

**SUMNER COUNTY ZONING BOARD OF APPEALS
MINUTES
OCTOBER 12, 2017
6:00 p.m.**

SUMNER COUNTY ADMINISTRATION BUILDING
COMMITTEE ROOM # 112
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:

RODNEY JOYNER, DIRECTOR OF PLANNING AND STORMWATER
LINDA MCCULLOUGH, ASSISTANT TO THE DIRECTOR OF PLANNING & STORMWATER

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

1. **Douglas Adams, Jr.** is requesting a Setback Variance of 13 feet along the north side of Red Tuttle Road to build an approximate 2,400 square feet equipment shed. Subject property is located at **585 Red Tuttle Road, Bethpage, TN 37022**, is on Tax Map 069, Parcel 010.00, contains 85.11 acres, is zoned Agricultural, and is in the 1st Voting District (Mike Akins and Moe Taylor). The adjoining property owners were notified by certified mail, and was advertised in The Gallatin News on Thursday, September 28, 2017.

Mr. Douglas Adams came forward to explain and represent the request.

Mr. McKee opened the floor for the public hearing.

Since no one was present to speak, Mr. McKee closed the public hearing.

Mr. Rainey asked Mr. Adams if he was asking for a 13 foot variance.

Mr. Joyner stated that he went to the property and the proposed site that Mr. Adams is requesting is the only place the shed could go without removing his house.

*Motion to approve a Setback Variance of 13 feet by Mr. Rainey, seconded by Mr. Dickerson.
Motion passed unanimously.*

2. **Michael Dobbs**, is requesting a Setback Variance of 23 feet from the rear yard setback at the referenced property to build a 25' X 14' screened-in porch on an existing footprint. Subject property is located at **104 Sunset Island Trail, Gallatin, TN 37066**, is on Tax Map 157O, Group A, Parcel 005.00, contains .98 acres, is zoned Residential A, and is in the 6th Voting District (Kevin Pomeroy and Jim Vaughn).

The adjoining property owners were notified by certified mail and was advertised in The Gallatin News on Thursday, September 28, 2017.

Mr. Michael Dobbs came forward to explain and represent the request.

Mr. McKee opened the floor for the public hearing.

Since no one was present to speak, Mr. McKee closed the public hearing.

Mr. Rainey stated that this was an older subdivision and the Board has granted approvals in this area due to the size of the lots.

Motion to approve a Setback Variance by Mr. Rainey, seconded by Ms. Webster. Motion passed unanimously.

3. **Coy Gammon** is requesting a Conditional Use Permit to conduct a lawn care and landscaping business. Subject property is located at **1219 Willis Branch Road, Goodlettsville, TN 37072**, is on Tax Map 143, Parcel 047.00, contains .92 acres, is zoned Residential A and is in the Goodlettsville Planning Region, and is in the 11th Voting District (Scott Langford and Bill Taylor).

The adjoining property owners were notified by certified mail and was advertised in The Gallatin News on Thursday, September 28, 2017.

Mr. Coy Gammon came forward to explain and represent the request.

Mr. McKee opened the floor for the public hearing.

Ms. Rebecca Ownby, 1223 Willis Branch Road, came forward and asked Mr. Gammon if he lived at the residence where the business is located.

Mr. Gammon stated that he does not live in the house at the residence and that he rents the house out to one of his employees.

Mr. John Ownby, 1223 Willis Branch Road, stated that Mr. Gammon does not live in the house at the residence where the business is located. Mr. Ownby stated that Mr.

Ms. Judy Pratt, 1205 Willis Branch Road, stated that her concern was that Mr. Gammon stored fuel on the property, the traffic from his employees, and the appearance of the property.

Since no one else was present to speak, Mr. McKee closed the public hearing.

Mr. Rainey stated that he went out and looked at the sight and the property is well kept, and stated that he did not see the fuel tanks. Mr. Rainey asked Mr. Gammon what type of safety measures does he have in place for the fuel tanks.

Mr. Gammon stated that the fuel company went through all the instructions of how to clean up any spills or leaks. Mr. Gammon stated that he has installed four extinguishers, which the fuel company did not require him to do.

Mr. Rainey asked Mr. Gammon if he had any kind of containment in place for spills.

Mr. Gammon stated that the fuel company did not require him to do that but would not be opposed to putting that feature in if the Board needed him to.

There was discussion.

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

Mr. Joyner explained the definition of Customary Home Occupation as pertaining to a home based business.

Mr. Rainey stated to Mr. Gammon that if the Board granted the Conditional Use Permit, at any time that permit can be revoked by the Board if he does not abide by the rules.

Mr. Gammon stated that he understood.

Motion to approve a two-year Conditional Use Permit by Mr. Rainey, seconded by Mr. Jones. Mr. Dickerson abstained from voting. Motion passed unanimously.

- 4. Laura Porter** is requesting a Conditional Use Permit to conduct a clothing and accessory store. Subject property is located at **3803 New Highway 52, Bethpage, TN 37022**, is on Tax Map 029, Parcel 061.04, contains 6 acres, is zoned Agricultural, and is in the 1st Voting District (Mike Akins and Moe Taylor). The adjoining property owners were notified by certified mail and was advertised in The Gallatin News on Thursday, September 28, 2017.

Ms. Laura Porter came forward to explain and represent the request.

Mr. McKee opened the floor for the public hearing.

Since no one was present to speak, Mr. McKee closed the public hearing.

There was discussion

Motion to approve a two-year Conditional Use Permit with no lighted sign by Mr. Rainey, seconded by Mr. Dickerson. Motion passed unanimously.

5. **Charles Roberts** is requesting a Conditional Use Permit to store commercial equipment. Subject property is located at **2340 New Hope Road, Hendersonville, TN 37075**, is on Tax Map 122, Parcel 018.18, is zoned Residential 1A, contains 6.28 acres, and is in the 11th Voting District (Scott Langford and Bill Taylor). The adjoining property owners were notified by mail and was advertised in The Gallatin News on Thursday, September 28, 2017. **This item was deferred at the September meeting.**

Mr. Charles Roberts came forward to explain and represent the request.

Mr. Rainey stated that the item was deferred in September, and asked Mr. Roberts if he wanted to continue with the Conditional Use Permit request.

Mr. Roberts stated that he did want to continue.

Mr. Jones asked Mr. Roberts if restrictions prohibits any type of business.

Mr. Roberts stated that the restrictions stated that the property be used as a single family residence. Mr. Roberts stated that he is not going to run his business from this property, he only wants to store his equipment there. Mr. Roberts stated that he will eventually build a house on the property and has no intentions of changing it to commercial, he just needs to store his equipment there. Mr. Roberts stated that he is not opposed to building a lean-to shed to store the equipment and landscape around it.

Mr. Jones asked Mr. Roberts if he was just going to store the equipment at this property.

Mr. Roberts said yes.

Mr. Rainey asked Mr. Roberts if he was storing supplies on this property.

Mr. Roberts stated that he did have some material stored there for a short time period while he was finishing up a job and after this job is over, he will not be storing any material.

Mr. Rainey stated that the property is in a floodplain and floodway, Mr. Rainey asked Mr. Roberts what was his plan when the property flooded and fluids from the equipment leaked into the creek.

Mr. Roberts stated that he can build a burm around it or do whatever an architect tells him to do to protect the creek.

There was discussion.

Mr. McKee opened the floor for the public hearing.

Mr. Chris Alessio, asked Mr. Rainey if he was this concerned with these issues at the Long Hollow Baptist site.

There was discussion between Mr. Alessio and the Board members.

Mr. Roberts stated that he could put his equipment at the 2340 New Hope Road and put in landscaping to hide the equipment.

Mr. Jones suggested that we hear from the public that signed up to speak and give them a chance to state their case.

Mr. Ed Adkins, 1030 Kendall Farms Drive, stated that they moved into their house about a year ago and did not know that dump trucks would be stored near their back yard. Mr. Adkins stated that he welcomes a home being built but the dump trucks could bring the value of their home down.

Mr. Joe Sanders, 1036 Kendall Farms Drive, stated that his concern is the flooding of that property and the storage of the commercial equipment.

Ms. Amy Adkins, 1030 Kendall Farms Drive, stated that at the last meeting, it was suggested that Mr. Roberts talk to the neighbors. Ms. Adkins stated that no one has spoken to Mr. Roberts since the last meeting. Ms. Adkins also stated that by storing this equipment, it becomes an eye sore for the community and brings down their property values.

Mr. Joyner addressed the audience to please speak only when called upon.

Mr. Tim Rutherford, 2351 New Hope Road, stated that he recently purchased their property and according to the deed restrictions, no commercial business could be operated. Mr. Rutherford stated that was one of the reasons for choosing this property and does not want to see the commercial equipment across the road from their property.

Mr. Jimmy Smith, 2339B New Hope Road, stated that his concern was the deed restrictions state single family residence only, flooding, and the decrease of property values by storing commercial equipment and materials.

Ms. Kristy Rutherford, 2351 New Hope Road, stated that her concern was the decrease of the property value. Ms. Rutherford stated that the materials that are being stored on Mr. Roberts property has been there for over two months and it's an eye sore for their community.

Mr. David Bowden, 344 Happy Hollow Road, stated that he has seen other property owners along New Hope Road store their equipment and was wondering why everyone was so concerned about Mr. Roberts doing the same.

Mr. Jimmy Smith asked the Board who could speak at this public hearing, just the resident of the item on the agenda or anyone.

The Board stated that anyone could speak.

Mr. Ed Adkins stated that Mr. Roberts keeps bringing up that it's not a commercial permit, but it actually is.

There was discussion about what a Conditional Use Permit is.

Mr. McKee closed the public hearing.

Mr. Rainey asked Mr. Roberts if the Board should deny one of the properties, would he be able to place equipment on the other property that is not in the flood zone.

There was discussion.

Mr. Jones made the motion to reopen the public hearing, seconded by Mr. Rainey.

Ms. Sheryl Gooch, 655 Mutton Hollow, asked the Board what was the difference between Mr. Roberts storing his equipment on this residential property and the gentleman earlier in the meeting storing his equipment for his landscaping business.

Mr. McKee opened the floor back up for the public hearing.

Ms. Webster stated that the gentleman before with the landscaping business did not have restrictions stating that a business can not be conducted on the property.

Mr. McKee closed the public hearing.

There was discussion.

Motion to approve a two-year Conditional Use Permit by Mr. Rainey, seconded by Mr. McKee. Motion was not unanimous, therefore a vote was taken.

Mr. McKee – Yes Mr. Jones - No
Mr. Rainey - Yes Mr. Dickerson - No
Ms. Webster - No
Motion failed.

- 6. Charles Roberts** is requesting a Conditional Use Permit to store commercial equipment. Subject property is located at **2342 New Hope Road, Hendersonville, TN 37075**, is on Tax Map 122, Parcel 018.17, is zoned Residential 1A, contains 5.77 acres, and is in the 11th Voting District (Scott Langford and Bill Taylor). The adjoining property owners were notified by mail and was advertised in The Gallatin News on Thursday, September 28, 2017. **This item was deferred at the September meeting.**

Motion to approve a two-year Conditional Use Permit by Mr. Rainey, seconded by Mr. McKee. Motion was not unanimous, therefore a vote was taken.

Mr. McKee – Yes Mr. Jones - No
Mr. Rainey - Yes Mr. Dickerson - No
Ms. Webster - No
Motion failed.

Mr. Bruce Rainey recused himself from Agenda item 7.

- 7. SCI Towers, LLC (J Bruce Rainey, property owners)** is requesting a Conditional Use Permit to construct a 195' wireless telecommunication monopole with a 100' X 100' leased area. Subject property is located at **East A B Wade Road, Portland, TN 37148**, is on Tax Map 051, Parcel 055.00, contains 27.40 acres, is zoned Agricultural, and is in the 3rd Voting District (Alan Driver and Steve Graves). The adjoining property owners were notified by certified mail and was advertised in The Gallatin News on Thursday, September 28, 2017.

Mr. Craig Parker came forward to explain and represent the request.

Mr. McKee opened the floor for the public hearing.

Since no one was present to speak, Mr. McKee closed the public hearing.

Motion to approve a Conditional Use Permit by Mr. Jones, seconded by Ms. Webster. Motion passed unanimously.

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

Meeting Adjourned at 7:26 p.m.