SUMNER COUNTY BOARD OF ZONING APPEALS
BETHEL BROWN COMMISSION CHAMBERS
APRIL 9, 2026 MINUTES
REGULAR MEETING 5:00 p.m.

MEMBERS PRESENT:
Jim Harrison – Vice Chairman; Mac Holt; Sean Keene; Nathan Stone
MEMBERS ABSENT:
Bruce Rainey – Chairman

STAFF PRESENT:
Sydny Simpson – County Planner (Minute Taker)
Kathy Young – Assistant County Planner
Steve Wiener – Assistant County Attorney

CALL TO ORDER:

Mr. Harrison called the meeting to order.

APPROVAL OF MARCH 12, 2026 MEETING MINUTES

Motion by Stone to approve. Second by Holt. Motion carried.

APPROVAL OF APRIL 9, 2026 BZA AGENDA

Mr. Harrison confirmed there were no changes and approved the agenda.

ENTERING OF MEETING MATERIALS INTO THE RECORD

Mr. Harrison entered into the record the meeting materials, Exhibit A: Sumner County Zoning Resolution. Exhibit B: Meeting Packet/Materials, Exhibit C: Presentation.

REGULAR AGENDA

1) **ComSite, LLC on behalf of The Towers, LLC,** is requesting a Special Exception for a Wireless Telecommunication Tower pursuant to Chapter 11, Section 1105 of the Sumner County Zoning Resolution. The subject property is located at **2980 (2992) Highway 109N, Portland, TN**, Tax Map 59, Parcel 087.11; contains 14.68 acres, zoned Rural Preservation (RP) and in the 4th Commission Voting District (Dillon Lamberth).

Vice-Chairman Harrison turned the meeting over to staff.

Ms. Simpson noted this request was approved by the BZA in 2020. The approval lapsed in March 2022, so the applicant is again requesting approval for a Special Exception to construct a wireless communication tower facility. Ms. Simpson stated that the tower is to be owned by The Towers, LLC. The tower lessee is Verizon Wireless, represented by ComSite, LLC.

Ms. Simpson displayed the published Public Notice, an aerial photo of the property, the Zoning Compliance application, and the Special Exception application.

Ms. Simpson provided background for context; stating that the County Zoning Resolution has been amended since the 2020 approval to align with federal legislation, specifically the Federal Telecommunications Act of 1996, which states local governments may not prohibit the construction of personal wireless service facilities.

This federal act also explicitly states local governments may not regulate these facilities on "the basis of the environmental or health impacts of radio frequency emissions," meaning the Federal Government has determined that there are no such impacts.

Case law also indicates that any argument that a tower would diminish property values must be supported in the record by the findings of a licensed property assessor.

Next, Ms. Simpson displayed the submitted Site Layout depicting the leased area of the property. The plot plan was also displayed, showing that the 125' Fall Radius is free of obstructions. Ms. Simpson explained that the distance of the tower from the property lines exceeds the required distance of the height of the tower.

Additional submitted documentation was displayed, including the Site Layout, Tower Elevation & Equipment Layout, Landscaping and Fence Details.

Ms. Simpson then explained that this request meets all but one of the six standards for wireless communications towers, noting that the fence height is proposed at 6 feet. Ms. Simpson stated that County standards require an 8-foot fence. Ms. Simpson noted that the revised fence height will be reflected on with the Site Plan as a condition of approval.

Ms. Simpson added that the applicant has indicated that they will provide a cut-sheet meeting the County specifications.

Ms. Simpson explained that while the applicant has not provided a shared use plan, the Engineer's Fall Radius Letter does support three carriers. The Engineer's Fall Radius Letter was displayed.

Photos of the property and the posted public notice sign were displayed.

Ms. Simpson explained the next steps should this Special Exception request be approved, and then completed her presentation with example motions before turning the meeting over to Mr. Harrison.

Mr. Harrison opened the Public Hearing.

Clark Davidson, 2538 Manor Walk, Decatur, Georgia, (representative): stated that the fence design will be corrected with the Site Plan. Mr. Davidson added that The Towers, LLC will provide a shared use letter stating that they are willing to allow other tenants on this tower.

Mr. Harrison closed the Public Hearing.

Motion to approve per Example #1 by Holt.

To approve a request for a Special Exception for Verizon Wireless to construct and operate a wireless communication tower at 2980 Highway 109 N, subject to the following conditions:

a) Applicant shall obtain Site Plan approval from the County. Plan shall include 8' tall fence and shared use plan;
b) Applicant shall obtain a Land Disturbance Permit from the County;
c) Applicant shall obtain a Building Permit from the County;
d) The engineered fall zone letter limits the number of carriers to three. Additional approvals must be granted should this be expanded.

Second by Stone. Aye: All. Motion carried unanimously.

2) **Laura Chiarotti** is requesting a variance from County requirements contained in Chapter 4, Section 404 of the Sumner County Resolution related to minimum lot size. The variance is requested in accordance with Chapter 14, Section 1410. Subject property is located at **3102 Highway 76, Portland, TN** is located on Tax Map 58, Parcel 44, is zoned Rural Preservation (RP), and is in the 4th Commission Voting District (Dillon Lamberth).

Vice-Chairman Harrison turned the meeting over to staff.

Ms. Young provided an overview of the property, stating that the lot size Variance would allow two existing lots to be platted as legal building lots.

The published Public Notice and aerial photos of the property were displayed.

Ms. Young displayed the Variance Request and the accompanying submitted letter explaining the historical narrative of how each tract evolved. The letter explained that Lot 1 was originally a 5.25-acre tract in 1944. The construction of Highway 76 divided the property into three tracts between 1944 and 1946. Those three tracts included: one tract south of Highway 76; the tract

taken for Highway 76; and the remainder with the house north of Highway 76 and Wheeler Road.

The letter further explained that the property south of Hwy 76 was sold as unbuildable property to an adjoining property owner.

Lot 1 shown on the plat submitted is the balance of the original 5.25-acre tract less the right of way dedicated for Wheeler Road.

Lot 2 shown on the plat submitted is the balance of the tract remaining after the taking for the construction of Highway 76.

The Lot Survey and the submitted Subdivision Plat were displayed. Zooming in on the plat, Ms. Young explained that the proposed lots contain 1.90 and 2.62 acres.

Photos of the property, including the two posted public notice signs, were displayed.

Ms. Young also displayed the Zoning Resolution Bulk Regulations Table which indicates the minimum lot size of 100,000 square feet for properties created in the RP-Rural Preservation zoning district.

Ms. Young displayed state law grounds for a variance as outlined in T.C.A. 13-7-109.

Ms. Young then displayed staff findings of this request related to the eight standards for variances, including that this is a hardship not created by the owner, but by the construction of Hwy 76 and the recent zoning classification change from RR to RP.

Ms. Young added that had this property been platted in 2024, prior to that zoning classification change; the proposed lot sizes would have been permitted by right.

Ms. Young confirmed that the required Plot Plan was submitted and this is not a Use Variance.

Ms. Young concluded her presentation with example motions and turned the meeting over to Mr. Harrison.

Mr. Harrison opened the Public Hearing.

Charlie Baird, 1200 Gil Hodges Road, (representative): stated that staff did a good job with the presentation and asked if there were any questions he could answer.

Mr. Stone recused himself as he has known Charlie since he was a baby.

Motion to approve per Example #1 by Keene.

1. *To find that all County variance standards are met and to approve a Lot Size Variance for the property located at 3102 Highway 76, Portland TN, subject to the following requirements:*
    a) *A Subdivision Plat meeting the requirements of the Sumner County Subdivision Regulations must be approved by Staff and recorded for this subject property;*
    b) *All necessary Building, Stormwater and Septic permits must be obtained for any structures to be erected upon the lot, which must meet all applicable setback and bulk requirements of the current Sumner County Zoning Resolution.*

Second by Holt. Aye: Keene, Holt, Harrison. Abstain: Stone. Motion carried.

VI. ADMINISTRATIVE SPECIAL EXCEPTION RENEWAL ACKNOWLEDGEMENT

APRIL 2026

1) **383 WEST HESTER ROAD (GLENN AND PAMELA DUVALL) – CAR RESTORATION BUSINESS**
2) **481 KEYTOWN ROAD (LARRY ABEL AND RAYMOND MCCALLISTER) – STORAGE FOR LMNOP HOLDINGS, LLC**

Motion to adjourn by Holt. Second by Keene. Aye: All. Meeting adjourned at 5:24 pm.

APPROVED BY:

(Chairman) DATE 5-14-26

(Vice-Chair) DATE 5-14-26