

**SUMNER COUNTY BOARD OF ZONING APPEALS
MINUTES
MAY 9, 2019
5:00 p.m.**

SUMNER COUNTY ADMINISTRATION BUILDING
ROOM 112
355 N. BELVEDERE DRIVE
GALLATIN, TN. 37066

MEMBERS PRESENT:

BRUCE RAINEY, CHAIRMAN
SANDY WEBSTER, VICE CHAIRMAN
DON DICKERSON
MAC HOLT
MATT STAMPER

MEMBERS ABSENT:

STAFF PRESENT:

JOSH SUDDATH, DIRECTOR OF PLANNING & STORMWATER
LINDA MCCULLOUGH, ASSISTANT TO THE DIRECTOR
MARSHALL WRIGHT, BUILDING AND CODES DIRECTOR

Motion for approval of the April 2019 minutes by Ms. Webster, seconded by Mr. Dickerson.
Motion passed unanimously.

Motion for approval of the May 2019 Agenda. Mr. Rainey asked Mr. Suddath if there were any changes that needed to be made to the agenda. Mr. Suddath stated that there are none. Since there were no changes to the agenda, Mr. Rainey proceeded to agenda item #1.

- 1. Mike & Laurie Douglas** are requesting a Conditional Use Permit to operate a landscape business (Douglas Lawn & landscape) at the subject property. Subject property is located at **1025 Barry Lane, Gallatin, TN 37066**, is on Tax Map 111, Parcel 027.01, contains 3.66 acres, is zoned Residential 1A (R1A), and is in the 3rd Commission Voting District (Alan Driver and Steve Graves).
Adjoining property owners were notified by certified mail and the agenda item was advertised in The Gallatin News on Thursday, April 25, 2019.
This item was deferred at the April meeting.

Mr. Rainey turned the floor over to Mr. Suddath.

Mr. Suddath presented an overview of this item stating that this is a new request for a Conditional Use Permit for a landscaping business. Mr. Suddath stated that this property contains 3.66 acres is zoned Residential 1A, which does not allow any type of commercial business to be conducted other than narrowly defined home based business. Mr. Suddath stated that this item came before the Board in April and was deferred in order to allow the applicant time to return with a plan and a timeline for the discontinuation of the business at the subject property. Mr.

Suddath stated that there have been numerous comments and inquires received regarding this item.

Mr. Suddath concluded his presentation of this item and turned the floor over to Mr. Rainey.

Mr. Rainey asked Mr. & Ms. Douglas to come forward.

Mike and Laurie Douglas came forward and stated that they have arranged with a storage unit to move the equipment to that facility and are waiting for an additional unit to become available at the first of the month to move the remaining equipment. Mr. Douglas stated that all trucks and equipment have been moved and that all employees report to the storage unit instead of the Barry Lane property. Mr. Douglas stated that there is still a trailer and a truck on the property that he uses for both personal and business, and is using the trailer to move more stuff, clean up the property, and taking stuff to the dump. Mr. Douglas stated that he would have his office in the basement of the house and he feels everything else is in compliance with what the Board asked him to do.

Mr. Suddath stated that he did drive by the property in question and stated that it looks exactly as the applicant stated.

Mr. Rainey opened the floor for the public hearing.

Mr. Chuck Chandler, 1051 Barry Lane, stated that he wanted to hear Mr. Douglas' plan for cleaning the property up and that he appreciates them doing it.

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

Mr. Rainey stated that he feels a motion is in order but states that other than a couple of things, the applicant is in compliance. Mr. Rainey stated that he does not feel that the applicant needs to come back to the Board but would like for staff to give an update at the next meeting.

Mr. Stamper stated that obviously the Board will have to deny the request for the Conditional Use Permit and it does not seem right to keep using the tax payer dollars to continue to place them on the agenda when the applicant has done what the Board has asked them to do.

Ms. Webster stated that Mr. Douglas stated that the property would be completely cleared by the 25th when the new storage unit is available.

Mr. Stamper stated that he was looking for guidance for a motion that would allow the applicant time to get the rest of the equipment to the new unit.

Mr. Rainey stated that he feels it would be in order to allow time since the applicant has complied with Zoning Resolution. Mr. Rainey stated that the motion should be to deny the request with the condition that the property be reviewed before the next meeting.

Motion to deny the request for a Conditional Use Permit but allow the applicant to have all equipment removed by the June meeting by Mr. Stamper, seconded by Mr. Dickerson. Motion passed unanimously.

2. **Phillip Bradshaw** is requesting a continuation of the conditional use permit granted on May 14, 2015 to operate an annual cattle sale, weddings, events, and community gatherings, etc. in an existing barn and for a dust free parking variance. Subject property is located at **395 N. Happy Hollow Road, Portland, TN.**, is on Tax Map 038, Parcel 045.00, contains 182 acres is zoned Agricultural, and is in the 12th Commission Voting District (Michael Guthrie and Justin Nipper).

The adjoining property owners were notified by mail.

Mr. Rainey turned the floor over to Mr. Suddath.

Mr. Suddath presented an overview of this item stating that this is a continuation of a Conditional Use Permit granted in 2015 and stated that originally the venue was set up to allow live cattle sales but understands that those no longer are being held at the venue. Mr. Suddath stated that the applicant is also requesting a dust free parking variance which was granted in 2015. Mr. Suddath stated that the property contains 182 acres which meets the requirements in the Zoning Resolution related to recreation areas and venues. Mr. Suddath stated that there have not been any comments or inquires on this item. Mr. Suddath stated that Mr. Bradshaw received a letter from Marshall Wright, Codes Director, concerning the septic system not being compliant by the State of Tennessee Department of Environment and Conservation. Mr. Suddath stated that TDEC has given Mr. Bradshaw a time allotment in order to get his septic system in compliance.

Mr. Bradshaw stated that he has already started the process of getting the septic into compliance. Mr. Bradshaw stated that it has taken some time to get a soil scientist and the plans drawn out.

Mr. Suddath stated that the septic problem is the only issue with this property and that Mr. Bradshaw has spent a great deal on this property in order to get the Certificate of

Occupancy. Mr. Suddath stated that as the Board has seen over the County that not everyone goes to great lengths to obtain their Certificate of Occupancy, which is a huge safety concern, so it's nice to see a venue like Mr. Bradshaw's that has taken these measures.

Mr. Suddath concluded his presentation of this item presenting the Board with some example motions and then turned the meeting back over to Mr. Rainey.

Mr. Rainey asked Mr. Bradshaw if he had anything to add.

Mr. Bradshaw stated that he would like to continue with the venue.

Mr. Rainey asked Mr. Wright if he wanted to add any comments.

Mr. Wright stated that per his conversation with Mr. Bo Fox, Mr. Bradshaw is allowed with using a porta potty until the septic issue is corrected and TDEC will take another look at the septic issue in eight months.

Mr. Rainey opened the floor for the public hearing.

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

Mr. Stamper asked that if the septic system is not corrected by the time allotted, can the Board hear this item again.

Mr. Suddath stated that could be one of the conditions of the motion.

Motion to approve a two (2) year continuation of a Conditional Use Permit with the following condition:

- **All relevant septic permits must be obtained from TDEC no later than January 1, 2020, in accordance with letter sent by the County on 5/1/2019.**

by Mr. Stamper, seconded by Ms. Webster. Motion passed unanimously.

Mr. Suddath stated that he will update the Board on this issue when it has been resolved.

Mr. Suddath stated that the business to become before the Sumner County Board of Zoning Appeals is concluded.

Motion to adjourn by Mr. Rainey, seconded by Ms. Webster. Motion passed unanimously.

Meeting Adjourned at 5:16 p.m.

