



August 2, 2022 Board of Zoning and Sign Appeals 5:00 PM City Hall - Massie Chambers

Agenda:

1 Approval of Meeting Minutes

1. Approval of July 5, 2022, Meeting Minutes

Agenda Items

2. Mike Galbreath, Property Owner: Requests an administrative appeal of the Planning Director's decision regarding a violation notice about accessory building and a variance from the maximum size of accessory buildings at 207 West Cedar Street. Property referenced as Davidson County Tax Map/Parcel#. 02504001600 Zoning Ordinance Section 14-208 (1)(e)(vii)

For more information regarding this agenda, please contact the city recorder by email at:
amccormick@goodlettsville.gov

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enhance the quality of life for the community we serve.

105 S. Main Street – Goodlettsville, TN 37072 – 615-851-2200 – Fax 615-851-2212
www.goodlettsville.gov

OFFICIAL MINUTES OF THE MEETING

GOODLETTSVILLE BOARD OF ZONING AND SIGN APPEALS

July 5, 2022

Goodlettsville City Hall

5:00 p.m.

Massie Chambers-Auditorium

Present: Chairman Cisco Gilmore, Stuart Huffman, Brian Rager, Mark Writesman

Absent: Mike Broadwell

Also Present: Addam McCormick (Staff), Russell Freeman-City Attorney, and Sharon Reed (Staff)

Chairman Gilmore called the meeting to order at 5:00 pm and declared a quorum.

McCormick stated agenda item Kenjoh Outdoor Advertising, LLC – Request Deferred.

Approval of May 3, 2022 Meeting Minutes: Rager made a motion to approve the minutes of the May 3, 2022 meeting, Writesman seconded the motion. Motion was approved.

AGENDA

Item #1 Sal Akbani, Gateway Classic Cars: Requests a conditional use approval for an entertainment and amusement use including indoor car sales, car viewing, and special events at 1000 Rivergate Parkway, Suite 2030. Property referenced as Davidson County Tax Map/Parcel# 03402007600. Property Owner-KDI Rivergate Mall, LLC. Zoning Ordinance Section 14-306 (3)(b)

Staff Discussion:

- The request is for an indoor car sales use that includes other features associated with an entertainment and amusement use including events and shows.
- The proposal would not be a typical car sales use due to the interior vehicle display, no vehicle service on-site, and the events and gallery associated with the sales use.
- The CSL, Commercial Services Limited does not permit an automobile sales use.
- The CSL zoning district permits the entertainment and amusement service use by conditional use through the Board.
- The Zoning Ordinance provides a review and approval process by the Board when there are questions about the appropriate activity use classification of a use.
- The Board's review is if the proposed use would fall under the entertainment and amusement condition use classification or the non-permitted auto sales use.
- The Board's review of the conditional use to be based on the general requirements standards since the specific condition use standards would not apply to the proposed use.
- Staff would recommend approval based on the unique characteristics of the proposed use including interior sales and vehicle display, no on-site service, and the events and gallery component associated with the proposal.
- Due to the unique characteristics of the proposal, staff's interpretation of the Zoning Ordinance is that the proposal would not be considered a use variance.
- Staff's recommended approval includes the following stipulations:
 - Stipulation-Conditional use approval to define that the use includes interior vehicle display only and no on-site service
 - Stipulation-All proposed interior alterations and new use to comply with applicable building and fire codes

-Stipulation-All proposed changes to conditional use approval including any future proposed changes to the applicant to be reviewed by the Board
-Staff read the referenced Zoning Ordinance Sections: 14-202 (1) General Classification rules. 14-202 (6) (i) and (v) Entertainment and amusement services. 14-213 (9) (c) Requirements for conditional use permit.

Applicant: Sal Akbani, CEO - Gateway Classic Cars

-Akbani discussed Gateway Classic Cars established in 1999, twenty (20) locations in fifteen (15) states offering thousands of classic and exotic cars for sale. Started in Illinois and sold high classic and exotic cars using the internet platform. The company has had fifteen (15) years of resilient profits and growth.
-Akbani discussed current location in La Vergne, TN and the poplar clientele.
-Akbani discussed how they acquire the high-quality classic and exotic cars.
-Akbani discussed how they represent the sellers and offer the cars for sale.
-Akbani discussed how they provide entertainment, invite car clubs and collectors for an event once a month to talk car
-Huffman asked if they were keeping the La Vergne location?
-Akbani responded no. The La Vergne location lease expires on November 30th and are looking in the Goodlettsville and Franklin area to relocate with Goodlettsville being more preferable close to Opry Mills.
-Huffman asked what is the average number of people attending the events and how often are the events?
-Akbani responded the events are every month and about five-hundred people will attend during the Summer months.
-Huffman asked if all business is indoors?
-Akbani responded the presentation of all the cars is indoors.
-Freeman discussed the Gateway Classic Cars business name.
-Akbani responded each location is a stand-alone LLC and discussed the parent company.
-Freeman discussed conditional use, no service bay and exhibition use
-McCormick responded and discussed the unique characteristics of the car sales, events, and the recommended stipulations
-Rager discussed the new proposed building going on the Macy's property and parking spaces
-McCormick responded and discussed the proposal for Macy's property and mall parking agreements and preliminary design would include a drive aisle.

Public Hearing Opened:

Public Hearing Closed: No one else requested to speak.

Motion: Writesman made a motion to approve the request with the stipulations referenced in meeting, seconded by Rager. The motion passed unanimously.

With no further business, Rager made the motion to adjourn, seconded by Huffman. The motion passed unanimously.

The meeting adjourned at 5:18 pm.

Cisco Gilmore, Chairman

Sharon Reed, Planning Assistant

City of Goodlettsville
Board of Zoning and Sign Appeals
STAFF RECOMMENDATION REPORT
Tuesday August 2, 2022
5:00 PM

Item#1 Mike Galbreath, Property Owner:

Requests an administrative appeal of the Planning Director's decision regarding a violation notice about an accessory building and a variance from the maximum size of accessory buildings at 207 West Cedar Street. Property referenced as Davidson County Tax Map/Parcel#. 02504001600 Zoning Ordinance Section 14-208 (1)(e)(vii)

STAFF NOTES:

The requested appeal and accessory building square footage variance is based on the attached May 16, 2022 Zoning Ordinance violation notice. The 720 square feet detached carport type building recently constructed at the property in addition to the existing 720 square feet detached garage exceeds the Zoning Ordinance Section 14-208 (1)(e)(vii) regarding the maximum permitted detached accessory building(s) that is limited to seventy (70%) percent of the primary building (house) square footage. The house on the property is 1,390 square feet. Seventy (70%) percent of 1,390 square feet is 973 square feet. The total accessory building square footage including the existing garage and the recently constructed carport type building is 1,440 square feet which exceeds the accessory building seventy (70%) maximum area calculation by 467 square feet.

The property is zoned R-10, Medium Density Residential. The Zoning Ordinance permits a total building square footage of 5,576 on the 0.32-acre property based on the maximum permitted forty (40%) percent lot coverage for all buildings including primary and accessory buildings. Staff discussed options with the property owner to add an addition onto the existing house to get the primary building (house) in the 2,000 square feet range under roof so that the 1,440 square feet accessory buildings would be within the permitted seventy (70%) percent total. Staff also discussed an option presented by owner to provide a connected roof line from the house to the carport accessory building for the carport to be considered an attached structure and that a ten (10') feet setback variance would be required since the carport is ten (10') feet from the property line and the minimum rear building setback in the R-10 zoning district is twenty (20') feet. The property does include limitations with slopes and the property is accessed by a shared driveway that could be reviewed with the variance proposal.

A building permit application was submitted in late December of 2021. Staff visited the site on March 29th and discussed with the property owner the Zoning Ordinance violation with the carport construction and that the permit had not been obtained.

STAFF RECOMMENDATION:

Denial of appeal and compliance with the defined requirements of the May 16, 2022 Zoning Ordinance violation notice. The denial recommendation is based on Zoning Ordinance Section 14-213 (8)(c)(vi) since the variance would permit a larger accessory building that permitted for other property owners in the same zoning district. If the Board determines an option to install an addition to the house (primary building) as referenced above and in the May 16th notice, then staff would recommend a timeline of six (6) months for the addition work to start and one year to complete the addition work. The property does include limitations with slopes and the property is accessed by a shared driveway that could be reviewed with the variance proposal.

Referenced Zoning Ordinance Sections:

14-201 (3)

(hh) "**Floor area.**" The total of the gross horizontal areas of all floors, including usable basements and cellars, **below the roof and within the outer surface of the main walls of principal or accessory buildings** or the center lines of party walls separating such buildings or portions thereof, or within lines drawn parallel to and two feet (2') within the roof line of any building or portion thereof without walls, but excluding the following:

- (i) Areas used for off-street parking spaces or loading berths and driveways and maneuvering aisles relating thereto where required in this title; and
- (ii) In the case of non-residential facilities: arcades, porticoes, and similar open areas which are located at or near street level, which are accessible to the general public, and which are not designed or used as sales, display, storage, service, or production areas

(j) "**Building.**" **A structure permanently affixed to the ground, with a roof**, and intended for the shelter or enclosure of persons or property. Where roofed structures are separated from each other by party walls having no openings for passage, each portion so separated shall be considered a separate building.

(yyy) "**Structure.**" An object constructed or installed by man, including but not limited to buildings, signs, towers, smokestacks, and overhead transmission lines.

14-208 (1)(d)

(d) Residential limited connection addition. No limited connection building or structure shall be erected between a front lot line and a front wall of the principal building or structure. In addition limited connection addition buildings or structure shall:

- (i) Be customarily incidental to the principal building or structure.
- (ii) Be subordinate to and serve such principal use.
- (iii) Be subordinate in area, intent and purpose to such principal use and shall not exceed seventy percent (70%) of the primary building square footage.
- (iv) Contribute to the comfort, convenience, or necessity

of users of such principal use.

(v) Not exceed the height of the principal building or structure.

(vi) Be constructed on a concrete foundation with solid floor system with the foundation, floor system, and roof system connected to the principal building or structure.

14-208 (1)(e)(vii)

e) Accessory buildings. No accessory building or structure shall be erected between a front lot line and a front wall of the principal building or structure. In addition, accessory buildings or structures shall:

(i) Be customarily incidental to the principal use established on the same lot.

(ii) Be subordinate to and serve such principal use.

(iii) Be subordinate in area, intent, and purpose to such principal use.

(iv) Contribute to the comfort, convenience, or necessity of users of such principal use.

(v) Building or structure shall not exceed the height of the principal structure.

(vi) No accessory use or building and structure shall be constructed or established on any lot prior to the time of construction of the principal structure to which it is accessory. This section shall not be construed to govern the sequencing or phasing of a construction project in which both the principal and accessory structures are to be built simultaneously.

(vii) **In residential districts, total area of accessory building(s) or structure(s) with a roof shall not exceed seventy percent (70%) of the area of the principal building.** The maximum square footage for accessory and principal buildings are also subject to the defined maximum building lot coverage requirements and maximum floor area ratios defined by the ordinance.

(viii) In residential districts, the building or structure shall not exceed the height of the principal building or structure and in no case exceed eighteen feet (18') in height from the highest point of the building or structure to the finished floor.

14-213. (8)(c)

c) Standards for Variances. The board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

(i) The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out must be stated;

(ii) The conditions upon which the petition for a variance is based would not be applicable, generally, to other property

within the same district;

(iii) The variance will not authorize activities in a zone district other than those permitted by this ordinance;

(iv) Financial returns only shall not be considered as a basis for granting a variance;

(v) The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this ordinance;

(vi) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same districts;

(vii) The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;

(viii) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located; and

(ix) The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

(d) Non-conformity does not constitute grounds for granting of a variance. No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(e) Prohibition of use variances. Under no circumstances shall the board of appeals grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

(f) Conditions and restrictions by the board. The board may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to comply with the provisions set out in § 14-213(8)(c) above to reduce or minimize the injurious effect to such variation upon surrounding property and better carry out the general intent of this ordinance. The board may establish expiration dates as a condition or as a part of the variances



Department of Planning and Codes/Building Safety

May 16, 2022

MICHAEL E GALBREATH
207 W CEDAR ST
GOODLETTSVILLE, TN 37072

RE: Accessory Building Total Square Feet Zoning Ordinance Violation at 207 W Cedar Street-
Davidson County Tax Map/Parcel# 025 04 0 016.00- 0.32 Acres- R-10, Medium Density
Residential Zoning District

The 720 sq. ft. (square feet) detached carport type building recently constructed at the above referenced property in addition to the existing 720 sq.ft. detached garage exceeds the *Zoning Ordinance Section 14-208 (1)(e)(vii)* regarding the maximum permitted detached accessory building(s) that is limited to seventy (70%) percent of the primary house square footage. The primary house sq. ft. on the above referenced property is 1,390 sq. ft. Seventy (70%) percent of 1,390 sq. ft. is 973 sq. ft. The total accessory building sq. ft. including the existing garage and the recently constructed carport type building is 1,440 sq. ft. which exceeds the accessory building seventy (70%) maximum area calculation by 467 sq. ft.

The City of Goodlettsville Planning Department requests the zoning violation as listed above cease within ninety (90) days of the receipt of the letter by either removing the recently constructed carport or obtain a permit to reduce the sq. ft. of the carport and/or increase the square of the primary house sq. ft. so that the total detached accessory building sq. ft. on the property would be less than seventy (70%) of the primary house sq. ft. Failure to comply will require the City to take further legal action which could result in a city court citation be issued that is subject to fines of fifty (\$50) dollars a day per violation. Any proposed addition to the primary house would be required to be permitted and meet the minimum building setbacks and total lot coverage of all buildings per the R-10 Medium Density Residential Zoning District requirements.

The requirements of this notice may be appealed to the City of Goodlettsville Board of Zoning and Sign Appeals by submitting a written request within ninety (90) days of the receipt of this letter. The City's Zoning Ordinance and Zoning Map and appeal application and meeting and submittal dates can be reviewed and submitted on the City's Website at www.goodlettsville.gov. You can request a copy of the application and meeting information and submit by emailing me at amccormick@goodlettsville.gov or coming into office.

Referenced Zoning Ordinance Section 14-208 (1)(e)(vii)

e) Accessory buildings. No accessory building or structure shall be erected between a front lot line and a front wall of the principal building or structure. In addition accessory buildings or structures shall:

- (i) Be customarily incidental to the principal use established on the same lot.
- (ii) Be subordinate to and serve such principal use.
- (iii) Be subordinate in area, intent, and purpose to such principal use.
- (iv) Contribute to the comfort, convenience, or necessity of users of such principal use.
- (v) Building or structure shall not exceed the height of the principal structure.
- (vi) No accessory use or building and structure shall be constructed or established on any lot prior to the time of construction of the principal structure to which it is accessory. This section shall not be construed to govern the sequencing or phasing of a construction project in which both the principal and accessory structures are to be built simultaneously.
- (vii) In residential districts, total area of accessory building(s) or structure(s) with a roof shall not exceed seventy percent (70%) of the area of the principal building. The maximum square footage for accessory and principal buildings are also subject to the defined maximum building lot coverage requirements and maximum floor area ratios defined by the ordinance.
- (viii) In residential districts, the building or structure shall not exceed the height of the principal building or structure and in no case exceed eighteen feet (18') in height from the highest point of the building or structure to the finished floor.

The City of Goodlettsville Municipal Code and Zoning Ordinance is available on-line at www.goodlettsville.gov. The City Zoning Ordinance and Zoning Map information referenced in this letter are effective per the date of this letter.

Sincerely,



Addam McCormick
Goodlettsville Planning

CITY OF GOODLETTSVILLE
BOARD OF ZONING AND SIGN APPEALS
GOODLETTSVILLE CITY HALL – 105 SOUTH MAIN STREET
GOODLETTSVILLE, TENNESSEE 37072

MEETING APPLICATION

Applicant MIKE GALBREATH Date 6-27-2022
Owner MIKE GALBREATH Map No. 25-4
Address 207 W. CEDAR ST. Parcel No. 16

Application Type: (Check Types that apply)

Conditional Use ☐

Variance ☒

Administrative Appeal ☐

Temporary Use ☐

Request Summary:

VARIANCE FOR CARPORT
EXCEEDS CITY SIZE PER ZONING

at (physical address) _____

The undersigned agrees to appear at the public hearing for the request and shall furnish all required plans and data.

Owner Signature (if Different from Applicant) _____

Applicant (Signature) _____

207 W CEDAR ST.
Address

GOODLETTSVILLE
City ST Zip
TN. 37072

Phone (Daytime)

615-594-2579

E-Mail Address

1. REQUIRED APPLICATION FEE \$200.00. MIKEGALB@COMCAST.NET
2. ATTACH ALL REQUIRED PLANS AND SUPPORTING DOCUMENTS.

ACTION TAKEN: _____ DATE: _____

Variance

To Mike Galbreath <mikegalb@comcast.net>

Goodlettsville Board of Zoning and Appeals

Variance request:

Asking to keep a built carport without any further changes
Exceeds zoning equation

Per equation:

[added with an out building]

1/3 of carport is in compliance, which would be useless

vs.

...a frivolous addition to an existing 1930s style bungalow
would also bring carport in compliance.

The gray area between these two options in my opinion is
very impractical and makes little common sense.

In addition

My family has lived and worked in Goodlettsville since the 1920s
WW2 era. I would be 4th generation

This is my second home in Goodlettsville.

Not only do I take obsessive compulsive pride in my home and assets
but also in my community and surrounding areas.

It urks me to see shotty craftsmanship and poorly thought out additions or hack jobs to
the community homes or businesses.

I defiantly dont think that is anything Ive done here.

I wanted to build something more than a temporary tacky structure I see too often in other areas.

[for example; my neighbors unattractive, Walmart looking, unlevel, temporary free standing metal, wobbly,
structure.

A person has to duck to get out from under it.

...picking on my neighbor here]

Their carport was an inspiration to build something nice
and aesthetically pleasing.

Also, a solid permanent structure that would add to the value and integrity of my property and
and the city's appealing attraction and charm.

As you can see from my added progressive pics I have done nothing but constant consistent improvements
to my home and its exterior.

... above and beyond, with great pride, for about 5 plus years now,
and will continue to do so as long as I reside here in Goodlettsville.

epic landscaping, rockwork, paving driveway, new clean fencerow, manicured law looks like a park

All of this would be compromised adding a ridiculous frivolous addition to my small cute house.

The custom unique 1930s exterior would be impossible to match.

also would minimize my lawn Id rather keep as much of as possible.

I parted ways with a prior 3000 sq ft home, downsized to this to live well below my means so
detailed aspects like all of these could be achievable.

An addition also would put me out of my means again and add an unnecessary hurdle to overcome
in my goal to paying this house off soon, adding on would be more unwanted debt and burden.

A carport however had a lot of practical sensible purposes;

1. [my biggest reason] Hackberry trees, aphids ruining any nice costly vehicles
2. obviously no rain, snow or weather
3. Looks very nice [in my opinion] in what was just open boring driveway area
4. adds shade in the summer

5. it has kept my upper driveway from washing away in heavy rains
6. its hardly visible to anyone [3 neighbors maybe affected]
only one has a full view of it, she says it looks nice. My neighbor behind me in fact has been inspired, and says hes glad to see homeowners in the area making improvements to their properties.

It doesnt bother or affect anyone in any way, nor is it dangerous or harmful.
I dont think its unattractive or visually displeasing in any way.
[far less than some of the stuff I see in other areas of our community]

Additions and remodeling are time consuming, expensive, and added unwanted stress.
they are an impact on the community, and I also share a driveway with my neighbor
who would be very directly affected by construction of an addition.

Anyway,
In conclusion:
I hope the benefits outweigh the equation
and Ive made a convincing argument.
I hope I can get the boards blessings to keep my carport.

Sincerely
Mike Galbreath

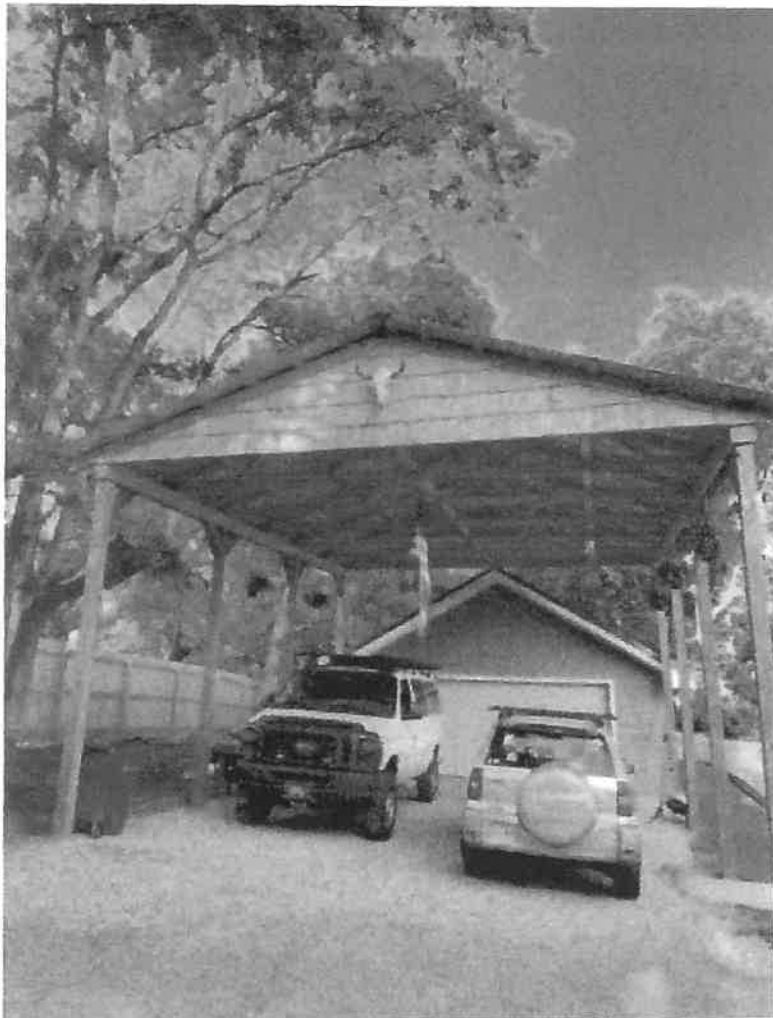
Galbreath Plumbing
100 yr
4th gen residents and going

Thank you



CARPORT

REQUESTING
VARIANCE



NICE
PERMANENT
STRUCTURE.



VISIBILITY OF
CARPORT FROM
ROAD.

LEFT SIDE OF
PROPERTY.

ONLY VISIBLE
LOCATION.





VISIBILITY OF CARPORT
FROM ROAD.

RIGHT SIDE OF PROPERTY



GARAGE

CARPORT NOT VISIBLE

RIGHT OF HOUSE TODAY



LEFT AND REAR OF HOUSE TODAY



EXISTING
GARAGE.

WASTED
DRIVEWAY
SPACE



PRIOR IMPROVEMENTS



REAR ...

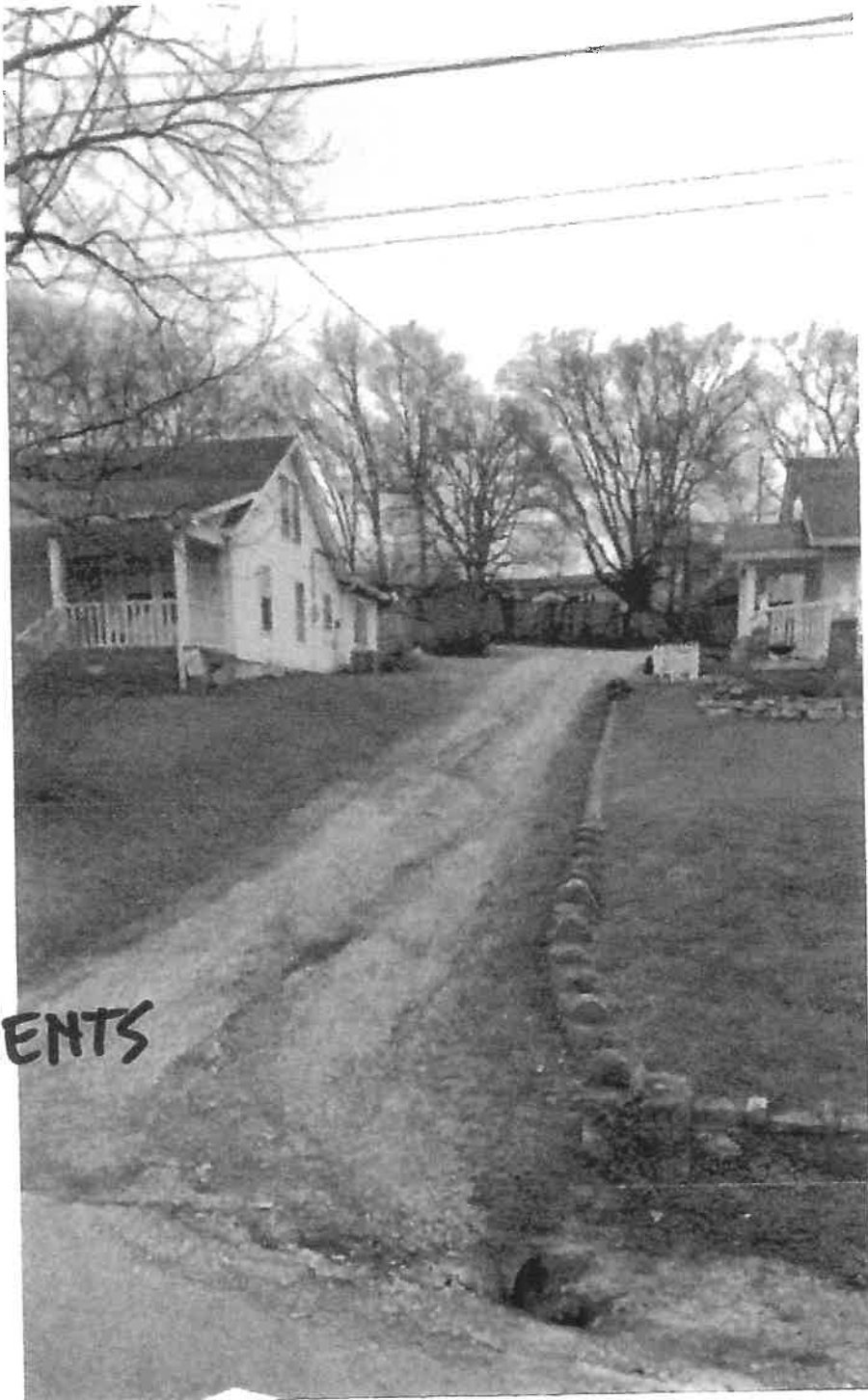


FRONT ...

PRIOR
IMPROVEMENTS

PAST
PICTURES

PRIOR
IMPROVEMENTS





FRONT...

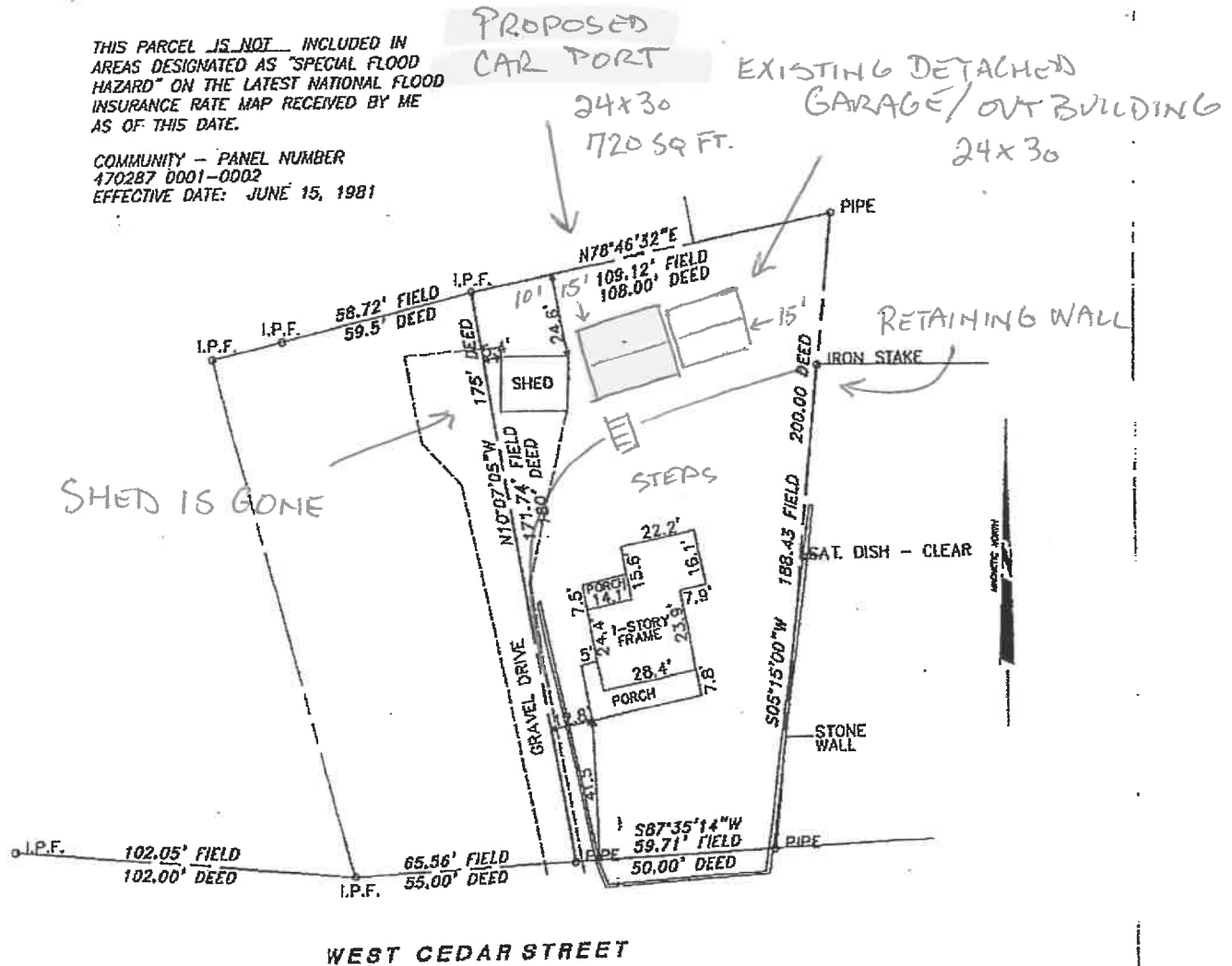


REAR...

PRIOR
IMPROVEMENTS

THIS PARCEL IS NOT INCLUDED IN AREAS DESIGNATED AS "SPECIAL FLOOD HAZARD" ON THE LATEST NATIONAL FLOOD INSURANCE RATE MAP RECEIVED BY ME AS OF THIS DATE.

COMMUNITY - PANEL NUMBER
470287 0001-0002
EFFECTIVE DATE: JUNE 15, 1981



LOT SURVEY

I HEREBY CERTIFY THAT THIS IS A CATEGORY 1 SURVEY AND THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE CURRENT STANDARDS OF PRACTICE FOR SURVEYORS IN TENNESSEE UNDER THE AUTHORITY OF TCA 62-18-126, AND THE UNADJUSTED CLOSURE IS AT LEAST 1:10,000.

BY: David P. Brackman 3-20-00
DAVID P. BRACKMAN R.L.S.# 1684



OWNER: VIRGAL L. AND ANNIE C. PALMER

PROPERTY LOCATED: 207 WEST CEDAR STREET

GOODLETTSVILLE, DAVIDSON CO., TN

PROPERTY: MAP 25-4 PARCEL 16

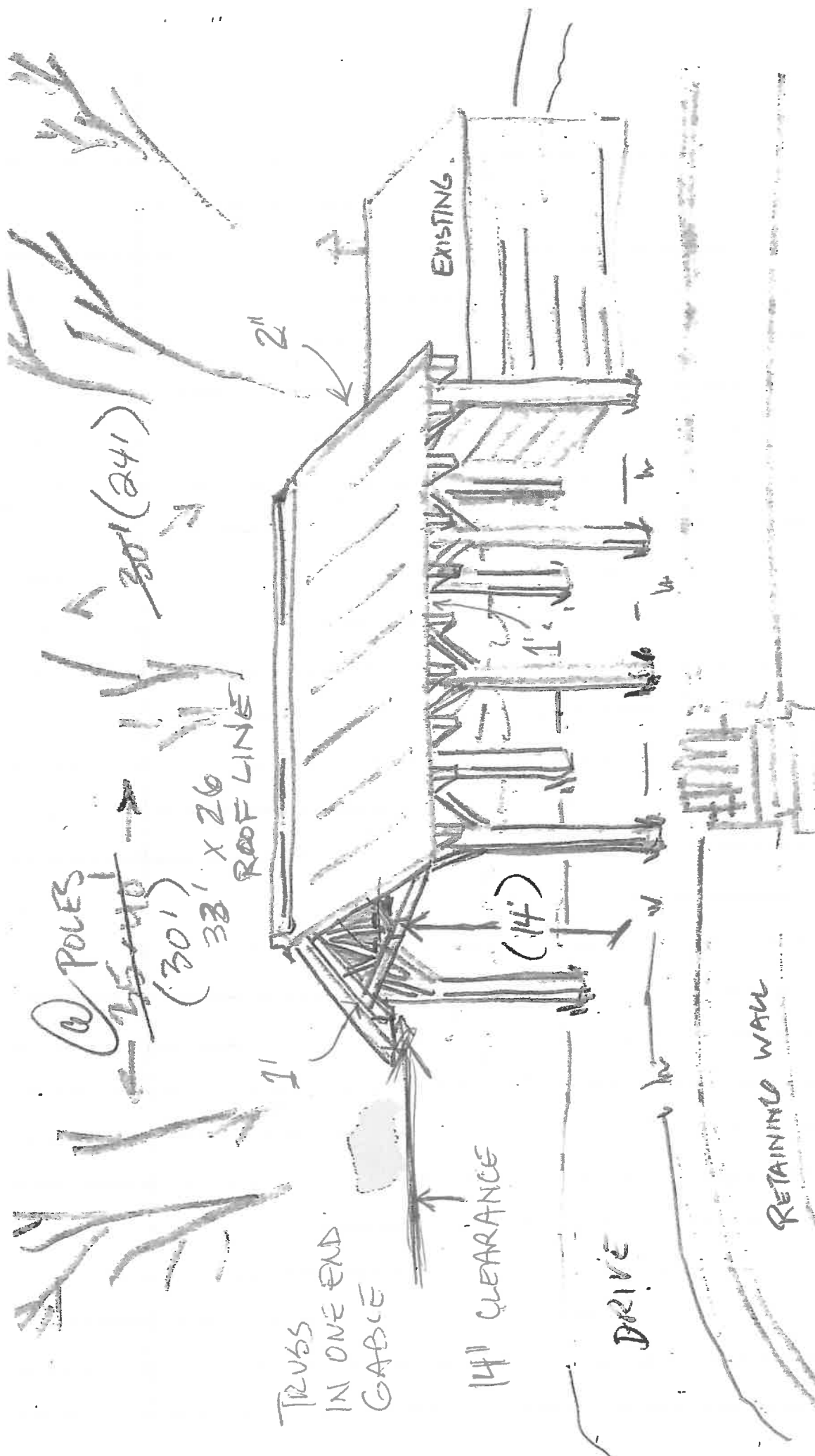
RECORDED: BOOK 1281, PAGE 399

SCALE: 1" = 40'

DATE: MARCH 20, 2000

VOLUNTEER SURVEYING
609 WEST IRIS DRIVE
NASHVILLE, TENN. 37204
PHONE 385-5588
FAX 385-0840

FILE NO. 00025



BARN ROOF TRADITIONAL OVERHANG

