

**SUMNER COUNTY BOARD OF ZONING APPEALS  
MINUTES  
APRIL 11, 2019  
5:00 p.m.**

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

**MEMBERS PRESENT:**

BRUCE RAINEY, CHAIRMAN  
SANDY WEBSTER, VICE CHAIRMAN  
DON DICKERSON  
MAC HOLT  
MATT STAMPER

**MEMBERS ABSENT:**

**STAFF PRESENT:**

JOSH SUDDATH, DIRECTOR OF PLANNING & STORMWATER  
LINDA MCCULLOUGH, ASSISTANT TO THE DIRECTOR  
TERRY HAYNES, BUILDING & CODES INSPECTOR

Motion for approval of the February minutes by Mr. Dickerson, seconded by Mr. Stamper.  
Motion passed unanimously.

Motion for approval of the March Agenda. Mr. Rainey asked Mr. Suddath if there were any changes that needed to be made to the agenda. Mr. Suddath stated that there are none.

- 1. Mike & Laurie Douglas** are requesting a Conditional Use Permit to operate a landscape business (Douglas Lawn & landscape) at the subject property. Subject property is located at **1025 Barry Lane, Gallatin, TN 37066**, is on Tax Map 111, Parcel 027.01, contains 3.66 acres, is zoned Residential 1A (R1A), and is in the 3<sup>rd</sup> Commission Voting District (Alan Driver and Steve Graves).  
**Adjoining property owners were notified by certified mail and the agenda item was advertised in The Gallatin News on Thursday, March 28, 2019.**

Mr. Rainey turned the floor over to Mr. Suddath.

Mr. Suddath presented an overview of this item stating that this is a new request for a Conditional Use Permit for a landscaping business. Mr. Suddath stated that there have been numerous comments and inquires received regarding this item. Mr. Suddath showed an aerial of the property and how the business has evolved over time. Mr. Suddath stated that the applicant has turned in a proposal for ways to mitigate the impact that the business. Mr. Suddath presented pictures of how the employees of the business park their vehicles. Mr. Suddath stated that the applicant has proposed to put up a screening of Cypress or Green Giant Arborvitae trees and build an 8 ft. wooden fence off the left corner of the property in order to hide materials. Mr. Suddath presented a

timeline of how the applicant was notified by County correspondence. Mr. Suddath presented pictures that had been taken by neighbors and by himself. Mr. Suddath stated that this property is zoned Residential 1A and showed the uses permitted by right and uses permitted on appeal which does not address commercial uses. Mr. Suddath stated that the uses need to be similar to the uses in the Zoning Resolution such as churches, general education, railroad right-of-way, and other similar uses or structures subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located. Mr. Suddath stated that the intent for Residential 1A is to provide a low-density residential environment having good access to public water, schools, and other community facilities, but well separated from heavy traffic and other incompatible activities. Mr. Suddath stated that the County refers back to Residential A on uses permitted such as Single-family and two-family dwellings, taking on boarders, and customary home occupations. Mr. Suddath stated that customary home occupations refer to business' conducted within the principal structure, but only by a person resident of the premise; provided, that not more than one person, not a resident of the premise, is employed. Mr. Suddath stated that since this item does not meet the customary home occupancy, a letter from the Planning Department was sent out to the applicant.

Mr. Suddath concluded his presentation of this item and turned the floor over to Mr. Rainey.

Mr. Rainey opened the floor for the public hearing.

**Mr. Charles Chandler, 1051 Barry Lane**, came forward in opposition to this item. Mr. Chandler stated that his concern is decreasing of the property values and the quality of life this item is causing. Mr. Chandler stated that there are employees coming and going all day long, every day of the week. Mr. Chandler stated that he and the applicant have spoken and that the applicant has stated that he is trying to move the business but has not done so. Mr. Chandler stated that this item is affecting the values of the homes on Barry Lane due to this business being located on the property. Mr. Chandler stated that this type of business does not belong in the Residential 1A zoning and asked the Board to deny this request.

**Ms. Donna Dickens, 1910 Hartsville Pike**, came forward in opposition to this item. Ms. Dickens stated that their property looks into the applicant's property and all they see is the trucks from this business. Ms. Dickens stated that a year or so ago one of the trucks would park on the property line and one of the employees would sit on a stump on their property and smoke. Ms. Dickens stated that the applicant did correct this incident but potential buyers don't look around their area anymore due to this business. Ms. Dickens stated that it was frustrating looking at this and hearing the trucks all times of the day.

After confirming that no one else in the audience wished to speak, Mr. Rainey closed the public hearing.

**Mike and Laurie Douglas** came forward to explain and represent this request.

Mr. Douglas stated that he sympathizes with their neighbors and with their concern. Mr. Douglas stated that he nor his wife likes seeing all the trucks and equipment in their yard. Mr. Douglas stated that he started the business and got lucky and got contracts and the business has grown. Mr. Douglas stated that he would like to move the business but they are not financially ready to move. Mr. Douglas stated that he could put more Cypress in place to hide the equipment better temporarily. Mr. Douglas stated that he has about 3 trucks and his truck that is being used and they leave for the day, but occasionally they will need to come back but are usually gone all day. Mr. Douglas stated that they park the trucks neatly and he has advised his employees to park their vehicles neatly also. Mr. Douglas stated that he feels bad that the neighbors had to come and do this and that they never intended for it to get to this point. Mr. Douglas stated that he was late in responding to the letters sent to him but they were going through a tough time with the business. Mr. Douglas stated that he has considered closing the business but asked the Board to grant them a little more time to work things out.

Ms. Douglas stated that this business was their livelihood and have to move it right now would financially devastate them. Ms. Douglas stated that if they were granted some time, they could figure something out.

Mr. Rainey stated that the two years they mentioned would be if this item was approved. Mr. Rainey stated that it's not a given that it's two years and that the Board has 100% latitude in cases like this to do whatever they feel is necessary whether it's a month or two years or even zero. Mr. Rainey told Mr. & Mr. Douglas that he wanted them to understand that.

Mr. Rainey stated that the Board's job is to read the code book and to identify or interpret it if the Board is in disagreement with the applicant or the Staff.

Mr. Rainey stated that he has sympathy that they are a small business, stating that he is too, but this is a situation that the Zoning does not permit this kind of commercial use. Mr. Rainey stated that this type of use has been approved in agricultural zonings but not in R1A.

Mr. Rainey asked Mr. Douglas how many employees did he have and how many trucks.

Mr. Douglas stated that he had 9 employees and 4 trucks including his.

Mr. Rainey asked Mr. Douglas if he worked seven days a week.

Mr. Douglas stated that the hours are 7:30 a.m. to 7:00 p.m. if they have to work late. Mr. Douglas stated that right now they are usually back by 5:30 and occasionally they have to work on Saturdays but not often and if they do, it's only half a day.

Mr. Rainey asked if the Board should be so inclined, how long it would take them to move the business.

Mr. Douglas stated that he can move the business any time but currently can't afford to move it.

Ms. Douglas stated that usually in January or February the business is really slow so that could be a good time to move.

Mr. Rainey asked if the Board does not grant the request, what happens to the nine employees.

Ms. Douglas stated that they would get laid off.

Mr. Douglas stated that the winter time would not be a good time to move the business because the cash flow goes way down. Mr. Douglas stated that they do have some contracts to help subsidize the income but in the spring the income goes back up so spring would be a better time to move the business.

Mr. Rainey asked the Board if they had any questions for the applicant.

Ms. Webster stated that it looks like it's pretty cut and dry.

Mr. Rainey stated that as he stated some have or have had small business' but everyone had to follow the rules. Mr. Rainey stated that it is unfortunate that the applicant did not jump in and try to get this straighten out and by waiting nine months to finally try to do something, it doesn't have a very good tale of how things might go. Mr. Rainey stated that anything that is done by the Board needs to be limited and that the Board needs to consider the neighbors. Mr. Rainey stated that the value of the house really does not mean anything but to have to look at what is behind or to the side of the neighbor's house is not appealing. Mr. Rainey stated that he has sympathy for the neighbors and the applicant. Mr. Rainey stated that the initial idea, which is not a motion, is to address as many of the concerns that the neighbors had with a motion and allow the applicant time so that no one loses their job and no one goes bankrupt. Mr. Rainey stated that this would not be what everyone wants but it also would not be so abrupt.

**Motion to deny the request for a Conditional Use Permit by Mr. Dickerson, seconded by Mr. Holt.**

Mr. Stamper asked what would happen if the Board denies the request.

Mr. Suddath stated that it would depend on if there are any conditions to the motion like time frames. Mr. Suddath stated that if the motion that's on the floor now is approved, the applicant would get a letter from the Planning office to cease and desist with a time frame of two weeks and then return to the property to inspect and if there are signs of the business still being conducted, the item will be turned over to the County Attorney for prosecution in the court system.

Ms. Webster asked if there was any way the business could be moved and give them an amount of time that would satisfy the neighbors so that everyone don't lose everything they have. Ms. Webster stated that this could affect a lot of people down the line, except the neighbors.

Mr. Rainey stated that Ms. Webster's suggestion would be diametrically different from the motion on the floor.

Mr. Holt asked if a time frame could be added to the motion.

Mr. Suddath stated that it could if the maker of the motion would agree.

Mr. Rainey stated that an amendment to the motion could happen too.

Mr. Dickerson stated that he was willing to listen to what everyone has to say.

Mr. Holt stated that his thought was to give the applicant time to find a place to move the business.

Mr. Rainey stated that an option would be to withdraw the motion and a new motion to defer the item for 30 days in order to allow the applicant time to come up with a plan for moving the business.

**Mr. Dickerson stated that he would withdrawal his previous motion and Mr. Holt seconded.**

Mr. Stamper stated that they are all sympathetic to the applicant, however Mr. Dickerson was correct and the Board is bound more so to the fact that this type of business does not fit this zoning. Mr. Stamper stated that he feels that this business needs to be ceased before a year and if there is not a plan in place after 30 days, it would be a denial.

Mr. Rainey stated that the motion is to give them 30 days in order for the applicant to come up with a plan.

Mr. Holt stated that this plan needs to be a short term plan to relocate the business. Mr. Holt stated that there should not be an option for screening or any other plans, just move the business as soon as they can.

Mr. Suddath stated that the Planning and Zoning Department is bound by legal requirements for advertising the public notice. Mr. Suddath asked if it was the will of the Board that the county pay the necessary fees or for the applicant to pay for those expenses in order to get this item on the agenda for next month.

Mr. Rainey stated that it should be an applicant responsibility.

**Motion to defer this item for 30 days to allow the applicant to create a plan of action to move their business, including timetables, any intermediate plans for screening, any intermediate plans to curtail operation hours, by Mr. Dickerson, seconded by Mr. Holt. Motion passed unanimously.**

Mr. Chandler asked Mr. Rainey if the applicant would be coming back in 30 days to the Board with a plan to move the business.

Mr. Rainey stated that the applicant will make a plan, bring it back in 30 days, and the Board will review it.

2. **Mark Farr** is requesting a continuation of a Conditional Use Permit granted on March 9, 2017 to conduct an event venue. Subject property is located at **1249 Willis Branch Road, Goodlettsville, TN 37072** is on Tax Map 143, Parcel 045.01, contains 7.18 acres, is zoned Residential A, and is in the 11<sup>th</sup> Commission Voting District (Scott Langford and Jeremy Mansfield).  
The adjoining property owners were notified by mail.  
**This item was deferred at the March meeting.**

Mr. Rainey turned the floor over to Mr. Suddath.

Mr. Suddath presented an overview of this item stating that this is a continuation of a Conditional Use Permit granted in 2017 and that the Planning office has not received any comments from the neighbors concerning this item. Mr. Suddath stated that this item was deferred at the March meeting in order to receive payment and to get paperwork in order. Mr. Suddath stated that the Board members see event venues regularly and the minimum acreage is 15 acres, however the Board has granted entitlement on this venue with 7 acres and would be difficult to revoke it on a retroactive basis at this time based on that 15 acreage rule. Mr. Suddath presented pictures taken of the venue and events that have been held.

Mr. Suddath concluded his presentation of this item and turned the floor over to Mr. Rainey.

Mr. Rainey opened the floor for the public hearing.

After confirming that no one in the audience wished to speak, Mr. Rainey closed the public hearing.

Ms. Karen Farr came forward to explain and represent this request.

Mr. Rainey asked Mr. Suddath if he had any questions or comments for the applicant.

Mr. Suddath stated that Staff does not have any further comments.

Mr. Rainey stated that there was a similar venue last month that codes asked to go out and do a courtesy walk through inspection. Mr. Rainey stated that if there is a positive motion for this item, it needs to include the inspection by the codes department.

**Motion to approve a two (2) year continuation of a Conditional Use Permit allowing Marshall Wright, Codes Director, to do a courtesy walk thru by Mr. Stamper, seconded by Mr. Dickerson. Motion passed unanimously.**

3. **Willie Goad** is requesting a continuation of a Conditional Use Permit granted on April 12, 2007 to conduct a part time sawmill. Subject property is located at **1905 Old Gallatin Road, Portland, TN 37148**, is on Tax Map 071, Parcel 006.00, contains 104.95 acres, is zoned Agricultural, and is in the 3<sup>rd</sup> Commission Voting District (Alan Driver and Steve Graves).

The adjoining property owners were notified by mail.

Mr. Rainey stated for the record that he knows Mr. Goad and has done work for Mr. Goad but not within recent years so he does not feel that he needs to recuse himself but wanted to disclose this information.

Mr. Rainey turned the floor over to Mr. Suddath.

Mr. Suddath presented an overview of this item stating that this is a continuation of a Conditional Use Permit granted in 2007 and that the Planning office has not received any comments from the neighbors concerning this item. Mr. Suddath presented an aerial view of the property showing logging done on the site. Mr. Suddath stated that there was a case made numerous years ago by the applicant that this type of commercial use should be allowed in an agricultural zoning that is an essential need to the community. The case made was that this was a local sawmill to sell lumber to residents in the area to be used for agricultural needs and the Board agreed with that determination.

Mr. Suddath stated that the property is difficult to access to the public and that the business does not cause any traffic hazards.

Mr. Suddath concluded his presentation of this item and turned the floor over to Mr. Rainey.

Mr. Rainey opened the floor for the public hearing.

After confirming that no one in the audience wished to speak, Mr. Rainey closed the public hearing.

Mr. Willie Goad came forward to explain and represent this request.

Mr. Rainey stated that he lived in that immediate area and there is still a need in that area for Mr. Goad's services and that Mr. Goad keeps the property very neat.

**Motion to approve a two (2) year continuation of a Conditional Use Permit by Ms. Webster, seconded by Mr. Dickerson. Motion passed unanimously.**

- 4. Kristen Intress** is requesting to amend their existing Conditional Use Permit to hold special events open to members of the general public. The original Conditional Use Permit was approved on July 14, 2016 and was renewed July 12, 2018. Subject property is located at **732B Rock Springs Road Castalian Springs, TN 37031**, is on Tap Map 089, Parcel 055.00, is zoned Agricultural, contains 156.06 acres, and is in the 3<sup>rd</sup> Commission Voting District (Alan Driver and Steve Graves). **Adjoining property owners were notified by certified mail and the agenda item was advertised in The Gallatin News on Thursday, March 28, 2019.**

Mr. Rainey stated for the record that he has done work on this property but not with the applicant and not within recent years so he does not feel that he needs to recuse himself but wanted to disclose this information.

Mr. Rainey turned the floor over to Mr. Suddath.

Mr. Suddath presented an overview of this item stating that the Conditional Use Permit for this item has been renewed and the applicant returned to the Board in January 2019 to ask to expand the bunk rooms to accommodate 48 guests instead of 24. Mr. Suddath stated that the applicant is requesting to amend their current CUP to include events that are open to the general public where before the activities were more on a private basis. Mr. Suddath stated that in the past this facility has been a low impact facility with guests coming to the site and staying on the site until their visit was up. Mr. Suddath stated that this request would change that pretty fundamentally so rather than having guests come in



from where ever, this would be something that they would open up to the public, would advertise the events that were taking place including food truck and other items. Mr. Suddath stated that it is different from what is going on there now so Staff felt like it needed to be heard by the Board again. Mr. Suddath presented aerial views of the property showing where the events would be held, the parking and the ingress/egress.

Mr. Suddath concluded his presentation of this item and turned the floor over to Mr. Rainey.

Mr. Rainey opened the floor for the public hearing.

**Mr. Louis Conti, 712 Rock Springs Road**, came forward in favor of the request stating that Ms. Inress always keeps the venue looking nice and they have never had any problems with the facility.

After confirming that no one else in the audience wished to speak, Mr. Rainey closed the public hearing.

**Ms. Kristen Inress** came forward to explain and represent this request. Ms. Inress stated that they were approached by the community to hold events such as Sumner County Yoga Day so they wanted to get permission to hold these kinds of events instead of just doing it.

Mr. Rainey asked Mr. Suddath if the applicant would need to go to the Planning Commission if the Board approved.

Mr. Suddath stated that it might. Mr. Suddath stated that there might be a need of a more detailed plan for ingress/egress, and a more detailed site plan.

Mr. Rainey stated that he was thinking more of a sewage facility.

Ms. Inress stated that it would always be a porta-potty facility, not anything permanent. Ms. Inress stated that whoever would be holding the event would put up the porta-potty and take down when the event is over.

Mr. Suddath stated that other questions that the Board might ask is that there is always a possibility of this being a runaway success. Mr. Suddath stated that there have been businesses come through and start out small and the next time an aerial view is pulled up, it has become monstrous. Mr. Suddath stated to the Board that they are within their power to put conditions on this item to hold the applicant to how many events they want them to have per month/year, the maximum attendance, and other things. Mr. Suddath stated that these conditions can be put in place so that the events don't turn into a

Bonnaroo without the Board and Staff knowing. Mr. Suddath stated that he's not saying that this would happen, but Mr. Suddath stated that he was a worst case scenario type of guy and he thinks of these things.

Ms. Intress stated that their core business is still the live-ins and that she does not want to put any negativity on their guests. Ms. Intress stated that she was not going to lose the whole reason of the farm and take away from that for this.

Mr. Stamper stated that this is the first one for him that is actually an event based rather than an ongoing type of business.

Ms. Webster stated that it was kinda both, ongoing with so many events a year.

Mr. Rainey stated that if the events got cumbersome, it is the right of the Board to put holds on them should they become a problem.

Mr. Stamper asked if the Board received a complaint, would they have the authority to go in and limit the events.

Mr. Rainey stated that Mr. Stamper was correct.

Mr. Stamper stated that he was comfortable with what was presented but worse fear is that they would want to do three events a month and at that point he feels the Board should step in.

Mr. Suddath stated that from a regulatory way of looking at this, it's important that the Board and Staff needs something to hang their hats on so a citizen complaint for something that is permitted is hard for them to do anything about. Mr. Suddath stated that he suggests that the Board box it in and say this is what you can do and if it gets bigger than that, you need to come back to the Board and be looked at again and it may become bigger than the County is willing to allow.

Mr. Stamper stated that it then puts the ball back into the applicant's court that if they want to be bigger, then they would need to come back to the Board.

Mr. Suddath stated that was correct.

Ms. Webster stated if you limit the amount of events they can have.

Mr. Suddath stated that if you just have a blanket motion to approve, then there is a problem, then Staff has a really hard time with knowing what they have done to violate what has been granted.

Mr. Rainey asked Ms. Intruss to come back up.

Mr. Rainey asked Ms. Intruss how many events she would think she would have a year.

Ms. Intruss stated that since this is new she really didn't know but she felt that any community events would be small. Mr. Intruss stated that she did not want a lot of extra work on her staff, stating that they are not set up for that.

Mr. Rainey asked Ms. Intruss if she thought it would be six a year, twelve a year, one a month.

Ms. Intruss stated that one a month would probably be a great place to start. Ms. Intruss stated that everything they do will not be open to the public, they would have to make booking and come onto the property, so one a month would be great.

Mr. Holt asked if the ingress/egress has been looked at.

Mr. Suddath stated that it had not been looked at but when the events become big enough, traffic control would need to be in place possibly with deputies to control the traffic.

Mr. Holt stated that was a concern for him.

Mr. Suddath stated that from the applicant's prospective, she does not want it to get this big, and really doesn't know how any of this will work out. Mr. Suddath stated that Mr. Holt was on the right track that if these events become bigger, a traffic study would need to be conducted.

Mr. Holt stated that if these events get bigger and traffic control becomes an issue, does that need to be part of the plan.

Mr. Rainey stated that the Board has every right to ask the applicant to come back after a certain number of events and have those events evaluated by Staff to see if there are any problems.

Mr. Holt stated that he would like to amend the motion to include the applicant to return to the Board at the January 2020 meeting to evaluate the events that have taken place.

Mr. Dickerson stated that he is not familiar with Rock Springs Road and would it be equivalent to Long Hollow Pike.

Mr. Rainey stated that Rock Springs Road is not even close to Long Hollow Pike, more like New Shackle Island Road or Tyree Springs Road.

Mr. Suddath stated that Rock Springs Road is just a curvy country road.

Mr. Stamper asked if this amendment of the Conditional Use Permit needs to come back to the Board to be renewed with the original Conditional Use Permit.

Mr. Suddath stated that this is where it gets confusing stating that the applicant can be asked by the Board to come back any time they want them to. Mr. Suddath stated that the two year renewal is not established in the ordinance it just a practice so the Board can request the applicant to come back in six months or a year to report on how things are going, it can certainly be done.

Mr. Stamper stated that he had rather see it come back to the Board on a calendar year instead of an event number.

**Motion to approve the amendment of the current Conditional Use Permit to allow one event per month to be open to the general public and to report back to the Board to review the events at the January 2020 meeting by Ms. Webster, seconded by Mr. Dickerson. Motion passed unanimously.**

Due to a conflict, Chairman Rainey recused himself from the next item on the agenda and turned the meeting over to Vice-Chairman Webster.

- 5. Robert Adcock, Jr.** is requesting a variance from County requirements contained in the County Zoning Resolution Article IX Section 1.4 Subsection 1.4(1) related to placement of an accessory structure within a required side yard. Subject property is located at **3545 New Hope Road, Hendersonville, TN 37075**, is on Tax Map 101 Parcel 002.03, contains 10.98 acres, is zoned Agricultural, and is in the 4<sup>th</sup> Commission Voting District (Jerry Foster and Leslie Schell). **Adjoining property owners were notified by certified mail and the agenda item was advertised in The Gallatin News on Thursday, March 28, 2019.**

Ms. Webster turned the floor over to Mr. Suddath.

Mr. Suddath stated that this item was deferred at the March meeting to allow the applicant time to reconfigure the structure to remove it from the property line. Mr. Suddath stated that the applicant has had a contractor to remove a portion of the concrete slab off of the property line and provided before and after pictures to Staff. Mr. Suddath stated that since a portion of the slab was removed off of the property line, it will still need a variance but it makes it a legal request that the Board can approve. Mr. Suddath stated that the applicant is now asking for a 19' setback variance.

Mr. Suddath concluded his presentation of this item and turned the floor over to Ms. Webster.

Ms. Webster opened the floor for the public hearing.

After confirming that no one in the audience wished to speak, Ms. Webster closed the public hearing.

**Motion to approve the 19 foot variance from County requirements related to placement of an accessory structure in a required side yard setback by Mr. Stamper, seconded by Mr. Dickerson. Motion passed unanimously.**

Mr. Suddath stated that the business to become before the Sumner County Board of Zoning Appeals is concluded.

**Motion to adjourn by Mr. Stamper, seconded by Mr. Holt. Motion passed unanimously.**

Meeting Adjourned at 6:04 p.m.

