

OFFICIAL MINUTES OF THE GOODLETTSVILLE
BOARD OF ZONING AND SIGN APPEALS

Date: June 4, 2019

Time: 5:00 P.M.

Place: Massie Chambers- Goodlettsville City Hall

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

Absent: All present

Also Present: Larry DiOrio, Russell Freeman, Rhonda Carson, Mike Bauer

Chairman Broadwell called the meeting to order. Codes and Building Director Larry DiOrio stated he would be assisting with the meeting in the absence of the City Planner. Mr. DiOrio stated there were no additions or corrections to the agenda.

Commissioner Young made a motion to approve the meeting minutes of the May 7, 2019 Board of Zoning and Sign Appeals. Vice-Chairman Writesman seconded the motion. The motion passed unanimously 5-0.

Item #1 {PUBLIC HEARING}

For consideration, a Request from the Goodlettsville Zoning Ordinance, Section 14-213, Administration and Enforcement; (9) Conditional Use Permits; (h)(ii); regarding the requirement for a Conditional Use Permit in the R-25 Residential Zoning District for a Bed and Breakfast Homestay, Property is referenced as 401 Moss Trail-Davidson County Parcel ID No. 02609006000, containing approx. 0.92 acres.

Mr. DiOrio reviewed the request. Staff recommendation at this time was deferral or withdrawal, based on the continued discussion of the ongoing concerns regarding short-term rental facilities and the current regulations of Bed and Breakfast Homestays.

Property owner James Johnson Jr. represented the request. Mr. Johnson stated he purchased the property a couple of years ago and made improvements to the home and would like to operate a Bed and Breakfast Homestay at this location. He stated the home is 2,600 sq. ft. and he is residing there alone, and thought it would be extra retirement income for him in the future. He stated he understood how Air B-N-B homes could be a concern, but he is proposing a Bed and Breakfast homestay, with it being owner occupied at all times. He estimated only two cars would be in the driveway most times and would not cause any traffic concerns. He stated he understood the zoning would not change, but remain residential.

Commissioner Young asked the applicant if he might be interested in withdrawing his request and reapplying without any additional fees at a later date. He explained that the City Commission

and other City Boards were reviewing the current City ordinance regarding Short-Term Rental and Bed and Breakfast Homestay. He stated with today's economy and times, some of the language in the zoning ordinance may be outdated and should be reviewed and possibly changed. The Board of Zoning and Sign Appeals had requested at the last meeting, that the City Planning Commission and City Commission discuss the concerns with the current ordinances regarding these types of facilities.

Mr. Johnson stated he would be in favor of that. He stated he wanted to be a good neighbor and understood it may need to be looked at in detail.

Commissioner Young thanked him and stated that after the City did their due diligence, he was welcome to come back before this Board.

City Attorney Freeman stated it could be in his best interest to withdraw the request at this point, instead of it moving forward at this meeting, and possibly being denied.

Commissioner Young agreed, as he felt he may not be in favor of the request as it stood with the current concerns the Board has.

After discussion, Mr. Johnson withdrew his request and will re-submit his request at a later date when the ordinance is revised.

Chairman Broadwell opened the Public Hearing.

Rebecca Ramsey, owner of 305 Moss Trail (neighbor) spoke in favor of Mr. Johnson having a Bed and Breakfast at his home. She stated he has kept the property in excellent condition and would be a great host for this type of facility. She thought it would be an asset to the community.

John Fey, owner of 407 Moss Trail spoke in opposition of having a Bed and Breakfast in the neighborhood. He stated this is a residential neighborhood, and he felt it would be better suited in a commercial area. Other concerns he noted were; reduced property values of surrounding homes, safety, and additional traffic.

Marvin Schooler, owner of 408 Moss Trail spoke in opposition of a Bed and Breakfast in the neighborhood. He had concerns of turning a residential home into a business.

Sherry Fey, owner of 407 Moss Trail asked if the neighbors would be notified if this comes back before the Board. Commissioner Young stated it would be the same process/notification as this meeting.

With no one else wishing to speak, Chairman Broadwell closed the Public Hearing.

Based on discussion at this meeting, Commissioner Young made a motion to accept the applicant's withdrawal of the request, with the caveat, the applicant may re-submit application at a later time with no application fee. Vice-Chairman Writesman seconded the motion. The motion passed 5-0.

Item #2 {PUBLIC HEARING}

For consideration, a Variance Request from the Goodlettsville Zoning Ordinance Section 14-208 (d) Supplementary District Regulations; regarding the location of any accessory structure within a residential zoning district. This parcel is located within an R-40 zoning district. Property is referenced as 1176 Madison Creek Rd.-Sumner County Tax Map 140, Parcel 110.00, containing approx. 10.24 acres.

Codes and Building Director, Larry DiOrio reviewed the request.

Bethany Bailey, owner of 1176 Madison Creek represented the request. She requested a variance to allow a proposed accessory building to be located in front of the home, instead of behind the home as the zoning ordinance states.

Board members and Mrs. Bailey discussed the topography of the property.

Mr. DiOrio stated he had viewed the property and it appeared to have some buildable space behind the home to construct an accessory structure.

Board members asked Mrs. Bailey why a hardship variance should be granted.

Mrs. Bailey stated the property is over ten (10) acres, and she would like to have the accessory building in the front side yard to preserve the view of the back portion of the property. She did not feel the building would be seen from the road or disturb any surrounding neighbors. She stated all other requirements of the zoning ordinance would be met.

City Attorney Freeman asked if the proposed site of the building may be in the floodplain/floodway. He thought a study should be done to determine if the site was in a flood area.

Building Inspector, Mike Bauer stated the property should be evaluated regarding the floodway before moving forward with building.

Commissioner Young reminded the Board that their duty is to enforce policy and not make policies of the zoning ordinance. He stated exceptions and variances should be made when there is a hardship. He stated that it appeared the land behind the home could be used for the proposed accessory structure.

Board members and City Attorney Freeman discussed if a true hardship existed.

Dee Bennett, owner of 1190 Madison Creek asked about a neighboring property that has an accessory structure. Commissioner Young stated that building is located behind the home in accordance to the zoning ordinance.

The Board members and Mrs. Bailey continued discussion. Brian Rager agreed that he did not see this request as a hardship.

Mrs. Bailey thanked the Board for hearing her request and asked about future options if the request was denied.

Chairman Broadwell opened the Public Hearing. With no one wishing to speak, he closed the Public Hearing.

Based on discussion at this meeting, Commissioner Young made a motion to deny the request for the variance due to no hardship found. Cisco Gilmore seconded the motion. The motion passed unanimously 5-0.

Commissioner Young suggested that Mrs. Bailey contact the City Planner and Planning Commission with her concerns, as this is the Board that can review policy changes.

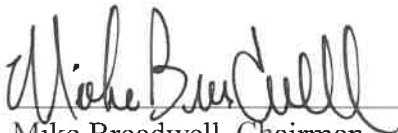
Other Business:

- A. Continued discussion regarding amendments to the Bed and Breakfast Homestay regulations from Section 14-213 (9)(h)(ii).

Commissioner Young suggested deferring this discussion until next meeting when the new Planning Director could review.

Meeting Adjournment:

Meeting adjourned at 6:05 P.M.


Mike Broadwell, Chairman


Rhonda Carson, ECD Assistant