

**SUMNER COUNTY BOARD OF ZONING APPEALS
MINUTES
NOVEMBER 14, 2019**

SUMNER COUNTY ADMINISTRATION BUILDING
ROOM 112
355 N. BELVEDERE DRIVE
GALLATIN, TN. 37066

MEMBERS PRESENT:

BRUCE RAINEY, CHAIRMAN
SANDY WEBSTER, VICE-CHAIRMAN
MAC HOLT
DON DICKERSON

MEMBERS ABSENT:

MATT STAMPER

STAFF PRESENT:

JOSH SUDDATH, DIRECTOR OF PLANNING & STORMWATER
KATHY YOUNG, ASSISTANT TO THE DIRECTOR
MARSHALL WRIGHT, BUILDING AND CODES DIRECTOR

APPROVAL OF NOVEMBER AGENDA

Mr. Rainey opened the meeting by asking Mr. Suddath if there were any additions or deletions to the agenda.

Mr. Suddath stated that there were no changes to the agenda.

Mr. Rainey then stated that the agenda will stand approved as presented.

Mr. Rainey explained the order of proceedings.

MOTION TO APPROVE THE OCTOBER MINUTES MADE BY MS. WEBSTER, SECONDED BY MR. HOLT. MOTION PASSED UNANIMOUSLY. MR. DICKERSON ABSTAINED.

Mr. Rainey turned the floor over to Mr. Suddath for staff comments.

- 1. Lazy J Investments (Randy Isaacson)** was requesting a variance from County requirements contained in the County Zoning Resolution at Article IV 2.2 related to multiple dwellings on property. Subject property is located at **392 Lakeview Road, Gallatin, TN, 37066**, is on Tax Map 133, Parcel 058.00, contains 27.34 acres and is zoned Residential 1A (R1A) and is in the 3rd Commission Voting District (Alan Driver and Steve Graves). **This is a public hearing and was advertised in the Gallatin News on October 31, 2019. The adjoining property owners were notified by certified mail.**

Mr. Suddath provided an overview of the property, stating that the variance request is for an employee to live on the property. Mr. Suddath stated that his office has not received any inquiries concerning this request.

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Mr. Suddath displayed Article IV, Section 2 of the County Zoning Code, an aerial photo of the property, the public notice, and the Plot Plan depicting the house in the center of the property along with three proposed accessory structures, one of which is labeled as a garage apartment. Mr. Suddath provided photos of the property and concluded his presentation with example motions.

Mr. Rainey asked Mr. Wright if he had anything to add.

Mr. Wright stated that he had nothing to add.

Mr. Rainey called Mr. Randy Isaacson forward.

Mr. Isaacson stated that he has been a member of the community for 30 years.

Mr. Isaacson stated that they have decided to relocate to the 392 Lakeview property where they would build a home, as well as storage structures for tractors, trailers, etc... Expanding on the uses of the structures as storage, Mr. Isaacson stated that the upper level will eventually be living quarters for an employee/caretaker.

Mr. Isaacson explained that the structure will not be rented out or used commercially, but will be a second residence on the property. Mr. Isaacson stated that the land was originally six separate tracts which he combined into one 27-acre tract for Greenbelt purposes and ease. Further, Mr. Isaacson explained that he doesn't plan to use the second residence as an apartment until it is needed by the caretaker who will be allowed to live there, rent-free, as payment for caretaking of the property.

Mr. Rainey opened the meeting for public comment.

There being no comments, Mr. Rainey closed the meeting.

Mr. Suddath commented that state law specifically exempts Agricultural uses, including farm workers from a lot of zoning requirements. Mr. Suddath elaborated that while this one isn't a typical situation for such exemptions, the state does have laws pertaining to agricultural employees.

Mr. Rainey pointed out that Mr. Isaacson could have kept one tract out of the whole property, and would still be considered in the Greenbelt, and therefore sees no issue with this request.

Mr. Holt made a motion to approve the request for a variance from County requirements contained in the County Zoning Resolution at Article IV 2.2 related to multiple dwellings on property, with the following conditions:

- a) All structures must meet applicable primary setback requirements of the County Zoning Code;**
- b) The applicant must obtain TDEC approval for all required septic system improvements prior to issuance of any building or zoning permits;**

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**c) The applicant must obtain a certificate of occupancy for any proposed structures from the County Building and Codes office,
Seconded by Ms. Webster. Motion passed unanimously.**

Mr. Rainey turned the meeting over to Mr. Suddath for staff comments.

- 2. Emmett W. Bonfield** was requesting a Conditional Use Permit to operate food truck/restaurant at the subject property. Subject property is located at **5034 Old Hwy. 31E#2**, is on Tax Map 84, Parcel 048.01, contains 0.16 acres and is zoned Agricultural (A) and is in the 3rd Commission Voting District (Alan Driver and Steve Graves).
This is a public hearing and was advertised in the Gallatin News on October 31, 2019.
The adjoining property owners were notified by certified mail.

Mr. Suddath provided an overview of the property, stating that while a few elected officials have inquired about the request, there have been no comments from the general public.

Mr. Suddath displayed the public notice and aerial views placed in in context of the area, stating that this is a 0.16 acre tract that has a historic marker which states that this land used to be part of county school property.

Additionally, Mr. Suddath displayed the Plot Plan which includes the food truck, a port-a-john, three parking spaces and an awning area for a picnic table.

Mr. Suddath pointed out that required setbacks are missing from this Plot Plan because the entirety of the property is consumed by the setbacks. Mr. Suddath displayed and explained a depiction of the required setbacks overlapping, leaving no area for a structure without intruding in the setback.

After stating that this property would need multiple variances, Mr. Suddath cited the County Zoning Codes “Uses Permitted on Appeal,” noting that restaurants are not included in those uses.

Mr. Suddath also cited the County Zoning Codes “Lot Requirements, Other Permitted Uses” within the Agricultural Zone, showing that 20,000 square feet is the minimum lot size required, a requirement which this lot does not meet, as it contains only 7,000 square feet.

Mr. Suddath stated that this lot does not meet the minimum lot width at building line.

Additionally, Mr. Suddath stated that this lot does not meet front yard setback requirements.

Next, Mr. Suddath displayed the “General Requirements, Uses Permitted upon Appeal” from the County Zoning Code, which outlines the responsibilities of the BZA, stating that the members must find that satisfactory provisions and arrangements have been made concerning all the requirements of the Conditional Use Permit.

At this point, Mr. Rainey interjected that there are numerous problems, with this request, that violate every regulation set forth in the County Zoning Code.

Mr. Rainey called Mr. Emmett Bonfield forward.

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After confirming that Mr. Bonfield was not present, Mr. Rainey opened the floor for Public Hearing.

Confirming that no one wished to speak, Mr. Rainey closed the public hearing, and suggested to the Board that this request has not met a single requirement of the County.

Mr. Suddath stated that the applicant requested that this be put on the BZA Agenda, even though there would be multiple variance requests that would need to be granted which include:

- A minimum lot size variance
- Front yard setback variance
- Landscaping variance
- “Dust-free” parking variance
- Signage variance

Mr. Holt made a motion to deny a request for a Conditional Use Permit to operate food truck/restaurant at 5034 Old Hwy. 31E#2, seconded by Ms. Webster. Motion passed unanimously.

Mr. Rainey turned the floor over to Mr. Suddath for staff comments.

- 3. Robert and Reba Sullivan (Long Ago Lumber)** were requesting a continuation of a Conditional Use Permit to operate a wood recycling business. Subject property is located at **6460 Old Highway 31E, Bethpage, TN, 37022**, is on Tax Map 064, Parcel 066.01, contains 1.87 acres, is zoned Agricultural (A), and is in the 1st Commission Voting District (Moe Taylor and Terry Wright).
The adjoining property owners were notified by mail.

Mr. Suddath provided an overview of the property, stating that the Planning staff has not received any inquiries about this request. Mr. Suddath provided the plat, a 2007 site plan and aerial photos of the property, explaining that while part of the property is in a flood plain, the property owners seem to have elevated the structures on site.

Mr. Suddath raised concern regarding a pizza restaurant located on the property, according to Google Maps image displayed, showing pictures, images and reviews of “The Pizza Machine”. Mr. Suddath stated that it would be good to have the applicant address the existence of the restaurant.

Displaying photos of the property, Mr. Suddath stated that there are no other concerns with the request, and ended his presentation with example motions.

Mr. Rainey called on Marshall Wright.

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Mr. Wright stated a concern over an accessory structure brought into a flood plain without the proper permits.

Mr. Rainey called Mr. Robert Sullivan and Rita Sullivan forward.

Mr. Robert Sullivan stated that he has erected a new structure from which to sell product out of their warehouse.

Mr. Sullivan stated that when he purchased the property, it was not considered to be in a flood zone, but is now classified as being in the flood zone, due to a 100-year flood. Mr. Sullivan stated that upon that knowledge, he raised the elevation of the property three feet.

Addressing the presence of The Pizza Machine truck, Mr. Sullivan stated that he let a boy put his food truck on his property for a short time, to help him. Mr. Sullivan further stated that the truck has been moved off the property.

Mr. Rainey opened the floor for a public hearing.

Confirming that no one wished to speak, Mr. Rainey closed the public hearing.

Mr. Rainey added that if a motion is made to grant a Continuation, a condition of approval must be added which calls for the Codes Department to inspect and make sure there is a flood certificate for this property.

At this point, Mr. Dickerson excused himself for a family emergency phone call.

Mr. Holt asked Mr. Wright if he has been to the property.

Mr. Wright stated that while he knows where this is, he has not been there for a site visit.

Mr. Holt asked if there were any other concerns outside of the flood plain elevation.

Mr. Wright stated that there may be some property maintenance issues.

Mr. Suddath stated that if the board wanted to impose screening requirements, it would be within their powers to do so, as a condition of approval.

At this time, Mr. Dickerson returned to the meeting.

Mr. Rainey stated that the property has been kept neat and has been a reputable business.

Ms. Webster concurred that the property is kept neat.

Mr. Rainey stated that the structure needs to be permitted, retroactively, for safety and flood plain compliance.

Mr. Dickerson asked how long this Conditional Use Permit has been in effect.

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Mr. Suddath and Mr. Rainey stated that the Permit has been granted for 12 years.

Mr. Dickerson made a Motion to approve a request for a two year continuation of a Conditional Use Permit for 6460 Old Highway 31E, Bethpage, authorizing the operation of a wood recycling business, with the following condition:

- **The Codes Department inspect the property for safety and flood certificate compliance.**

Seconded by Ms. Webster. Motion passed unanimously.

Mr. Rainey turned the floor over to Mr. Suddath for staff comments.

- 4. Jim Brinkley** was requesting a continuation of a Conditional Use Permit to operate an event venue. Subject property is located at **787 Shun Pike, Cottontown, TN 37048** is on Tax Map 095, Parcel 011.01 & 012.00, contains 14.74 acres, is zoned Agricultural and Residential A (A and RA), and is in the 4th Commission Voting District (Jerry Foster and Leslie Schell). The adjoining property owners were notified by mail.

Mr. Suddath provided an overview of the property, stating that the two properties may have been one, at the time that the original Conditional Use Permit was granted in 2017. Mr. Suddath stated that his office has not received any comments regarding this request.

Mr. Suddath provided an aerial of the property, a site plan and the original approval, citing a condition of the original approval be the application of a dust-free chemical on the driveway and parking area. Mr. Suddath also displayed photos of the structure, driveway, sign and parking lot. In conclusion of his presentation, Mr. Suddath provided example motions.

Mr. Rainey asked Mr. Wright if he has anything further to add.

Mr. Wright stated that he had no concerns, stating that his department has spent quite a bit of time on the property, bringing it into compliance, adding that Mr. Brinkley has cooperated with his department.

Mr. Rainey asked Mr. Brinkley if he had anything to add.

Mr. Brinkley stated that he had nothing to add.

At this time, Mr. Rainey opened the floor for a Public Hearing.

Confirming that no one wished to speak, Mr. Rainey closed the public hearing.

Ms. Webster made a Motion to approve a request for a two year continuation of a Conditional Use Permit for 787 Shun Pike, Cottontown, authorizing the operation of an event venue, seconded by Mr. Holt. Motion passed unanimously.

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5) BOARD OF ZONING APPEALS, RESOLUTION 2019-02:

A RESOLUTION RESTATING COUNTY REQUIREMENTS CONTAINED AT ARTICLE IV, SECTION 13 OF THE COUNTY ZONING RESOLUTION RELATED TO PRIVATELY OWNED AND COMMERCIALY OPERATED RECREATIONAL AREAS AND FACILITIES AND SIMILAR USES.

Mr. Rainey asked if all members of the Board had reviewed the Resolution. After confirmation that all members had read the Resolution, Mr. Rainey asked if there were any discussion, questions for staff or comments.

There being no discussion, Mr. Holt made a Motion to approve BZA Resolution 2019-02, seconded by Ms. Webster.

Mr. Suddath stated that this is the Resolution that the BZA requested be put together which would require that all applications for Privately Owned and Commercially Operated Recreation Areas and Facilities and Similar Uses comply with:

- Article IV, Part 13 of the County Zoning Code related to specific requirements for Privately Owned and Commercially Operated Recreation Areas and Facilities and Similar Uses
- To include initial approval by the Sumner County Regional Planning Commission
- Also requires plot plan submittal as was restated by the BZA via Resolution 2019-01.

Mr. Rainey asked if this Resolution was advertised as a Public Hearing.

Mr. Suddath stated that this Resolution was not advertised.

Stating that because this is not a public hearing, the vote may proceed.

Motion passed unanimously.

Motion to adjourn by Ms. Webster, seconded by Mr. Dickerson. Meeting adjourned at approximately 5:30 pm.