

**SUMNER COUNTY BOARD OF ZONING APPEALS
MINUTES
NOVEMBER 8, 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 October 2018 minutes by Ms. Webster, seconded by Mr. Dickerson.
Motion passed unanimously.*

Mr. Suddath started the meeting with a brief presentation of the explanation of a Conditional Use Permit according to the Sumner County Zoning Resolution.

1. **David and Yvonne Pierson** are requesting a continuation for the Conditional Use Permit granted on September 11, 2014, to conduct a screen printing business in a 30X50 detached building. Subject property is located on **3760 Highway 76, Cottontown, TN 37048**, is on Tax Map 074, Parcel 029.00, contains 5.00 acres, is zoned Residential A and Agricultural, and is in the 12th Commission Voting District (Michael Guthrie and Justin Nipper).

Adjoining property owners were notified by regular mail.

Mr. Suddath stated that there have been no inquiries reported to staff concerning this item. Mr. Suddath stated that this item was originally on the September agenda and was disapproved without prejudice. Mr. Pierson was not able to attend the meeting due to a family conflict.

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. David Pierson came forward to explain and represent this request.

Mr. Rainey asked Mr. Pierson if there were any changes to the business.

Mr. Pierson stated that the only change was the business has grown and they are now doing embroidering and screen printing.

Mr. Rainey asked Mr. Suddath if a separate Conditional Use Permit for the embroidering part of the business.

Mr. Suddath stated that he did not because embroidering is in that same type of work.

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

2. **David Latimer** is requesting a continuation of a Conditional Use Permit which he was granted on November 9, 2006 to operate a wholesale machine shop in an existing building and a variance from dust free parking requirement. Subject property is located at **1024 Opossum Lane, Portland, TN 37148.**, is on Tax Map 051, Parcel 021.00, contains 1 acre, is zoned Agricultural, and is in the 1st Commission Voting District (Moe Taylor and Terry Wright).

The adjoining property owners were notified by mail.

Mr. Suddath stated that there have been no inquiries reported to staff concerning this item.

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. David Latimer came forward to explain and represent this request.

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

3. **Peter Thern** is requesting a Conditional Use Permit to operate a home based business for the sale of firearms and sporting goods through the Internet and at trade shows. Subject property is located at **1215 Lake Rise Overlook, Gallatin, TN 37066**, is on Tax Map 158M, Group B, Parcel 042.00, contains .70 acres, is zoned Residential B (RB), and is in the 6th Commission Voting District (Deanne Dewitt and Luke Tinsley).
Adjoining property owners were notified by certified mail and the agenda item was advertised in The Gallatin News on Thursday, October 25, 2018.

Mr. Suddath stated that he had received some inquiries reported to staff concerning this item, no complaints, just inquires.

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. Peter Thern came forward to explain and represent this request.

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

4. **Eryn & Matt Bell will be representing The Estate of Warner Bell (Richard Holmes, Executor)** and will be requesting a Conditional Use Permit to conduct a wedding venue. Subject property is located at **Rogues Fork Road, Bethpage, TN 37022**, is on Tax Map 043, Parcel 055.00, contains 60 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, October 25, 2018.

Mr. Suddath stated that there have been inquiries reported to staff concerning this item.

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

Mr. McKee opened the floor for the public hearing.

Ms. Sharon Simmons, 1041 Rogues Fork Road, came forward to express concern about the traffic coming and going since the drive is next to her house.

Mr. & Ms. Gerald Johnson, 150 Johnson Lane, came forward to express concern about the traffic, the noise, and people leaving the venue after drinking.

Mr. Kevin Key, 997 Rogues Fork Road, came forward to express concern about the traffic and the noise. Mr. Key also had a concern about the damage to the road with some many people traveling on it.

Ms. Marylin Bell Hughes, 1000 Rogues Fork Road, came forward to express concern about the traffic, the noise, and that no other business are on that road. Ms. Hughes also stated that this business would cause a deterrent for future home owners.

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

Mr. Rainey stated that he read in his packet that this venue could become an Argi Tourism facility. Mr. Rainey asked Mr. Suddath if this was a part of the business model that had been discussed so far.

Mr. Suddath stated that it was not but that the applicant could speak more to this issue.

Ms. Bell stated that she was a 4-H and Ag Agent for the University of Tennessee and that the Argi Tourism would be the next phase for this property. Ms. Bell stated that education in agricultural tourism is important and the next phase will include cattle and crops.

Mr. Rainey stated that there had been a lot of concerns about the traffic on Rogues Fork Road. Mr. Rainey asked Mr. & Ms. Bell if they have given any consideration to that issue.

Ms. Bell stated that she understands their concern and stated that they will not have a venue 208 days out of the year. Ms. Bell stated that they will probably only have two events a week and for only a few hours per event. Ms. Bell stated that the reason the drive is so long is so the cars can pull onto their property and not clog up the street.

Mr. Rainey asked if the gravel road was currently in place.

Ms. Bell stated that it was not.

Mr. Rainey asked Ms. Bell if the location of the drive could be relocated since it was a concern of her neighbor.

Ms. Bell stated that there was a pond next to the drive but they could be moved it over to the left as much as they can.

Mr. Rainey asked if they had given any thought to making the drive dust free about 200 feet on each side of the drive.

Ms. Bell stated that they had not thought about that but that they would move the drive over enough so the dust would not affect the neighbors.

Mr. Rainey asked if they had thought about putting up a live screening of evergreens along the side of the neighbor.

Mr. and Ms. Bell both stated that they had already planned on putting up that screen with evergreens or a line of fast growing trees.

Motion to approve the Conditional Use Permit for two years with the following conditions:

- 1. Drive be moved as far to the left of the property as possible to protect the neighbor.**
- 2. Live screening put in place.**
- 3. Research dust free solutions and place it on 200 feet on each side of the drive.**
- 4. All buildings be permitted by the Sumner County Building Codes Department.**
- 5. Septic permitted by TDEC.**
- 6. Site plans submitted to Staff.**
- 7. No complaints from neighbors.**
- 8. Comply to all State, Federal, and local policies.**

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

Mr. Suddath stated that he wanted the Board and Mr. & Ms. Bell to know that even though this item may still be in the planning phase, and could take time to get completely developed, Mr. & Ms. Bell will still need to renew this Conditional Use Permit every two years.

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

- 5. Joe M Staub Building Group will represent Rachel Gordon and is requesting a variance from County requirements related to placement of an accessory structure within a required front yard. Subject property is located at 1004 Forest Harbor Court, Hendersonville, TN 37075, is on Tax Map 158D, Group A, Parcel 014.00, contains approximately .64 acres, is zoned Residential A (RA), and is in the 6th Commission Voting District (Deanne Dewitt and Luke Tinsley).
Adjoining property owners were notified by certified mail and the agenda item was advertised in The Gallatin News on Thursday, October 25, 2018.**

Mr. Suddath stated that the applicant is requesting a variance to place an accessory structure in the front yard. Mr. Suddath stated that County requirements related to accessory structures in the front yard must be approved by the Board. Mr. Suddath stated that there have been no inquiries reported to staff concerning this item.

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. Joe M. Staub came forward to explain and represent this request.

Mr. Rainey asked Mr. Staub if the proposed structure could be moved back.

Mr. Staub stated that the only other place to put the proposed structure is where the oak tree is at and since it's so big, it would almost be impossible to locate the structure there without killing the tree.

Mr. Rainey stated that the Board has granted variances in this neighborhood before because the lots are so small. Mr. Rainey stated that when these lots were designed, it was to maximize the lake frontage and the houses were located as far to the rear of the lots as possible. This makes putting structures to the rear of the homes impossible.

Motion to approve the Variance authorizing the construction of a structure in a required front yard by Mr. Rainey, seconded by Ms. Webster. Motion passed unanimously.

- 6. Brandon Schell with Cross Driven Construction will represent Charles & Kristen Pevahouse** and is requesting a Hardship Variance for a relative to live in a proposed structure on the subject property due to medical circumstances. The applicant is also requesting a variance from County requirements related to placement of an accessory structure within a required side yard. Subject property is located at **320 Spring Valley Drive, Cottontown, TN 37048**, is on Tax Map 055E, Group A, Parcel 004.00, contains 1.43 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, October 25, 2018.

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. Brandon Schell came forward to explain and represent this request.

Mr. Rainey asked Mr. Schell how the garage doors would be accessed.

Mr. Schell stated that the drive will go right up to the garage doors.

Mr. Rainey asked if the applicant was aware that if this hardship variance is granted, once that hardship is no longer need, the living are of this garage will need to be torn out.

Mr. Schell stated that the applicant is aware of that and has no problem with removing the living area.

Mr. Rainey asked Mr. Suddath if this could be enforced.

Mr. Suddath stated that this issue does come up from time to time. Mr. Suddath stated that there is currently a property that had a second dwelling on it for a hardship. When that hardship was no longer needed, that house was used as rental property. It was brought to our attention and instead of removing the second dwelling, the property owner is subdividing the property. Mr. Suddath stated that the item Mr. Schell is representing does not have the acreage to subdivide, so the components that make this a living area would have to be removed.

Mr. Rainey asked if the proposed structure could be moved over any or connected by a breezeway.

Mr. Schell stated that by moving it closer and attaching with a breezeway, you would lose access to one of the garage doors.

There was some discussion about the setback lines.

Mr. Jones stated that Mr. Rainey's concern is that if the relative no longer needs to live there, all the money invested in this structure will have to be removed.

Mr. Schell stated that the applicant is aware of this condition and when the hardship is no longer needed, they will remove the items that make it a living area and make the structure a pool house, a man cave, or use it for storage.

Mr. Suddath presented an example of motion to consider as follows

- 1. To approve a request for the following at 320 Spring Valley Drive, Cottontown:**
 - a. A Hardship Variance authorizing a specified relative of the current property owner to live in a proposed accessory structure
 - b. A variance allowing the construction of an accessory structure to encroach 15 feet into the property's northern the side yard back

OR

- 2. To deny a request for a Hardship Variance and Side Yard Setback for 320 Spring Valley Drive, Cottontown**

Motion to approve the 5 foot Variance authorizing the construction of a structure in a required side yard and to include a Hardship Variance to allow the relative to live in the house with provisions and the understanding on record that if this relative ever vacates it, the structure can no longer be used as a residence by Mr. Rainey, seconded by Mr. Dickerson. Motion passed unanimously.

Motion to adjourn by Mr. Jones, seconded by Mr. Dickerson. Motion passed unanimously.

Meeting Adjourned at 5:59 p.m.

