

**SUMNER COUNTY BOARD OF ZONING APPEALS  
MINUTES  
DECEMBER 9, 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

**MEMBERS ABSENT:**

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 November Minutes.

**Ms. Webster made a motion to approve the November Minutes, seconded by Mr. Utley. The motion passed unanimously.**

Next, Mr. Rainey asked if there were any changes to the Agenda.

Upon confirmation from Mr. Suddath that there were no changes, Mr. Rainey stated that the Agenda stands as presented.

Mr. Rainey introduced the Consent Agenda at this time.

**CONSENT AGENDA:**

1. **James Brinkley** is 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 Rural Residential (RR), and is in the 12th Commission Voting District (Michael Guthrie and Justin Nipper).  
The adjoining property owners were notified by mail.
  
2. **Tisha Nolen** is requesting a continuation of a Conditional Use Permit granted to David Castilon on October 9, 2014, to conduct a pet-sitting business in a detached building as well as a dust free parking variance. Subject property is located at **1810A Latimer Lane, Hendersonville, TN**, is on Tax Map 117, Parcel 077.00, contains 4.75 acres, is zoned Rural Residential (RR) and is in the 11th Voting District (Scott Langford and Jeremy Mansfield).  
The adjoining property owners were notified by regular mail.

Mr. Rainey opened the floor for Public Comment.

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There being none, Mr. Rainey closed the Public Hearing and called for a vote.

**Mr. Utley made a motion to**

- 1) approve a request for a two year continuation of a Conditional Use Permit for 787/779 Shun Pike, Cottontown, authorizing the operation of an event venue and**
- 2) approve a request for a two year continuation of a Conditional Use Permit for 1810A Latimer Lane, Hendersonville, authorizing the operation of a pet sitting business in a detached building,**

**Mr. Holt seconded the motion. Motion passed unanimously.**

**REGULAR AGENDA:**

Mr. Rainey introduced the next item and turned the meeting over to Mr. Suddath for staff presentation.

- 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 3<sup>rd</sup> Commission Voting District (Alan Driver and Steve Graves)  
**The adjoining property owners were notified by regular mail. This item was deferred at the November BZA meeting.**

Mr. Suddath began his presentation by stating that staff has been working on this item for several months, asking for a plot plan and information regarding equipment storage on the property. Mr. Suddath elaborated that they are tractor-trailers and other items on site, visible from the public right of way.

Mr. Suddath stated that the applicant has submitted an email, requesting a one-month extension for this request, stating they are not able to attend this meeting and they are working on obtaining a Plot Plan. Mr. Suddath explained that the applicant has provided an invoice from a surveyor, committing to creating the Plot Plan by December 21, 2021.

**Mr. Utley made a motion to defer this item until the January 2022 BZA meeting, seconded by Mr. Holt.**

Mr. Rainey opened the floor for Public Hearing. There being no one wishing to speak, Mr. Rainey closed the Public Hearing.

**A vote was taken and the Motion to Defer passed unanimously.**

Mr. Rainey introduced the next item and turned the meeting over to Mr. Suddath for staff presentation.

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**2. Epic Escapes, LLC**, is requesting a continuation of their Special Exception to conduct an Event Venue from existing structures on the subject property. Subject property is located at **199 Tyree Hollow Lane, Hendersonville, TN, 37075**, is on Tax Map 100, Parcel 014.00, contains 61.06 acres, is zoned Rural Residential (RR) and is in the 12<sup>th</sup> Commission Voting District (Michael Guthrie and Justin Nipper).

**The adjoining property owners were notified by regular mail.**

Mr. Suddath explained that this Special Exception was renewed in 2021, with the condition that they return one year later for a renewal. Mr. Suddath stated that the event venue is not in operation at this time, adding that the property owner remains in contact with staff, regarding the progress of meeting the conditions of approval that were imposed last fall.

Mr. Suddath provided an aerial photo of the property, the Site Plan and the Conditions of Approval imposed by the BZA in November 2020. Mr. Suddath explained that five of the nine conditions have been met.

Mr. Suddath then provided an update to the four remaining conditions:

*b) Applicant shall obtain certificates of Occupancy from the County Building Codes office for all existing structures. Applicant making progress toward condition.*

*e) Applicant shall construct required improvements contained in submitted traffic impact analysis prior to any operation of the facility as proposed. Not yet addressed.*

*g) Applicant shall obtain septic approval for event center to meet requirements for 75 people 30 times per year. Applicant making progress toward condition.*

*h) Applicant shall improve the access drive to a 20 foot width for its entire length. Not yet addressed.*

Mr. Suddath then displayed photos of the property and completed his presentation with example motions. Mr. Suddath stated that the property owner was in attendance.

Mr. Rainey opened the Public Hearing.

Cora Janson, 3112 Tyree Springs Road, stated that parties have been held on the premises, including July 4. Ms. Janson stated that the volume of music was considerably lower than in the past and added that the music had ceased by 10:00 AM as was previously agreed to.

Ms. Janson expressed concern that the landowners are attempting to change the use of the property, as their advertisements for this property now include performance venue in addition to an event venue.

Eric Brighton, the landowner, stated that he is unaware of the advertisement referred to, adding that they are not open for business. Mr. Brighton explained that the events that have been held on the property were private parties, including a memorial service for his father, a daughter's wedding and birthday parties for himself and a friend. Mr. Brighton added that they have no plans for a concert or performance venue.

Mr. Brighton stated that they are striving to meet the BZA requirements.

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There being no further comments, Mr. Rainey closed the Public Hearing.

**Mr. Holt made a motion to approve a one (1) year renewal of a Special Exception for Sholar Event Venue (Epic Escapes LLC) to operate a “Retreat” as defined in the Sumner County Zoning Resolution at 199 Tyree Hollow Lane, Hendersonville in strict accordance with the County Zoning Resolution and with previously imposed conditions.**  
**Mr. Utley seconded the motion.**

Mr. Utley asked Mr. Suddath to review the previously imposed conditions of approval.

**A vote was taken and the motion passed unanimously.**

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

- 3. Daniel Ewen** is 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 a proposed dwelling, in relation to an existing accessory structure on the property. Subject property is located at **134 Blackey Bandy Road, Bethpage, TN, 37022**, is on Tax Map 030, Parcel 086.01, contains 3.11 acres, is zoned Rural Residential (RR) and is in the 1<sup>st</sup> Commission Voting District (Terry Wright and Moe Taylor).  
**Adjoining property owners were notified by certified mail and the agenda item was advertised in The Gallatin News on Thursday, November 25, 2021.**

Mr. Suddath provided an overview of the property, stating that the request is to place a proposed dwelling behind an existing accessory structure. Mr. Suddath displayed an aerial photo of the property, the public notice from the newspaper and wording from County Subdivision Regulations regarding accessory building placement on property.

Next, Mr. Suddath displayed the provided Plot Plan showing the proposed location of the House and the Septic area. Mr. Suddath then displayed the applicant’s reason for the variance and the recorded Plat. Mr. Suddath explained that a note was required on the plat, stating that any permit for a house on this property must first obtain a variance from the BZA.

Mr. Suddath then displayed photos of the property. Mr. Suddath stated that the request meets all Zoning Regulation Standards for Variances, including that a Plot Plan has been provided and confirmation that this is not a Use Variance.

Mr. Suddath completed his presentation with example motions and turned the meeting over to Mr. Rainey.

There being no one wishing to speak at the Public Hearing, Mr. Rainey called Mr. Van Oldham forward.

Mr. Van Oldham, engineer for the property, stated that he had nothing to add to the request.

Mr. Holt asked to see the Plot Plan again, asking about location of the proposed house.

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Mr. Oldham stated top reasons for the proposed location of the house. Mr. Oldham added that at one time, the landowner operated a trucking business out of the existing accessory structure.

Mr. Holt asked if there is still a business being conducted there.

Mr. Oldham stated no, adding that Mr. Ewen now works for a heavy excavation company.

**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 existing primary structure in accordance with the submitted plot plan for 134 Blackey Bandy Road, Bethpage, with the understanding that this is not a Use Variance, contingent upon:**

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

**Mr. Holt seconded the motion. Motion passed unanimously.**

Mr. Rainey introduced the next item and announced that it at the November meeting, he recused himself from this item. However, as this request is for the board to reconsider the action taken previously, Mr. Rainey stated that he will sit in on this hearing, but refrain from discussing or voting on this item.

**4. Lea Monahan** is requesting that the Board of Zoning Appeals reconsider action taken on November 18, 2021 related to the denial of a Special Exception request for the property located at **232 Bowling Branch Road, Cottontown TN, 37048**. The purpose of this item is for the property owner to provide additional information to the Board, and to request that the Board rehear the item at a future meeting. Subject property is located at Tax Map 056F, Group A, Parcel 006.01, contains 1.66 acres, is zoned Rural Residential (RR) and is in the 12<sup>th</sup> Commission Voting District (Michael Guthrie and Justin Nipper).

Mr. Suddath explained that this request is not for a decision to grant a Special Exception, but a request that the board reconsider action taken on November 18, 2021, related to this item, at a future meeting. Mr. Suddath added that the applicant states that issues cited in the initial denial request related to business ownership have been addressed, and that other issues raised by neighbors have been addressed as well.

Mr. Suddath explained that the BZA may choose to reconsider the item, per the County Zoning Resolution and Roberts Rules of Order. Mr. Suddath explained that if the BZA elects to reconsider, this item will be noticed in accordance with County Requirements, and will be placed on the January 2022 agenda. If the BZA does not elect to reconsider, the item may be resubmitted by the applicant for the May 2022 BZA meeting.

Mr. Suddath completed his presentation with example motions and stated that the applicant is in attendance.

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Mr. Rainey and Mr. Utley asked if it would be appropriate to allow the applicant to make a presentation of information without this item having been publically noticed.

Mr. Rainey added that a decision could be made to allow the applicant to present their case at a future, publically noticed time.

Mr. Suddath stated that the substance of the request has been supplied in the BZA Member packets.

Mr. Utley referenced the fact that Mr. Harrison made the motion to deny the Special Exception request during the November meeting, and asked if it would be his responsibility to approve/deny this request.

Mr. Rainey stated that the Board voted on the previous decision.

Mr. Suddath stated that, according to Robert's Rules of Order, any party on the prevailing side (BZA) might bring an item back for consideration.

Mr. Utley asked to see the slide, depicting Chapter 14, Section 1411, Subsection J of the Zoning Resolution, which states:

*Whenever an application for a special exception/variance is denied, an application for the same request involving the same property shall not be eligible for reconsideration for six (6) months following such denial, except in the following cases:*

*1. Upon initiation by the Board of Zoning Appeals;*

**Mr. Utley made a motion to reconsider the denial of a Special Exception application for a Major Home Based Business to be operated at 232 Bowling Branch Road on the grounds that the basis for the denial has been addressed by the property owner, and to direct staff to:**

**a) Ensure that all applicable public notice requirements are met; and**

**b) Place the item on the January 2021 BZA agenda.**

**Ms. Webster seconded the motion.**

**A vote was taken:**

**Utley – Aye**

**Webster – Aye**

**Holt – Ney**

**Rainey – abstained**

**The motion passed 2-1.**

Mr. Suddath stated that the item will be fully noticed.

There being no further business before the Board, Ms. Webster made a motion to adjourn, seconded by Mr. Utley.

The meeting adjourned at 5:39 PM.