

OFFICIAL MINUTES OF THE GOODLETTSVILLE
BOARD OF ZONING AND SIGN APPEALS

Date: February 2, 2021

Time: 5:00 P.M.

Place: Goodlettsville City Hall Massie Chambers

Members Present: Mike Broadwell, Vice-Chairman Cisco Gilmore, Chairman Mark
Writesman, Brian Rager

Absent: Jay Philpot

Also Present: Addam McCormick-Planning Director, Tim Ellis- City Manager, Russell
Freeman-City Attorney

Chairman Writesman called the meeting to order at 5:00 pm and declared a quorum. Staff stated no changes to the agenda. Broadwell made a motion to approve the minutes of the January 19, 2021 Board of Zoning and Sign Appeals meeting as written, Gilmore seconded the motion. The motion was approved unanimously.

Item#1 David Rowe-Mabee: Requests Conditional Use Approval for an Animal Raising Use on a portion of 24.19 acres on Tabor Drive and Hasty Drive. Property is referenced as Davidson County Tax Map/Parcel # 02500001700 and is zoned R-40, Low Density Residential. Zoning Ordinance Section 14-205(3)(b) (**Deferred 12-1-2020**)

Representative: David Rowe-Mabee, Property Owner- 806 Lischey Avenue

Staff Discussion Items:

Meeting presentation includes property zoning and conditional use information, item history including deferral at the December 2020 meeting, comments and concerns received, and discussion with applicant regarding engineering design

Staff recommendation presented:

1. Conditional use approval is not permitted for a confined animal feeding operation which has not been requested by the applicant
2. Conditional use approval is not for a commercial crop production use which has not been requested by the applicant
3. Conditional use per applicants request is for eight (8) total animals (6 horses and 2 cows) and chickens as listed below with condition four (4) on roughly twenty (20) acres of the property. Any changes to number and type of animals and acreage to be reviewed by the Board of Zoning Appeals through the conditional use review process

4. Chickens proposed would be required to meet requirement as listed in the Zoning Ordinance and the property boundary buffer as defined with condition ten (10). Use limited to ten (10) to fifteen (15) chickens and the chickens be kept to not roam on adjacent residential properties.
5. Pigs and game roosters are not permitted with the conditional use due to the proximity of pastures and barn to adjacent residential properties and conditional use regulations. Pigs and roosters have not been requested by the applicant
6. Barn minimum setback fifty (50') feet from property line
7. Maximum barn square footage limited to 2,100 sq. ft. based on estimated house sq. ft. of 3,000 sq. ft. The square footage maybe reviewed for expansion depending on the square footage of the single family house to be built on the property per accessory building square footage provisions of the Zoning Ordinance with accessory building sq. ft. based on seventy (70%) percent the square footage of the single family house
8. Conditional use limited to the applicant's personal use only. Traffic generated by conditional use to be consistent with traffic typically associated with a single family residence in a residential subdivision due to access of property from a residential subdivision street (engineer date ranges 8-9.4 daily trips per single family dwelling unit)
9. Creek buffer and erosion and silt control to meet City's Municipal Code Section 18-306 requirements regarding width of natural buffers along both sides of creek banks. Applicant to submit request for clearing to City's Storm Water Coordinator for review and approval of creek bank buffers and erosion control methods including pasture fencing location to protect creek areas from animal access and any damage to these creek areas
10. Natural buffers along property lines adjacent to pasture areas to be a minimum of fifty (50') feet in width to prevent any mud or silt from washing onto the adjacent residential properties to be maintained along boundary of pasture areas and pasture fencing location to protect buffers from animal access and any damage to these areas
11. Engineer plan addressing comments nine (9) and ten (10) including buffer widths along creeks, pipe sizing at driveway crossing of creek, and any ditches or other storm water facilities like detention or retention ponds to prevent any increased storm water onto adjacent properties and into stream areas and the engineering plan to be reviewed by the City's Planning Commission in a public meeting

Rowee-Mabee discussed:

- Purchased property for an estimated 1,800 sq. ft. house to be constructed in the future and to keep up to six (6) horses and two (2) cows
- Pasture area per diagram presented included with request
- Estimated barn area 1,800 sq. ft.
- Property previous rezoned this request is not an additional rezoning request but a conditional use
- Proposal is for personal use- keep and ride horses on the property

- Not commercial use -- not breeding livestock and only private garden
- R-40 zoning not commercial use
- Six (6) horses and two (2) cows cap proposed- three (3) to four (4) more like but wants the availability of the proposal
- Wife is an equestrian and well versed in the animals
- Initial barn and pasture and home to be built in five (5) + years
- Working with Mr. Davis- adjacent property owner on house location to not intrude on his property
- Wants property to feel as it does in current stage with proposal and intent is to leave areas as undisturbed as possible
- Creek/Drainage area have a professional engineer review and will follow city standards before pasture and barn work begins
- Bridge for creek crossing appears better on Tabor due to better location and narrower creek section also designed by engineer
- Agree to fifty (50') border along pastures maintain woods in these areas
- Traffic will be family only and that he is in real estate so come and go with him
- Not intention for 100% clear cut pasture areas- leave mature trees not complete clearing which will be helpful for run-off
- Appears based on multiple site visits creek low flow after rains but will have licensed engineer review

Public Hearing Opened:

-George and Joan Hager- 204 Hasty Drive

- Resident since 1972 kid graduated Goodlettsville High School
- Retired engineer with State of Tennessee
- Neighborhood concerns- Mr. Hasty developed lots in Goodlettsville and Planning Commission approved 1971 and have been plagued with run-off and flooding issues
- Property damage due to soils, developer not required to address issues to handle run-off, and residents paying the price and do not want more issues and problems
- Pasture soil minimal absorption so increased run-off and animal feces to also run-off
- Clay soils in area with heavy run-off rapid run-off into creek and adjacent areas
- Soils bad in area and Mr. Hasty reduced lot numbers for enlarged septic areas systems and problems with soils
- Ten (10') feet drainage easement along back of their property ditch west property lines in the 1970s the City cleaned out shallow drainage ditch never cleaned out again
- Residents in area had to spend money to repair drainage issues- 204 Hasty replaced driveway retaining wall, 203 Hasty recently had \$ 20,000 in foundation issues, 205 Hasty damage to property drainage, 210 Hasty \$ 10,000 damage, Dry Creek in area more damage to properties
- If they clear cut trees effect drainage and odors
- When called Mr. McCormick about said that he knew Mr. Mabey
- Question about five (5) acres being sold at end of Hasty and originally only going to be two (2) horses and barn
- Concerned with trees be cleared off property and City approving use at a later day, concerned with commercial use to other properties since a residential area

- Concerned with traffic, insects, rats, soil erosion with animals being raised and sold
- Desire for area to remain residential and barn to be 600 sq. ft. instead to be more limited
- Concern about runoff, erosion, and soil problems
- Proper buffer to be maintained by owner or city and request buffer to be 100' instead
- Concerned with odors from animals and not effect neighborhood
- Questioned why house was in location away from barn due to mice and rats associated with hay storage
- Use cannot be a business and no growing of pot and no signs on the property
- Make sure no animal feces on other properties
- They need two (2) entrances onto the property
- Appears pushed through by City rapidly during COVID
- Cannot visit neighbors and come to meeting costing our lives but have to be here since dire effect onto properties and neighborhood with traffic, storm water run-off, desirability to live in area
- Concerned with trees cut in the area and drainage ditches filled and not maintained by the city
- Goodlettsville has been called about drainage culvert at the end of Hasty Drive damaged and culvert not replaced
- Concern with drainage ditches being filled in and expense to maintain properties
- Concerned with steep lots and other homes having drainage damage
- City information seems vague and open ended
- Handed out twenty (20) packets to residents in area

Jo Roth- 201 Dry Creek Road

- Lived in area thirty (30) years
- Water problems already in area concerned with additional issues
- Water issues around properties and impacts to houses
- Concerned with animal grazing a twelve (12) acres of pasture not enough for six (6) animals with no ability to move animals around concerned not enough pasture for grazing
- Concerned with proposal to clear property and clear cut trees on property will cause flooding to other multiple other people
- Drainage creek changes will impact Dry Creek- which already crosses road recently several times
- Her property at the lower end of the property and Dry Creek drains by her property and damage associated with drainage
- Concerned that cutting trees and run-off increased will impact all of Hasty and Dry Creek area
- With buffers of widths listed will cut down pasture areas and not leave enough acreage for animals
- Clearing four (4) plus acres of Hasty will create even more drainage issues
- Request rethinking proposal could be a nightmare- and important to have neighbors considered

Joan Hager- 204 Hasty Drive

- Written documentation given to Board as given to everyone else
- Lot of people living in area are elderly and residents have rights
- Feels like Goodlettsville has not done what should have done when subdivision started in 1970s
- Covid concerns no choice for her but to come to the meeting
- Goodlettsville needs to do something with drainage

- Should have received more information for property rezoning
- \$ 30,000 drainage work on property and ditch behind their house and drainage issue with neighboring property owner cutting trees for crazing cattle
- Don't know why owner bought this property due to issues explained
- Something should have been done and should be done about drainage issues- someone should be responsible
- Water problems with their retaining wall with water coming over wall and thru wall- created problems
- Dug out drainage pipes and ditch with erosion issues
- Across Hasty Drive from them three (3) owners spent lot of money on their home foundations
- Elderly older people in area not money for drainage repairs
- Quite in area
- When does all this stop?
- Pleading with Board to think of people that can't come to the meeting this is going to destroy houses out there and the equity people have in their homes
- Begging board to consider and use their conscious with this would they want this thing to happen if they lived there
- Begging Goodlettsville come to aid and work on items that were approved in the 1970s subdivision plat
- Residents will be costed out begging board to consider residents
- Does not want to have to move but sometimes not a choice due to run-off issues
- Please consider request and property owner to consider another piece of property that is flat
- Proposal includes pipe and culverts- property behind them nothing required- city needs to clean out ditch, clear cutting creates issues with drainage
- Property behind them and the easement no one done anything with ditch and adjacent property drainage issues- and they are the ones paying for it
- Hasty already problem this will drive people out of their houses no value with houses
- Ditch full of water when it rains and across street the bridge washed out a pipe section washed down
- Inviting anyone to come out walk properties not trying to hurt area- some property owners have never attended a meeting like this
- Had to come to meeting – care about these people
- Older people out here- came to defend others
- Somebody has to stop the situation

Dick Davis- 1233 Hitt Lane

- Owners property and lives at northern border of the property
- Previously kept horses on his property
- Seems proposal a golden opportunity but before they can do anything with property would need to alleviate problems
- Would like to see more horses out in area even some horses on his property
- For allowing the owner to put horses on his property with the conditions imposed

Stuart Huffman- 209 Dry Creek Road

- Supporting neighbors and area as a City Commissioner representative

- Glad to see buffer stipulation around property thinks fifty (50') feet not enough could be increased to one hundred (100') feet
- Drainage issues on property and erosion issues in back yards
- Request coordination with engineer report on drainage including creek buffer widths and possible increasing buffer widths to one hundred (100') feet
- Requests to see more information not just Dry Creek area
- Creek section along the property being considered always has water in it
- Owner said after rain event the creek flow area ok- but often several days the drainage is an issue after a rain event
- Hope this can be deferred until repair to drainage is completed
- Would like to talk to everybody- need more information regarding this

Joan Hager- 204 Hasty Drive

- Concerned with odors
- When this first started was told house and barn, few animals and possibly chickens
- Request seems to keep growing and concerns about odors
- Request does not make sense for people living in area
- If I was looking for a place would not have picked this property with steep grades
- Don't understand why owner bought this property like this
- Concerned with request and property should have not been rezoned
- Information included in paper but other stuff not in paper
- Haven't had opportunity on this due to covid issues
- Lots of things get passed in circumstances like this to go through and then have to live with impacts
- Same situation must have happened years ago with subdivision approval

Cedric Short- 203 Tabor Drive

- Lives at lower end of street
- Drainage area goes along side of yard and down to Dry Creek and road issues with drainage
- Concerned with drainage issues not being corrected in the past
- Heard description of request on property and concerns with agricultural operation surrounded by subdivision in the middle to two (2) to three (3) subdivisions can be an issue
- Concern request will change integrity and character of neighborhood
- Does not want an agricultural neighbor instead of a residential neighbor
- Residents in area for thirty (30) to forty (40) years and past retirement age
- Can't afford property value decreases and requests to maintain integrity and character of the neighborhood

Public Hearing Closed- No one else requested to speak per Chairman's offer for additional comments

Board Discussion Items:

- Broadwell discussed the request is not a rezoning issue but a conditional use request based on designated property zoning
- Staff confirmed this is a conditional use request per Zoning Ordinance by this board

-Broadwell discussed the resident's drainage concern and drainage issue not in favor of making issue worse – His property on his own Issac Drive property with flooding- best to alleviate that issue on his on property and if anything submitted about drainage at this point

-Broadwell asked about progress of drainage issues on this property and engineer report

-Staff confirmed nothing received yet with engineering study and staff stipulation to require engineer study and design reviewed by Planning Commission similar to a subdivision process

-Writesman discussed the conditional use process and Planning Commission review and drainage study process and study could help with drainage problems

-Staff discussed the process per staff stipulations is for Planning Commission to review drainage similar to a subdivision process- but this board could request to see the engineering study also

-Rager discussed the drainage issues referenced during public hearing and if cows or horses on property before and asked about drainage issue

-Hager responded the animals she referenced was on property behind them and discussed timing of the original subdivision approval and ditch behind them and increase in drainage flow and drainage from hill area and they didn't realize the drainage issues at time when subdivision first started

-Rager discussed if the Board needs to review engineer study before making a decision on conditional use

-Broadwell discussed agreeing that drainage is the main issue – the limited number of chickens and amount of area more limited but drainage will need to be addressed

-Broadwell discussed per the owner no crop proposed- just personal garden and drainage engineer study needed

-Gilmore discussed agreed that the drainage study needed per staff recommendation including formal review and approval process by Planning Commission

-Writesman discussed the owner will have an engineer come out and review and would submit information to Planning Commission

-Ellis asked about the proposal at the end of Hasty Drive

-Rowee-Mabee discussed four (4) to five (5) acre lot to sell for someone to build a house

-Staff discussed the City's Subdivision Plat approval process

-Gilmore discussed engineering study would be good for area

-Staff discussed stipulations including engineering study and approval process by Planning Commission similar to the process a residential subdivision would be on this property

-Staff discussed understanding the concerns on neighbors per staff recommendations and engineering study requirement

-Rager discussed this board decision based on another board reviewing drainage concerns and engineering study and process for board to vote until engineering plans completed and stipulations are needed

-Writesman discussed engineering study and Planning Commission process might help area if question about drainage flow

-Rager discussed agreeing with Huffman's comments discussed if city could help alleviate any drainage issues and another board's decision to review engineering study

-Ellis discussed the City does not have legal authority to go on private property and city can't come in and fix issues on private property and wants everyone to know the City can't go on private property to solve drainage problems

-Rager discussed with engineer study required and approval process ok

Motion:

Rager made the motion to approve the conditional use with all staff's recommendations.

Writesman discussed the stipulations including engineering plans required to be reviewed by the Planning Commission. A citizen in the auditorium requested to speak and Writesman stated the public hearing was closed. Broadwell discussed since engineer design plan required that he seconded the motion. Motion passed 4-0.

Freeman discussed that Board's approval included all staff recommendations listed and Writesman confirmed yes.

-Ellis discussed the City has a provision in the Municipal Code for appeals of sewer fee assessments but the City does not have a designated board due to rare meeting needs. Ellis asked if the Board would also serve that function and does not anticipate them meeting but a few times. Ellis discussed that Public Works staff would provide staff report to the Board. Board members agreed with request

Hager- 204 Hasty requested clarification about drainage engineering study and he is an engineer so the study needs to include slopes and drainage basin and impacts to homes and foundations and ditch and study must include water from hill areas and the four (4) acre lot for additional house has been underwater.

Staff explained the engineer study and will be similar to what city requires for new development with includes drainage basins

Board agreed to adjournment. The meeting adjourned at 6: 24 P.M.



Mark Writesman, Chairman



Addam McCormick, Planning Director