

**SUMNER COUNTY ZONING BOARD OF APPEALS
MINUTES
6:00 P.M.
JULY 10, 2008**

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

MEMBERS PRESENT:
MARK MCKEE JR., CHAIRMAN
BRUCE RAINEY, VICE-CHAIRMAN
JAMES COLE
ALTON PERDUE
MIKE WILLIAMS, ALTERNATE MEMBER

MEMBERS ABSENT:
SANDY WEBSTER

OTHERS PRESENT:
MIKE MOULTON, PLANNING DIRECTOR
LISA WILLIAMS, ADMINISTRATIVE ASSISTANT

MOTION FOR APPROVAL BY MR. PERDUE, SECONDED BY MR. COLE. MOTION PASSED UNANIMOUSLY.

I. JAMES AND HELEN JENNINGS WERE REQUESTING A HARDSHIP VARIANCE TO CARE FOR HELEN JENNINGS SISTER, NELLIE M. HUDSON. SUBJECT PROPERTY IS LOCATED AT 1097 MT. OLIVET ROAD, HENDERSONVILLE, TN., ON TAX MAP 116, PARCEL 65.03, CONTAINS 1.00 ACRE AND IS ZONED R1A.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON **JUNE 4, 2008**. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

LASHONDA JONES CAME FORWARD TO EXPLAIN THIS REQUEST. MS. JONES EXPLAINED THAT SHE WAS ASKING FOR A HARDSHIP VARIANCE FOR HER BROTHER TO CARE FOR HER AUNT WHO IS DEAF. (THE BROTHER LIVES IN THE HOUSE CURRENTLY AND THE AUNT WOULD LIVE IN THE MOBILE HOME) MS. JONES STATED THAT THE HOME IS ALREADY THERE AND HAD BEEN THERE SINCE 1998.

CHAIRMAN MCKEE EXPLAINED TO MS. JONES THAT IF THIS HARDSHIP EVER CEASED THAT THIS MOBILE HOME (2ND DWELLING) WOULD HAVE TO BE REMOVED.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

DORIS ODOM, CAME FORWARD ON BEHALF OF HER FATHER. MS. ODOM STATED THAT SHE DID NOT HAVE A PROBLEM WITH THIS HARDSHIP, BUT HAD A QUESTION ABOUT THE SETBACKS OFF THE PROPERTY LINES. MS. ODOM STATED THAT THIS EXISTING MOBILE HOME IS VERY CLOSE TO THE PROPERTY LINE. MS. ODOM STATED THAT SHE FELT THAT IF THIS MOBILE HOME WAS ENCROACHING ON HER PROPERTY THAT SHE WOULD HAVE TO PAY TAXES ON THIS MOBILE HOME, WHICH DID NOT EVEN BELONG TO HER.

MR. MOULTON RESPONDED THAT WE HAVE A SITE PLAN WHICH WAS DRAWN UP IN 1987 SHOWING THE SETBACK OF THE EXISTING MOBILE HOME ON THE EAST SIDE IS ONLY 5 FEET, WEST SIDE IS 36 FEET AND 22 FEET OFF THE REAR PROPERTY LINE. THE SETBACK ON THE EAST SIDE DOES NOT MEET THE PROPERTY SETBACK. MR. MOULTON STATED THAT IF THIS IS APPROVED TONIGHT THAT WE GRANT A SIDE SETBACK VARIANCE. MR. MOULTON ALSO REPORTED THAT HE WAS UNABLE TO FIND WHERE THIS MOBILE HOME HAD EVER BEEN PERMITTED, WHICH WOULD BRING ABOUT ISSUE OF THE SEPTIC TANK, SETBACKS, ETC. THE FAMILY MAY HAVE A COPY OF THE BUILDING PERMIT AND THAT WOULD BE GREAT. THEY DID PROVIDE A LETTER FROM A MEDICAL GROUP WHICH IS LOCATED IN HERMITAGE, TN. STATING THAT MS. NELLIE HUDSON IS DEAF. THIS IS A HARDSHIP THAT HAS BEEN IN USE FOR MANY YEARS AND THIS PROPERTY IS LANDLOCKED.

MR. RAINEY ASKED MS. JONES IF THE MOBILE HOME HAD ITS OWN SEPTIC TANK AND OVERFLOW.

MS. JONES RESPONDED TO MR. RAINEY STATING THAT THEY DID HAVE THEIR OWN SEPTIC TANK AND OVERFLOW.

THERE WAS DISCUSSION.

MR. RAINEY STATED HE WOULD LIKE TO SEE SOMETHING FROM THE ENVIRONMENTAL OFFICE PERTAINING TO THE SEPTIC TANK AND OVERFLOW.

MR. RAINEY, AS WELL AS MR. MOULTON, AGREED THAT IT WOULD BE HARD TO LOCATE THE PROPERTY LINES IN THIS AREA. MR. RAINEY STATED THAT WHAT WE ARE DEALING WITH IS IMAGINARY LINES SET FORTH BY THE COUNTY, NOTHING TO DO WITH PROPERTY OWNERSHIP.

MR. RAINEY EXPLAINED TO MS. ODOM THAT IF A VARIANCE IS GRANTED AND THEY GRANT A SETBACK VARIANCE FOR THE EXISTING MOBILE HOME THAT THIS WOULD NOT IN ANY WAY AFFECT HER PROPERTY.

MOTION BY MR. RAINEY TO APPROVE THIS HARDSHIP UNDER NORMAL CONDITIONS; BEING THAT THEY CONTACT THE PLANNING OFFICE IN 12 MONTHS AND IN 2 YEARS YOU WILL COME BACK BEFORE THIS BODY, AND OBTAIN A BUILDING PERMIT FOR THIS MOBILE HOME WHICH WOULD REQUIRE A SEPTIC TANK PERMIT OR LETTER FROM THE ENVIRONMENTAL OFFICE AND INCLUDE A SIDE YARD VARIANCE (WHAT EVER THAT MY BE) OF UP TO 1 FOOT, SECONDED BY MR. WILLIAMS. MOTION PASSED UNANIMOUSLY. (FYI: MR. MOULTON HAS SPOKEN TO MR. HAMMOCK, BUILDING COMMISSIONER, AND HE SAID HE WOULD BE WILLING TO WAIVE THE ADEQUATE FACILITIES FEE BUT HE WOULD REALLY LIKE TO HAVE A BUILDING PERMIT ON FILE.)

2. JAMES D. HAMILTON WAS REQUESTING TO OPERATE A GARDEN CENTER AT 2215 B HIGHWAY 31-E, GALLATIN, TN. MR. HAMILTON IS ALSO REQUESTING TO HAVE 2 FULL TIME EMPLOYEES, AND A VARIANCE FOR DUST FREE PARKING AND FOR ONE SIGN (4' X 8'). SUBJECT PROPERTY IS LOCATED ON MAP 90, PARCEL 40.04 (CONTAINS 1 ACRE) AND PARCEL 40.07 (CONTAINS 5 ACRES), AND IS ZONED AGRICULTURAL. THE HOURS OF OPERATION WILL BE MONDAY THRU FRIDAY 9:00 A.M. UNTIL 5:00 P.M. AND SATURDAY FROM 8:00 A.M. UNTIL 4:00 P.M. HE WILL BE SELLING MULCH, SHRUBS, TREES, DECORATIVE ROCK AND TOP SOIL.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON **JUNE 18, 2008**. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MR. JAMES HAMILTON CAME FORWARD TO EXPLAIN THIS REQUEST. MR. HAMILTON STATED THAT WE WILL HAVE TREES AND SHRUBS, WHICH WE BUY AND THEN SELL. MR. HAMILTON STATED THAT HE DID CURRENTLY HAVE A SIGN POSTED.

MR. MOULTON EXPLAINED THAT THERE WAS PREVIOUSLY AN ILLEGAL BUSINESS ON THIS SITE WHEN MR. HAMILTON PURCHASED THIS PROPERTY. THEY HAVE BEEN PAYING COMMERCIAL PROPERTY TAXES ON THE PORTION OF THIS LAND AND THEREFORE MR. HAMILTON WAS UNDER THE IMPRESSION THAT THIS PROPERTY WAS ZONED COMMERCIAL.

THERE WAS DISCUSSION.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING AND THERE WAS NO ONE PRESENT TO SPEAK.

MOTION FOR APPROVAL FOR 2 YEARS BY MR. WILLIAMS, SECONDED BY MR. COLE. MOTION PASSED UNANIMOUSLY.

3. **HARDIP CHAHAL** WAS REQUESTING A SPECIAL EXCEPTION TO PLACE AN 8' X 12' SIGN ON THE CORNER OF HIGHWAY 25 AND HIGHWAY 31W COTTONTOWN, TN. THIS SIGN IS 10.5 FEET TALL (MEASURING FROM GROUND TO THE TOP OF THE SIGN). SUBJECT PROPERTY CONTAINS 7.53 ACRES, IS ON TAX MAP 55, PARCEL 25, AND IS ZONED COMMERCIAL 2 PUD.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON **JUNE 25, 2008**. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

THERE WAS NO ONE PRESENT TO REPRESENT THIS REQUEST.

MR. MOULTON UPDATED THIS BODY ON THIS PROPERTY. MR. MOULTON EXPLAINED THAT HIS PROPERTY WAS REZONED TO A COMMERCIAL 2 PUD ABOUT 3 YEARS AGO. THIS PROPERTY HAS SINCE BEEN SOLD TO MR. CHAHAL WHO OWNS A MARKET AND SERVICE STATION ACROSS THE ROAD FROM THIS SIGN IN ROBERTSON COUNTY WHICH IS WHAT THIS SIGN IS ADVERTISING FOR. MR. MOULTON EXPLAINED TO HIM THAT HE WOULD NEED TO APPEAR BEFORE THE ZONING BOARD OF APPEALS FOR PERMISSION IN ORDER FOR HIM TO KEEP THE SIGN.

THERE WAS DISCUSSION.

MR. RAINEY STATED HE RECALLED THAT WE HAD A SIGN COMPANY COMING BEFORE US REQUESTING AN OFF SITE SIGN (BILLBOARD) AND WE DENIED THAT REQUEST DUE TO IT NOT IN KEEPING WITH THE AREA.

MOTION TO DENY THIS REQUEST BY MR. RAINEY, SECONDED BY MR. PERDUE. MOTION PASSED UNANIMOUSLY.

(FYI: THERE WERE 2 UNIDENTIFIED LADIES IN THE AUDIENCE AND MR. MOULTON ASKED THEM WHAT THEY WERE HERE TO DISCUSS. THEY SAID THEIR PROPERTY WAS ON THE SOUTH SIDE OF THE HIGHWAY FROM THIS SIGN AND THEY HAD RECEIVED A LETTER ABOUT THIS MEETING. MR. MOULTON EXPLAINED TO THEM THAT THIS SIGN WAS GOING TO HAVE TO COME DOWN. THEY THANKED MR. MOULTON AND THEY LEFT THE MEETING.)

4. MR. CHRISTOPHER BROWN WAS REQUESTING A CONDITIONAL USE PERMIT TO OPERATE "HIGHWAY 259 AUTO GARAGE" LOCATED AT 1911 HIGHWAY 259, PORTLAND, TN. THE HOURS OF OPERATION WILL BE FROM MONDAY THRU FRIDAY- 8:00 A.M. UNTIL 5:00 P.M. DURING THE SUMMER MONTHS AND MONDAY THRU FRIDAY 8:00 A.M. UNTIL 2:00 P.M. DURING THE SCHOOL YEAR. THE BUSINESS IS LOCATED IN AN EXISTING STRUCTURE APPROXIMATELY 30' X 40 ' (WHICH WAS PERMITTED). THERE WILL BE THREE (3) TEMPORARY PARKING SPACES. MR. BROWN IS ALSO REQUESTING A VARIANCE FOR DUST FREE PARKING, AND TWO (2) SIGNS (1 SIGN ON THE BUILDING AND 1 SIGN ROAD SIDE). THERE WILL BE NO BODY REPAIR OR DISMANTLED VEHICLES, STRICTLY GENERAL AUTO REPAIR. SUBJECT PROPERTY IS ZONED AGRICULTURAL, IS ON TAX MAP 14, PARCEL 54, AND CONTAINS 1.05 ACRES.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON **JUNE 18, 2008**. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MR. BROWN CAME FORWARD TO EXPLAIN THIS REQUEST AND PASSED AROUND PICTURES OF THIS BUSINESS.

TRENA BERLUI, NEIGHBOR AND HIS BOOK KEEPER CAME FORWARD TO SUPPORT HIS CASE.

MR. COLE ASKED MR. BROWN HOW LONG HE HAD BEEN OPERATING THIS BUSINESS.

MR. BROWN EXPLAINED TO MR. COLE THAT HE HAD BEEN OPERATING THIS BUSINESS SINCE FEBRUARY OF LAST YEAR.

MR. MOULTON STATED THAT MR. BROWN HAS DONE EVERYTHING HE NEEDED TO DO TO BRING THIS BEFORE THE BOARD AND HAS BEEN VERY CO-OPERATIVE. MR. MOULTON STATED THE MR. BROWN HAD ASSURED HIM THAT THERE WILL BE NO DISMANTLED VEHICLES. THEY WOULD PRIMARILY DO TUNE UPS, BRAKE JOBS, THOSE KIND OF REPAIRS DONE WITHIN THE SHOP. MR. MOULTON STATED THAT HE TOLD MR. BROWN TO REALLY CANVAS THE NEIGHBORHOOD AND MAKE SURE THE NEIGHBORS WERE GOING TO BE OK WITH THIS REQUEST. THIS TYPE OF REQUEST IS ALLOWED ON APPEAL.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

TREMA BERLUI, HIS BOOK KEEPER SINCE FEBRUARY 2007, CAME FORWARD TO SPEAK IN FAVOR OF MR. BROWN'S REQUEST. HE HAS ALWAYS FILED HIS TAXES ON TIME, FILED WITH THE STATE, AND REGISTERED WITH SALES TAX. HE DOES HAVE HIS BUSINESS LICENSE. MS. BERLUI STATED THAT SHE HAS OBSERVED HIS HOME TO BE NEAT AND SHE HAS NEVER SEEN A CAR DISMANTLED.

MR. RAINEY ASKED WHY DO YOU NEED A SIGN AT THE ROAD.
MR. BROWN REPLIED THAT HE DID NOT PARTICULARLY NEED A SIGN AT THE ROAD,
WHEN I WAS SPEAKING WITH THE LADY AT THE PLANNING OFFICE SHE ASKED IF I
WOULD LIKE TO REQUEST A SIGN. HE STATED THAT HE DOES NOT HAVE A SIGN NOW.

MR. RAINEY EXPLAINED THAT WE HAVE A LOT OF PEOPLE REQUESTING EXACTLY WHAT
YOU ARE WANTING TO DO, AND ONE OR TWO NOT ALL THAT WE HAVE GRANTED HAVE
NOT LIVED UP TO WHAT THEY HAVE PROMISED.

THERE WAS DISCUSSION.

MOTION FOR APPROVAL BY MR. RAINEY TO INCLUDE A DUST FREE VARIANCE, DOES
NOT INCLUDE A SIGN ON THE ROAD, BUT A SIGN ON THE SHOP WILL BE ALLOWED, NO
MORE THAN THREE VEHICLES AT A TIME AND NO OUT SIDE TEAR DOWNS AT ALL FOR
ANY REASON, NO OUTSIDE STORAGE OF NEW OR USED PARTS, MR. MOULTON/STAFF
WILL REVIEW THIS SITE WITHIN THE NEXT 12 MONTHS, AND WE REQUEST THAT YOU
COME BACK IN 2 YEARS, AND WITHIN A REASONABLE TIME HE WILL NEED TO PUT UP
THE PRIVACY FENCE AROUND THE PARKING AREA AS SHOWN ON THE SITE PLAN,
SECONDED BY MR. COLE. MOTION PASSED UNANIMOUSLY.

OTHER BUSINESS:

NONE

MEETING ADJOURNED AT 6:35 P.M.