

**SUMNER COUNTY ZONING BOARD OF APPEALS
MINUTES
February 9, 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

STAFF PRESENT:

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

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

1. **Jeremy Samuel Lane** is requesting a Conditional Use Permit to conduct a small business from detached garage to make home decorating items. Subject property is located at **3454 HWY 76, Cottontown, TN 37048**, is on Tax Map 057, Parcel 058.01, contains 2 acres and is zoned Agricultural.
The adjoining property owners were notified by certified mail.

Mr. Jeremy Lane came forward to represent and explain the request.

Mr. McKee opened the floor for the public hearing.

Since there was no one in the audience to speak, Mr. McKee closed the public hearing.

Mr. Joyner stated that there have not been any complaints reported to his office concerning this request for a business.

Motion to approve the Conditional Use Permit for two years by Mr. Rainey, seconded by Mr. Dickerson. Motion passed unanimously.

2. **John Robert Bowman** is requesting a Conditional Use Permit to conduct a small gun and ammunition shop. Subject property is located at **1025 Mount Olivet Road, Hendersonville, TN 37075**, is on Tax Map 116, Parcel 030.01, contains 5.04 acres and is zoned Agricultural and Residential-1A.
The adjoining property owners were notified by certified mail.

Mr. John Bowman came forward to represent and explain the request.

Mr. Rainey asked Mr. Bowman if he was licensed with Federal Firearms.

Mr. Bowman stated that he did have a license from the Federal Firearms and presented his license to the board.

Mr. Rainey asked Mr. Bowman what hours of business would he be operating and would he have any employees?

Mr. Bowman stated that he would not have any employees and that he gave the ATF the hours of operation as Monday – Thursday 9a.m. to 5 p.m. simply because they required hours of operation on the application. Mr. Bowman stated that he was an Evangelist in addition, this operation would only be for supplemental income.

Mr. Dickerson asked if these sales would be private sales.

Mr. Bowman stated that most of his sales are on the internet and would not have sales at this location.

Mr. McKee opened the floor for the public hearing

Mr. Steve Flatt, 1023 Mount Olivet Road, came forward with concerns about traffic coming up and down Mount Olivet; whether or not there would be a shooting range on the property, and the concern of having a gun shop attracting criminals.

Mr. Thomas Staten, 1458 Mount Olivet Road, asked the Board what stops Mr. Bowman from coming back in two years and asking for a shooting range on the property.

Mr. Rainey stated that anyone can come to the Board and ask for anything, but it does not mean it will be approved.

Mr. Staten asked the Board if he wanted to put a massage salon in his house, would he be approved?

Ms. Webster stated that individuals are allowed to come before the Board to ask for any type of Conditional Use Permit.

Mr. Staten asked how can one request be approved and not another?

Mr. Dickerson stated to Mr. Staten that every request has to stand on its own merit.

Mr. Staten asked the Board, what if I want to put a junk yard on my property.

Mr. Rainey stated that a junk yard would be under different regulations.

Mr. Staten asked what the limitations are for a small business.

Mr. Joyner stated that there are no specific limitations at this point, and that the business will be held in the detached garage.

Mr. Bowman stated that currently his guns are stored in safes in the detached garage. His business will only to be to store the guns in a safe and take to sales locations, or ship to a customer.

Mr. Staten stated that he opposed this request.

Ms. Anne Douglas, 1533 Mount Olivet Road, stated that her concern is that with guns being sold or stored on Mount Olivet Road because this would be a prime reason to attract criminals.

Ms. Kathy Latimer, 1578 Latimer Lane, stated that she has the same concerns as her neighbors.

Mr. McKee closed the public hearing.

Mr. McKee asked Mr. Bowman if there was going to be a shooting range.

Mr. Bowman stated that there has never been any plans for a shooting range.

Mr. Jones asked Mr. Bowman how he would be shipping the firearms to his customers?

Mr. Bowman stated that he would only be shipping and receiving by UPS or FEDEX. Mr. Bowman stated that he wants to do everything by the book. The ATF came to his house and spent four hours looking at where he would be storing the guns, and they also finger printed him.

Mr. Jones asked Mr. Bowman how could he determine who would be buying firearms from him? If they have any kind of mental illness, etc?

Mr. Bowman stated that he cannot determine who will be purchasing a firearm, but neither could a gun store in Hendersonville.

Mr. Rainey asked Mr. Bowman if there was a procedure in place to verify purchasers in addition to a waiting period. Mr. Rainey also asked Mr. Bowman how would he be advertising his business.

Mr. Bowman stated that he had reservations about advertising so he has not made up his mind whether he will advertise or not.

Mr. Rainey asked Mr. Bowman how people would know about his business.

Mr. Bowman stated that he does not want to do sales out of his house but in order to store the firearms, the ATF required him to get a license as if he were selling from his home.

Mr. Rainey asked Mr. Bowman if the Board should approve this Conditional Use Permit without in home sales, and set up a P O Box or some kind of mailbox other than his home mailbox, would that still accomplish his need.

Mr. Bowman stated that it would.

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

Motion to approve the Conditional Use Permit for two years by Mr. Rainey, with the condition that Mr. Bowman does all sales transactions through a P O Box or Pony Express mailbox, or other mail sources, seconded by Mr. Dickerson. Motion passed unanimously.

3. **Estate of Russell D Ward, Sr. (Owner), and Larkspur Conservation, Inc. (Applicant/Purchaser)**, are requesting a Conditional Use Permit to use property as a nature preserve and a natural burial cemetery. Subject property is located at **155 Bear Carr Road, Westmoreland, TN 37186**, is on Tax Map 065, Parcel 001.00 P/O, contains 154.79 acres and is zoned Agricultural.
The adjoining property owners were notified by certified mail.

Mr. John Stone with Larkspur Conservation, Inc. came forward to represent and explain the request.

Mr. McKee asked Mr. Stone what keeps animals from digging the grave.

Mr. Rainey asked if they would sell the burial plots.

Mr. Stone stated that the plots would have a cost attached to them and the money collected would be used to maintain the property.

Ms. Webster asked if there would be makers at the gravesite.

Mr. Stone stated that there would be makers at the gravesite and they would use natural stones from the site as markers and a satellite GPS will keep track of all the burial sites.

Mr. Rainey asked what the procedure would be from time of death to burial.

John Christian Phifer with Larkspur Conservation, Inc., came forward to explain to Mr. Rainey how the process would work.

Mr. McKee opened the floor for the public hearing

Susan & George Webb, 4590 Hwy 31E, stated that their main concern was the spring that runs through the properties. They were also wondering if any kind of studies have been done on the water flow and if there are any kind of state regulations of putting a burial site of this kind on rural properties.

Mr. Phifer stated that there are no state regulations on where a burial site can be put.

Mr. Jones stated that this Board is only the beginning of the process for this item to be approved. If approved by the Zoning Board, it would then go before the Planning Commission and then to the County Commission.

Mr. Joyner stated that the applicant has been in contact with the Planning office, the state attorney, and our local attorney. All agreed that the process in which the applicant is taking is the best for this type of site. Burial sites can be put on any residential zoned property with a Conditional Use Permit. Mr. Joyner asked Mr. Phifer if there will be a phase two for environmental.

Mr. Phifer stated that they will be in constant contact with the environmental and that department will come out periodically to do inspections to make sure the water is flowing in the right areas. Mr. Phifer stated that all the other natural burial sites have never had any issues with contaminating the water. Mr. Phifer stated that a cow patty has more contaminations in it than a human body. Mr. Phifer told the Webb's that he would come out and take another look at where their water flows and make sure it is no where near the burial site.

Ms. Webb stated that another concern was animals digging up the site and the density of the site. She stated that Mr. Phifer said that at first there would only be one to two now but could increase if this idea takes off.

Mr. Phifer stated that the average price would be \$4,000 per site, which is lower than a normal cemetery site. Since they would not be embalming, there would not be any fluids going into the ground. Mr. Phifer stated that there would be more contamination from an embalmed body if the casket leaked and fluids ran into the ground.

There was discussion.

Mr. Moe Taylor, (1st District County Commissioner), 420 Buck Graves Road, stated that he has not received a lot of feedback on this item and what questions that were brought to him were answered tonight. Mr. Taylor stated that they are asking for a Conditional Use Permit, the condition is that a body is buried there. Mr. Taylor asked Mr. Joyner to explain how this Conditional Use Permit would work.

Mr. Joyner stated that Mr. Stone is asking the Board for approval for a Conditional Use Permit, however, Mr. Stone is requesting a perpetual Conditional Use Permit, meaning they will not have to come back every two years for a continuation of their Conditional Use Permit; therefore, he will be going to the Planning Commission for site plan approval and then to the County Commission.

Mr. Taylor stated that this is a remote area and unfortunately there is activity, some illegal, especially after dark, that concern the citizens in this area and are afraid that this site will bring more of this activity. Another concern is the traffic this might generate if the site becomes a popular way of burial. As their Commissioner, he was asked to address these issues.

Mr. Phifer stated that the site will be closed at dark and the plan is to make this site a natural conservation as well. Mr. Phifer stated that they had been in contact with the Taylor Hollow Wildflower Preserve across the road, and they stated that there has not been any illegal activity that they are aware of. Mr. Phifer stated that they would like to work with the neighbors and get a neighborhood watch for this area.

Mr. Gary Adcock, 348 Phillips Hollow Road, stated that his concern is who will be digging the graves and who will maintain the site.

Mr. Phifer stated that they would have someone on staff to dig the graves and to maintain the site.

Ms. Webb asked how the graves would be dug.

Mr. Phifer stated that the majority of the graves would be dug by hand.

Mr. Ronnie Epley, 710 Phillips Hollow Road, stated that his concern is the traffic.

Mr. Phifer stated that they are not expecting a lot of traffic. Currently they are only anticipating one to two burials per month, but if this site were to grow and roads needed to be updated, Larkspur would be willing to work with the community.

Mr. Stone stated that these would not be full services, mostly graveside services.

There was discussion.

Mr. McKee closed the public hearing.

Mr. Rainey made the motion that if the Board were to approve this Conditional Use Permit that the applicant would not have to come back every two years.

Mr. Jones stated that he agreed with Mr. Rainey and also stated that the Board took their job serious and that he was glad that this discussion between the applicant and the community was kept in a serious manner and did not become a shouting match. Mr. Jones also stated that he felt the applicant went above and beyond in informing the community and answering all their concerns. Mr. Jones stated that he also feels that this is a good idea in a way of preserving the land. **Mr. Jones seconded the motion.**

Mr. Rainey stated that in keeping with the zoning regulations, there is a need for this type of site in Sumner County and in keeping with the property across the road and other properties in the county that have become nature preserves.

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Mr. Joyner stated to the Board that if approved, it would be a perpetual Conditional Use Permit meaning the applicant would not have to come back to the Board for a continuation every two years. Also, if approved, this item would move forward to the Planning Commission. Mr. Joyner also stated to the applicant that if this item is approved, the Board has the right to revoke the Conditional Use Permit if the applicant is not abiding by the zoning regulations.

Mr. McKee stated that he still had a concern of animals digging up the graves and about the water flow. **Mr. McKee voted against the motion.**

Motion passed with four voting for the application and one against.

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

Meeting Adjourned at 7:06 p. m.