

**SUMNER COUNTY BOARD OF ZONING APPEALS
MINUTES
AUGUST 8, 2019**

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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**

STAFF PRESENT:

**JOSH SUDDATH, DIRECTOR OF PLANNING & STORMWATER
KATHY YOUNG, ASSISTANT TO THE DIRECTOR
TERRY HAYNES, BUILDING INSPECTOR**

Mr. Rainey called the meeting to order, noting that Mr. Holt and Mr. Stamper were not yet present.

Motion for approval of the June 2019 minutes by Ms. Webster, seconded by Mr. Dickerson, Motion passed unanimously.

The August agenda was approved without changes.

At this time, Mr. Rainey requested that Mr. Suddath provide a staff presentation on the agenda items.

- 1. Stephen A. and Patricia Gay Claypool were requesting a continuation of a Conditional Use Permit that was granted on May 10, 2007, to be utilized by Trinity Ministries as office space for up to six employees. Subject property is located at 365 Lee Road, White House, TN 37188, is on Tax Map 075, Parcel 019.00, contains .92 acres, is zoned Residential A, and is in the 12th Commission Voting District (Michael Guthrie and Justin Nipper). **The adjoining property owners were notified via regular mail.****

Mr. Suddath gave an overview of this item, stating that the original Conditional Use Permit was issued in 2007 to allow the space to be used as an office. Mr. Suddath provided aerial and other photos of the parking area. Mr. Suddath noted that there have been no public comments regarding this property.

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Mr. Suddath concluded his presentation with example motions to the Board.

Mr. Rainey opened the floor for public hearing.

Mr. Stephen A. Claypool, 365 Lee Road, White House, TN 37188, came forward to explain that there have been no changes to the use of the property, stating that it is used as an office space and that there is no significant traffic

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

At, this time, Mr. Holt and Mr. Stamper joined the meeting.

Mr. Rainey provided a brief summary of the item of the Continuation of the Conditional Use Permit request for Stephen and Patricia Claypool.

Motion to approve a Continuation of a Conditional Use Permit, to be utilized by Trinity Ministries as office space for up to six employees for 365 Lee Road, White House, TN 37188 by Mr. Dickerson, seconded by Mr. Stamper. Motion passed unanimously.

2. **Branden J. and Kayla K. Hatch** were requesting a variance from Sumner County requirements related to placement of an accessory structure within a required front yard. Subject property is located at **697 Bugg Hollow Road, Gallatin, TN, 37066** and is on Tax Map 080, Parcel 004.01, contains 5.01 acres and is zoned Agricultural (A), and is in the 4th Commission Voting District (Jerry W. Foster and Leslie Schell).

This is a public hearing and was advertised in the Gallatin News on Thursday, July 18, 2019. The adjoining property owners were notified by certified mail.

Mr. Suddath gave an overview of the agenda item and stated that there have been no comments received. Mr. Suddath provided an aerial photo of the property, a layout of the existing septic area and a hand-drawn depiction of the placement of the proposed structure.

Mr. Suddath stated that a proposed structure is required to be eighty feet from the center line of the road. Mr. Suddath explained that once all required setbacks are adhered to, the structure will be 15 feet outside of the setback line.

Mr. Suddath went on to state that an area of concern is that the septic soil area is in the front of the proposed structure.

Mr. Suddath explained that according to the County Zoning Resolution, accessory structures are not permitted in a required front yard, with the front yard being interpreted as any structure in the front of the house.

Mr. Suddath stated that this lot presents several topographical problems, including a steep driveway, for placement of a structure in the rear yard.

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Mr. Suddath concluded his presentation with example motions to the Board, adding that the Conditions of Approval would require that the applicant obtain the proper building permits, for the proposed structure, from the County Codes Department.

Mr. Rainey opened the floor for public hearing.

Ms. Paula Plumlee of 685 Bugg Hollow Road, Gallatin, TN 37066, came forward, stating that her property is adjacent to 697 Bugg Hollow.

Ms. Plumlee requested that the variance be denied, citing concerns that the beauty, peace and quiet of the area would be disturbed by the building of a proposed Glass Shop, by the Hatches. Ms. Plumlee also stated concerns regarding safety of the narrow road with increased traffic and large trucks.

At this point, Ms. Plumlee stated her concern that the use of the pole barn would not be for agricultural use, but for commercial purposes, including storage and manufacturing of insulated glass windows.

Mr. Brad Plumlee of 685 Bugg Hollow Road, Gallatin, TN 37066, came forward to read an email sent to him and his wife, from Branden Hatch, in January of 2019, stating that their business, Glass and More, will be using the proposed pole barn to store supplies and to make insulated glass units.

Mr. Plumlee expressed concerns of increased traffic and asked that the variance request be denied.

At this point, Mr. Rainey stated that the use of the property for commercial use is not the issue being addressed in this meeting.

Mr. Rainey clarified that item on the agenda is the request for a Front Yard Variance for a pole barn.

At this time, Mr. Rainey called **Mr. Branden Hatch**, the requestor, forward, to speak.

Mr. Hatch stated that he would use the pole barn to store supplies for his glass business, as well as personal items.

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

Mr. Rainey asked **Mr. Terry Haynes** if this property is in a floodplain.

Mr. Haynes stated that part of the property is in the floodplain. Mr. Haynes went on to state that while the building itself does not appear to be in the floodplain, it is close enough that a plot plan with an accompanying letter should be required. Mr. Haynes went on to state that an elevation certificate should not be required, but that would depend on electrical and mechanical regulations.

Mr. Rainey asked Mr. Haynes if anything else would be required by the Codes Department.

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Mr. Haynes responded that guidance from the Zoning Department, on the permissibility, would be required.

At this time, Mr. Suddath displayed the document showing 697 Bugg Hollow as being listed as Flood Zone A.

Mr. Suddath stated that the appeal brought to the Planning and Stormwater Department was for the Front Yard Variance, not for commercial zoning. Mr. Suddath explained that with the information presented during these proceedings, there may be a requirement for an application of a Conditional Use Permit at his location.

Mr. Rainey stated that while the BZA may make rulings on some zoning requests, under appeal; manufacturing, which is only allowed in an Industrial Zoned area, cannot be considered by this Board.

Mr. Rainey went on to state that there are concerns with this variance request regarding:

- the location of the property being in a floodplain and
- the absence of a plot plan.

Mr. Rainey went on to explain that without a plot plan, showing exact location of the proposed building, a determination cannot be made.

At this point, Mr. Rainey opened discussion for the Board.

Mr. Stamper mentioned possibility of the proposed structure being in the direct sightline of the neighbors.

Mr. Rainey stated that the Board must consider the appearance of the proposed structure. Mr. Rainey went on to express concern for the precedent that could be set if this front yard variance were passed.

Mr. Suddath informed the Board that there is an existing structure in the front yard of the property at 697 Bugg Hollow Rd. that is covered by brush.

Mr. Dickerson made a motion to deny the Front Yard Variance Request, located at 697 Bugg Hollow Road, Gallatin, TN, 37066, seconded by Mr. Stamper, due to lack of information.

At this point, **Mr. Stamper withdrew his second.**

With no second being made to the motion, Mr. Rainey informed the Board that the motion dies, for lack of a second.

Mr. Stamper asked if this Variance Request could be deferred for further information.

Mr. Suddath informed the Board that if the Variance Request is deferred, and the applicant wishes to pursue the Variance, the submittal process must be started over, including submitting

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an application, placing public notice in The Gallatin News and notifying adjoining property owners by certified mail.

Mr. Stamper made a motion to defer the request for a variance from County requirements contained in the County Zoning Resolution Article VI. Section 7.6 (1), related to placement of an accessory structure within a required front yard at 697 Bugg Hollow Road, Gallatin, TN, 37066, seconded by Mr. Holt. Passed unanimously.

Upon the deferral, Mr. Suddath informed the applicant to contact the Planning and Stormwater Department to set up a meeting for more information, if he wished to pursue the variance request.

3. **Robert and Sally Head** were requesting a Hardship Variance for a relative to live in a proposed structure on the subject property to care for a relative due to medical circumstances. Subject property is located at **641 Harris Lane, Gallatin, TN** is on Tax Map 125 Parcel 013.05, contains 4.98 acres and is zoned Estate-A, and is in the 4th Commission Voting District (Jerry Foster and Leslie Schell)

This is a public hearing and was advertised in the Gallatin News on Thursday, July 25, 2019. The adjoining property owners were notified by certified mail.

Prior to this item being presented, Mr. Dickerson recused himself due to HIPAA regulations, similar personal issues and personal relationship to requestor family.

Mr. Suddath gave an overview of the agenda item and stated that there have been no comments received. Mr. Suddath provided an aerial view of the property and a plot plan showing the placement of the “Tiny House”.

Mr. Suddath presented example motions.

Mr. Rainey opened the floor for public hearing.

Sheree Overby of 647 Harris Lane, Gallatin, TN, a neighbor of Robert and Sally Head, stated support for the Hardship Variance request.

Mr. Rainey called **Bobby Head of 188 Meadowlake Drive**, the requestor’s son, forward, to speak.

Mr. Head explained the need for round-the-clock care required for a relative. Mr. Head stated that because the care-giving relative, which will reside in the “Tiny House”, works from home, the close proximity of the tiny house will make it possible to assist in the day-to-day care of the relative.

Confirming that no one else from the audience wished to speak, Mr. Rainey closed the public hearing.

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Mr. Terry Haynes stated that, if the Hardship Variance is granted, all Codes requirements for the tiny house must be fulfilled.

Mr. Rainey asked the Board for discussion.

There being no discussion, Mr. Stamper made a Motion to approve a Hardship Variance for a relative to live in an existing structure on the referenced property **641 Harris Lane, Gallatin, Tennessee**, for term of two years, with the following conditions:

- a) All structures must meet applicable setback requirements of the County Zoning Code;
- b) The applicant must obtain TDEC approval for all required septic system improvements prior to issuance of any building or zoning permits;
- c) The applicant must obtain a certificate of occupancy for the “Tiny House” structure from the County Building and Codes office, and must meet all other applicable policy requirements related to “Tiny Houses”;
- d) Upon resolution of the hardship, the structure must be removed at the property owner’s expense.

Seconded by Ms. Webster.

Discussion ensued between the Board and Staff regarding the zoning regulations and codes pertaining to tiny houses.

At this point, Mr. Suddath stated that the applicant was looking for guidance regarding the placement of the “Tiny House” on the property as to whether the current placement is acceptable or should it be relocated.

General consensus was that in the absence of neighbor’s objections to the current location, the placement is acceptable.

There being no further discussion, Mr. Rainey called for a vote on the motion on the floor.
Motion passed unanimously.

Other Business:

Staff updates

At this time, Mr. Suddath provided an update on various items that had recently come before the Board at previous meetings. These included:

228 Brown’s Lane: Mr. Suddath stated that the Hardship Variance that had been granted to this property has been resolved. The landowner has been supplied with information regarding the removal of the structure.

109 Terry Lynn: Mr. Suddath reported that this item had been presented to The Board of Zoning Appeals in July, receiving a deferral from the Board. The landowner has since reconfigured the structure to meet the required setbacks, providing Staff with a new plot plan

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which shows that all requirements have been met, thus avoiding the need to return to the Board of Zoning Appeals.

BZA Application Requirements:

Mr. Suddath expressed the need for the requirement of a professional plot plan to be submitted during the BZA application process.

Mr. Suddath stated that a professional plot plan will provide the Board with detailed, precise tools to make a fully informed ruling. Mr. Suddath went on to explain that such a plan will reveal crucial details such as septic area, accurate measurements, and topographical issues, etc.. that are pertinent to making informed decisions.

Mr. Rainey added that the Board has been presented with many applications that have either had inaccurate measurements, structures presented over other structures or vague information. Mr. Rainey concurred that the Board cannot make a ruling based on hypotheticals.

Mr. Terry Haynes added that a professional plot plan saves the applicants and the Building and Codes Office time and future problems.

Mr. Suddath stated that although applicants often do not like to supply a professional plot plan, there is a definite need to require such a plan with every application submitted to the Board of Zoning Appeals.

Mr. Holt stated his agreement for the plot plan requirement.

Ms. Webster agreed that the Board cannot make informed decisions without precise information.

Mr. Suddath stated that there will be instances when it may be a hardship on the applicant to provide a professional plot plan. In light of this possibility, Mr. Suddath asked the Board for input as to the consistency of a professional plot plan requirement for all applicants.

Mr. Holt stated that when a new or proposed building is involved, the professional plot plan should always be required.

Ms. Webster agreed, considering the permanency of the structure.

Mr. Terry Haynes stated that when the Board of Zoning Appeals approves an appeal, the first thing the Building and Codes Department requires is a professional plot plan, therefore, the applicant is required to provide said plan eventually.

**Mr. Dickerson made a motion requiring all applicants to the Board of Zoning Appeals to present a professional plot plan with the application, seconded by Mr. Holt.
Motion passed with aye votes from, Mr. Holt, Mr. Stamper, Mr. Dickerson and Ms. Webster.
Mr. Rainey abstained.**

Mr. Suddath stated that, if desired by the Board, a Resolution will be presented at the September BZA meeting, stating the requirement of a professional plot plan for all applicants to the Board of Zoning Appeals.

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Board members confirmed that desire.

There being no further business before the board, Mr. Rainey made a motion to adjourn, seconded by Ms. Webster. Meeting adjourned approximately 5:50pm.