

**SUMNER COUNTY ZONING BOARD OF APPEALS**  
**MINUTES**  
**August 10, 2017**  
**6:00 p.m.**

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

**MEMBERS PRESENT:**

MARK MCKEE, JR. CHAIRMAN  
BRUCE RAINEY, VICE-CHAIRMAN  
SANDY WEBSTER  
DON DICKERSON  
JOHN WESLEY JONES

**MEMBERS ABSENT:**

---

**STAFF PRESENT:**

RODNEY JOYNER, DIRECTOR OF PLANNING AND STORMWATER  
LINDA MCCULLOUGH, ASSISTANT TO THE DIRECTOR OF PLANNING & STORMWATER

**Motion for approval of the July minutes by Ms. Webster, seconded by Mr. Dickerson. Motion passed unanimously.**

1. **Derek Jaworski** is requesting a Conditional Use Permit to conduct a Hair Salon and Gym. Applicant is also requesting a dust free parking variance and requesting 5' X 3' free standing wood sign. Subject property is located at **401 Happy Hollow Road, Goodlettsville, TN 37072**, is on Tax Map 122, Parcel 035.00, contains 4 acres, is zoned Residential 1-A, and is in the 11<sup>th</sup> Voting District (Scott Langford and Bill Taylor). The adjoining property owners were notified by certified mail.

Derek & Brittany Jaworski came forward to explain and represent the request.

Mr. McKee asked Mr. Joyner if there had been any calls or emails concerning this item.

Mr. Joyner stated that the Planning office had received one call and no emails concerning this item.

Mr. McKee opened the floor for the public hearing.

Since no one was present to speak, Mr. McKee closed the public hearing.

**Motion to approve a two-year Conditional Use Permit by Mr. Rainey, seconded by Ms. Webster. Motion passed unanimously.**

2. **Carrie & Jamie Wilkerson (Dan Seeley, property owner)** are requesting a Conditional Use Permit to conduct small outdoor weddings (up to 25 people). Subject property is located at **1893 HWY 25, Gallatin, TN 37066**, is on Tax Map 103, Parcel 028.00, contains 5.6 acres, is zoned Residential 1-A, and is in the 4<sup>th</sup> Voting District (Jerry Foster and Leslie Schell).

The adjoining property owners were notified by certified mail.

Carrie & Jamie Wilkerson came forward to explain and represent the request.

Mr. McKee asked Mr. Joyner if there had been any calls or emails concerning this item.

Mr. Joyner stated that the Planning office had not received any calls and no emails concerning this item.

Mr. McKee opened the floor for the public hearing.

Ms. Suzy Apple came forward to ask the Wilkerson's where would the parking be for the events.

Mr. Wilkerson stated that all parking would be in the back of the property and not on HWY 25.

No one else was present to speak so Mr. McKee closed the public hearing.

Mr. Rainey asked the Wilkerson's if they own the property.

Mr. Wilkerson stated that they have a rent to own contract with Mr. Dan Seeley.

Mr. Joyner asked the Wilkerson's if their intent was to have the events outdoors or in the barn.

Mr. Wilkerson stated that Marshall Wright came out and looked at the barn and gave them information to contact an engineer. The engineer stated that since the barn was an open area (no doors on the barn), he could send a letter to the Planning office what the next steps would be for the Wilkerson's to use the barn. Mr. Wilkerson stated that until they were able to get the barn up to those standards, the events would only be held outside in the field.

**Motion to approve a two-year Conditional Use Permit by Mr. Rainey, seconded by Mr. Dickerson. Motion passed unanimously.**

3. **SCI Towers, LLC (Calvin & Wanda Kirkham, property owners)** is requesting a Conditional Use Permit to construct a 195' wireless telecommunication monopole with a 100' X 100' leased area. Subject property is located at **1899 A B Wade Road, Portland, TN 37048**, is on Tax Map 050, Parcel 036.00, contains 139.90 acres, is zoned Agricultural, and is in the 1<sup>st</sup> Voting District (Mike Akins and Moe Taylor). The adjoining property owners were notified by certified mail.

Mr. Rainey recused himself from this item.

Mr. McKee asked Mr. Joyner why cell towers need to come to the Zoning Board.

Mr. Joyner stated that the process of approval of cell towers for the usage to be approved by the Zoning Board and site plan be approved by the Planning Commission.

Michael Shine came forward to explain and represent the request.

Mr. McKee opened the floor for the public hearing.

Since no one was present to speak, Mr. McKee closed the public hearing.

**Motion to approve a Conditional Use Permit by Ms. Webster, seconded by Mr. Jones. Motion passed unanimously.**

4. **SCI Towers, LLC (Geraldine Kepley, property owner)** is requesting a Conditional Use Permit to construct a 195' wireless telecommunication monopole with a 100' X 100' lease area. Subject property is located at **2881 HWY 259, Portland, TN 37048**, is on Tax Map 022, Parcel 016.00, contains 51.50 acres, is zoned Agricultural, and is in the 1<sup>st</sup> Voting District (Mike Akins and Moe Taylor).  
The adjoining property owners were notified by certified mail.

Mr. Rainey recused himself from this item.

Michael Shine came forward to explain and represent the request.

Mr. McKee opened the floor for the public hearing.

Since no one was present to speak, Mr. McKee closed the public hearing.

Mr. Joyner stated to Mr. Shine that if approved by the Zoning Board, when site plan is submitted for the Planning Commission, please include the distance of the cell tower from property lines and the plans need to be stamped and signed.

**Motion to approve a Conditional Use Permit by Ms. Webster, seconded by Mr. Jones. Motion passed unanimously.**

5. **Kenneth Maxwell** is requesting to amend a Hardship Variance granted on June 8, 2017 to add an additional 156 square feet to the approved building. New requested building will be 28' x 33' in order to allow for handicap/wheel chair access. The additional structure with kitchenette will accommodate Mr. Maxwell's mother-in-law who can no longer live at her current residence due to medical issues. Subject property located at **1121 Windsor Drive, Gallatin, TN 37066**. Subject property is on Tax Map 147M, Group A, Parcel 006.00, contains 1 acre, is zoned Residential-A, and is in the 6<sup>th</sup> Voting District (Kevin Pomeroy and Jim Vaughn).  
The adjoining property owners were notified by mail.

Mr. Maxwell came forward to explain and represent the request.

Mr. McKee opened the floor for the public hearing.

Since no one was present to speak, Mr. McKee closed the public hearing.

Mr. Rainey stated to Mr. Maxwell that he had a concern as to why the letter from the doctor was not on letterhead and that the letter stated that Mr. Maxwell's mother-in-law need to live with them, and that he was asking for a Hardship Variance to build a detached structure for her to live in.

Mr. Maxwell stated that he asked the doctor to write a letter to show the need for the new structure because their house has a lot of stairs and is hard for her to get around. Mr. Maxwell stated that at this point his mother-in-law is not in a wheel chair but she is 80 years old and the day is coming soon.

Mr. Rainey stated that he understood the situation but his concern was that the doctor stated that Mr. Maxwell's mother-in-law needed to be in their residence. Mr. Rainey asked Mr. Maxwell how did his mother-in-law find a doctor in Cookeville if she lived in Memphis.

Mr. Maxwell stated that his mother-in-law's doctor was previously in Memphis and that she liked him so well that she keeps going to him even in Cookeville. Mr. Maxwell stated that he could get the doctor to rewrite the letter if needed.

Mr. Rainey asked Mr. Maxwell what he was going to do with the building once the Hardship Variance is no longer needed.

Mr. Maxwell stated that after speaking to Mr. Joyner and Marshall Wright, he will remove the kitchen and closets and will probably turn the structure into a pool house or a garage.

Mr. Rainey asked Mr. Maxwell how far off the property line would the building be.

Mr. Maxwell stated that the building would be 5 feet off the property line and way off the Army Corps of Engineer's line.

There was discussion between Mr. Rainey and Mr. Maxwell.

Mr. Joyner asked Mr. Maxwell what did the Codes Department require from him when he turned in his building permit.

Mr. Maxwell stated that they only required the floor plan.

Mr. Joyner stated that he thought the Codes Department was requiring plot plans along with the floor plan.

There was discussion.

**Motion to approve Hardship Variance by Mr. Jones, seconded by Mr. Dickerson. Motion passed 4 votes to 1. Mr. Rainey voted against the item.**

**OTHER BUSINESS:**

Mr. Dickerson asked Mr. Joyner at the July meeting if there were any landscaping buffers agreed upon when Long Hollow Baptist received their Conditional Use Permit in 2012. Mr. Joyner stated that when the Zoning Board of Appeals approved the Conditional Use Permit in 2012, the approval did not require any additional landscaping buffers.

**Motion to adjourn by Mr. Rainey, seconded by Ms. Webster. Motion passed unanimously.**

Meeting Adjourned at 6:32 p.m.