

**SUMNER COUNTY BOARD OF ZONING APPEALS  
MINUTES  
DECEMBER 13, 2018  
5:00 p.m.**

SUMNER COUNTY ADMINISTRATION BUILDING  
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:**

JOSH SUDDATH, DIRECTOR OF PLANNING & STORMWATER  
LINDA MCCULLOUGH, ASSISTANT TO THE DIRECTOR OF PLANNING & STORMWATER

*Motion for approval of the November 2018 minutes by Ms. Webster, seconded by Mr. Dickerson. Motion passed unanimously.*

Mr. Suddath started the meeting off with a brief presentation of the explanation of a Variance according to the Sumner County Zoning Resolution.

- 1. Michael Wayne Wilson** is requesting a Hardship Variance for a relative to live in an existing structure on subject property due to medical circumstances. Subject **property is** located at **2323 Highway 76, Portland, TN 37148** is on Tax Map 053 Parcel 034.04, contains .92 acres, is zoned Agricultural, and is in the 12<sup>th</sup> Commission Voting District (Michael Guthrie and Justin Nipper). **Adjoining property owners were notified by certified mail and the agenda item was advertised in The Gallatin News on Thursday, November 29, 2018.**

Mr. Suddath stated that a zoning permit was issued for the structure on September 1, 2017, to allow construction of a detached garage, including an affidavit stating that the structure would not be used as a residence. Mr. Suddath stated that the structure is completed and is currently being utilized as a residence for a relative with health issues. Mr. Suddath stated that the applicant has not applied for a septic permit for the apartment in the detached garage and that the current septic system is only approved for a 3 bedroom residence. No permit has been issued from the State for an expansion of the septic system at this time. Mr. Suddath stated that it is unclear if the new structure is on top of the soil areas and if it has possibly damaged the current septic system. Mr. Suddath stated that complaints have been received concerning septic leakage following construction of the new structure. This issue has been reported to the County Environmentalist and is being investigated at this time.

Mr. Rainey asked Mr. Suddath if there is a need to hold a public hearing on this item or just defer any action.

Mr. Suddath stated that if the applicant is present, they may want to come forward to clarify to the Board on the information he presented.

Ms. Rhonda Wilson came forward to explain and represent this request.

Ms. Wilson asked Mr. Suddath where the picture of the leakage that he took was at. Ms. Wilson stated that she walked the property and could not find any leakage.

Mr. Suddath stated that the picture was taken the previous week, and it was in the front yard near the driveway.

Ms. Wilson stated that there wasn't an issue with the building being put up but they had a fence put up and the contractor putting up the fence stated that he had to be careful because it was close to the curtain drain. Ms. Wilson stated that was wondering if the construction of the fence could have caused this leakage.

Ms. Wilson asked Mr. Suddath when the dye to find the leakage was put in.

Mr. Suddath stated that it was put in on the 6<sup>th</sup> of December.

There was some discussion about where the drain was and where the leakage was coming from.

Mr. McKee opened the floor for the public hearing.

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

**Motion to defer a decision on this item until the January Board of Zoning Appeals meeting in order to allow issues related to the property's septic system to be investigated and addressed by Mr. Rainey, seconded by Mr. Dickerson. Motion passed unanimously.**

- 2. Shea Jackson** is requesting a variance to allow an accessory structure to encroach 1 foot into a required side yard. Subject property is located at **1026 Meridian Drive, Castalian Springs, TN 37031**, is on Tax Map 0890, Group B, Parcel 013.00, contains .96 acres, is zoned Agricultural, 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, November 29, 2018.**

Mr. Suddath stated that a zoning permit was issued for the structure on September 21, 2018 to allow construction for a detached structure. Site inspection was conducted and failed on September 26, 2018 due to the structure not being behind the back line of the house. The construction of this detached structure encroaches one foot into the required side yard. Mr. Suddath stated that the wording from the Sumner County Zoning Resolution states that all accessory structures in an Agricultural zoning shall be at least (5) five feet from the rear lot line and from any building on the same lot.

Mr. Shea Jackson came forward to explain and represent this request.

Mr. McKee opened the floor for the public hearing.

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

Mr. Jones asked Mr. Jackson who his contractor was.

Mr. Jackson stated that the contractor was Chris Sutton.

Mr. Jones asked Mr. Jackson if he relied on the contractor to know what the setbacks were.

Mr. Jackson stated that the contractor told him where the best place would be for the garage.

Mr. Rainey stated that he didn't recall reading anything in the Zoning Resolution about the rear of the house. Mr. Rainey stated that in a previous case an accessory structure was in the middle of the house and nothing was said about it.

Mr. Rainey asked Mr. Suddath if the Planning office received a survey and know that the five foot side setback is ok.

Mr. Suddath stated that his office only received a site plan showing the five foot setback.

Mr. Rainey asked Mr. Jackson if there was a survey done by the contractor and/or does he know is the structure sets five foot off of the property line.

Mr. Jackson stated that there wasn't a survey done but the structure is probably five feet from the fence that is up.

Mr. Rainey asked Mr. Suddath why the Codes Director was not present at the meeting to let them know what the problem is.

Mr. Suddath stated that he could not speak to that question.

Mr. Rainey asked Mr. Suddath if there were any issues concerning this item.

Mr. Suddath stated that there was not.

There was some discussion.

**Motion to approve the variance to include:**

- 1) No specific documentation stating that the Board should not grant this variance.
- 2) A survey is to be done in any case where there is no indication of where the property line is.
- 3) A member of the Codes Department attend the meeting when a code violation has been committed.

**by Mr. Rainey, seconded by Mr. Dickerson. Motion passed unanimously.**

3. **John D Davis** is requesting a 14 foot Front Yard Setback Variance for a detached structure. Subject property is located at **1000 Deann Court, Cottontown, TN 37048**, is on Tax Map 037H, Group A, Parcel 010.00, contains .92 acres, is zoned Agricultural, and is in the 12<sup>th</sup> Commission Voting District (Michael Guthrie and Justin Nipper). **Adjoining property owners were notified by certified mail and the agenda item was advertised in The Gallatin News on Thursday, November 29, 2018.**

Mr. Suddath stated that this item went before the Board of Zoning Appeals on September 13, 2018 and was denied. The BZA asked the staff to look into this matter a little more to see if alternatives were available for them to consider. The applicant then went through the application process again and staff was able to research this matter to find some additional information. Mr. Suddath stated that the Board could choose to declare Deann Court to be a minor road which would change the front yard setback from 40 feet to 30 feet. Mr. Suddath stated that the applicant would still be required to move the structure back 4 feet in order to meet the setback.

Mr. McKee opened the floor for the public hearing.

**Cathy Hunt, 1003 Deann Court**, came forward to state that she and her husband do not have any issues with the structure and would ask the Board to approve the variance.

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

Mr. & Ms. Davis came forward to explain and represent this request.

Mr. Rainey asked if they had come up with any solutions to the problem.

Ms. Davis stated that if the variance be granted based on the new findings, the structure could be moved 4 feet but they would need some time to get this done.

Mr. Rainey asked Ms. Davis how much time she was thinking, - 60 to 90 days?

Mr. Davis stated that he would have to get the concrete poured and unbolt the structure and move it over. Mr. Davis stated that he would get started on the project as soon as he could but with the holidays and weather, he was not sure how long it would take.

**Motion to approve variance to include:**

- 1) Consider Deann Court as a Dead End, “Minor Street” as designated in the County Zoning Code, thereby reducing the required front yard setback for the property from 40 feet to 30 feet.
- 2) The accessory structure be relocated 4 foot closer to the primary structure (the home) in order to remove it from the front yard setback. The structure must be moved before the May 9, 2019 BZA meeting.
- 3) Board suggested that a licensed surveyor assist in finding the exact distance from the property line.

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

At this time Mr. Suddath proceeded to give a brief presentation of the explanation of a Conditional Use Permit according to the Sumner County Zoning Resolution.

4. **Long Hollow Baptist Church** is requesting a continuation for a Conditional Use Permit granted on April 12, 2012, to use subject property as a proposed overflow parking lot. Subject property is located at **3031 Long Hollow Pike, Hendersonville, TN**, is on Tax Map 123, Parcel 047.02, containing 5 acres, is zoned RA, and is in the 7<sup>th</sup> Commission Voting District (Loren Echols and Gene Rhodes).  
**This item was deferred at the August 2018 BZA meeting.**  
**Adjoining property owners were notified by regular mail.**

Mr. Suddath stated that in 2012, the BZA granted a variance from the county’s regulations related to landscape islands, site lighting, vegetative buffers, curbing and stormwater management. This lot was to be gravel and would accommodate 400+ vehicles and to build the parking lot to meet county standards in the future. Mr. Suddath also stated that part of the approval was to have a drainage plan in place when the work was to be done on the property. In 2016, the Conditional Use Permit was renewed with discussion of a spray on application be applied to keep the dust down on the lot since only grading had been conducted. At that time the applicant had received or applied for all necessary permits from State, Federal, and County agencies. Mr. Suddath stated that when the applicant applied for a renewal of the Conditional Use Permit in 2018, the applicant stated that all stormwater improvements have been made and the parking lot was paved and striped. Mr. Suddath stated that the applicant

submitted extensive information related to this item and confirmed that the project did obtain a Land Disturbance Permit from the County.

Mr. McKee opened the floor for the public hearing.

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

Mr. Jim Harrison with Civil Site Design Group, came forward to explain and represent this request.

**Motion to approve the 2 year continuation of a Conditional Use Permit to include:**

- 1) Deferring requirements related to lighting, curbing, landscape islands, and landscape buffers. A restriction for the type of parking to include overflow parking for Long Hollow Baptist Church, school events, and any large events that the church may host.
- 2) The caveat to this motion is that at such time a commercial development is started on the undeveloped part, the applicant must go before the Planning Commission for site plan approval.

**by Mr. Rainey, seconded by Mr. Jones. Motion passed unanimously.**

5. **Wayne & Kathy Lackey** are requesting a Conditional Use Permit to conduct a venue to provide traveling clients with overnight accommodations for horses and owners. The proposed venue will include four (4) small barns with horse trailer hook ups to include electricity and septic utilities. Subject property is located at **Corum Hill Road, Castalian Springs, TN 37031**, is on Tax Map 129, Parcel 004.01, contains 40.80 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, November 29, 2018.**

Mr. Suddath stated that this request brings up a question for the Board. Mr. Suddath asked the Board if this request would be considered a private campground. Mr. Suddath stated that if it was, the applicant would need to go to the Planning Commission for a site plan approval, and then back to the Board of Zoning Appeals.

Mr. McKee opened the floor for the public hearing.

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

Mr. Wayne Lackey came forward to explain and represent this request.

Mr. Rainey asked Mr. Lackey how many campers would be there at a time.

Mr. Lackey stated that there would only be four (4) campers at any time.

Mr. Rainey asked Mr. Lackey how long would they be staying.

Mr. Lackey stated that the campers would only be there for 1-2 nights.

Mr. Rainey asked Mr. Lackey why people would come to this kind of place.

Mr. Lackey stated that people would come there and stay to go to horse shows or competitions. Mr. Lackey also stated that they have two employees that give riding lessons and that they also provide horseback rides for cancer patients and people with other disabilities.

Mr. Jones stated the he felt the Planning Commission should look at this item before the BZA since it will be a commercial facility.

Mr. Rainey stated that he didn't necessarily agree with Mr. Jones since this is such a small scale and is going with the County's Argi Tourism program.

Mr. Lackey stated that there will not be any events at this location, just for owners and horses to be able to stay together and wants it to be set up correctly.

Mr. Rainey stated to Mr. Lackey that if this facility ever expanded, he would need to go to the Planning Commission for site plan approval.

Mr. Jones asked Mr. Lackey how it would be set up correctly.

Mr. Lackey stated that he will get the location perked for septic and get professional to put it in and licensed electricians. Mr. Lackey stated that the facility needs to be user friendly.

Mr. Jones stated that was why he was thinking that this item should go to the Planning Commission to make sure the facility was set up correctly.

Mr. Dickerson asked if there was city water at the facility.

Mr. Lackey stated that there was.

Mr. Jones asked if the mini-barns were built.

Mr. Lackey stated that there are four (4) mini-barns there now but the proposed buildings would be a living quarters on a one (1) acre tract with the mini-barn behind the living quarters.

Mr. Rainey asked what was in the mini-barns.

Mr. Lackey stated that the current mini-barns consist of a stable and a small tack room to be able to play with horses. Mr. Lackey stated that the proposed mini-barns would be away from the current barns and would have accommodations for the clients to stay overnight.

Mr. Rainey asked Mr. Suddath if the applicant could go to the Planning Commission with the data presented to the BZA or would they require more detailed site plan.

Mr. Suddath stated that the Planning Commission would require a more professional site plan than what has been presented to the BZA. Mr. Suddath stated that the applicant would need to have a surveyor to draw the plans and for the plans to be professionally drafted rather than hand drawn.

Mr. Lackey stated that this would allow the clients stay with their horses and not have to go to a campground, where horse trailers are frowned upon.

**Motion to approve a request for a 2 year Conditional Use Permit to include:**

- 1) No more than four (4) mini-barns be constructed.**
- 2) TDEC has approved all the septic requirements.**
- 3) Codes Department approve all permits.**
- 4) No events.**

**by Mr. Rainey, seconded by Mr. Dickerson. Motion passed unanimously.**

- 6. Kristin Intress is requesting a Conditional Use Permit to expand an existing business (Fit Farm) for an additional 24 guests. The applicant is proposing an additional bunkhouse adjacent to the current bunkhouse. The original Conditional Use Permit was approved on July 14, 2016 and renewed July 12, 2018. Subject property is located at 732B Rock Springs Road, Castalian Springs, TN 37031, is on Tax Map 089, Parcel 055.00, contains 156.06 acres, is zoned Agricultural, 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, November 29, 2018.****



Mr. Suddath stated that this item was presented and approved by the Board in July 2016 for a Conditional Use Permit, and was renewed in July 2018 for a continuation. The applicant is now requesting an expansion of the business to add additional bunk houses to accommodate 24 additional guests.

**Mr. Rainey recused himself from this item**

Mr. McKee opened the floor for the public hearing.

**Mr. Robert Copeland, 1715 Andy Jackson Trail**, came forward to express a concern about the location of the new bunk houses.

**Ms. Linda Conti, 712 Rock Springs Road**, came forward in favor of this expansion stating that she is happy to see this business doing well.

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

Ms. Kristin Intress came forward to explain and represent this request.

**Motion to approve the request for an expansion of a Conditional Use Permit increasing the total number of guest allowed to 48 by Ms. Webster, seconded by Mr. Jones. Motion passed unanimously.**

**7. Board of Zoning Appeals Resolution 2018-01, approval of 2019 submittal and meeting calendar.**

Mr. Suddath stated that a new calendar is circulated by the County Planning staff containing all proposed meeting dates and submittal deadlines. Mr. Suddath requested that the Board of Zoning Appeals adopt the calendar via formal action in the form of a resolution. This action would make the calendar an official product of the Sumner County Board of Zoning Appeals.

**Motion to approve Board of Zoning Appeals Resolution 2018-01, related to the 2019 Submittal and Meeting Calendar by Mr. Rainey, seconded by Ms. Webster. Motion passed unanimously.**

Mr. Suddath stated that on November 26<sup>th</sup> a training class was held for the Planning Commissioners and Board of Zoning Appeals members. Mr. Suddath stated that a couple of the BZA members and Planning Commissioners were not able to attend. Mr. Suddath stated that this is a requirement in order to keep your seat on the Board and that he will be having a make-up class. Mr. Suddath stated that his office will be reaching out to those members before the end of the year to set up a date and time for the class.

Mr. McKee stated to the members that he would not be seeking a seat on the Board for 2019, and that he would be resigning his seat effective immediately.

Mr. Suddath stated to Mr. McKee that he would pass this information on to the County Executive, Anthony Holt, so a new member could be appointed.

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

Meeting Adjourned at 6:13 p.m.

