

**SUMNER COUNTY BOARD OF ZONING APPEALS
MINUTES
JUNE 13, 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
MARSHALL WRIGHT, BUILDING AND CODES DIRECTOR

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

Motion for approval of the June 2019 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 but there are some staff updates at the end of the agenda. Mr. Rainey stated that those items would be taken up at the end of the meeting and proceeded to agenda item #1.

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

1. **Gregory & Demetra Covrig** are requesting a Hardship Variance for a relative to live in a proposed structure on the subject property due to medical circumstances. Subject property is located at **425A Thompson Lane, Portland, TN 37148**, is on Tax Map 073, Parcel 032.01, contains 21.26 acres, is zoned Agricultural, and is in the 12th 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, May 30, 2019.

Mr. Suddath gave an overview of this item stating that the reason for the applicant to request the hardship since the allowed acreage for two dwellings is over 20 acres is that there is already a second dwelling on the property. This variance would allow for a third house to be placed on the property for Mr. Covrig's parents to live in and be cared for. Mr. Suddath stated that a doctor's note was provided by the applicant stating the need for such care. Mr. Suddath presented an aerial view of the property showing where the

current dwellings are and where the proposed dwelling would be placed stated that all building meet the 100 feet requirement between each building.

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

Mr. Rainey opened the floor for public hearing.

Mr. Greg Covrig, came forward to explain and represent the request stated that his mother is ill and by having his parents to live close by, his wife, who is a nurse, could take care of his mother's everyday needs.

Mr. James Covrig, came forward and stated that he was Greg's father and explained the need to live close to his son.

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

Motion to approve a request for a Hardship Variance for 425A Thompson Lane, Portland Tennessee, contingent upon:

- **All proposed structures meeting applicable setback requirements of the County Zoning Code.**
- **The applicant obtaining a certificate of occupancy from the County Building and Codes office.**
- **The applicant obtaining TDEC approval for all required septic system improvements.**
- **Structure to be removed once hardship is no longer needed or the property must be properly subdivided.**

by Mr. Stamper, seconded by Ms. Webster. Motion passed unanimously.

2. **Eileen Rose Giadone, etvir**, is requesting a Hardship Variance for a relative to live in a proposed structure on the subject property due to medical circumstances. Subject property is located at **1016 North Sugartree Lane, Gallatin, TN 37066**, is on Tax Map 124, Parcel 076.00, contains 5.7 acres, is zoned Estate A, and is in the 4th 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, May 30, 2019.

Mr. Suddath gave an overview of this request stating that this variance would allow a second structure to be built on property for the applicant's relative to live in due to medical issues. Mr. Suddath stated that his office has received multiple comments and inquires related to this request. Mr. Suddath stated that at one time, there were private neighborhood restrictions prohibiting a second dwelling on the property. Mr. Suddath stated that the restrictions expired in 2015 and do not appear to have been renewed.

Mr. Suddath stated that the County does not enforce private restrictions. Mr. Suddath stated that there have been concerns about the septic system and if it will accommodate the new dwelling. Mr. Suddath stated that the home was marketed as a three bedroom and the current septic system will accommodate three bedrooms. The applicant states that the existing structure is actually a two-bedroom residence.

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

Mr. Rainey asked if the septic system configuration had been approved by TDEC. Mr. Suddath stated that he had not received any document demonstrating formal approval of the septic system with the proposed additional “bedroom” at this time.

At this time, Mr. Wright stated that the structure would need to receive a certificate of occupancy, and would need to be inspected as built and certified by an outside professional in addition to any County required inspection.

At this time, Mr. Rainey opened the Public Hearing.

Cathryn Sutton, 1034 Sugartree Lane, stated that she did not receive a certified letter, and spoke in opposition to this item being approved due to septic concerns, and also stated that she was unclear who would be responsible for ensuring that hardship variance requirements are met.

Mr. Rainey clarified that only adjoining property owners are notified by certified mail, and the County is responsible for ensuring that structures are removed and other policies are followed.

Terry Butler 1017 North Sugartree Lane, stated that she had concerns that the structure will be removed once the hardship is resolved.

Mr. Rainey again clarified that the Board had a policy in place to review hardship variances and to have structures removed.

James Mitchell, 1041 North Sugartree Lane, asked if the applicant could request a change in use for the structure, and asked how close the property owner could build to the lake.

Mr. Rainey then clarified that the applicant can request anything, but the request would need to go to the BZA for approval. Mr. Rainey also clarified that the owner could place the structure as close to the lake as they want.

Clay Harris, 1020 North Sugartree Lane, stated that he lives next door to the subject property. Mr. Clay then stated that he was unclear whether a hardship variance was

actually necessary for the property or their family member, and whether a separate structure would really be needed rather than using a portion of the existing house.

Mr. Rainey clarified that they would not raise questions about the status of the applicant's health, since the Board had been provided a doctor's note.

Eileen Giadone, 1016 North Sugartree Lane, stated that her family has been through a good deal in recent years. She stated that no wedding venue or other business would be conducted in the new structure. Ms. Giadone stated that she had had conversations with Mr. Bo Fox regarding the septic system.

Mr. Holt asked how many bedrooms would be added? Ms. Giadone stated that the structure would be one bedroom. Ms. Giadone stated that she would be open to constructing a pole barn or other structure. Ms. Rainey stated that she would need to adhere to the adopted building codes in any event.

Ms. Giadone stated that she would do whatever they need to do to comply.

Mr. Stamper asked if there would be other uses proposed for the structure. Ms. Giadone stated that there were not.

Richard Gilbert, 1016 North Sugartree Lane, stated that he was the applicant's husband, and his sister in law was experiencing serious health issues. He stated that there was no intent of negatively affecting the neighborhood in any way. He stated that significant improvements to the existing septic system had been installed recently.

At this time, after confirming that no one else wished to speak, Mr. Rainey closed the public hearing.

Mr. Dickerson asked if additional clarification could be granted regarding the nature of care to be provided.

Ms. Giadone stated that the relative was getting progressively worse, and the level of care was dependent on whether her condition had been aggravated.

Motion to approve a request for a Hardship Variance for 1016 North Sugartree Lane, Gallatin, Tennessee, contingent upon:

- **The proposed structure meeting all setback requirements contained in the County Zoning Code.**
- **The applicant obtaining a certificate of occupancy from the County Building and Codes office for the proposed structure.**

- **The applicant obtaining TDEC approval for all required septic system improvements.**
- **Structure to be removed once hardship is no longer needed or the property must be properly subdivided.**

By Mr. Stamper, Seconded by Mr. Rainey.

Mr. Holt stated that he had heard conflicting proposals as far as what the structure would actually be. Mr. Suddath stated that the proposal he had received called for the structure to be a prefabricated log cabin, rather than a pole barn, which was mentioned by the applicant earlier in the meeting.

Mr. Stamper stated that he felt that this item should pass, since they are usually not controversial, and the neighbors' concerns had been addressed to the extent possible.

Mr. Rainey stated that he agreed, stating that he remembered when the subdivision was created. Mr. Rainey stated that he felt that the proposal would not affect property values.

Mr. Suddath stated that should the neighborhood wish to reinstate their expired private restrictions, they are free to do so, and would apply to subsequent items that may concern them.

At this time Mr. Rainey called for a vote on the motion on the floor. Motion passed 4-1, with Mr. Dickerson voting in opposition.

3. **Allen D Biggs** is requesting a continuation of a Conditional Use Permit granted on June 8, 2017 to conduct an auto repair shop from a detached garage. Subject property is located at **125 Dusty Lane, Cottontown, TN 37048**. Subject property is on Tax Map 074, Parcel 089.03, contains 1 acre, is zoned Residential A, and is in the 12th Commission Voting District (Michael Guthrie and Justin Nipper).

The adjoining property owners were notified by certified mail.

Mr. Suddath provided an overview of this item stating that this was a renewal of a previously approved conditional use permit. Notice was provided via regular mail, and no comments had been received related to it.

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

At this time, Mr. Rainey asked the property owner to approach the board.

Allen D. Biggs, stated that he felt fortunate to be able to operate his business out of his property, and his neighbors are supportive, since it allows him to keep an eye on the neighborhood.

After stating that this was a public hearing and confirming that no one else wished to speak, Mr. Rainey closed the public hearing.

Motion to approve a request for a two year continuation of a Conditional Use Permit to conduct an auto repair shop from a detached garage at 125 Dusty Lane, Cottontown,

By Mr.Holt, Seconded by Ms. Webster. Motion passed unanimously.

4. **Linda Denning** is requesting a continuation of a Conditional Use Permit and Dust Free Parking Variance granted on April 12, 2007, to operate a catering business with nine employees. Food is prepared on site then delivered. Subject property is located at **165 West Roberts Road, Portland, TN 37148**, is on Tax Map 072, Parcel 036.00, contains approx. 29.6 acres, is zoned Agricultural, and is in the 4th Commission Voting District (Jerry Foster and Leslie Schell).

The adjoining property owners were notified by regular mail.

Mr. Suddath provided an overview of this item stating that this was a renewal of a previously approved conditional use permit. Notice was provided via regular mail, and no comments had been received related to it.

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

Mr. Rainey asked Mr. Wright if he had anything to add. Mr. Wright stated that he did not have anything additional to add, but that he needed to check with the County's legal counsel to be sure if renewals of Conditional Use Permits should be required to obtain a Certificate of Occupancy.

Mr. Rainey called the applicant to the floor to provide additional information.

Linda Denning, stated that her property was far off the road, and like the previous applicant, her neighbors were appreciative of her being at home to keep an eye on the neighborhood.

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

At this time Mr. Rainey asked the Board if there was a motion.

Motion approve a request for a continuation of a Conditional Use Permit to conduct a catering business with 9 employees at 165 East Roberts Road, Portland for a period of two years.

Made by Ms. Webster, Seconded by Mr. Dickerson. All in favor, none opposed. Motion passed unanimously.

5. **John Birdwell will represent Belinda Birdwell** and will be requesting a Conditional Use Permit to conduct an excavating company and to store construction equipment at the subject property. Subject property is located at **2121 Dobbins Pike, Portland, TN 37148**, is on Tax Map 071, Parcel 019.00, contains 65.60 acres, is zoned Agricultural, and is in the 3rd 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, May 30, 2019.**

Mr. Suddath provided an overview of this item stating that this was a new conditional use permit, and no comments had been received for the proposed business location Mr. Suddath stated that notice for this item was provided in accordance with County policy.

Mr. Suddath stated that the excavating company is currently being operated at a location at 1058 Lakewood Drive, and numerous comments had been received related to that location. As such the applicant is proposing to relocate the business to a location more appropriate in terms of zoning and property size. At this time, Mr. Suddath concluded his presentation, with example motions for the Board.

Mr. Rainey asked Mr. Wright if he had any comments regarding this item.

Mr. Wright stated that any new buildings that would be open to the public would need to obtain a certificate of occupancy.

Mr. Rainey then asked Mr. Birdwell to approach the Board to explain his request.

John Birdwell stated that he would be storing equipment in one building on site, and stated that his crew would meet on site in the morning, and would then be offsite for the remainder of the day.

Mr. Rainey stated that he drove past this location every day, and did not anticipate that it would be detrimental to the neighborhood.

Mr. Suddath stated that he was appreciative to the property owner for working with the county to reach a solution that is acceptable to all parties.

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

Motion to approve a request for a Conditional Use Permit for the property owner at 2121 Dobbins Pike, Portland to conduct an excavating company and to store construction equipment on site.

Made by Mr. Dickerson, Seconded by Mr. Stamper All in favor, none opposed. Motion passed unanimously.

- Brian Seehafer** is requesting a Conditional Use Permit to conduct a fabrication and mechanical repair shop in an existing building at the subject property. This shop will service the farming and light commercial communities in the repair and fabrication of working components. Subject property is located at **1019A Dobbins Pike, Gallatin, TN 37066**, is on Tax Map 092, Parcel 012.04, contains 9.22 acres, is zoned Agricultural, and is in the 3rd 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, May 30, 2019.

Mr. Suddath provided an overview of this item stating that this was a new conditional use permit, and no comments had been received for the proposed business location Mr. Suddath stated that notice for this item was provided in accordance with County policy. At this time, Mr. Suddath concluded his presentation, with example motions for the Board.

Mr. Marshall Wright stated that a certificate of occupancy and a safety walkthrough would be needed for this item.

Mr. Rainey called Mr. Seehafer to approach the Board to explain his request.

Brian Seehafer explained the nature of the work to be done in his shop, clarifying that it would consist of fabrication and repair of parts and equipment and stated that no signage would be requested.

Mr. Holt asked how many employees would be on staff at this place of business? Mr. Suddath stated that it was his understanding that there would be only one employee.

Mr. Rainey addressed the audience to see if anyone wished to speak in opposition to this item. After confirming that no one else wished to speak, Mr. Rainey closed the public hearing.

Motion to approve a request for a Conditional Use Permit to conduct a fabrication and mechanical repair shop in an existing building on the subject property at 1019A Dobbins Pike, Gallatin for a period of two years contingent upon:

- Gaining any necessary approvals from the County Building and Codes Department**

By Ms. Webster, Seconded by Mr. Stamper. All in favor, none opposed, motion passed unanimously.

7. **Gregory Construction LLC will represent Paul & Janet Treder** and will be requesting a variance from County requirements related to placement of an accessory structure within a required front yard. Subject property is located at **1612 Rock Bridge Road, Bethpage, TN 37022**, is on Tax Map 061, Parcel 014.04, contains 1.85 acres, is zoned Agricultural, and is in the 1st Commission Voting District (Moe Taylor and Terry Wright).

Adjoining property owners were notified by certified mail and the agenda item was advertised in The Gallatin News on Thursday, May 30, 2019.

Mr. Suddath provided an overview of this item. Mr. Suddath stated that no comments had been received for the proposed business location, and that notice for this item was provided in accordance with County policy.

Mr. Suddath stated that the tax map for the property was incorrect, and has been addressed with the Property Assessor, who has revised it. Mr. Suddath stated that the property has significant topographic issues and due to these constraints, requirements for obtaining a variance from County requirements forbidding placement of an accessory structure in a front yard would appear to be met.

Mr. Suddath then stated that the applicant would need to obtain a zoning permit for the structure, and would be required to sign an affidavit prohibiting its use as a residence. At this time, Mr. Suddath concluded his presentation with example motions for the Board.

Mr. Rainey opened the public hearing and asked the property owner's representative to approach the board to explain the request.

David Gregory stated that the lot was very challenging, and there is nowhere else to locate the structure without needing a variance.

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

At this time Mr. Rainey asked the Board if there was a motion.

Motion to approve a request for a variance from County requirements related to placement of an accessory structure within a required front yard for 1612 Rock Bridge Road, Bethpage

By Mr. Seconded by Mr. All in favor, none opposed, motion passed unanimously.

Motion to approve by Mr. Dickerson, Seconded by Ms. Webster

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

Douglas Property Conditional Use Permit Request, Barry Lane: This item appears to have been satisfactorily resolved, with all lawn equipment removed.

Deanna Court Front Yard Setback Variance Request: This item appears to have been satisfactorily resolved, with the accessory structure relocated out of the front yard setback and inspected by Building Codes.

“Granny Pods”: Mr. Suddath discussed an item that had come to his attention in State Law related to accessory structures for elderly relatives to live in. State Statute requires that these structures are allowed in all residential districts in all cities and counties per Tennessee State Law, as long as they meet setbacks and some other specific requirements.

There being no further business to come before the Board, the meeting was adjourned at approximately 6:19 pm.