findings of the traffic study.

Mr. Leath stated that the traffic study shows that Dobbins Pike needs improvements, there was a requirement for a bridge over the railroad as well as new turning lanes.

Mr. Holt commented that this plan shows no changes to Dobbins Pike.

Mr. Leath stated that road improvements may be warranted if they move forward with these plans.

Mr. Utley asked about trash pickup.

Mr. Leath stated that the trash pickup would be done through a private company that the HOA would oversee.

Mr. Utley asked about the development's general compatibility.

Referencing the landscape and the diversity of structures within the area, Mr. Leath stated that, with the open space and larger lot sizes, this development is compatible.

Mr. Utley asked what impact the addition of 310 duplexes will have on school attendance.

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Mr. Leath stated that is unknown, but with potentially 2 children per unit, there could be an increase of 600 children within the area that would go to Benny Bills School.

Mr. Holt asked for provisions and arrangements regarding parking within the development.

Mr. Leath stated that each lot will have adequate depth for 2-4 cars at each duplex.

Mr. Holt asked for clarification of the number of cars per unit that could be stored.

Mr. Leath stated that 2 parking spaces per unit are planned.

At this time, Ms. Webster opened the floor for Public Hearing.

Mr. Suddath called the first speaker forward.

Mr. Reggie Mudd, 440 N. Water Avenue, Gallatin, stated approval of this development, stating Ms. Earp's right to develop her property. Mr. Mudd requested a decision tonight, with no deferral.

Mr. Suddath introduced the next speaker, Gayla Zoz.

Ms. Gayla Zoz, 985 Crater Lake Court, Gallatin, spoke in favor of this development, stating that this development is within the boundaries of the ordinance.

Mr. Suddath called the next speaker, Cristy Allen, forward.

Ms. Cristy Allen, 104 Vineyards Court, Gallatin, stated that this development does not seem to be compatible with the neighboring areas. Ms. Allen stated concerns of an increase in school attendance, traffic problems, Dobbins Pike and the STEP system.

Ms. Allen then read written comments from Leanna Thomas, expressing her stand against this being presented while there is a pending interlocal agreement between the city and county.

Mr. Suddath introduced the next person who had signed up to speak.

Mr. Dave Dozier, 567 Dobbins Pike, Gallatin, voiced his opposition, stating that he is very concerned that this request is concurrent, with an interlocal agreement pending. Mr. Dozier raised concerns that this development will ruin the rural way of life, degrade the north entrance to the city, and create infrastructure problems regarding schools and traffic. Mr. Dozier restated that he is absolutely opposed to this duplex development request.

Mr. Suddath introduced the next speaker, Mr. Joe Wallace.

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Mr. Joe Wallace, 445 Wallace Road, Gallatin, stated that he is in favor of cluster developments, with greenspaces, such as this one, explaining that these are needed to accommodate the housing for our growing population.

Mr. Suddath introduced the next person wishing to speak.

Mr. Rus Ranear, 199 Ranear Lane, Gallatin, stated that, understanding this property will be developed at some point, he is in favor of this being annexed by the city. However, if it is not annexed, he is in favor of the Tina Earp's rights to develop the land as she wishes.

Mr. Suddath called the next speaker forward.

Mr. Jeremy Mansfield, Commissioner of District 11, asked if the property is in the Gallatin Planning Region or the Urban Growth Boundary.

Mr. Suddath explained that the entirety of the property is located within the City of Gallatin's Urban Growth Boundary, which means the city has the ability to annex it. Mr. Suddath stated that the Urban Growth Boundary is required by state law, and guides the maximum extent that the city can grow in the future. Mr. Suddath added that the southern portion of the property is in the Gallatin Planning Region, where the city has zoning jurisdiction.

Mr. Mansfield asked about the northern portion of the property.

Mr. Suddath stated that the northern two-thirds of this development is outside of the Gallatin Planning Region, but within the Gallatin Urban Growth Boundary, adding that the southern portion is in the Gallatin Planning Region.

Mr. Mansfield stated that if this comes before him on the County Commission, he will vote "No" on any Interlocal Agreement between Gallatin and Sumner County. Mr. Mansfield stated that the number one problem within the County is funding for schools. Mr. Mansfield stated that the only plan to fund schools is to raise taxes, something he is against doing.

Mr. Mansfield stated that duplexes do not fit into this landscape, but .92 acre lots with single dwellings do. Mr. Mansfield asked if the proposed zoning resolution were to be approved, wouldn't this duplex development be a moot point.

Mr. Suddath stated that yes, if the new Zoning Code is adopted, this cluster development would not be allowed, however, under the existing Zoning Code, it is allowed.

Given that information, Mr. Mansfield stressed that, if the new Zoning Regulations are passed, we are only one week away from this type of development being not allowed. Mr. Mansfield added that, The 2006 County Powers Relief Act is a state law that forbids the collecting of educational impact fees, therein, putting high growth counties at a disadvantage. Therefore, Mr. Mansfield stated that he is against this development moving forward as proposed.

Mr. Suddath introduced the next speaker.

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Mr. Robert Ream, 463 Dobbins Pike, Gallatin, stated that of all the possibilities for development of this property that have been considered, while he doesn't want it, the Meadows is a good option and spoke in favor of it.

Mr. Suddath called the next speaker forward.

Ms. Tonya Dozier, 567 Dobbins Pike, Gallatin, stated opposition to The Meadows, stating concern of traffic, potentially 620 homes with 2 cars each, for a total of 1240 more cars. Ms. Dozier also expressed concern of buffers and entrances for the development.

Mr. Suddath introduced the final person who signed up to speak.

Mr. John Miller, 104 Pond Drive, Gallatin, expressed the need in Sumner County for affordable housing, stating that a resident of Sumner County, making the average income, will not be able to buy a duplex.

There being no one else wishing to speak, Ms. Webster closed the public hearing.

Mr. Utley asked how the Interlocal Agreement could effect this Board.

Mr. Suddath explained that the applicant is petitioning, concurrently, the annexation of a portion of the property into the city while asking that this proposed development be approved by the County. Mr. Suddath stated that, while unusual, it is legal to submit parallel application to two jurisdictions. Therefore, Mr. Suddath pointed out, that it is the duty of the County BZA to rule on the presented application, solely based on what is before them, and not based upon any other applications submitted to any other jurisdictions.

Mr. Utley asked about the next steps.

Mr. Suddath stated that if this request is granted, it will go before the Regional Planning Commission as a Sketch, Preliminary and then Final Plat.

Mr. Utley asked how this is to be handled with one-third of the development being in the city's Planning Region.

Mr. Suddath stated that the city may have to be involved, depending on what is placed within that portion of the property.

At this point, Mr. Utley stated that while emotions are strong, this is a technical board, and it appears that 7 of the 8 requirements have been met. Mr. Utley stated that the eighth requirement of compatibility, raises questions, and therefore asked if this type of development might set precedent for the County.

Mr. Suddath stated that the Board of Zoning Resolution treats single-family dwellings and duplexes identically, thereby being considered a use allowed by right in most zoning districts.

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Mr. Utley asked about the ingress/egress.

Mr. Suddath stated that the current zoning code doesn't require a traffic study, but the County Engineer is an invaluable asset. Mr. Suddath stated that the Planning Commission does request traffic studies, though they are not a technical requirement within the zoning resolution.

Mr. Utley asked what are the checks and balances for a traffic study with the current zoning code.

Mr. Suddath stated that there are very few checks and balances currently, adding that the Planning Commission does request traffic studies when they feel they are necessary.

Mr. Holt asked how to determine the adequacy of egress in the absence of a traffic study.

Mr. Suddath deferred to the design engineer for this project and added that there are basic engineering practices that any engineer would need to ensure are met in designing this or any other project.

Mr. Holt asked if the applicant has provided any traffic analysis.

Mr. Suddath stated that no traffic study documentation has been provided and added that the current zoning resolution does not seem to grant the authority to request it on this type of a straight zoning, non-PUD application.

Ms. Webster asked how a Variance could be asked for when nothing has been submitted.

Mr. Suddath stated that, at this level, a Sketch is what is required, adding that there is no requirement within this portion of the zoning resolution for utility availability, traffic study, etc.

Mr. Stamper stated that he has issues with Items #1 and #8, adding that with antiquity of the existing Zoning Code and lack of precedent, he feels we have a right to know more about the adequacy of ingress/egress for this development.

Mr. Andy Leath, GreenLID Design, came forward to explain that the development has access to several county streets, including Gibbs Lane, Computer Lane and Cobbs Lane. This application will require an application with TDOT, Mr. Leath stated.

Mr. Stamper asked, if to exit the property from the northwest portion, must a resident drive through the entire development.

Mr. Suddath stated that yes, that is what is being proposed.

Mr. Suddath suggested that the county should look at the possibility of adopting a fire code in the near future, adding that Sumner County is behind in this type of requirement.

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Mr. Stamper asked Mr. Suddath if, in regards to requirement #8, compatibility, does this development meet this requirement.

Mr. Suddath stated that while vague, and partially a judgement call, the Zoning Code lists duplexes as compatible with single-family dwellings and Cluster developments are permissible, if all the Zoning requirements are met.

At this time, Mr. Holt left.

Mr. Stamper asked if the size of the lots or the density should be taken into account when determining compatibility.

Mr. Suddath stated that the overall density is compatible with the R1A Zoning.

At this point, there was discussion as what is considered to be the comparable district vicinity.

Mr. Holt returned to the meeting.

Mr. Utley asked about cul-de-sac restrictions.

Mr. Suddath stated that there is a maximum length requirement of 1250-1500ft. for cul-de-sacs within the County Subdivision Regulations.

Mr. Utley made a motion to approve a request for a Conditional Use Permit (Special Exception) for the Property located at Tax Map 104, Parcels 025.00, 026.00 and 027.00 with the following conditions:

a) Applicant shall obtain Sketch, Preliminary and Final Plat approvals from the Sumner County Regional Planning Commission in accordance with all requirements contained in the County Subdivision Regulations and Stormwater Management Resolution prior to the issuance of any land disturbance or building permits for the site.

b) Applicant shall obtain all required permits from the State of Tennessee related to Subsurface Waste Disposal prior to the submittal of a Preliminary Plat for this development,

seconded by Mr. Holt. Motion passed with a vote of 3-1 with the following votes:

For:

Webster

Utley

Holt

Against:

Stamper

Ms. Webster turned the meeting over to Mr. Suddath for staff presentation.

- 2. BAKER, DONELSON, PC, on behalf of Verizon Wireless Communications, are requesting a Conditional Use Permit to construct a wireless communication tower. Subject property is located at 2992 Hwy 109 North, Portland, TN, 37148, is on Tax Map 059, Parcel 087.11, contains**

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14.68 acres, is zoned Agricultural (A) and is in the 4th Voting District (Jerry Foster and Leslie Schell).

This is a public hearing and was advertised in the Gallatin News on February 27, 2020. The adjoining property owners were notified by certified mail.

Mr. Suddath provided an overview of the property, stating that there have been several inquiries regarding this request. Mr. Suddath provided an aerial photo of the property, street-view photos, the Public Notice and the Site Plans submitted by the applicant.

Mr. Suddath explained that regarding this request:

- A complete set of construction plans have been submitted by the applicant.
- Fall radius is provided on submitted plans. No residential or other structures located within fall radius as is required by County Zoning Resolution.
- The applicant has provided a point by point zoning compliance letter providing documentation of compliance with each applicable requirement contained in the County Zoning Resolution.

Mr. Suddath explained that although the County Zoning Resolution does not indicate that cell towers are allowed as a permitted use, guidelines are in place for the placement of those towers. Mr. Suddath added that we are preempted by the Federal Legislation, Telecommunications Act of 1996, which states that local governments may not prohibit construction of personal wireless service facilities or cell towers, and would therefore be allowed in all districts in Sumner County. Mr. Suddath stated that per federal legislation, local governments may not regulate cell towers on the basis of the environmental or health impacts of radio frequency emissions.

Mr. Suddath also stated that case law indicates that any argument that property values would be diminished by the presence of a cell tower, must be supported on the record, by the findings of a licensed property appraisal specialist.

Next, Mr. Suddath displayed the Site Plan depicting the placement and Fall Radius of the tower which is 199' tall, including the pedestal.

Mr. Suddath concluded his presentation by explaining the next steps, if approved, which include obtaining a building permit.

Mr. Joel Hargis, representative with Baker-Donelson, stated the need for Verizon coverage in this part of the county. Additionally, Mr. Hargis stated that the Aerospace study has been filed with the FFA, and that takes generally 6-8 weeks to be done.

At this point, Ms. Webster opened the floor for Public Hearing.

Mr. Suddath introduce the first person who signed up to speak, Daniel Grover.

Daniel Grover, 216 Highland Drive, Portland, stated opposition to the request, stating that he provided copies of various documents, to the Board members, today, related to the dangers of cell phone towers.

Mr. Grover asked several questions regarding the type of tower and the height of the tower.

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Mr. Grover expressed concern for the health problems of brain cancer, dementia and Alzheimer's that could be caused from the waves emitted by cell towers. Mr. Grover also stated concern of decrease of property value.

Mr. Grover added that the FCC regulates that a cell tower be placed a minimum of 1000 feet from residences, if it is higher than 80' tall. Mr. Grover stated concern that the tower is proposed to be just around 700 feet from his house, and around 400 feet from a neighbor's house.

Mr. Grover asked that this request be denied.

Mr. Suddath stated that he wants it entered into the record that Mr. Grover submitted documents regarding the dangers of cell towers as well as a petition signed by neighbors in opposition to the cell tower request.

Mr. Stamper asked Mr. Suddath for BZA guidelines regarding cell tower requests.

Mr. Suddath restated that Federal Law states that the concern of health or environmental impacts related to cell towers, may not be taken into account.

Mr. Grover asked that the property owner consider moving the cell tower to the other end of the property.

At this point, Mr. Suddath called the next speaker forward.

Mr. Daniel Byard, 219 Highland Drive, Portland, stated opposition, expressing concerns of radiation, property value diminishing, distance between the tower and houses, and esthetics.

Mr. Suddath called the next speaker forward.

Susan and Dave Swatzell, 300 East Boiling Springs Road, Portland, stated concern of health risks. Mr. Swatzell added that while the Federal government trumps the local authority regarding cell towers, he feels that the local authority should be able to suggest a location away from the houses.

Mr. Suddath introduced the next speaker.

Tina Byers, 219 Highland Drive, Portland, expressed opposition, stating that while the applicant is within the guidelines, what about the human factors, such as health risks.

There being no one else signed up to speak, Ms. Webster closed the Public Hearing.

Mr. Stamper asked if the BZA has any latitude regarding the location of the placement of the tower.

Mr. Suddath stated that the BZA must make a determination based on what has been requested by the applicant.

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Mr. Stamper stated that while he sympathizes with the neighbors, and doesn't dismiss the health concerns, the BZA legally has a responsibility to rule on this request.

Mr. Stamper made a motion to approve a request for a Conditional Use Permit for Verizon Wireless to construct and operate a cell tower at 2992 Hwy 109 North with the following conditions:

- a) Applicant shall submit a letter from a licensed engineer certifying that the tower meets most recent design requirements and standards of the Electronics Industries Association with application for a building permit;
- b) Applicant shall submit a "Determination of No Hazard" letter from the Federal Aviation Administration concurrent with application for a building permit;
- c) Applicant shall obtain a Land Disturbance Permit from the County and shall pay any Construction Inspection Fees upon application for a Building Permit.

Mr. Utley referred to the eight items that must be met, stating that there is no buffer or screening on the submitted site plan.

Mr. Hargis stated that they were intending to use the existing foliage as a buffer to the east, stating that they have no problem adding landscaping, if required, stating that Leland Cypress is usually used in this area of the country.

Mr. Suddath stated that the screening buffer could be added as a condition of approval.

Mr. Hargis stated that in the Zoning Resolution, Residential Section IV states that where the tower abuts, contiguous to a residential zone, there shall be a solid screening of evergreen, not less than 6 feet in height at the time of planting. This being zoned Agricultural, Mr. Hargis said this was not taken into account, but would do so if requested by the BZA.

Mr. Stamper added to the motion:

- d) Applicant must plant evergreen screening around the entire perimeter.

Mr. Holt expressed concern with the fall radius in relation to Highway 109.

Mr. Suddath referred to the submitted site plan and stated that the Highway appears to be approximately twice the distance of the fall radius.

Mr. Wright asked if there were any plans to co-locate on this tower, if approved.

Mr. Hargis stated that there are spaces for 3 additional carriers to co-locate on this tower and within the lease area.

Mr. Wright asked if these would exceed the requested height, as presented.

Mr. Hargis answered that no, they would not exceed this height.

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Mr. Stamper repeated his motion to approve a request for a Conditional Use Permit for Verizon Wireless to construct and operate a cell tower at 2992 Hwy 109 North with the following conditions:

- a) Applicant shall submit a letter from a licensed engineer certifying that the tower meets most recent design requirements and standards of the Electronics Industries Association with application for a building permit;**
- b) Applicant shall submit a “Determination of No Hazard” letter from the Federal Aviation Administration concurrent with application for a building permit;**
- c) Applicant shall obtain a Land Disturbance Permit from the County and shall pay any Construction Inspection Fees upon application for a Building Permit.**
- d) Applicant must plant evergreen screening around the entire perimeter, seconded by Mr. Utley.**

Motion passed unanimously.

- 3. Mary Elizabeth Nelson** is requesting a continuation of a Conditional Use Permit granted on February 8, 2018, to conduct an event venue on the subject property to host weddings, family reunions, picnics, etc. Subject property is located at **300 Hurt Road, Hendersonville, TN 37075,** is on Tax Map 139, Parcel 082.00 contains 74 acres, is zoned Residential and is in the 11th Voting District (Scott Langford and Jeremy Mansfield).

The adjoining property owners were notified by mail.

Mr. Suddath announced that today, the property owner, Mary Elizabeth Nelson, notified staff that they had to go out of town, and therefore asked the will of the board.

Stating that he was not on the Board at the time that this permit was originally granted, **Mr. Stamper made a motion to defer until next month, when the applicant can be in attendance, seconded by Mr. Holt.**

Motion passed unanimously.

There being no further business before the board, the meeting was adjourned at 7:11 pm.