

**SUMNER COUNTY ZONING BOARD OF APPEALS
MINUTES
6:00 P.M.
OCTOBER 9, 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
SANDY WEBSTER
ALTON PERDUE
MIKE WILLIAMS, ALTERNATE MEMBER

MEMBERS ABSENT:
JAMES COLE

OTHERS PRESENT:
GARY HAMMOCK, BUILDING COMMISSIONER
LISA WILLIAMS, ADMINISTRATIVE ASSISTANT

MOTION FOR APPROVAL OF THE SEPTEMBER MINUTES BY MS. WEBSTER, SECONDED BY MR. PERDUE. MOTION PASSED UNANIMOUSLY.

1. DAN ELLER WAS REQUESTING A CONDITIONAL USE VARIANCE TO OPERATE AN EMBROIDERY CONVERTER BUSINESS WITH (2) EMPLOYEES, A DUST FREE PARKING VARIANCE AND WITH NO ON-SITE SALES. HOURS OF OPERATION WILL BE MONDAY THROUGH FRIDAY FROM 8:00 A.M. TO 4:30 PM., SHIPPING AND RECEIVING OF SMALL PACKAGES WILL BE PROVIDED BY UNITED PARCEL SERVICE AND THE BUSINESS WILL BE CONDUCTED WITHIN EXISTING (2) STRUCTURES; 1. 40' x 70' FOOT BARN AND 2. A 40' x 70' FOOT METAL BUILDING. THERE WILL BE APPROXIMATELY (2) SEMI-TRACTOR TRAILER DELIVERIES PER MONTH. SUBJECT PROPERTY IS LOCATED AT 1857 HWY 25 WEST, GALLATIN TN., IS ON TAX MAP 103, PARCEL 29.00, CONTAINS (65.92) ACRES, AND IS ZONED RESIDENTIAL 1-A.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON SEPTEMBER 10, 2008. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MR. ELLER CAME FORWARD TO REPRESENT AND EXPLAIN HIS REQUEST.

CHAIRMAN MCKEE TOLD MR. ELLER THAT HE UNDERSTOOD THAT HE WAS WITHDRAWING HIS REQUEST.

MR. ELLER REPLIED TO CHAIRMAN MCKEE STATED HE WAS NOT WITHDRAWING HIS REQUEST. HE STATED HE WOULD LIKE TO KEEP IT IN CASE HE EVER NEEDED TO DO SOMETHING WITH IT.

MR. RAINEY SPOKE UP AND SAID HE HAS RESEARCHED THE ZONING ORDINANCE PERTAINING TO THE R1A ZONING. MR. RAINEY READ ALOUD THE USES PERMITTED AND USES PERMITTED ON APPEAL IN THE R1A AND RA ZONING. MR. RAINEY STATED THAT THE R1A ZONING IS STRICTLY A RESIDENTIAL ZONING. THE ONLY COMMERCIAL PERMITTED USES ON APPEAL IS A HOME OCCUPATION.

MR. RAINEY STATED THAT THERE IS NOT A HOME LOCATED ON THIS PROPERTY. *MR. RAINEY EXPLAINED THAT WE DO NOT HAVE THE RIGHT TO HEAR THIS CASE.*

CHAIRMAN MCKEE STATED THAT IS THE WAY THAT HE ALSO INTERPRETED IT.

MR. RAINEY EXPLAINED THAT THIS IS NOT A PERMITTED USE AND IS NOT PERMITTED ON APPEAL. THE ONE THING YOU CAN DO IF YOU WANT TO PURSUE THIS MATTER IS TO TAKE THIS BEFORE THE PLANNING COMMISSION AND THE COUNTY COURT AND TRY TO HAVE THE PROPERTY REZONED.

MR. ELLER ASKED IF THIS BODY WOULD GIVE HIM SIXTY (60) DAYS TO SELL A MACHINE OR TWO RATHER THAN HAVE TO MOVE IT.

MOTION BY MR. RAINEY TO REFER THIS BACK TO THE PLANNING DEPARTMENT, AND FOR THEM TO MAKE SURE THAT THIS GENTLEMAN HAS SHUT THIS BUSINESS DOWN WITHIN SIXTY (60) DAYS IN TOTAL, SECONDED BY MR. PERDUE. MOTION PASSED UNANIMOUSLY.

FYI: MR. RAINEY STATED THAT WE DID NOT HAVE THE RIGHT TO HAVE A PUBLIC HEARING.

CHAIRMAN MCKEE STATED THAT WAS THE WAY HE INTERPRETED IT ALSO.

2. JENNINGS HYDE WAS CONSIDERING THE PURCHASE OF THE DUNKLIN MURREY PROPERTY TO OPERATE A MULTI-RESIDENT ADULT CARE FACILITY (BIBLICAL CONCEPTS) AND WILL BE REQUESTING A CONDITIONAL USE VARIANCE. THERE WILL BE A MAXIMUM OF (10) RESIDENTS AND WILL HAVE (24) HOUR STAFF SUPERVISION. THEY ARE ALSO ASKING FOR A DUST FREE PARKING VARIANCE AND THE FACILITY WILL BE WITHIN AN EXISTING RESIDENCE. SUBJECT PROPERTY IS LOCATED AT 3523 HWY 25 EAST, CASTALIAN SPRINGS TN., IS ON TAX MAP 130, PARCEL 29.01, CONTAINS (5.11) ACRES, AND IS ZONED RESIDENTIAL 1-A.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON SEPTEMBER 24, 2008. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MR. HYDE CAME FORWARD TO REPRESENT AND EXPLAIN THIS REQUEST.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

MR. RAINEY ASKED IF HE HAD PROVIDED STAFF WITH ALL THE REQUIRED PERMITS.

MR. HYDE STATED THAT THEY WILL PROVIDE THESE PERMITS PRIOR TO OPENING THE GROUP HOME.

MR. RAINEY ASKED WHO OVER SEES THIS GROUP HOME?

MR. JOE MOORE, A LICENSED COUNSELOR, CAME FORWARD TO SAY THE OVER SITE OF THIS HOME WILL BE BY THE STATE OF TENNESSEE, AS WELL AS, THE INSURANCE COMPANIES.

MR. RAINEY ASKED IF THE STATE FIRE MARSHALL HAD ANY CONTROL OVER THIS FOR SAFETY PURPOSES.

MR. MOORE STATED THAT THE HOUSE HAS SMOKE DETECTORS, BUT IT IS NOT SPRINKLED.

MR. RAINEY ASKED ABOUT A FIRE PLAN.

MR. MOORE STATED THAT THEY WOULD HAVE AN EVACUATION/FIRE PLAN.

MR. RAINEY ASKED HOW CLOSE THE FIRE HYDRANT WAS TO THIS PROPERTY.

MR. MOORE STATED HE WAS NOT SURE HOW CLOSE A FIRE HYDRANT WAS.

CHAIRMAN MCKEE STATED THAT THERE IS AN EIGHT (8) INCH WATER LINE IN THIS AREA.

THERE WAS DISCUSSION.

MR. HAMMOCK EXPLAINED THAT THE PERMIT FOR THIS HOUSE WAS ISSUED TO A MR. MURREY AND THE PERMIT IS EXPIRED, AND THERE HAS NEVER BEEN A CERTIFICATE OF OCCUPANCY FOR THIS RESIDENCE. MR. HAMMOCK SAID HE HAD TWO (2) ISSUES, THE FIRST ISSUE IS THAT WE HAVE A HOUSE THAT HAS NEVER RECEIVED A CERTIFICATE OF OCCUPANCY, SECOND ISSUE IS WITH THE CONVERSION OF A DEN TO A BEDROOM. WE ARE GOING TO MAKE SURE THE WINDOWS ARE SAFE FOR EMERGENCY EGRESS AND TO LOOK AT THE SMOKE DETECTORS. MR. HAMMOCK STATED THAT THESE ARE LIFE SAFETY ISSUES.

THERE WAS NO ONE PRESENT TO SPEAK IN OPPOSITION.

THERE WAS DISCUSSION.

MOTION BY MR. RAINEY FOR APPROVAL OF THIS CONDITIONAL USE PERMIT WITH STANDARD EXCEPTIONS WITH THE FOLLOWING CONDITIONS: 1) THEY MUST GET THE PROPER BUILDING PERMIT FROM THE CODES DEPARTMENT, 2) THE CODES DEPARTMENT MUST TREAT THIS AS NEW CONSTRUCTION AS MUCH AS POSSIBLE, UNDER THE R4 CODES INSPECTIONS, INCLUDING THE ROOM, WIRING, INGRESS AND EGRESS, ADA COMPLIANCE, ETC. AND MUST PROVIDE A COPY OF ALL REQUIRED PERMITS DELIVERED TO THE PLANNING DEPARTMENT STAFF PRIOR TO THE OPENING OF THIS FACILITY, (WE DO NOT KNOW WHAT ALL PERMITS ARE REQUIRED, BUT WE WANT A LIST OF WHAT PERMITS ARE REQUIRED, THEY WILL BE REQUIRED TO APPLY FOR A NEW SEPTIC LETTER, AND A FIRE HYDRANT MUST BE PLACED IN FRONT OF THE PROPERTY, SECONDED BY WEBSTER. MOTION PASSED UNANIMOUSLY.

➤ OTHER BUSINESS:

- MR. ARTHUR PEREA-TO DISCUSS CONTINUATION OF A HARDSHIP HE RECEIVED ON OCTOBER 10, 2002, TO CARE FOR HIS MOTHER. SUBJECT PROPERTY IS LOCATED AT 155 MOCKINGBIRD HILL ROAD, HENDERSONVILLE, TN., IS ON TAX MAP 95, PARCEL 53 AND IS ZONED RESIDENTIAL A.

MR. PEREA CAME FORWARD TO EXPLAIN THIS REQUEST AND TO STATE THAT HIS MOTHER STILL NEEDED THE HARDSHIP VARIANCE.

THERE WAS DISCUSSION.

MOTION BY MR. RAINEY TO CONTINUE THIS HARDSHIP CONTINGENT THAT MR. PEREA PROVIDE A LETTER FROM THE DOCTOR, SECONDED BY MS. WEBSTER. MOTION PASSED UNANIMOUSLY.

- **JAMES CHOATE** TO REQUEST AN UPDATE AND CONTINUATION OF THE CONDITIONAL USE PERMIT HE RECEIVED TO OPERATE AN AUTO REPAIR SHOP LOCATED IN AN EXISTING BUILDING. THERE WILL BE TWO (2) EMPLOYEES, AND THE HOURS OF OPERATION WILL BE MONDAY THROUGH FRIDAY FROM 8 A.M. UNTIL 5 P.M. HE IS ALSO REQUESTING A DUST FREE PARKING VARIANCE. SUBJECT PROPERTY IS LOCATED AT 608 KEYTOWN ROAD, PORTLAND, TN., IS ON TAX MAP 60, PARCEL 21.02. LOT SIZE IS APPROXIMATELY 1.47 ACRES AND IS ZONED AGRICULTURAL.

THE MOTION ON OCTOBER 11, 2007: WAS FOR APPROVAL FOR A PERIOD OF TWELVE (12) MONTHS WITH THE HOURS HE HAS REQUESTED, TO INCLUDE A VARIANCE ON THE DUST FREE PARKING, BUT HE CAN NOT HAVE NO MORE THAN FIVE (5) VEHICLES OUTSIDE WAITING TO BE WORKED ON (THIS WOULD MEAN HE COULD WORK ON EIGHT (8) VEHICLES AT A TIME, THIS INCLUDES 3 VEHICLES THAT WOULD BE INSIDE) THIS MOTION DOES NOT INCLUDE APPROVAL OF A SIGN AND THERE WILL BE NO OUTSIDE STORAGE OF CAR PARTS, TIRES, HOODS, BUMPERS, ETC., SECONDED BY MR. PERDUE. MOTION PASSED UNANIMOUSLY.

THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MR. CHOATE CAME FORWARD TO REPRESENT THIS REQUEST.

MR. RAINEY STATED FOR THE RECORD, THAT THEY RECEIVED A LETTER IN FAVOR OF THIS REQUEST FROM MARY J. CLEMENT, Ph D.

MS. CLEMENT CAME FORWARD TO SPEAK IN FAVOR OF THIS REQUEST. SHE STATED THAT HE HAS DONE EVERYTHING THIS BOARD HAS REQUESTED. MS. CLEMENT ASKED IF THEY COULD MAKE THIS CONDITIONAL USE FOR EVERY TWO OR THREE YEARS.

THERE WAS DISCUSSION.

MOTION TO CONTINUE THIS REQUEST FOR TWO YEARS BY MS. WEBSTER, SECONDED BY MR. PERDUE. MOTION PASSED UNANIMOUSLY.

- **JOSEPH HOWARD** WAS REQUESTING A NINE (9) FOOT REAR YARD SETBACK VARIANCE FOR AN EXISTING HOME. SUBJECT PROPERTY IS LOCATED ON 2458 CENTER POINT ROAD, HENDERSONVILLE, TN., BEING LOT NO. 2, EARL LORENZ PROPERTY, IS ON TAX MAP 139, PARCEL 26.01, CONTAINS 2.62 ACRES, AND IS ZONED RA.
THIS WAS ADVERTISED IN THE GALLATIN NEWS ON **JULY 30, 2008**. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.
THIS WAS DEFERRED AT THE AUGUST AND SEPTEMBER 2008 ZBA MEETING.

MOTION TO DEFER THIS FOR THIRTY MORE DAYS TO ALLOW THIS PLAT TO RECEIVE THE PROPER SIGNATURES BY MR. RAINEY, SECONDED BY MR. WILLIAMS. MOTION PASSED UNANIMOUSLY.

MR. RAINEY STATED THAT THIS PLAT IS IN THE PROCESS OF RECEIVING THE SIGNATURES ON THE PLAT.

MEETING ADJOURNED AT 6:35 P.M.

FYI: THE DECEMBER, JANUARY, AND FEBRUARY ZONING BOARD OF APPEALS MEETING WILL BEGIN AT 5:00 P.M. INSTEAD 6:00 P.M.