

**SUMNER COUNTY BOARD OF ZONING APPEALS
MINUTES
March 11, 2021
5:00 p.m.**

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

MEMBERS PRESENT:
BRUCE RAINEY, CHAIRMAN
SANDY WEBSTER, VICE-CHAIRMAN
MAC HOLT

MEMBERS ABSENT:
MATT STAMPER
SHAWN UTLEY

STAFF PRESENT:
JOSH SUDDATH, DIRECTOR OF DEVELOPMENT SERVICES
KATHY YOUNG, ASSISTANT TO THE DIRECTOR OF DEVELOPMENT SERVICES
MARSHALL WRIGHT, DIRECTOR OF BUILDING AND CODES

Mr. Rainey called the meeting to order, stated that there are two members absent and declared that with three members present, there is a quorum.

Mr. Rainey first addressed the Consent Agenda, stating that as each requestor name is called, either a board member or requestor could ask that that item be moved to the Regular Agenda.

Mr. Rainey asked for approval of the February Minutes.

Ms. Webster made a motion to approve the February 2021 Minutes, seconded by Mr. Holt. Motion passed unanimously.

At this time, Mr. Rainey read the Consent Agenda items.

CONSENT AGENDA:

- 1. David and Yvonne Pierson** were requesting a continuation for the Conditional Use Permit granted on September 11, 2014, to conduct a screen printing business in a 30X50 detached building. Subject property is located on **3760 Highway 76, Cottontown, TN 37048**, is on Tax Map 074, Parcel 029.00, contains 5.00 acres, is zoned Rural Residential (RR) and is in the 12th Commission Voting District (Michael Guthrie and Justin Nipper).
The adjoining property owners were notified by regular mail.

Mr. Holt requested that the Pierson item be moved to the Regular Agenda.

Mr. Rainey continued reading the items.

- 2. Don G. Mercer, Owner of THE PICK INN**, was requesting a continuation of a Conditional Use Permit granted on March 9, 2017 to conduct an event venue. Subject property is located at **550 Zieglers Fort Road, Gallatin, TN 37066**, is on Tax Map 128, Parcel 040.02, contains 12.49 acres, is zoned Rural Residential (RR), and is in the 3rd Commission Voting District (Alan Driver and Steve Graves).

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The adjoining property owners were notified by mail.

Mr. Rainey stated that he would like the Don G. Mercer item moved to the Regular Agenda, then continued to read the remaining agenda items.

3. **David and Benita Newland** were requesting a continuation of a Hardship Variance granted on March 14, 2019, for a relative with medical circumstances to live in an existing structure with plans to construct a second single family dwelling on the subject property to care for the relative. A stick-built home was constructed on the property in October 2019. Subject property is located at **120 Mitchell Road, Portland, TN 37148** is on Tax Map 072 Parcel 061.00, contains 3.80 acres, is zoned Rural Residential (RR), and is in the 3rd Commission Voting District (Alan Driver and Steve Graves).

The adjoining property owners were notified by regular mail.

4. **Larry and Cindy Gillihan** were requesting a continuation of a Hardship Variance for a relative to live in a mobile home on the subject property due to medical circumstances. Subject property is located at **250 Keytown Road, Portland, TN 37148** is on Tax Map 071 Parcel 028.01, contains 5.09 acres, is zoned Rural Residential (RR), and is in the 3rd Commission Voting District (Alan Driver and Steve Graves).

The adjoining property owners were notified by regular mail.

Mr. Holt made a motion to approve the revised Consent Agenda, approving

- 1) a request for a continuation of a Hardship Variance for 120 Mitchell Road, Portland authorizing a relative to live in an existing structure due to medical circumstances and**
- 2) a request for a continuation of a Hardship Variance for 250 Keytown Road, Portland authorizing a relative to live in a proposed mobile home due to medical circumstances,**

seconded by Ms. Webster. Motion passed unanimously.

Mr. Rainey turned the meeting over to Mr. Suddath for staff presentation.

REGULAR AGENDA:

1. **Josh Latimer** was requesting a continuation of a Conditional Use Permit granted on November 9, 2006, to operate a wholesale machine shop in an existing building and a variance from dust free parking requirement. Subject property is located at **1024 Opossum Lane, Portland, TN 37148**, is on Tax Map 051, Parcel 021.00, contains 1.2 acres, is zoned Rural Residential (RR), and is in the 1st Commission Voting District (Moe Taylor and Terry Wright).

The adjoining property owners were notified by regular mail.

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Mr. Suddath provided an overview of the property, stating that, although a continuation request, this item was placed on the Regular Agenda because the property has a new landowner. Mr. Suddath stated that although the Conditional Use runs with the land, this is a good time to review the approved use and conditions with the new owner. Mr. Suddath displayed photos of the property and suggested that the property owner discuss the uses of the multiple buildings and hemp greenhouse. Mr. Suddath explained that the original approval was for the machine shop to be conducted out of one structure. Mr. Suddath stated that the other structures may or may not be located on the subject property. Mr. Suddath added that the hemp farm is not regulated by the county, as it is permitted through the state. Mr. Suddath concluded his presentation with example motions, stating that it might be a good idea to have the property owner speak to the multiple buildings and their uses.

Mr. Rainey opened the Public Hearing. Seeing that no one had signed up to speak, Mr. Rainey called the landowner forward.

Josh Latimer, 933 New Deal Potts Road, stated that this is the family farm, containing 27 acres and several 5-acre tracts for each of the brothers.

Mr. Rainey stated that the original approval was to operate a machine shop out of one structure.

Mr. Larimer stated that he purchased the business from his father.

Mr. Rainey asked if the business is occupying more than one structure.

Mr. Latimer stated no, adding that the greenhouse and another structure are part of the hemp farm, adding that the other building is for storage.

Mr. Rainey asked if there were any further questions. There being no comments, Mr. Rainey closed the Public Hearing.

Mr. Rainey stated that the use appears to be in keeping with the original approval, adding that the other buildings are being utilized by the farming operation.

Mr. Holt made a motion approve a request for a two-year continuation of a Conditional Use Permit to operate a wholesale machine shop in an existing building at 1024 Opossum Lane, Portland, seconded by Ms. Webster. Motion passed unanimously.

Mr. Rainey turned the meeting over to Mr. Suddath for staff presentation.

2. David and Yvonne Pierson were requesting a continuation for the Conditional Use Permit granted on September 11, 2014, to conduct a screen printing business in a 30X50

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detached building. Subject property is located on **3760 Highway 76, Cottontown, TN 37048**, is on Tax Map 074, Parcel 029.00, contains 5.00 acres, is zoned Rural Residential (RR) and is in the 12th Commission Voting District (Michael Guthrie and Justin Nipper). **The adjoining property owners were notified by regular mail.**

Mr. Suddath provided an overview of the property and provided a photo of building on the property. Mr. Suddath stated that when this was originally approved, there was discussion about junk vehicles on the premises. Mr. Suddath stated that the property appears to be in good order now. Mr. Suddath concluded his presentation with example motions and stated that the property owners are not in attendance.

Mr. Rainey asked Mr. Holt if there was a specific reason he requested that this item be moved to the Regular Agenda.

Mr. Holt referenced the 2014 Minutes of Approval, stating that there was question as to how the waste for this business was being disposed of. Mr. Holt noted that the landowners originally stated they were collecting and incinerating the waste. Mr. Holt stated that he wants to confirm that this is still being done.

Mr. Rainey asked if the owner was present.

Mr. Suddath confirmed that the landowner is not present.

Ms. Webster made a motion to defer this item for 30 days, so the landowner could be present. Seconded by Mr. Holt. Motion passed unanimously.

Mr. Rainey stated that he asked that the following item be placed on the Regular Agenda, as it has come to his attention that there is a structure on the property that is unsafe and could be a danger to the public. Mr. Rainey asked if Mr. Mercer is present.

Mr. Don Mercer stated that he is in attendance.

At this time, Mr. Rainey turned the meeting over to Mr. Suddath for staff presentation.

3. Don G. Mercer, Owner of THE PICK INN, was requesting a continuation of a Conditional Use Permit granted on March 9, 2017 to conduct an event venue. Subject property is located at 550 Zieglers Fort Road, Gallatin, TN 37066, is on Tax Map 128, Parcel 040.02, contains 12.49 acres, is zoned Rural Residential (RR), and is in the 3rd Commission Voting District (Alan Driver and Steve Graves). **The adjoining property owners were notified by mail.**

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Mr. Suddath provided an overview of the property, stating that this event venue was approved prior to the current Zoning Regulations. Mr. Suddath stated that the current Zoning Regulations state that a “Retreat”, which is the classification that event venues fall under, requires a minimum of 15 acres. Therefore, Mr. Suddath explained, this is a legal, non-conforming event venue. Mr. Suddath displayed the minutes from the 2017 and 2019 approval of this event venue. Mr. Suddath stated that event venue requests now have the benefit of an inspection from the Building Codes Department. Mr. Suddath explained that with the 2019 renewal of this Conditional Use Permit, there was a condition of approval that the Codes Department inspect the structure for safety. Mr. Suddath asked Mr. Marshall Wright, Director of Codes, if a walk-through inspection was completed.

Mr. Wright stated yes.

Next, Mr. Suddath displayed an aerial photo of the property, photos of the structures and the business sign. Mr. Suddath pointed out the elevated deck that was the subject of the previous condition of approval. Mr. Suddath stated that while he understands that the walk through inspection has been completed, he does not believe that the required Engineer’s Letter has been supplied.

Mr. Wright referenced the photo of the structure and pointed out the elevated deck, stating that there was concern of the structure components being undersized and concern of there being some deterioration. Mr. Wright stated that he met with the property owner during the inspection, pointing out the concerns. Mr. Wright explained that he has required an Engineer’s Letter, addressing the structural integrity of the deck, but to his knowledge, one has not been submitted. Mr. Wright added that this is still a concern.

Mr. Suddath concluded his presentation with example motions.

Mr. Rainey opened the Public Hearing. Seeing that no one wished to speak, Mr. Rainey closed the Public Hearing, and asked the landowner to come forward.

Mr. Don Mercer, owner of The Pick Inn, stated that Mr. Wright did conduct an inspection and had concerns, which have been rectified. Mr. Mercer stated that Mr. Wright suggested that a structural engineer look at the deck, adding that they did so. Mr. Mercer added that the engineer is now employed by the County. Mr. Mercer added that the engineer made two visits to the property and has been paid for his services. Mr. Mercer stated that he understands that he “dropped the ball” on asking for the engineer’s letter, adding that the full list of the structural engineer’s recommendations have been completed, including the addition of several beams and posts. Mr. Mercer stated that the Codes Department may come out to see that the changes have been made. Mr. Mercer stated that The Pick Inn is proactive about safety, explaining that they host about 35 weddings per year, with approximately 5000 people visiting per year. Mr. Mercer added that their guest’s safety is very important, adding that he would be willing to obtain an Engineer’s Letter to verify that the recommended changes have been made.

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Mr. Wright stated that the Engineer's Letter would be accepted as proof of safety of the elevated deck.

Mr. Suddath stated that the engineer is now an employee of the county, adding that as he is his supervisor, this may need to be handled differently. Mr. Suddath stated that he would be willing to work with Mr. Mercer, to come up with a solution, as how to meet the requirements of proving that the concerns have been addressed.

Mr. Rainey asked when the next event is scheduled for The Pick Inn.

Mr. Mercer stated that the next event, due to Covid, is scheduled for April 25.

Mr. Rainey made a motion approve a request for a two-year continuation of a Conditional Use Permit authorizing the operation of an event venue at 550 Ziegler's Fort Road, with the following conditions:

- a) No events may be held until an Engineer's Letter has been provided, regarding the safety of the platform**
- b) The Codes Department will release the structure for occupancy, seconded by Mr. Holt. Motion passed unanimously.**

There being no further business, Ms. Webster made a motion to adjourn, seconded by Mr. Holt. The meeting adjourned at 5:37 pm.