

SUMNER COUNTY BOARD OF ZONING APPEALS
MINUTES
April 8, 2021
5:00 p.m.

SUMNER COUNTY ADMINISTRATION BUILDING
BETHEL BROWN COMMISSION CHAMBERS
355 N. BELVEDERE DRIVE
GALLATIN, TN. 37066

MEMBERS PRESENT:
BRUCE RAINEY, CHAIRMAN
SANDY WEBSTER, VICE-CHAIRMAN
MAC HOLT
SHAWN UTLEY

MEMBERS ABSENT:
MATT STAMPER (Resigned)

STAFF PRESENT:
JOSH SUDDATH, DIRECTOR OF DEVELOPMENT SERVICES
KATHY YOUNG, ASSISTANT TO THE DIRECTOR OF DEVELOPMENT SERVICES
MARSHALL WRIGHT, DIRECTOR OF BUILDING AND CODES

Mr. Rainey called the meeting to order and stated that there are four BZA members in attendance, adding that Mr. Matt Stamper had tendered his resignation from the BZA.

Ms. Webster made a motion to approve the March Minutes, seconded by Mr. Holt. Motion passed unanimously, with Mr. Utley abstaining.

Confirming there were no changes to the Agenda, Mr. Rainey turned the meeting over to Mr. Suddath for staff presentation.

1. **Wade Lyles** is requesting a continuation of a Conditional Use Permit granted on February 1, 1994 to conduct an auto shop with tire sales. Subject property is located at **2048 Scotty Parker Road, Gallatin, TN 37066**, is on Tax Map 092, Parcel 006.04, contains 8.51 acres, is zoned Rural Residential (RR), and is in the 3rd Commission Voting District (Alan Driver and Steve Graves).

The adjoining property owners were notified by regular mail.

Mr. Suddath provided an overview of the property, stating that this Conditional Use Permit was originally granted on February 1, 1994. Mr. Suddath stated that there have been no comments received regarding this request.

Mr. Suddath provided an aerial photo of the property, then displayed signs of the property, structures, automobiles, parts, tires and the business sign. Mr. Suddath stated that another business sign, located on Hwy. 109, has been removed.

Mr. Suddath stated that the original approval had no specific restrictions on the number of vehicles and length of time the vehicles could be stored on the property.

Mr. Suddath completed his presentation with example motions.

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

Mr. Lyles stated that he had nothing to add.

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Mr. Rainey opened the Public Hearing.

There being no one wishing to speak, Mr. Rainey closed the Public Hearing.

Mr. Rainey stated that the business appears to be the same as in the past.

Ms. Webster made a motion to approve a request for a two-year continuation of a Conditional Use Permit authorizing operation of an auto shop with tire sales at 2048 Scotty Parker Road, Gallatin, seconded by Mr. Utley. Motion passed unanimously.

Mr. Rainey turned the meeting over to Mr. Suddath for staff presentation.

2. **David and Yvonne Pierson** are requesting a continuation for the Conditional Use Permit granted on September 11, 2014, to conduct a screen printing business in a 30X50 detached building. Subject property is located on **3760 Highway 76, Cottontown, TN 37048**, is on Tax Map 074, Parcel 029.00, contains 5.00 acres, is zoned Rural Residential (RR) and is in the 12th Commission Voting District (Michael Guthrie and Justin Nipper).

The adjoining property owners were notified by regular mail.

This item was deferred at the March meeting.

Mr. Suddath provided an overview of the property, stating that this item was deferred at last month meeting, as several Board members had questions regarding the chemical disposal for the property. Mr. Suddath stated that the Conditional Use Permit for this property was originally granted on September 11, 2014.

Mr. Suddath provided photos of the property, stating that the condition of the property appears to be improved from the previous year.

After stating that the applicant is in attendance, Mr. Suddath completed his presentation with example motions.

Mr. Rainey called Mr. Pierson forward, and asked him to explain the disposal process for the chemical waste created from this business.

Mr. Pierson stated that the only chemicals they use are screen-cleaning chemicals, and added that they are eco-solvent. Mr. Pierson explained that the solvent is placed on a rag, the screens are cleaned and then the rags are disposed of in a fire-safe container that is hauled off.

Mr. Suddath stated, for clarification, that the original concern was of waste material being incinerated in the past.

Mr. Holt stated that according to the 2014 BZA Minutes, the waste material for this business was being incinerated.

Mr. Pierson stated that those previously used chemicals are no longer being used, as they have educated themselves regarding the health and safety of chemicals.

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Mr. Holt asked how the containers of rags are disposed.

Mr. Pierson stated that the containers are taken to the Gallatin dump, adding that all the solvents dissipate.

Mr. Rainey opened the Public Hearing.

There being no one wishing to speak, Mr. Rainey closed the Public Hearing.

Mr. Utley made a motion to approve a request for a two year continuation of a Conditional Use Permit to conduct a screen printing business in a detached structure for 3760 Highway 76, Cottontown, TN 37048, seconded by Mr. Holt.
Motion passed unanimously

Mr. Rainey turned the meeting over to Mr. Suddath for staff presentation.

3. **Charles Lee** is requesting a variance from County requirements contained at Chapter 11, Section 1101, Subsection H of the Sumner County Zoning Resolution related to required easement width. Variance is being requested in accordance with Chapter 14, Section 1410 of the County Zoning Resolution. Subject property is located at **4639 Highway 76, Cottontown, TN, 37048**, is on Tax Map 075, Parcel 070.01, contains 23.8 acres, is zoned Rural Residential (RR) and is in the 12th Commission Voting District (Michael Guthrie and Justin Nipper).

The adjoining property owners were notified by certified mail and this item was advertised in The Gallatin News on Thursday, March 25, 2021.

Mr. Suddath provided an overview of the property, beginning with an explanation that the purpose of the request is to divide a 6.08-acre tract from 23.17 acres, with the intent to obtain a building permit for the remaining 17.09-acre tract.

Mr. Suddath stated that the required minimum easement width of 50 feet was first approved by the County Commission in 1983, adding that it has been a County requirement ever since. Maintaining this requirement, and granting variances when appropriate, has served the County well, stated Mr. Suddath.

Mr. Suddath stated that this request was publically noticed in The Gallatin News and he then displayed an aerial photo of the property.

Mr. Suddath explained that the requested variance is to utilize a 47-foot Ingress and Egress Easement, instead of the minimum required 50-foot Easement. Mr. Suddath stated there is an existing house that encroaches 1.5 feet into the required 50-foot easement. Mr. Suddath then displayed the surveyor's Plot Plan depicting the property with the proposed 47-foot easement, existing house and proposed lot lines.

Next, Mr. Suddath displayed the verbiage from Chapter 11, Section 1101, Subsection H of the current Zoning Resolution, regarding access to public streets.

Mr. Suddath then explained the County Zoning Resolution, "Standards for Variances" and the staff interpretation of how this request meets those standards. Mr. Suddath displayed Chapter 14,

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Section 1410 explaining that it states: “*The Board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:*

1. The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this Resolution were carried out must be stated;

Staff Interpretation: The limitations of the lot’s width at the road, combined with the house location, make obtaining a building permit for the proposed lot impossible if zoning requirements are strictly applied;

2. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district;

Staff Interpretation: These conditions do not generally apply and are unique to this property;

3. The variance will not authorize activities in a zone district other than those permitted by this Resolution; 216

Staff Interpretation: No unpermitted uses are proposed;

4. Financial returns only shall not be considered as a basis for granting a variance;

Staff Interpretation: Other factors are presented than financial considerations, such as the shape of the lot, house location etc;

5. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this Resolution;

Staff Interpretation: The house was built in 1978, which was before any such easement width requirements existed;

6. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;

Staff Interpretation: The requested variance is the minimum that will avoid the existing house;

7. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located; and

Staff Interpretation: No evidence has been provided indicating that the granting of this variance will be detrimental to the public or injurious to other property in the area;

8. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

Staff Interpretation: No evidence has been provided indicating that the granting of the variance will impair supply of light or air, increase congestion, increase danger of fire, endanger public safety, or diminish property values.

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Mr. Suddath stated that the applicant has provided the required Plot Plan, adding that it meets requirements, Mr. Suddath explained that this Variance is related to shape, dimensions and existing conditions of the lot and is not a Use Variance.

Next, Mr. Suddath provided photos of the property showing the BZA sign in the applicant's yard and the street-view of the property.

Mr. Suddath stated that the property owner is in attendance and concluded his presentation with example motions.

Mr. Rainey announced that because Mr. Lee has employed him for another project, prior to this property request, he abstains from discussion and voting on this item.

Mr. Rainey called Mr. Charles Lee forward, and asked if he had anything to add.

Mr. Charles Lee stated that Mr. Suddath presented his request well and added that his intent is to build one house, for his personal use, on the property.

Mr. Rainey opened the Public Hearing.

There being no one wishing to speak, Mr. Rainey closed the Public Hearing.

Mr. Utley asked if the request is to subdivide the 27 acres.

Mr. Suddath displayed the surveyor's Plot Survey and stated that the proposal is to divide off 6.08 acres from the parent tract and grant an easement over that land for the access of the remaining 17.09 acres.

Mr. Utley asked if the easement could go to the west.

Mr. Suddath stated that if so, it would have to cross over another property.

Mr. Utley asked about the subdivision.

Mr. Suddath explained that the easement width, if granted the variance, would be 47 feet. Mr. Suddath added that the applicant originally asked if the easement could go through the house, in order to obtain the required 50-foot easement. Mr. Suddath stated that an easement through a house, would not satisfy county requirements for obtaining a building permit.

Mr. Utley asked for confirmation the parent tract has 50 feet of road frontage.

Mr. Suddath confirmed.

Mr. Utley asked what is preventing the new driveway from going to the west, around the house.

Mr. Suddath stated that the house would also be in an easement to the west.

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Mr. Lee added that there are two other buildings to the west side of the house.

Mr. Lee stated that he will own both properties and needs to build a second house.

Mr. Utley made a motion to find that all County Variance Standards are met, and to approve a request for a variance from requirements contained at Chapter 11, Section 1101, Subsection H related to minimum easement width for the property located at 4639 Highway 76, Cottontown subject to the following conditions:

- a) The property owner must obtain all applicable Building, Zoning, Driveway and Land Disturbance Permits from the County,**

Seconded by Ms. Webster. Motion passed unanimously with Mr. Rainey abstaining.

There being no further business before the Board, Ms. Webster made a motion to adjourn, seconded by Mr. Utley.

Meeting adjourned at 5:23 pm.