

**SUMNER COUNTY BOARD OF ZONING APPEALS
MINUTES
NOVEMBER 18, 2021
5:00 p.m.**

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

MEMBERS:

BRUCE RAINEY, CHAIRMAN
SANDY WEBSTER, VICE-CHAIRMAN
MAC HOLT
SHAWN UTLEY
JIM HARRISON

STAFF PRESENT:

JOSH SUDDATH, DIRECTOR OF DEVELOPMENT SERVICES
KATHY YOUNG, ASSISTANT TO THE DIRECTOR OF DEVELOPMENT SERVICES
TERRY HAYNES, DEPUTY BUILDING OFFICIAL

Mr. Rainey called the meeting to order and asked for approval of the Agenda.

Mr. Utley made a motion to move Item #7 to #4.

Mr. Suddath stated that he would like to request that item #7 remain at the end of the agenda if possible, since Chairman Rainey would need to recuse himself from the meeting for that item. Mr. Utley agreed to withdraw his motion.

Rainey confirmed that there were no changes to the Agenda, and stated that the Agenda is considered approved.

Ms. Webster made a motion to approve the October Minutes. Mr. Utley seconded the motion. The motion passed unanimously.

CONSENT AGENDA:

1. **Laura Porter** is requesting a continuation of a Conditional Use Permit granted on October 12, 2017, to conduct a clothing and accessory store. Subject property is located at **3803 New Highway 52, Bethpage, TN 37022**, is on Tax Map 029, Parcel 061.04, contains 6 acres, is zoned Rural Residential (RR) and is in the 1st Voting District (Moe Taylor and Terry Wright). The adjoining property owners were notified by regular mail.

At this time, Mr. Rainey introduced the Consent Agenda. There being no one wishing to remove the Consent Agenda Item,

Mr. Harrison made a motion to approve a request for a two year continuation of a Conditional Use Permit for 3803 New Highway 52, Bethpage, authorizing the operation of a clothing and accessory store, seconded by Mr. Utley. The motion passed unanimously.

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

REGULAR AGENDA:

- 1. Rodney Nannini** is requesting a continuation of Conditional Use Permit, to operate a wedding and reception venue and a bed and breakfast, as well as a dust free parking variance received on September 12, 2013. Subject property is located at **475 Dry Fork Creek Road, Gallatin, TN, 37066**, is on Tax Map 83, Parcel 20.06, contains 34.75 acres, is zoned Rural Residential (RR) and is in the 3rd Voting District (Alan Driver and Steve Graves)
The adjoining property owners were notified by regular mail.

Mr. Suddath began his presentation by providing a brief history of the property, stating that the Conditional Use Permit was originally granted on September 12, 2013. Mr. Suddath then stated that there are noted issues with this property, including

- 1) Future plans for additional structures, as stated by the property owner
- 2) Storage of tractor trailers and other items on site visible from the Public Right Of Way
 - Staff has received numerous calls related to this issue.
 - Applicant states that these items are being used to store equipment related to the rental business.
 - Exterior storage of items not approved as part of original approval, and is not allowed in the Rural Residential Zone for uses approved upon appeal.

Mr. Suddath stated that the property owner was informed that exterior storage is not part of the Conditional Use approval, adding that such storage area is not shown on the approved Site Plan. Mr. Suddath displayed the approved Site Pan, an aerial photo of the property, current photos of the property, including photos showing numerous tractor trailers parked on the subject property, and visible from Dry Creek Fork Road. Finally, Mr. Suddath showed example motions, and stated that the property owner, Mr. Rodney Nannini was in attendance.

Mr. Rainey stated that this was a public hearing, and called the property owner Mr. Nannini forward.

Mr. Nannini stated that he had recently moved to Tennessee from California and had purchased the property. Mr. Nannini stated that he had initially thought that the tractor trailers could be parked on the property legally, but was looking at a way to satisfy the County's concerns. Mr. Nannini stated that he was using the trailers to store equipment related to his event rental business, which is conducted on site, but also is conducted at other locations across the country. Mr. Nannini stated that he was planning on building a new barn that would allow him to get rid of the trailers. Mr. Nannini stated that he needed more time to get a site plan together and to satisfy the County's concerns, and would remove the trailers if the BZA wished for him to do so.

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Mr. Holt made a motion to defer a decision on this item until the December meeting in order to allow the property owner more time to obtain a site plan and other information turned in, seconded by Mr. Harrison. The motion passed unanimously.

2. Robert and Martha Escue are requesting a variance from County requirements contained at Chapter 11, Section 1101, Subsection D.1 of the Sumner County Zoning Resolution related to placement of an accessory structure on the property. Variance is being requested in accordance with Chapter 14, Section 1410 of the County Zoning Resolution. Subject property is located at **1506B Poplar Ridge Road, White House, TN 37188**, is on Tax Map 099, Parcel 019.00, contains 29 acres, is zoned Rural Residential (RR) 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 28, 2021.

Mr. Suddath provided an overview of the property, stating that this request is for a variance is related to placement of an accessory structure in front of an existing primary structure on the subject property, and is a request to vary from Chapter 11, Section 1101, Subsection D of the County Zoning Resolution. Mr. Suddath stated that the plot plan submitted by the applicant shows an existing TVA easement, septic soils areas, and slope issues that all would appear to provide grounds for the granting of the variance. Mr. Suddath then displayed the public notice, plot plan, photos, and variance justification provided by the applicant.

Mr. Suddath then stated that the eight standards for variances contained at Chapter 14, Section 1410 appear to be met, and that the variance is justified by the County Zoning Resolution and State law.

At this time, Mr. Rainey opened the public hearing.

Mr. Brian Escue stated that getting this building constructed would help his stepmother who is disabled.

Mr. Robert Escue stated that the property had been in the family for many years, and they would like to get approval to construct the shed building.

There being no one else signed up to speak, Mr. Rainey closed the public hearing.

Mr. Utley stated that the item had lot specific hardships, including the TVA easement, location of septic areas, and proximity to an ingress/egress easement.

Mr. Utley made a motion to find that all County variance standards are met and to approve a request for a variance allowing an accessory structure to be placed in front of an

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existing primary structure in accordance with the submitted plot plan for 1506B Poplar Ridge Road, White House contingent upon:

- a) All required Zoning, Building and Land Disturbance Permits must be obtained from the applicable County departments**

Motion was seconded by Mr. Harrison. The motion passed unanimously.

3. Wayne & Kathy Lackey are requesting an expansion of an existing Conditional Use Permit, adding add a Bath House to their venue which provides traveling clients with space for overnight accommodations for horses and owners. Subject property is located at **254 Corum Hill Road, Castalian Springs, TN 37031**, is on Tax Map 129, Parcel 004.01, contains 39.32 acres and is zoned Rural Residential (RR) 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, October 28, 2021.

Mr. Suddath provided an overview of the property, stating that this request is related to expansion of an existing Conditional Use Permit. Mr. Suddath stated that this permit allows property owner to conduct a venue to provide travelling clients with overnight accommodations for horses and owners.

Mr. Suddath stated that the requested expansion is related to addition of a bathhouse on site, and associated septic improvements. Mr. Suddath then displayed the public notice, plot plan, photos provided by the applicant and provided the terms of the original approval from December 13, 2018. Mr. Suddath stated that the existing bathhouse would be for guests of the business, who would be parking their horse trailers on site in the evenings.

At this time, Mr. Rainey opened the public hearing.

Mr. Roger Matchett, project representative stated that this item was being brought to the BZA in order to get everything totally in order and fully permitted by the Board. Mr. Matchett also stated that the septic system was approved for 400 gallons per day. He stated that any future expansions of the use would be preceded by the appropriate approval requests by the property owners.

Mr. Suddath stated that a septic permit had been obtained for the building, and that the existing barn buildings on site were only for horses, and would not be inhabited by people. Permits may be obtained for these accessory buildings as well.

Mr. Utley asked if this is a renewal or an expansion. Mr. Suddath stated that it is an expansion.

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Mr. Utley asked if all conditions had been met. Mr. Suddath stated that it appeared that those previously issued conditions had been met, but that permits would need to be obtained for any unpermitted structures on site, to include the bathhouse.

Mr. Utley made a motion to approve a request for expansion of a Conditional Use Permit for property located at 254 Corum Hill Road, Castalian Springs to include approval for a constructed bathhouse, contingent upon:

b) All required Zoning, Building and Land Disturbance Permits must be obtained from the applicable County departments

Motion was seconded by Mr. Harrison.

Following a question from Mr. Rainey, Mr. Suddath stated that this would not constitute a renewal of the permit, but is instead an approval of an expansion of the permit, and so the permit would need to come back for a renewal in late 2022.

The motion passed unanimously.

- 4. SUMNER COUNTY BOARD OF ZONING APPEALS RESOLUTION 2021-01: A Resolution adopting supplemental rules of procedure related to revocation of permits previously granted by the Sumner County Board of Zoning Appeals.**
- 5. SUMNER COUNTY BOARD OF ZONING APPEALS RESOLUTION 2021-02: A Resolution restating policy related to Plot Plan and Site Plan submittal requirements for items appearing before the Sumner County Board of Zoning Appeals.**
- 6. SUMNER COUNTY BOARD OF ZONING APPEALS RESOLUTION 2021-03: Approval of the 2022 BZA submittal and meeting calendar.**

At this time, Mr. Rainey noted that items 4, 5, and 6 had been discussed extensively during the study session prior to the meeting. Mr. Rainey asked if the Board would like to defer items 4, 5, and 6 for one month, or if they would prefer to vote on them at this time.

Mr. Holt made a motion to approve Resolutions 2021-01, 2021-02, and 2021-03, with the caveat that Resolution 2021-02 be amended to allow acceptance of plot plans submitted by Engineers and Architects, in addition to Surveyors, seconded by Mr. Harrison. The motion passed unanimously.

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7. **Lea Monahan** is requesting a Special Exception to operate a food service warehouse and distribution business from an existing structure. This request is made pursuant to Chapter 14, Section 1411F of the County Zoning Resolution. Subject property is located at **232 Bowling Branch Road, Cottontown, TN, 37048** is on Tax Map 056F, Group A, Parcel 006.01, contains 1.66 acres, is zoned Rural Residential (RR) 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 28, 2021.**

Mr. Rainey stated that he had a conflict on this item and needed to recuse himself, as he did the survey for the property owner. At this time, Mr. Rainey left the meeting, and Vice Chairman Webster assumed the duties as Chairman.

At this time, Ms. Webster asked the Mr. Suddath to provide an overview of the property.

There was a brief pause in the meeting while Mr. Rainey returned to get his jacket.

Mr. Suddath stated that this item is related to a request to legally conduct a warehousing/distribution activity from an existing structure located on the property. Mr. Suddath stated that this business has been ongoing for some time, and that the property owner is seeking to get it permitted following inquiries received by the County related to an unpermitted business being conducted on site. Mr. Suddath stated that public notice requirements for the property had been met, with adjoining property owners notified via certified mail, the item noticed in the Gallatin News and Hendersonville Standard on October 28, 2021, and a public notice sign placed in the front yard of the property.

Mr. Suddath then presented a plot plan provided by the applicant, photos of the subject property, and discussed the reason for the request provided by the applicant, which indicate that the property is being utilized for a state sponsored disabled owner business activity which provides commissary items for the Robertson County jail.

Mr. Suddath also provided an overview of Home Based Business regulations in Sumner County, stating that this business would not be a “Minor” home based business and would be requiring a Special Exception from the BZA since it has more than one nonresident employee, and since it uses the entirety of the accessory structure on site.

Mr. Suddath also stated that there were concerns with whether this item met requirements for home based business which require that the business “must be conducted within a residential dwelling unit which is the bona fide residence of the principal practitioner or within an approved accessory building thereto.” Mr. Suddath stated that the property owner would need to clarify the ownership

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of the business, since several neighboring property owners had stated that no one was living in the house.

Next Mr. Suddath reviewed the four key findings required for Special Exceptions, stating that the business was relatively low impact but again stating that there were questions about ownership of the property.

Mr. Suddath concluded the presentation with example motions.

At this time, Ms. Webster asked if the property owner would like to add anything to the staff presentation. The property owner indicated that they had nothing to add.

At this time, Ms. Webster opened the public hearing.

Delle Ann Duke, 236 Bowling Branch Road provided pictures to the Board, and stated opposition to the item, citing impact to property values caused by trucks, boxes, and “porch pirates”.

Drew Christenson, 229 Bowling Branch Road stated opposition to the business stating that he is concerned about future expansion of the business. Mr. Christenson also stated that no one has lived in the home in the last two years.

After confirming that no one else wished to speak, Ms. Webster closed the public hearing, asking for the will of the Board.

Mr. Holt requested to hear from the property owner to answer a few questions. Lea Monahan approached the Board at this time.

Mr. Holt asked Ms. Monahan if she lived at the home. Ms. Monahan stated that she lived at the property part time, and was planning to sell it to her mother.

Mr. Holt asked if trucks needed to impede on adjoining property owner’s driveways. Ms. Monahan stated that they did not. Mr. Suddath clarified on the aerial that the driveway is very close to the property boundary.

Mr. Harrison asked if there were hours of operation for the box trucks that come to the property.

Ms. Monahan stated that she would need to defer to her mother since she is the manager of her uncle’s business, which she rents to them.

Mr. Roger Hall stated that he was the owner of the business, stating that the business is for the Robertson County jail’s commissary, and his sister Ms. Angie Monahan, who lives next door

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manages the business for him on site. He stated that there is approximately one delivery per week. He then stated that the business cannot be sold, and it would go back to the state.

Mr. Utley asked if Mr. Hall lived at the property.

Mr. Hall stated that he did not.

Mr. Utley asked if Ms. Lea Monahan lived there part time.

Ms. Lea Monahan indicated that she did live in the house part time.

Ms. Angie Monahan indicated that Lea Monahan lived with her the remainder of the time.

Mr. Hall stated that he would be buying the building, and that he lived nearby. He stated that the business is low impact and is quiet.

Mr. Utley asked Mr. Suddath if this met requirements ownership requirements for home based business since the business owner does not own the house or live on site.

Mr. Suddath reviewed the relevant wording and indicated that the zoning resolution requires the primary practitioner of the business to live on site.

Mr. Suddath stated that the classification of the business was a bit of a challenge since the warehousing use is generally not allowed in the Rural Residential district, but could be allowed as a Major Home Based Business provided that all criteria are met.

At this time, Ms. Webster asked for a motion from the Board.

Mr. Harrison stated that from what had been discussed, the application does not qualify as a Home Based Business.

Motion to deny the request for a Special Exception for the property located at 232 Bowling Branch Road was made by Mr. Harrison, seconded by Mr. Utley. The motion passed unanimously.

Mr. Suddath then stated that perhaps the next viable option available to the property owners was to seek a rezoning from the Sumner County Commission.

At this time Ms. Webster asked for a motion to adjourn. Motion made by Mr. Utley, seconded by Mr. Holt. Motion passed unanimously.

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There being no further business to come before the Board, the meeting was adjourned at approximately 6:05 pm.