

SUMNER COUNTY ZONING BOARD OF APPEALS
MINUTES
6:00 P.M.
JUNE 11, 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
SANDY WEBSTER
MIKE WILLIAMS

MEMBERS ABSENT:
JAMES COLE

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

MOTION FOR APPROVAL OF THE MAY MINUTES BY MS. WEBSTER, SECONDED BY MR. RAINEY. MOTION PASSED UNANIMOUSLY.

1. RALPH COOK WAS REQUESTING A CONDITIONAL USE PERMIT ON APPEAL TO OPERATE AN ICE CREAM SHOP THAT WOULD INCLUDE BIRTHDAY PARTIES/ SOCIALS WITH SANDWICHES, SOUP & EXTRA FOOD IN AN EXISTING BUILDING. HE IS ASKING FOR A DUST FREE PARKING VARIANCE AND (3) SIGNS. THE SHOP HOURS WILL BE MONDAY – SATURDAY 12:00 p.m. to 9:00 p.m.; SUNDAYS 1:00 p.m. to 9:00 p.m. THERE WILL BE (3) FULL TIME EMPLOYEES. SUBJECT PROPERTY IS LOCATED AT 185 WILKERSON LN., PORTLAND TN., ON TAX MAP 53, PARCEL 5.00 AND CONTAINS (87.02) ACRES, AND IS ZONED AGRICULTURAL.

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

RALPH COOK CAME FORWARD TO EXPLAIN THIS REQUEST.

MR. MOULTON REPORTED THAT MR. COOK ALREADY HAS APPROVAL ON THIS FARM TO OPERATE A RESTAURANT. HE DID BUILD SOME RESTROOMS AND HAS ALL OF THE PERMITTING IN PLACE. THIS ICE CREAM SHOP WILL FIT IN WITH WHAT IS ALREADY IN PLACE ON THIS PROPERTY.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.
THERE WAS NO ONE PRESENT TO SPEAK FOR OR AGAINST THIS REQUEST.

THERE WAS DISCUSSION.

MOTION FOR APPROVAL FOR TWO YEARS BY MR. RAINEY, SECONDED BY MS. WEBSTER. MOTION PASSED UNANIMOUSLY.

2. BETHPAGE UNITED METHODIST CHURCH/WANDA AND DAVID TIMPANI WERE REQUESTING A CONTINUATION OF A CONDITIONAL USE PERMIT THAT WAS GRANTED FOR TWO (2) YEARS ON JUNE 14, 2007, TO ALLOW FOR THE HOSTING OF PRIVATE WEDDINGS AND RECEPTIONS, WITH UP TO SIX (6) EMPLOYEES AND NO ALCOHOLIC BEVERAGES, IN THE EXISTING CHURCH. THEY WERE ANTICIPATING HAVING 10 TO 12 WEDDINGS PER MONTH.

SUBJECT PROPERTY IS LOCATED AT 504 OLD HIGHWAY 31-E, BETHPAGE, TN., IS ON TAX MAP 68, PARCEL 86, CONTAINS APPROX. TWO (2) ACRES AND IS ZONED AGRICULTURAL. ***THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY REGULAR MAIL.***

DAVID AND WANDA TIMPANI CAME FORWARD TO EXPLAIN THIS REQUEST.

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

THERE WAS DISCUSSION.

MR. MOULTON STATED THAT HE HAS NOT EVER RECEIVED ANY COMPLAINTS ON THIS CONDITIONAL USE PERMIT.

FOR THE RECORD, MR. RAINEY STATED THAT HE HAD A CONFLICT OF INTEREST WHEN THIS WAS PRESENTED TWO YEARS AGO, BUT TWO YEARS HAVE PAST AND THE POTENTIAL CONFLICT NO LONGER EXISTS.

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

OTHER BUSINESS:

A. SHELLY NORRIS WAS REQUESTING A CONTINUATION OF THE HARDSHIP VARIANCE SHE RECEIVED ON APRIL 6, 1999, TO CARE FOR HER FATHER. SUBJECT PROPERTY IS LOCATED AT 578 BRAZIER LANE, IS ON TAX MAP 93, PARCEL 8.01 AND IS ZONED AGRICULTURAL.

SHELLY NORRIS CAME FORWARD TO STATE THAT THE HARDSHIP IS STILL NEEDED. MS. NORRIS PRESENTED THIS BOARD WITH A COPY SHOWING WHERE HER FATHER RECEIVES SOCIAL SECURITY DISABILITY.

MR. MOULTON STATED THAT WE NEED A LETTER FROM A PHYSICIAN STATING THAT THERE IS IN A FACT STILL A HARDSHIP NEEDED.

THERE WAS DISCUSSION.

MOTION TO CONTINUE THE HARDSHIP SUBJECT THAT THEY PROVIDE A LETTER FROM A PHYSICIAN STATING THAT THERE IS A HARDSHIP WITHIN THE NEXT 90 DAYS BY MR. WILLIAMS, SECONDED BY MR. RAINEY. MOTION PASSED UNANIMOUSLY.

B. TERESA RITTENBERRY WAS REQUESTING A CONTINUATION OF THE HARDSHIP VARIANCE SHE RECEIVED ON JUNE 3, 1991, TO CARE FOR MOTHER. SUBJECT PROPERTY IS LOCATED AT 277 LAKE ROAD, WESTMORELAND, TN. IS ON TAX MAP 27, PARCEL 32.01, CONTAINS 8 ACRES, AND IS ZONED AGRICULTURAL.

TERESA RITTENBERRY CAME FORWARD TO EXPLAIN THIS REQUEST. MS. RITTENBERRY STATED THAT HER MOTHER FELL AND BROKE HER HIP AND PROBABLY WILL NOT BE ABLE TO LIVE IN THE MOBILE HOME ANY LONGER. SHE IS LIVING WITH ME CURRENTLY AND SHE WILL BE 94 IN AUGUST. MS. RITTENBERRY STATED THAT THEY ARE TRYING TO CLEAN THE TRAILER OUT AND PLAN TO SELL THE MOBILE HOME. MS. RITTENBERRY PRESENTED THE BODY A NOTE FROM HER PHYSICIAN.

THERE WAS DISCUSSION.

MR. MOULTON REMINDED MS. RITTENBERRY THAT WHEN THE HARDSHIP CEASES, THE MOBILE HOME MUST BE REMOVED. MR. MOULTON STATED THAT HE FELT THAT WE SHOULD CONTINUE THIS HARDSHIP AND ADVISE THE PLANNING DEPARTMENT WHEN THE MOBILE HOME IS REMOVED.

MOTION TO CONTINUE THE HARDSHIP BY MR. RAINEY, SECONDED BY MR. WILLIAMS. MOTION PASSED UNANIMOUSLY

UPDATE ON WADE LYLES: 2048 HIGHWAY 109 NORTH-MR. MOULTON REPORTED THAT MR. LYLES MOVED ONE OF THE PERMANENT SIGNS AND IS NOW IN COMPLIANCE.

UPDATE ON JAMES JENNINGS: 1097 MT. OLIVET ROAD-MR. MOULTON REPORTED THAT THEY HAVE RECEIVED A SEPTIC PERMIT, BUT HAVE NOT APPLIED FOR A BUILDING PERMIT.

MR. RAINEY ASKED MR. MOULTON TO CONTINUE THE PRESSURE AND REPORT BACK TO THIS BODY IN THIRTY DAYS OF THEIR PROGRESS.

UPDATE ON RAY GAMBRELL:3706 HWY 76- MR. MOULTON REPORTED THAT MR. GAMBRELL IS MARGINAL.

McCLOUD JUNK YARD-A. B. WADE ROAD-MR. MOULTON REPORTED THAT WHEN HE DROVE BY MCCLOUDS JUNK YARD, HE DID NOT OBSERVE ANY TIRES, BUT THERE IS A LOT OF FOLIAGE ON THE TREES. WE WILL KEEP AN EYE ON THIS SITUATION.

MEETING ADJOURNED AT 6:30 P.M.