

SUMNER COUNTY ZONING BOARD OF APPEALS
MINUTES
6:00 P.M.
MAY 14, 2009

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
SANDY WEBSTER
MIKE WILLIAMS

MEMBERS ABSENT:

**MOTION FOR APPROVAL OF APRIL MINUTES BY MR. COLE, SECONDED BY MR. WILLIAMS.
MOTION PASSED UNANIMOUSLY.**

1. MARJORIE DRIVER WAS REQUESTING A 17' FRONT YARD SETBACK VARIANCE TO BUILD A DETACHED GARAGE, DUE TO EXTREME TOPOGRAPHIC ISSUES. SUBJECT PROPERTY IS LOCATED AT 3180 OLD HIGHWAY 31-E, WESTMORELAND, TN., IS ON TAX MAP 28, PARCEL 10, CONTAINS 15.10 ACRES AND IS ZONED AGRICULTURAL.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON APRIL 29, 2009. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

GARY REECE, MS. DRIVER'S CONTRACTOR, CAME FORWARD TO EXPLAIN THE REQUEST AND TO ANSWER ANY QUESTIONS. MR. REECE STATED THAT THE PROPOSED GARAGE WOULD BE 45.6 FEET FROM THE CENTER OF THE ROAD. THIS WILL ALLOW THE GARAGE TO LINE UP WITH THE HOUSE.

THERE WAS NO ONE PRESENT TO SPEAK FOR OR AGAINST THIS REQUEST.

MR. MOULTON EXPLAINED THAT THERE ARE SOME SERIOUS TOPO ISSUES ON THIS PROPERTY.

MR. RAINEY QUESTIONED MR. MOULTON ABOUT THE FRONT SETBACKS. MR. RAINEY STATED THAT SINCE IT IS A COUNTY ROAD, THE FRONT SETBACK WOULD BE 30 FEET. MR. RAINEY WAS STRUGGLING WITH THE 17' FRONT YARD SETBACK REQUESTED.

MR. MOULTON RECALCULATED THE FRONT YARD SETBACK THAT WAS NEEDED. MR. MOULTON STATED THAT MS. DRIVER ONLY NEEDED A 7' FT. FRONT YARD SETBACK VARIANCE.

THERE WAS DISCUSSION.

MOTION BY MR. RAINEY TO APPROVE THIS REQUEST AS LONG AS THE GARAGE IS NO CLOSER TO THE ROAD THAN THE FRONT OF THE HOUSE, WHEREVER THAT IS, SECONDED BY COLE. MOTION PASSED UNANIMOUSLY.

2. **PAMELA SMALLING AND ROY GREENER** WERE REQUESTING A 14.7 FT. SIDE YARD SETBACK VARIANCE ON THE NORTH BACK CORNER OF THE NEW HOME TO BE CONSTRUCTED. SUBJECT PROPERTY IS LOCATED AT 1431 DICKERSON BAY DRIVE, GALLATIN, TN., IS ON TAX MAP 147K, GROUP C, PARCEL 13, LOT DIMENSIONS ARE 60' X 281.1' IRR., BEING LOT # 72, OF STATION CAMP INLET, SECTION ONE, AND IS ZONED RA.

THIS WAS A PUBLIC HEARING AND WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON APRIL 29, 2009. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MARK BOTSKO, CONTRACTOR, CAME FORWARD TO EXPLAIN THIS REQUEST.

MR. RAINEY STATED YOU COULD HAVE HAD A COURT YARD TYPE OR FRONT ENTRANCE AND NOT HAVE TO ASK FOR THIS REQUEST.

MR. BOTSKO STATED THAT WE DID LOOK AT OTHER OPTIONS, BUT OPTED TO ASK FOR THE REAR YARD SETBACK VARIANCE.

MR. RAINEY STATED THAT WE ARE LOOKING AT A TOPO PROBLEM WITH TOO MUCH SLOPE IN IT.

MR. BOTSKO CONCURRED.

THERE WAS DISCUSSION.

MR. MOULTON STATED THAT THIS LOT WAS RECORDED IN THE 1960' S; THEREFORE THIS IS A NON-CONFORMING LOT OF RECORD, WHICH MEANS TO BUILD A NEW HOME ON IT THEY HAVE TO MEET CURRENT SETBACKS.

STUART EDWARDS, 1437 DICKERSON BAY, CAME FORWARD TO STATE THAT HE WAS FOR THIS REQUEST.

MS. SMALLING ALSO PRESENTED THIS BODY WITH TWO LETTERS FROM ADJOINING PROPERTY OWNERS THAT WERE BOTH IN FAVOR OF THIS REQUEST.

MOTION BY MR. RAINEY FOR APPROVAL DUE TO THE TOPO OF THE LAND AND DUE TO THE LOCATION OF THE OTHER HOMES IN THIS AREA, SECONDED BY MR. WILLIAMS. MOTION PASSED UNANIMOUSLY.

OTHER BUSINESS:

A. DAVID AND DEBBRA HUGGINS WERE REQUESTING A CONTINUATION OF A CONDITIONAL USE PERMIT THEY RECEIVED ON MAY 10, 2007, TO ALLOW FOR THE HOSTING OF WEDDINGS AND RECEPTIONS ON THEIR PROPERTIES. THIS WILL INCLUDE THE SERVING OF FOOD AND BEVERAGES AND MAY INCLUDE ALCOHOLIC BEVERAGES. SUBJECT PROPERTY IS LOCATED AT 2522 HIGHWAY 52 EAST, PORTLAND, TN., IS ON TAX MAP 31, PARCEL 47.08 AND 47.09, CONTAINS APPROX. 5.01 ACRES AND IS ZONED AGRICULTURAL.

DEBBRA HUGGINS CAME FORWARD TO EXPLAIN THIS REQUEST. MS. HUGGINS STATED THAT THEY HAD 7 WEDDINGS LAST YEAR.

THERE WAS NO ONE PRESENT TO SPEAK FOR OR AGAINST.

MR. MOULTON STATED THAT THEY HAVE NOT ANY COMPLAINTS ON THIS CONDITIONAL USE.

THERE WAS DISCUSSION.

MOTION TO CONTINUE FOR TWO YEARS BY MS. WEBSTER, SECONDED BY MR. WILLIAMS. MOTION PASSED UNANIMOUSLY.

B. STEPHEN A. AND PATRICIA GAY CLAYPOOL (FYI: ORIGINAL REQUESTOR: KATHY NICHOLSON) WERE REQUESTING A CONTINUATION OF A CONDITIONAL USE PERMIT THAT WAS RECEIVED ON MAY 10, 2007, TO BE UTILIZED BY TRINITY MINISTRIES AS OFFICE SPACE FOR UP TO SIX EMPLOYEES, PRIMARILY USING TELEPHONE, INTERNET, AND FAX, AND HOURS OF OPERATION WILL BE 8:00 A.M. UNTIL 5:00 P.M. MONDAY THRU FRIDAY.

SUBJECT PROPERTY IS LOCATED AT 365 LEE ROAD, WHITE HOUSE, TN., IS ON TAX MAP 75, PARCEL 19, CONTAINS 13.53 ACRES AND IS ZONED RESIDENTIAL A.

STEPHEN AND PATRICIA CLAYPOOL CAME FORWARD TO EXPLAIN THIS REQUEST.

MR. MOULTON STATED THAT HE WAS GOING TO STEP OUT OF HIS ROLE AS PLANNING DIRECTOR AND SPEAK AS A NEIGHBOR. MR. MOULTON STATED THAT HE WISHED ALL OF HIS NEIGHBORS KEEP THEIR PLACES AS NEAT AS THE CLAYPOOL'S DID. MR. MOULTON STATED THAT WE HAVE NO PROBLEMS WITH WHAT THEY ARE DOING, NOR HAD ANY COMPLAINTS.

THERE WAS NO ONE PRESENT TO SPEAK FOR OR AGAINST THIS REQUEST.

THERE WAS DISCUSSION.

MOTION TO APPROVE FOR TWO MORE YEARS BY MR. WILLIAMS, SECONDED BY MR. COLE. MOTION PASSED UNANIMOUSLY.

C. VAN HUMPHREY WAS REQUESTING A CONTINUATION OF THE HARDSHIP VARIANCE HE RECEIVED ON APRIL 4, 2000, TO CARE FOR HIS MOTHER. SUBJECT PROPERTY IS LOCATED AT 1135 SMITH THOMPSON ROAD, BETHPAGE, TN., IS ON TAX MAP 49, PARCEL 2, AND IS ZONED AGRICULTURAL.

MR. HUMPHREY CAME FORWARD TO STATE THAT THE HARDSHIP IS STILL NEEDED.

MR. RAINEY ASKED MR. HUMPHREY IF HE COULD PROVIDE A DOCTOR'S STATEMENT.

MR. HUMPHREY STATED HE DID NOT HAVE A DOCTOR'S STATEMENT WITH HIM BUT HIS MOTHER TOLD HIM SHE WOULD GET THE STATEMENT NEXT WEEK.

MR. HUMPHREY STATED THAT SHE WOULD MAIL THE DOCTOR STATEMENT NEXT WEEK.

THERE WAS DISCUSSION.

MOTION TO APPROVE CONTINGENT THAT THEY PROVIDED A DOCTOR'S STATEMENT, BY MR. RAINEY, SECONDED BY MS. WEBSTER. MOTION PASSED UNANIMOUSLY.

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MR. MOULTON REPORTED ON JAMES JENNINGS HARDSHIP. SUBJECT PROPERTY IS LOCATED AT 1097 MT. OLIVET ROAD. WE HAVE BEEN DEALING WITH THIS CASE FOR A WHILE. THERE HAS NOT BEEN A BUILDING OR SEPTIC TANK PERMIT ISSUED FOR THE MOBILE HOME/HARDSHIP. THEY WERE TOLD TO GET THIS IN COMPLIANCE THEY NEEDED TO BRING IT IN AS A HARDSHIP OR SEPARATE THE TWO PARCELS. THIS BOARD DID GRANT THE EXTENSION TO ALLOW THEM TO GET THE SURVEY DONE, ETC. IT HAS BEEN ALMOST A YEAR SINCE WE HAVE BEEN DEALING WITH THIS SITUATION. MR. MOULTON STATED THAT HE HAS BEEN IN TOUCH WITH THE FAMILY PERIODICALLY. MR. MOULTON STATED THAT THERE ARE SURVEY MARKERS ON THE PROPERTY. AS OF YESTERDAY, THEY HAVE NOT YET APPLIED FOR EITHER A SEPTIC OR BUILDING PERMIT. MR. MOULTON WOULD LIKE FOR THIS BOARD TO GIVE THEM ONE (1) MORE MONTH. IF THIS IS NOT COMPLETED BY NEXT MONTH'S BOARD MEETING THAT THIS BOARD WILL TAKE UNDER CONSIDERATION REMOVING THIS CONDITIONAL APPROVAL.

MR. RAINEY STATED FOR THEM TO BE MAKING HEAD WAY, THEY WOULD NEED TO FILE FOR A BUILDING PERMIT. MR. RAINEY STATED THAT THE BUILDING PERMIT WILL BE DENIED.

MR. MOULTON STATED THAT THE BOARD HAS BEEN VERY LENIENT TO WORK WITH THE JENNINGS, BUT THIS CO-OPERATION HAS NOT BEEN A TWO WAY STREET. MR. MOULTON STATED THAT HE WAS LOOKING FOR GUIDANCE FROM THIS BOARD.

MOTION BY MR. COLE IF THEY HAVE NOT APPLIED FOR THE BUILDING PERMIT BY THE TIME THIS BOARD MEETS AGAIN WHICH WILL BE JUNE 11, 2009, THEN THEY WILL BE PLACED ON THE AGENDA FOR REVOCATION OF THE HARDSHIP VARIANCE, SECONDED BY MS. WEBSTER. MOTION PASSED UNANIMOUSLY.

BUSINESS ADDED TO THE AGENDA BY MR. RAINEY FOR DISCUSSION:

MR. RAINEY STATED THAT IT HAS BEEN ABOUT 4 MONTHS SINCE WE HAVE APPROVED WADE'S AUTOMOTIVE TO HAVE ONE (1) PERMANENT SIGN AND A TEMPORARY SIGN THAT HAS TO BE MOVED AROUND. THERE ARE STILL TWO (2) PERMANENT SIGNS UP. THIS NEEDS TO BE TAKEN CARE OF OR NEEDS TO BE ON THE AGENDA NEXT MONTH.

MOTION BY MR. RAINEY THAT MR. LYLES REMOVE ONE (1) OF THE PERMANENT SIGNS OR HE NEEDS TO APPEAR BEFORE THE ZONING BOARD OF APPEALS NEXT MONTH, SECONDED BY MS. WEBSTER. MOTION PASSED UNANIMOUSLY.

MR. RAINEY ASKED MR. MOULTON HOW MR. GAMBRELL WAS KEEPING HIS PLACE.

MR. MOULTON STATED THAT HE AND MR. HIGHT VISITED MR. GAMBRELL'S PLACE RECENTLY AND HE WAS IN COMPLIANCE. MR. MOULTON DID ADD THAT MR. GAMBRELL DID KNOW THAT WE WERE COMING.

MR. RAINEY ASKED MR. MOULTON TO MAKE AN IMPROMPTU VISIT. MR. RAINEY STATED THAT HE WAS GOING TO ALSO MAKE A VISIT TO THE SITE.

MR. RAINEY QUESTIONED A JUNK YARD REGARDING USED TIRES GOING INTO AND DOWN A CREEK.

MR. MOULTON STATED THAT CERTAINLY TDEC WOULD HAVE A GREAT INTEREST IN THESE TIRES. MR. MOULTON ASKED MR. RAINEY IF HE WAS TALKING ABOUT THE JUNK YARD CLOSE TO HIS RESIDENCE?
MR. RAINEY CONCURRED.

MR. MOULTON STATED THAT THAT PARTICULAR JUNK YARD IS GRANDFATHERED IN AND AT ONE TIME THIS WAS IN THE CITY OF PORTLAND'S PLANNING REGION. THEY (PORTLAND) MADE HIM PUT UP SOME OF THAT FENCE. AS AN OPERATION OF A BUSINESS THAT REALLY FALLS UNDER PORTLAND'S JURISDICTION, BUT THE DEAL WITH TIRES IN THE CREEK, TDEC WOULD BE MOST INTERESTED.

MR. MOULTON TOLD MR. RAINEY THAT IF THIS PARTICULAR JUNK YARD WAS IN OUR JURISDICTION I WOULD MAKE YOU A BET THAT WE WOULD HAVE ALREADY CLEANED THIS UP.

MR. RAINEY STATED THAT HE WAS SURE THAT THIS PARTICULAR JUNK YARD IS IN THE COUNTY'S JURISDICTION. WE JUST GAVE A LADY A MONTH AGO A CONDITIONAL USE FOR A BED AND BREAKFAST ON THE SAME ROAD.

MR. MOULTON STATED THAT THE WOULD CHECK ON MCCLOUD'S JUNK YARD.

MEETING ADJOURNED AT 6:00 P.M.