

SUMNER COUNTY BOARD OF ZONING APPEALS
MINUTES
MAY 14, 2020
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
MATT STAMPER
SHAWN UTLEY
MAC HOLT

STAFF PRESENT:

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

Mr. Rainey called the meeting to order and began by stating that due to the Covid-19 recommendations for social distancing, this meeting will be conducted a little differently. Mr. Rainey requested that if any requestor wishes to add comments, to do so only if they have a grievance or if they disagree with staff.

APPROVAL OF MARCH MINUTES

Ms. Webster made a motion to approve the March minutes as written, seconded by Mr. Holt. Motion passed unanimously, with Mr. Rainey abstaining.

APPROVAL OF MAY AGENDA

Upon confirming that there were no changes to the agenda, Mr. Rainey turned the meeting over to Mr. Suddath for staff presentation.

- 1. Curtis McMahon** was requesting a continuation of a Conditional Use Permit granted on March 11, 2010, to conduct an event venue on the subject property to teach the State of Tennessee hand gun carry class from his home. Subject property is located at **140 B & L Lane, Portland, TN, 37148**, is on Tax Map 059, Parcel 078.05 contains 5.99 acres, is zoned Agricultural and is in the 12th Voting District (Michael Guthrie and Justin Nipper). The adjoining property owners were notified by mail.

Mr. Suddath provided an overview of the property, stating that no comments have been received by staff related to this item. Mr. Suddath then displayed aerial and street view photos of the property along with the 2010 BZA minutes granting original approval of this permit.

Mr. Suddath completed his presentation with example motions.

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At this point, Mr. Curtis McMahon, 140 B & L Lane, Portland, TN, 37148, submitted an additional document, The Tennessee Monitoring Report. Mr. Rainey requested that the report be entered into the record.

Mr. Rainey opened the public hearing.

There being no one wishing to speak, Mr. Rainey closed the public hearing.

Mr. Utley made a motion to approve a request to continue a Conditional Use Permit for 140 B&L Lane, Portland for a period of two years, allowing the property owner to utilize the subject property to teach State handgun carry classes, seconded by Ms. Webster.
Motion passed unanimously.

At this time, Mr. Stamper joined the meeting.

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

2. **Judy Kendall** was requesting a variance from County requirements contained at Article VI, Section 1.6, of the Sumner County Zoning Resolution, related to placement of an accessory structure within a required front yard. Subject property is located at **1090 Liberty Point, Gallatin, TN, 37066**, is on Tax Map 115, Parcel 026.03, contains 5.01 acres, is zoned Estate A and is in the 4th Commission Voting District (Jerry Foster and Leslie Schell). **This is a public hearing and was advertised in the Gallatin News on April 30, 2020. The adjoining property owners were notified by certified mail.**

Mr. Suddath provided an overview of the property, stating that no comments have been received related to this item. Mr. Suddath provided an aerial photo of the property, the Public Notice and the Plot Plan submitted by the applicant.

Mr. Suddath noted that the Plot Plan is not correct, in that it shows front yard setback at the road, but because this is a Flag Lot, the front yard setback actually begins where the lot attains the required 125 feet width. Mr. Suddath added that the Septic areas are not depicted on the Plot Plan. Mr. Suddath explained that there is an existing building pad which the applicant wishes to utilize for this proposed structure.

Mr. Suddath displayed the wording from the Zoning Regulations stating that in Estate A, accessory structures must be placed “to the rear of the principal structure.”

Mr. Suddath displayed street view photos of the property and then completed his presentation with example motions.

Mr. Rainey opened the Public Hearing.

There being no one to speak, Mr. Rainey closed the Public Hearing.

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Mr. Rainey stated that, if approved, there should be a requirement to provide a corrected Plot Plan showing that the proposed structure will not be encroaching in the septic area.

Mr. Utley asked for clarification regarding the request.

Mr. Rainey stated that there are two variance requests, a front yard setback and a side yard setback variance.

Mr. Suddath confirmed, stating that the most important request is the front yard setback variance.

Mr. Utley asked if a hardship had been presented to request this location.

Mr. Suddath stated that the septic area location presents issues and the applicant also wishes to use an existing concrete slab.

At this time, Mr. Stamper acknowledged that while the Public Hearing has been closed, there appears to be someone wishing to speak.

Mr. Stamper made a motion to reopen the Public Hearing, seconded by Mr. Utley. Motion passed unanimously.

Mr. Daryl McKeown, 1090 Liberty Point, Gallatin, stated that the topography behind the residence is steep and wooded. Mr. McKeown added that the location of the concrete pad is the only level area on the property.

Mr. Rainey closed the Public Hearing.

Mr. Holt noted that it wouldn't take much adjustment to remove the structure from the side yard setback.

Mr. Utley asked to view the pictures of the property.

Mr. Stamper made a motion to allow placement of an accessory structure within a required front yard, with the following conditions:

- a) An amended plot plan be provided to Sumner County Development Services, depicting the following:**
 - septic area**
- b) The accessory structure must obtain any applicable zoning and/or building permits from the Sumner County Building and Codes Department, seconded by Mr. Rainey, for discussion.**

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Mr. Utley agreed with Mr. Holt's previous observation, stating that it appears that the side yard setback could be met by moving the building only 4 feet away from the side yard setback.

There was discussion of the side yard setback.

Mr. Rainey asked if there was a desire to amend the motion.

Mr. Stamper agreed to amend his motion.

Mr. Suddath explained the amended motion as follows.

Mr. Stamper amended the motion to allow placement of an accessory structure within a required front yard, but outside the depicted side yard setback, with the following conditions:

a) An amended plot plan be provided to Sumner County Development Services, depicting the following:

- septic area**
- corrected front yard setback**
- structure placed out of the side yard setback.**

b) The accessory structure must obtain any applicable zoning and/or building permits from the Sumner County Building and Codes Department.

Motion approved unanimously.

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

- 3. Mary Elizabeth Nelson** was 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 regular mail. The BZA deferred a decision on this item at the March meeting due to the property owner not being able to be in attendance.

Mr. Suddath provided an overview of this property, stating that the applicant is seeking to renew an existing Conditional Use Permit, with the events being held on the property and not within any structure. Mr. Suddath added that the business is not operational at this time. Mr. Suddath then displayed an aerial and street view photos of the property and the 2018 BZA Minutes showing the original approval.

Mr. Suddath completed the presentation with example motions.

Mr. Rainey opened the Public Hearing.

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After confirming that no one wished to speak, Mr. Rainey closed the Public Hearing.

Ms. Webster made a motion to approve a request to continue a Conditional Use Permit for 300 Hurt Road, Hendersonville for a period of two years, allowing the property owner to utilize the subject property to conduct special events on the premises, seconded by Mr. Stamper. Motion passed unanimously.

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

- 4. Michael Stinson** was requesting continuation of a Conditional Use Permit granted on March 13, 2008, to operate White House Machine, LLC. Subject property is located at **375 Martin Lane, Cottontown, TN 37048** is on Tax Map 075, Parcel 011.03, contains 6.265 acres, is zoned Agricultural, and is in the 12th Commission Voting District (Michael Guthrie and Justin Nipper)

The adjoining property owners were notified by regular mail.

Mr. Suddath presented an overview of the property and confirmed that no comments regarding this request had been received by staff.

Mr. Suddath provided Minutes of the 2008 BZA Meeting, which granted the original permit, as well as aerial and street view photos of the property.

Concluding his presentation, Mr. Suddath provided example motions.

Mr. Rainey opened the Public Hearing.

Confirming no one wished to speak, Mr. Rainey closed the Public Hearing.

Mr. Holt made a motion to approve a request to continue a Conditional Use Permit for 375 Martin Lane, Cottontown for a period of two years, allowing the property owner to utilize the subject property to operate a machine shop in an existing structure, seconded by Ms. Webster. Motion passed unanimously.

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

- 5. Hope Walker** is requesting a continuation of a Conditional Use Permit granted on April 12, 2018, to conduct educational animal programs and tours. Subject property is located at **329 Fern Valley Road, White House, TN 37188**, is on Tax Map 077, Parcel 057.03, contains 15.12 acres, is zoned Residential (RA), 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, providing aerial and street view photos. Next, Mr. Suddath displayed the BZA Minutes from 2018, granting original approval of the Conditional Use Permit. Mr. Suddath added that an opening date for the business has not been provided.

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Mr. Suddath concluded his presentation with example motions.

At this time, Mr. Rainey stated that he had a note, provided from Ms. Walker, stating that there are no changes to their original request, adding that due to Covid-19, they will not be in attendance for the meeting, but they wish for a continuation.

Mr. Rainey opened the Public Hearing.

Confirming no one wished to speak, Mr. Rainey closed the Public Hearing.

Mr. Stamper made a motion to approve a request to continue a Conditional Use Permit for 329 Fern Valley Road, White House for a period of two years, allowing the property owner to utilize the subject property to conduct educational animal programs and tours, seconded by Mr. Utley. Motion passed unanimously.

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

Mr. Rainey stated that he will abstain from this item due to previous dealings with the Applicant.

6. **Nickie Brown** is requesting a continuation of a Conditional Use Permit granted on March 13, 2008, to operate a portable and site sawmill service. Subject property is located at **120 Hardison Way, Cottontown, TN, 37048** is on Tax Map 101, Parcel 009.02, contains 1.76 acres, is zoned Agricultural and is in the 4th Commission Voting District (Jerry Foster and Leslie Schell)

The adjoining property owners were notified by regular mail.

Mr. Rainey opened the floor for Public Hearing.

Confirming that no one wished to speak, Mr. Rainey closed the Public Hearing.

Mr. Stamper made a motion to approve a request to continue a Conditional Use Permit for 120 Hardison Way, Cottontown for a period of two years, allowing the property owner to utilize the subject property to operate a portable and site sawmill service, seconded by Ms. Webster. Motion passed unanimously with Mr. Rainey abstaining.

Mr. Rainey turned the meeting over to Mr. Suddath for staff presentation. Mr. Rainey stated That he would abstain from the Jackson Bradley and Crystal Taylor item, as he provided the Plot Plan for this request.

7. **Jackson Bradley and Crystal Taylor** are requesting a variance from County requirements contained in the County Zoning Resolution at Article VI, Section 1.6, of the Sumner County Zoning Resolution, related to placement of an accessory structure within a required side yard setback. Subject property is located at **1667 Saundersville Road, Hendersonville, TN, 37075**, is on Tax Map 137, Parcel 040.00, contains 3.1 acres is zoned Residential A (RA) and is in the 7th Voting District (Loren Echols and Gene Rhodes).

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This is a public hearing and was advertised in the Gallatin News on April 30, 2020. The adjoining property owners were notified by certified mail.

Mr. Suddath provided an overview of the property, displaying the Plot Plan, aerial and street-view photos, and the public notice. Mr. Suddath stated that a 13' variance from the required 20' side yard setback is being requested.

At this point, Mr. Suddath confirmed that no comments had been received related to this item.

Mr. Suddath then displayed and explained a zoning setback diagram as well as wording from the County Zoning Code regarding the Residential A District. Mr. Suddath added that there appears to be topographical issues on this property consisting of rocks, steep slopes and the septic area.

Mr. Suddath concluded his presentation with example motions.

Mr. Utley asked for clarification and intent of the Zoning Regulation that allows structures to encroach up to 5' from the property line when the accessory structure is behind the residence.

Mr. Suddath explained that the intent of that regulation is to reduce the amount of visual clutter from the road.

Mr. Utley asked if there are any code issues, such as fire ratings, that come into play with the structure being placed only 5' from the property line.

Mr. Suddath stated that there is nothing on the adjacent property that would be effected by this, adding that the county has not adopted a fire code to adhere to.

Mr. Stamper made a motion to approve a request for a side yard setback variance for 1667 Saundersville Road, Hendersonville for an accessory structure in accordance with a Plot Plan submitted by the applicant with the following condition:

- a) The accessory structure must obtain any applicable zoning and/or building permits from the Sumner County Building and Codes Department, seconded by Mr Utley. Motion passed unanimously with Mr. Rainey abstaining.**

**There being no further business, Ms. Webster made a motion to adjourn, seconded by Mr. Stamper. Motion passed unanimously.
Meeting adjourned at 5:33pm.**