

OFFICIAL MINUTES OF THE GOODLETTSVILLE
BOARD OF ZONING AND SIGN APPEALS

Date: August 4, 2020

Time: 5:00 P.M.

Place: Massie Chambers- Goodlettsville City Hall

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

Absent:

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

Chairman Broadwell called the meeting to order at 5:00 pm and declared a quorum and welcomed Mr. Philpot to the Board. Staff stated no changes to the agenda. Rager made a motion to approve the minutes of the February 4, 2020 Board of Zoning and Sign Appeals meeting as written, Writesman seconded the motion. The motion was approved unanimously.

Item#1 Dalamar Homes LLC: Requests a building setback variance from the minimum front yard requirement per Zoning Ordinance Section 14-210 (4)(f)(i) for a residential one-family detached dwelling under construction at 121 Copper Creek Drive. Property is referenced as Sumner County Tax Map/Parcel # 143D A 011.00 000/ Lot 11 of the Copper Creek -Phase One Section One Final Subdivision Plat and is zoned LDRPUD, Low Density Residential Planned Unit Development.

Representative: Matthew Martin, President Dalamar Homes

Staff Discussion Items:

- Staff presented the variance request and that this was an unfortunate issue since house has been constructed
- Staff discussed the minimum thirty (30') feet front setback requirement of the Copper Creek Phase one section one subdivision plat and Zoning Ordinance
- Staff discussed the building permit was issued on January 30, 2020 with plot plan including the front setback of garage at 21.03 and 21.60 feet
- Staff presented and discussed a grading plan showing serious elevation changes but common in this section of the development steep slopes in the subdivision and curves in the road
- Staff discussed he was notified on the setback issue the week of July 6th
- Staff discussed the garage is the issue the rest of the house is not
- Staff discussed the applicant included construction photos with inspection tags shown
- Staff discussed the Board of Zoning Appeal's review authority including variance per TN Code
- Staff read through the Zoning Ordinance Section 14-213 Variance Review items
- Staff discussed the property does contain slopes area but that the slopes are not unique to this property and per the Variance sections

- Staff discussed recommendation for denial- lot does include steep slopes but there are other lots with steep slopes in the Copper Creek Subdivision that have been constructed with homes meeting front setback requirement and does not feel a basis for a variance
- Staff discussed the variance review standards and no basis for variance since lot is consistent other lots including slopes, size, widths, frontages
- Staff discussed with the review to look at the property instead of the house since builder has possible other remedies for permit issuance mistakes but permit information was submitted with incorrect setbacks
- Staff discussed in reviewing the request if the variance was requested prior to permit issuance and construction

- Martin discussed the variance request including building permit issued in January
- Martin discussed building in Middle of Tennessee
- Martin discussed a new surveyor prepared the plot plan showing front building behind 20' front utility and drainage easement but did not show front setback
- Martin discussed did receive a permit for house with plot plan submitted and multiple inspections and city could have stopped
- Martin discussed the construction has progressed and is not under roof
- Martin discussed they stopped construction
- Martin discussed a home owner was attached to the house
- Martin discussed since permit and inspection were approved house should be accepted- best decision

- Writesman discussed inspections
- Martin discussed footing, wall, and slab inspections to get to framing stage
- Writesman asked staff about foundation inspection
- Staff discussed can't say for sure what inspections were completed and what is reviewed since this would be Code Department issue but inspections regarding foundations would be structural regarding a poured concrete foundation wall
- Rager asked about surveyor and setbacks
- Martin discussed the new surveyor not familiar enough with Copper Creek
- Martin discussed had built twelve (12) to twenty (20) homes

- Ellis discussed inspections completed were structural not setbacks
- Martin discussed permitted and inspections completed assume with permit and inspections the inspector would check setbacks
- Martin discussed if was them not the city that found out and stopped the project construction- since they notified the city
- Ellis discussed inspections completed are for what is requested and if setbacks were not requested to be inspected
- Ellis discussed he has an issue with discussion that city made an error and surveyor issue
- Martin discussed scope of work for inspector if inspector enforced just building code or all city ordinance including check for compliance with the location of the house with inspections

-Public Hearing –

-Marley Blakely, 125 Copper Creek- presented a previously submitted power point presentation

- Homeowners suffer from this issue
- Disheartening that no variance was requested until multiple complained to HOA \
- Discussed the comment that construction had stopped- July 7th variance requested, July 8th brick delivered and house bricked
- Formal objections from community three (3) main reasons
- Concern a variance would set a precedent for setbacks on other lots
- Zoning and setbacks in Copper Creek sets the tone of neighborhood variance would allow builder to not follow the rules
- Discussed project character including slide presentation of photos
- House is ten (10') feet closer to street than other houses and obstructs view
- Neighborhood pride in homes take care of homes and properties
- Vacant lot and house construction would be limited
- Forty-two (42') feet typical between front of house so this house would have smaller front yard
- Variance would create a property value issue for properties and create an issue on the value of the home deflection of potential buyers with obstructed view and smaller front yard
- Smaller yard would lower value and would impact comp values
- Variance no one wins and community impacted
- Formal objection to variance her and fellow neighbors
- Builder and developer do not follow rules and completely disregard complaints from HOA

Tom Tucker, 224 Sydney Drive

- First home built in subdivision in 2007
- Copper Creek is a planned unit development with subdivision plats published all aware of setbacks and garages and has not been a question for thirteen (13) years
- Entanglement different builders in project including issues with Dalamar Homes
- House construction next to him- two (2) flat tires and excavation has damaged his cable and irrigation four (4) times
- Irrigation line damage included per White House Utility District 43,000 gallons of water
- Builders asking for forgiveness is lame
- Serves on Sumner Planning Commission and works with builders and variances with builders when a mistake- but not case here
- Everyone loses- HOA, homeowners, builder
- Builder broken rules – penalty of not following rule
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-Broadwell closed the public hearing

Board Discussion Items:

-Gilmore discussed looking at variance request should be about the lot not the house
-Gilmore discussed these are two separate situations
-Gilmore discussed the lay of land of the lot was consistent with others
-Gilmore can't set a precedent with a variance for builder
-Gilmore discussed can't claim hardship due to topography since same as other lots and not for building already being built for whatever reason it was built

-Broadwell asked if this was a motion- Gilmore stated no just discussion

-Rager discussed in reviewing the request wanted to do the right thing for builder, homeowner
-Rager discussed visiting the site six (6) times to review the house
-Rager discussed in his opinion he did not see any hardships on property to grant a variance
-Rager discussed he has builders in his family and his built himself but did not think the property contained any unique characteristics that distinguished it as a negative from another property there

Motion:

Rager made a motion to deny the variance based on Zoning Ordinance Section 14-312, seconded by Writesman. No further discussion. The motion to deny the variance passed unanimously.

Motion to Adjourn by Rager, Seconded by Gilmore. Motion to adjourn passed unanimously.

The meeting adjourned at 5:39 P.M.



Mike Broadwell, Chairman



Addam McCormick, Planning Director