

SUMNER COUNTY ZONING BOARD OF APPEALS
MINUTES
May 11, 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 PRESENT:

STAFF PRESENT:

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

Motion for approval of the April minutes by Ms. Webster, seconded by Mr. Dickerson. Bruce Rainey abstained from voting. Motion passed unanimously.

1. **Phillip Bradshaw** is requesting a continuation of the conditional use permit granted on May 14, 2015 to operate an annual cattle sale, weddings, events, and community gatherings, etc. in an existing barn and for a dust free parking variance. Subject property is located at **395 N. Happy Hollow Road, Portland, TN.**, is on Tax Map 038, Parcel 045, contains 186 acres is zoned Agricultural, and is in the 3rd voting district. The adjoining property owners were notified by mail.

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

Mr. McKee asked Mr. Joyner if his office had received any input concerning this item.

Mr. Joyner stated that there has not been any calls or emails concerning this item.

Mr. McKee opened the floor for the public hearing.

One neighbor stood up to say he was in favor of Mr. Bradshaw continuing his business.

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

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

2. **Richard Petersen and Margaret Georgiades** are requesting a Hardship Variance for Mr. Petersen to live in an additional existing structure on said property due to various medical concerns. Subject property located at **1236 Fowler Ford Road, Portland, TN 37148**. Subject property is on Tax Map 051, Parcel 012.03, contains 5.34 acres, is zoned Agricultural, and is in the 1st voting district.
The adjoining property owners were notified by certified mail.

Ms. Georgiades and Mr. Petersen came forward to represent and explain the request.

Mr. McKee asked Ms. Georgiades where did he get rent money.

Ms. Georgiades stated that he receives rent money from the house on the property in which they own together. Ms. Georgiades stated that Mr. Petersen has full access to the house.

Mr. Rainey asked Ms. Georgiades if she intended to bring the building Mr. Petersen was living in up to Building Codes standards.

Ms. Georgiades stated that she did not intend for Mr. Petersen to live there very long. She stated that she did not have the money to bring this building up to Codes standards.

Mr. Rainey stated that he was concerned about Mr. Petersen's life safety. Mr. Rainey asked if it had electricity and was it up to electrical codes.

Ms. Georgiades stated that he did have electricity to the building but it was not up to codes.

Mr. Rainey asked Ms. Georgiades have they made any attempt to resolve the living situation prior to this meeting. Mr. Rainey asked Ms. Georidades how did Mr. Petersen heat the building and was there any smoke detectors.

Mr. Petersen stated that he had a wood burning stove and he did not have smoke detectors. Mr. Petersen stated that if the building got too hot, he would open the door.

Mr. Rainey stated that he could not approve this Hardship Variance knowing that Mr. Petersen was living in an unsafe situation.

Mr. Rainey stated that there are actually two different violations for this property.

1. There are two primary dwellings on this property.
2. The dwelling to be used for the Hardship Variance does not meet Building Codes standards.

Mr. Joyner stated that he would suggest to the Board that they listen to the public on their concerns before making a decision. Mr. Joyner also stated that even if this Board approves the Hardship Variance, the Codes Director would still have to approve the dwelling that Mr. Petersen is living in, and consider the life safety issues involved.

Mr. Rainey stated that regardless of what the Board's decision is tonight, it does not relieve anyone from the life safety codes the county has adopted.

Mr. Joyner stated that Mr. Rainey's comment was correct.

Ms. Georgiades asked what she needed to do in order to get the dwelling up to codes.

Mr. Joyner stated that she would need to speak to the Codes Director, Marshall Wright.

There was discussion.

Mr. McKee opened the floor for the public hearing.

Martha Jo Law, 1326 Fowler Ford Road, came forward stating that if this hardship is granted, then this will set a precedence for this road, and what happens, if approved, in two years, Mr. Petersen's situation has not changed and he is still living there.

Vicky Bussy, 1236 Fowler Ford Road, came forward stating that she rents the primary structure from Mr. Petersen and Ms. Georgiades and that Mr. Petersen has a key to the house to come in and cook, bath, and do his laundry. Ms. Bussy stated that Mr. Petersen has free range of the house and that Mr. Petersen mostly sleeps in the structure behind the house.

Randy Baker, 1228 Fowler Ford Road, came forward to state that he has no issues with Mr. Petersen himself, but he does not like that Mr. Petersen's friends use his driveway when they come to visit him. Mr. Baker stated that he is concerned that having this type of living situation would set a precedence for this neighborhood and cause their property values to go down. Mr. Baker also stated that he is concerned for Mr. Petersen's safety and that the structure does not meet codes.

Wayne Georgiades, 1354 Fowler Ford Road, came forward and stated that Mr. Petersen is his brother-in-law and that Mr. Petersen can not work due to his mental and physical condition. Mr. Georgiades stated that he and his wife, Ms. Georgiades, have been working for four years to get him help from the government. Mr. Georgiades stated that he is just asking the board to let him stay there until Mr. Petersen can get the help he needs from the government.

Kelly Hester, 1242 Fowler Ford Road, came forward and stated that he did not like being put into this position, and things have been better lately, but there has been situations where the police have been called concerning Mr. Petersen. Mr. Hester stated that he did not have anything against Mr. Petersen, he is a nice man, but he does not feel safe with him living there unsupervised.

Darrell Bell, 1171 Fowler Ford Road, came forward to state that he does not know Mr. Petersen and has not had any problems with him. However, Mr. Bell feels that by letting Mr. Petersen continue living in this manner, it will set a precedence for this neighborhood. Mr. Bell stated that there is a similar situation down the road and feels this will cause the neighborhood to become a homeless community. Mr. Bell submitted a letter to the board from Brian Gillespie stating his concerns on the matter.

Mr. McKee closed the public hearing.

Mr. McKee asked Mr. Petersen if he receives social security.

Ms. Georgiades stated that they have filed for social security benefits but because Mr. Petersen has not worked in so long, they were not able to give him the benefits. Mr. Petersen has reapplied for social security and at this time, he is waiting for an answer.

Mr. Rainey asked Ms. Georgiades what was her contingency plan. Mr. Rainey stated that since Ms. Georgiades has been working for four years to get Mr. Petersen benefits, what is next if he continues to be turned down.

Ms. Georgiades stated that if he does not get approved for benefits, she was not sure.

Mr. Rainey stated that he feels like if the Board approved this variance, the Board would see Mr. Petersen in two years in the same condition.

Ms. Georgiades stated that if the Board gave him two years, she would try her very best to get him into his home.

There was discussion.

Mr. Rainey asked Ms. Georgiades if she could come up with a contingency plan in 30 days.

Ms. Georgiades stated that she would do her best.

Motion to defer this item for 30 days by Mr. Rainey, seconded by Mr. Dickerson. Motion passed unanimously.

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Mr. Joyner repeated the motion to defer the item for 30 days for Ms. Georgiades to come up with a contingency plan for Mr. Petersen as requested by the Board.

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

Meeting Adjourned at 6:42 p. m.