



September 6, 2022 Board of Zoning and Sign Appeals 5:00 PM City Hall - Massie Chambers

Agenda:

1 Approval of Meeting Minutes

1. Approval of August 2, 2022 Meeting Minutes

Agenda Items

2. Mike Galbreath, Property Owner: Requests a rear building setback variance to permit an accessory carport to be attached to the house at 207 West Cedar Street. Property referenced as Davidson County Tax Map/Parcel#. 02504001600 Zoning Ordinance Section 14-208 (1)(e)(vii) **(Revision to request deferred at August 2nd Meeting)**
3. Cynthia Payne: Request conditional use approval for a home day care center at 611B Ellen Drive. Property is zoned R25, Low Density Residential as is referenced as Sumner County Sumner County Tax Map/Parcel# 143NA007.00 Zoning Ordinance Section 14-213 (9)(e)(ii)(a)(1)
4. Kenjoh Outdoor Advertising, LLC: Requests an administrative appeal of the Planning Director's decision to deny a sign permit for a high-rise pole sign within the Rivergate Parkway Interchange Sign Zone District for a proposed sign on CSX, Railroad right-of-way adjacent to I-65. The sign is proposed west of the south bound I-65 entrance ramp off Rivergate Parkway. Zoning Ordinance Section 14-305 (2)

For more information regarding this agenda, please contact the city recorder by email at:

amccormick@goodlettsville.gov

A government committed to operating with efficiency and integrity in all we do as we strive to 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

August 2, 2022

Goodlettsville City Hall

5:00 p.m.

Massie Chambers-Auditorium

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

Absent: N/A

Also Present: Addam McCormick (Staff), Tim Ellis-City Manager, Russell Freeman-City Attorney, Sharon Reed (Staff), Alex West (Staff),

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

Approval of July 5, 2022 Meeting Minutes: Rager made a motion to approve the minutes of the July 5, 2022 meeting, Huffman seconded the motion. Motion was approved.

AGENDA

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 Discussion:

- The requested appeal and accessory building square footage variance is based on a 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.
- Staff would recommend 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.
- Staff presented the Zoning Ordinance Sections: 14-201 (3) (hh) "Floor area.", (j) "Building.", (yyy) "Structure.", 14-208 (1)(d) Residential limited connection addition., 14-208 (1)(e)(vii) Accessory buildings., 14-213. (8) (c) Standards for Variances.

Applicant: Mike Galbreath, 207 West Cedar Street

- Galbreath states his request is to keep the carport without further additions to the house.

Public Hearing Opened: No one requested to speak.

Public Hearing Closed

Board Discussion:

- Freeman asked McCormick for an interpretation of the seventy (70%) of the primary building does that include anything under roof, for example an open porch as primary structure.
- McCormick responded anything under roof is his interpretation for the seventy (70%) accessory calculation
- Broadwell discussed options available for Galbreath to keep the carport without building an addition to the house
- McCormick responded staff discussed the option with applicant connecting roof line from the house to the carport accessory building for the carport to be considered an attached structure
- Writesman discussed the rear setback requirements
- McCormick responded the rear setback requirement is twenty (20') feet and the carport is ten (10') feet off rear property line
- Broadwell discussed expanding and covering the porch as an option
- McCormick responded and discussed the property and the location of the accessory building
- Huffman discussed the square footage of the house, the maximum square footage per the Zoning Ordinance and hardship option
- Galbreath responded he could add an awning but was told it was too close to the property line
- McCormick responded and discussed a setback variance
- Gilmore stated the board is limited but are trying to offer options so Galbreath would not have to tear down the structure
- Freeman discussed the option of a breezeway attached to the house and the setback variance
- Rager asked Galbreath if the board set a timeline based on attaching the awning to the house and grant the ten (10') ft. variance would that create a hardship
- Galbreath responded not a problem
- Huffman discussed issues with the Ordinance and the variance request and would like to see a connection from the house to the carport
- Rager discussed an option of thirty (30) days for Galbreath to get an assessment of cost
- Freeman responded Galbreath would need to submit for a permit for the connection

- Huffman discussed the appeal request and additional information needed to review variance
- McCormick responded permits are valid for six (6) months
- Freeman discussed the agenda and a public hearing
- McCormick responded the request of Galbreath is to keep the carport
- Ellis discussed the setback variance request and neighbors that might be affected by the setback
- Huffman discussed a motion
- McCormick responded and recommended a deferral for the September meeting and would alter the agenda to reference setback variance request

Motion: Huffman made a motion to defer the request, seconded by Broadwell. The motion passed unanimously.

- Broadwell informed the Board he has bought a house and is moving outside the City limits and not sure how it will affect his status. Broadwell wanted to give notice because he will not be available for the next meeting.
- Ellis responded he will confirm but he thinks he has to live within the corporate limits of Goodlettsville to remain on the board

The meeting adjourned at 5:41 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;

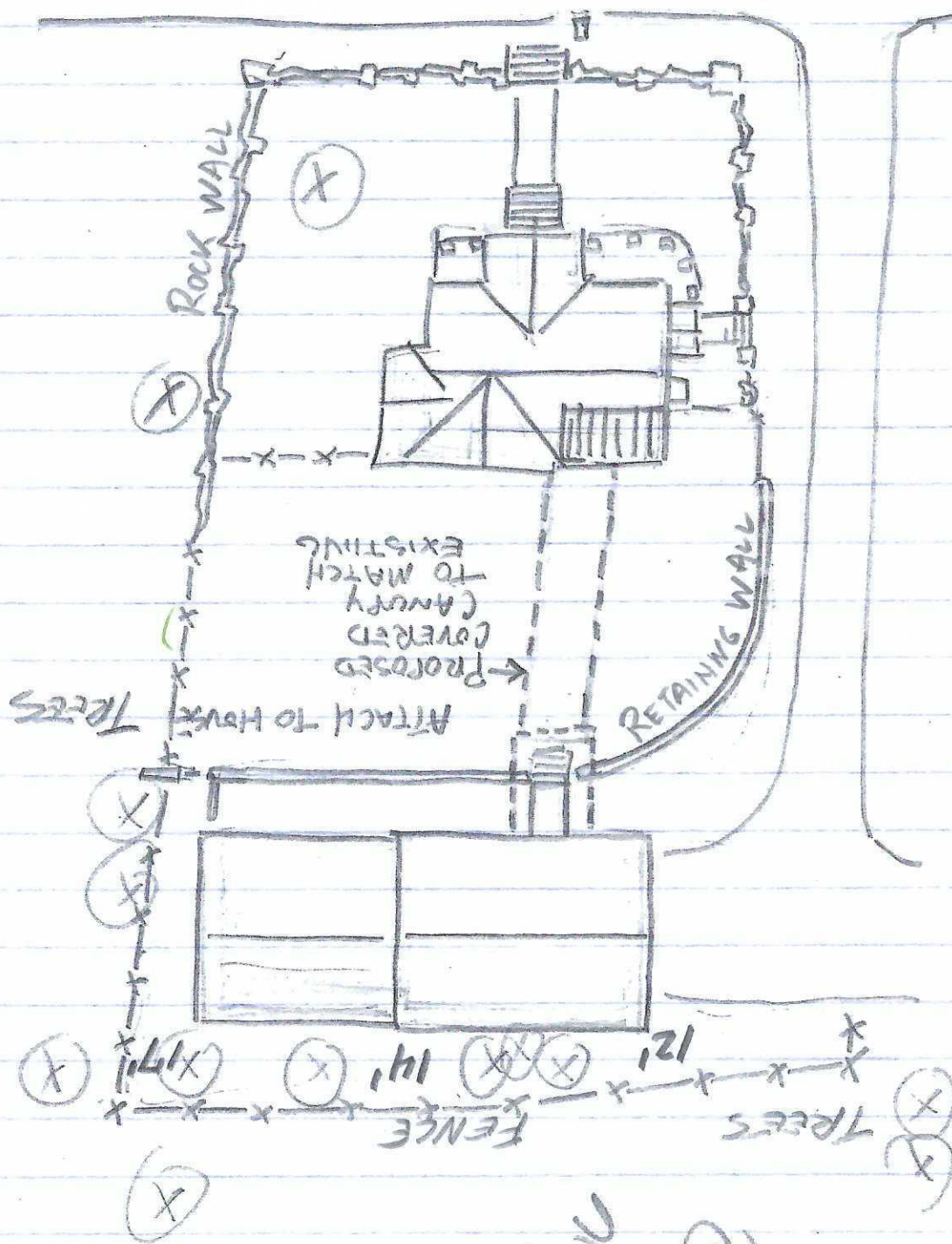
(viii) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located; and

(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

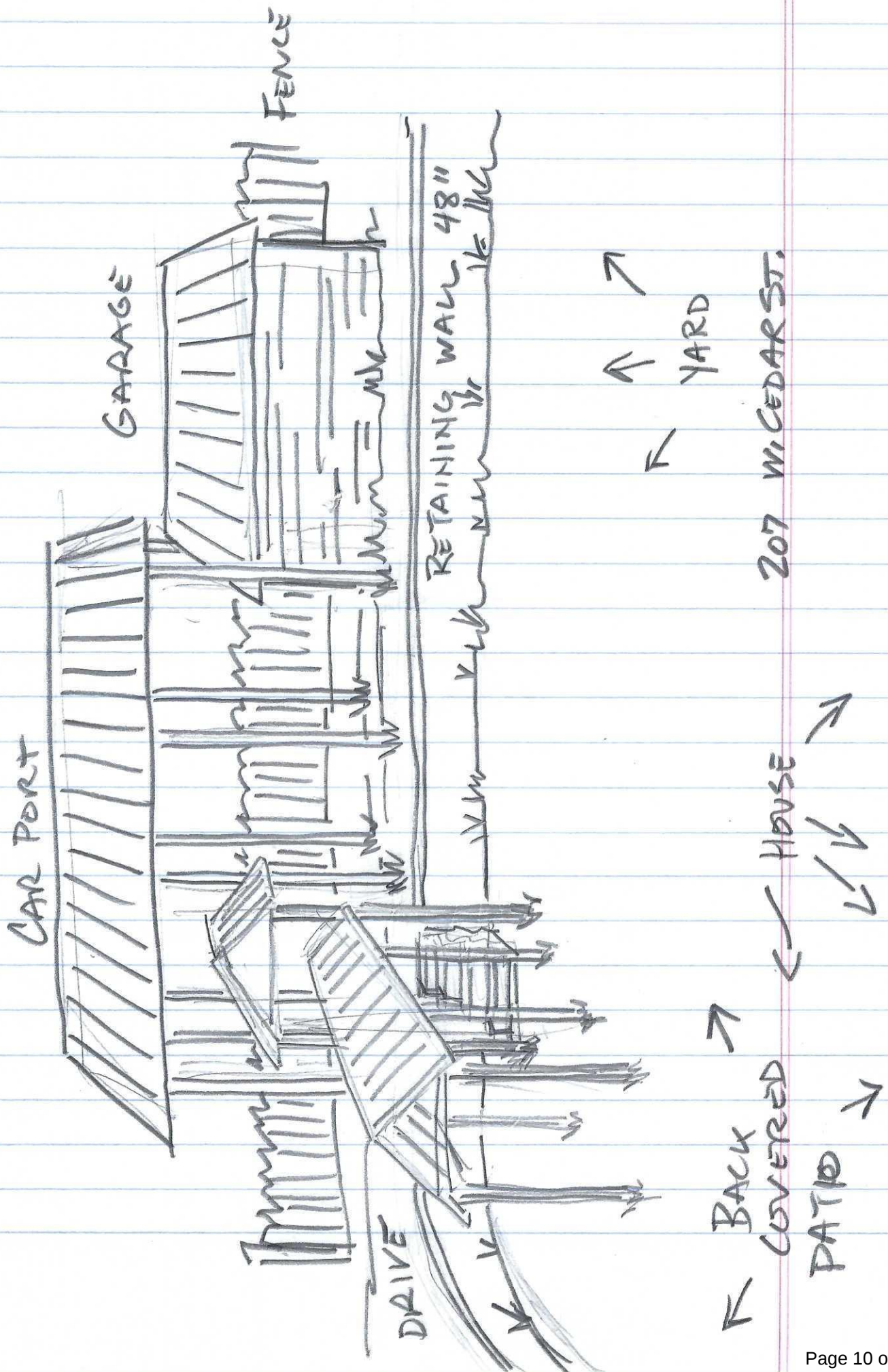


METAL ROOF
TO MATCH ALL
OTHER ROOFING

CHANGE ROOF @
EXISTING HOUSE
TO MATCH

PROPOSAL =

WILL THIS ATTACHMENT TO HOUSE COMPLY WITH ZONING
WELL BELOW SQFT FOR LOT CALCULATIONS -



207 W. CEDAR ST.

FROM DETACHED
STRUCTURE

6x6

TO COVERED
REAR PATIO

exit

PATIO

48"

RETAINING WALL
STEP DOWN.

DETACHED STRUCTURE
ATTACHMENT PROPOSAL
207 W. CEDAR ST.

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

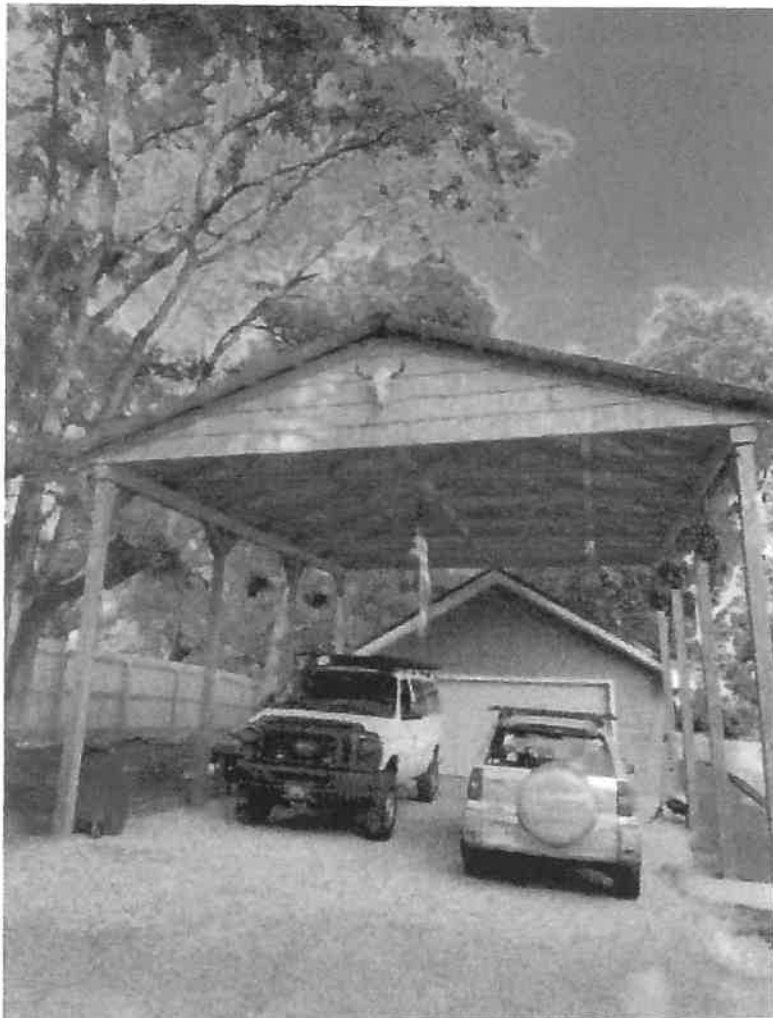
Galbreath Plumbing
100 yr
4th gen residents and going

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 ...

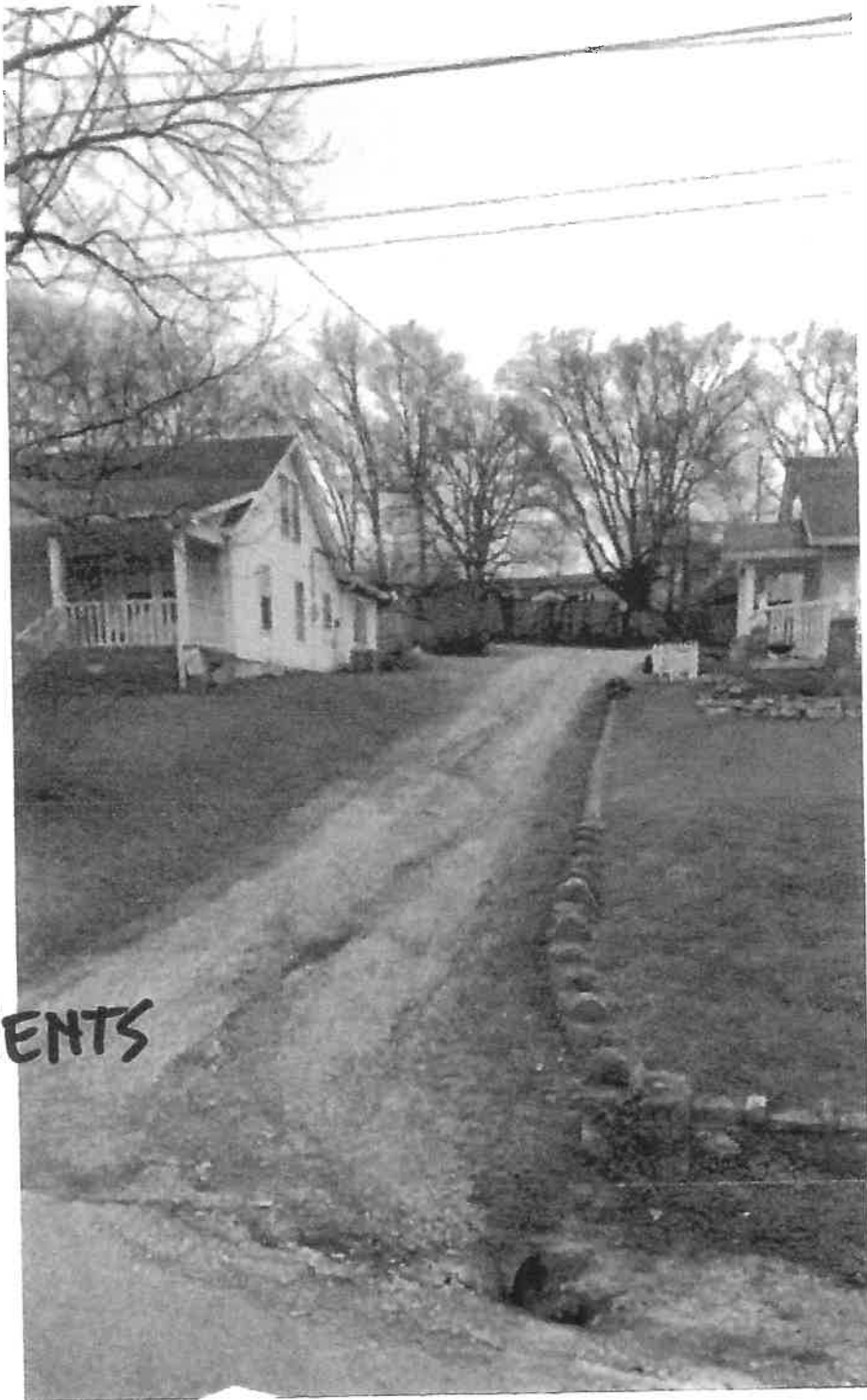


FRONT ...

PRIOR
IMPROVEMENTS

PAST
PICTURES

PRIOR
IMPROVEMENTS





FRONT...

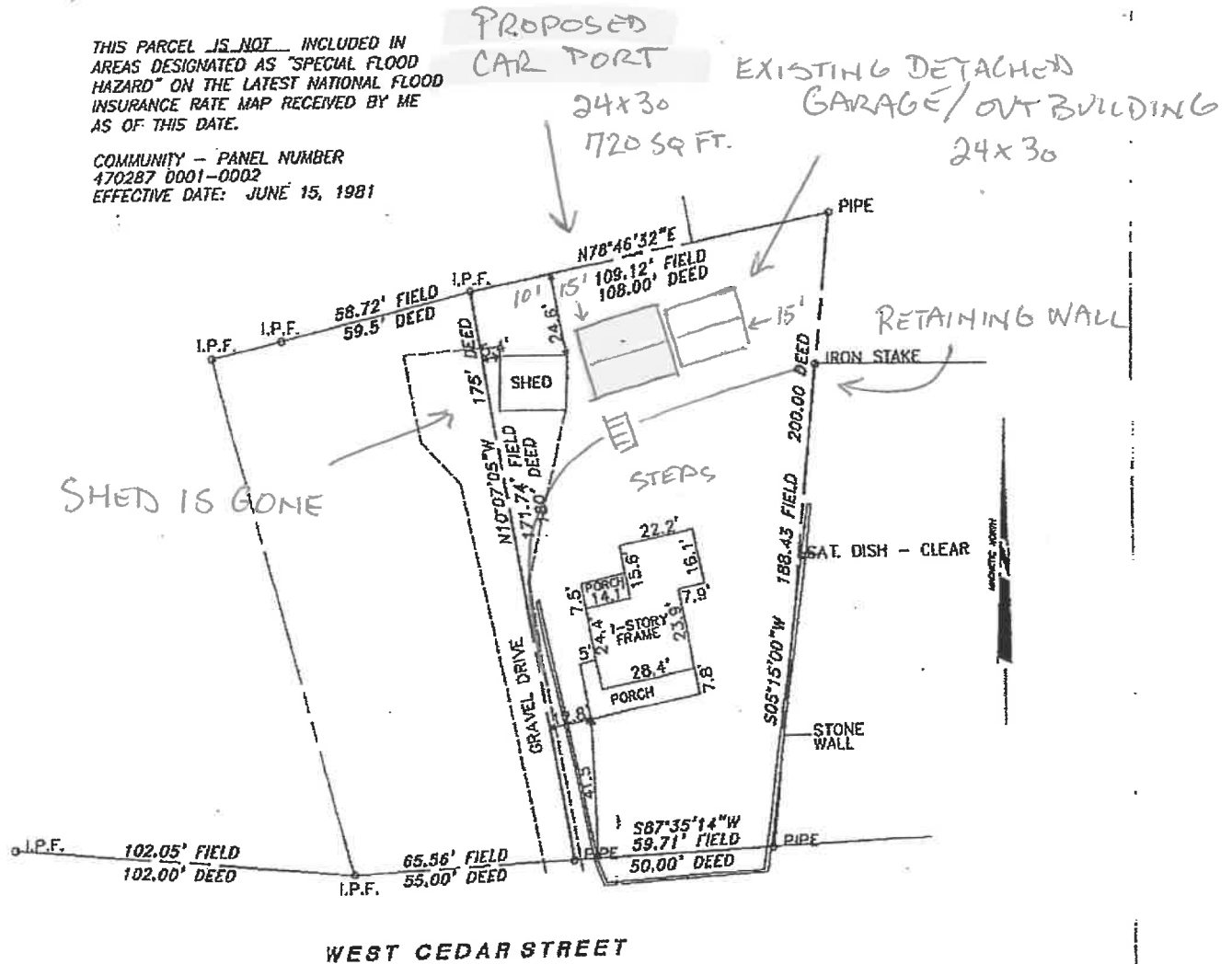


REAR...

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

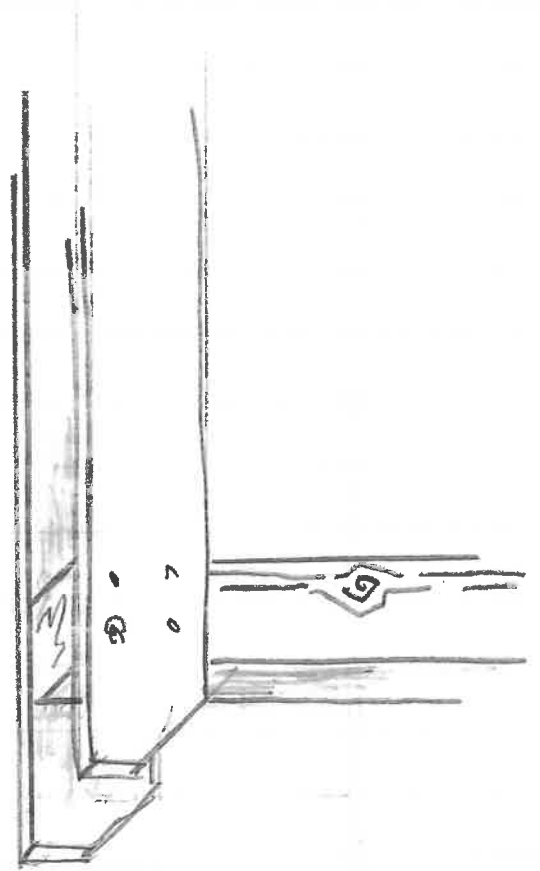
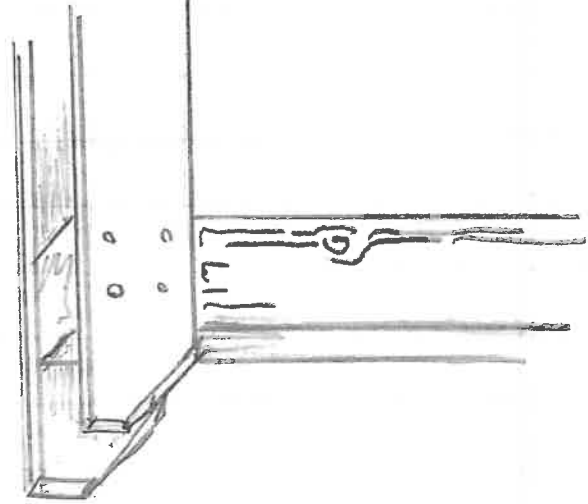
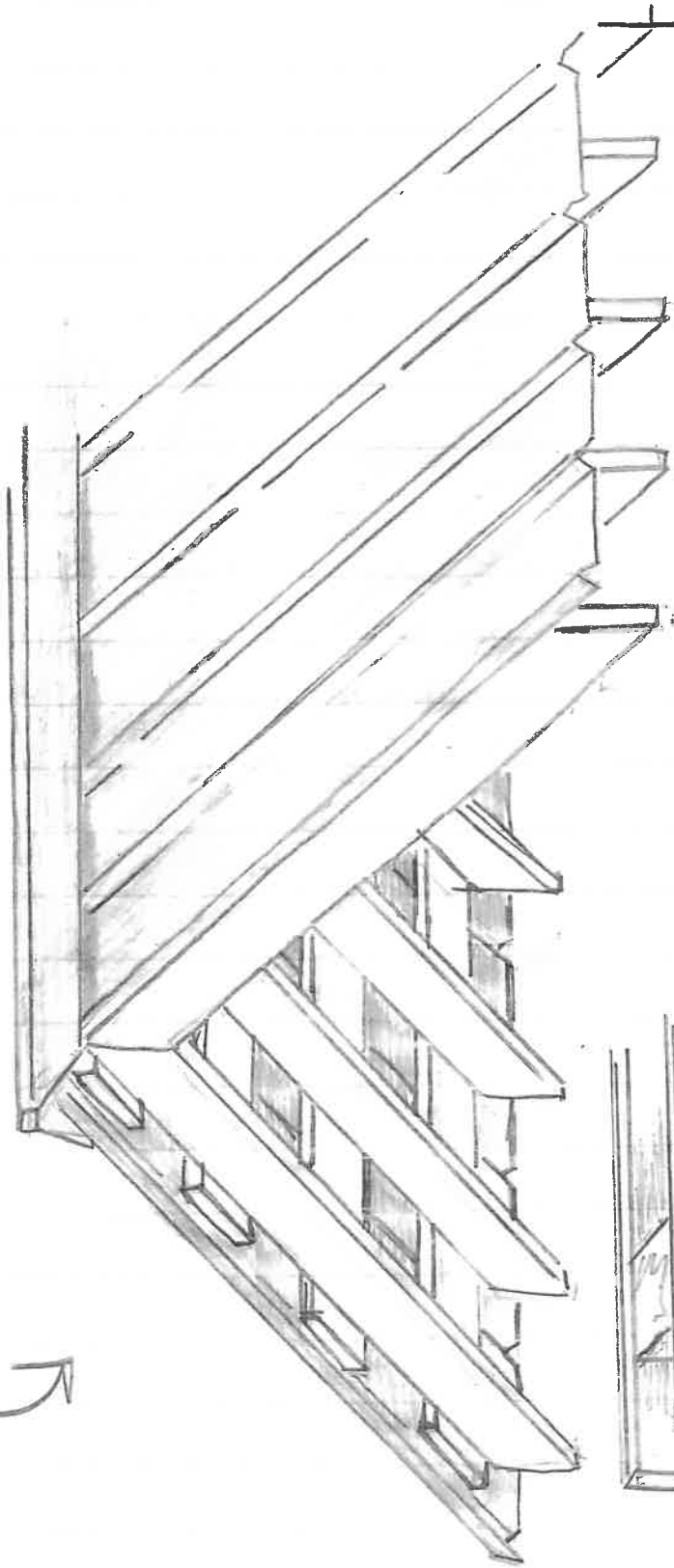
SCALE: 1" = 40'

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



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

APPLICATION FOR A CONDITIONAL USE PERMIT

Applicant Cynthia Rose Payne Case No. _____

Owner _____ Map No. _____

Address 1113 Ellen Dr. Parcel No. _____

Based on the powers and jurisdiction of the Goodlettsville Board of Zoning and Sign Appeals as set forth in Title 14, Chapter 14, Section 14-213(9) of the Municipal Code, a conditional use permit is hereby requested for a (type of use): to keep 4 children in my home

At (physical address): 1113 Ellen Dr.

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

Cynthia R Payne
Owner Signature (if Different from Applicant)
Cynthia R Payne
Print Name of Owner/Applicant

Cynthia R Payne
Applicant (Signature)
1113 Ellen Dr.
Address
Goodlettsville, TN 37072
City ST Zip
429-867-8511
Phone (Daytime)
rosenbloom1978@gmail.com
E-Mail Address

1. REQUIRED APPLICATION FEE \$200.00.
2. ATTACH ALL REQUIRED PLANS AND SUPPORTING DOCUMENTS. (See Attached)
3. THE APPLICANT WILL BE NOTIFIED OF THE APPEALS BOARD MEETING DATE.

ACTION TAKEN: _____ DATE: _____

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

Applicant Dan Neilson Date _____
Owner Kenjoh Outdoor Advertising, LLC Map No. _____
Address 928 Haverhill Rd., Troy, OH 45373 Parcel No. _____

Application Type: (Check Types that apply)

Conditional Use _____ Variance _____
Administrative Appeal X Temporary Use _____ •

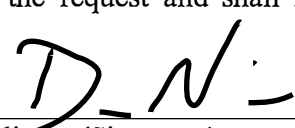
Request Summary:

Appeal to Goodlettsville Board of Zoning and Sign Appeals of the May 3, 2022 decision of
Addam McCormick, Goodlettsville Planning Director, denying application of Kenjoh Outdoor
Advertising, LLC dated March 30, 2022 for a pole sign

at (physical address) I-65/Exit 96 Rivergate Parkway, CSX ROW

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)
928 Haverhill Rd.
Address
Troy OH 45373
City ST Zip
937-935-4125
Phone (Daytime)
dan@kenjohoutdoor.com
E-Mail Address

1. REQUIRED APPLICATION FEE \$200.00.
2. ATTACH ALL REQUIRED PLANS AND SUPPORTING DOCUMENTS.

ACTION TAKEN: _____ DATE: _____

ARGUMENT AND AUTHORITIES IN SUPPORT OF KENJOH'S APPEAL

On March 30, 2022, Kenjoh Outdoor Advertising LLC ("Kenjoh") submitted an application for a double face, ground, static, pole sign of 227 SF and 100' tall, to be erected on the CSX Railroad right of way near the I-65 Exit 96 Rivergate Parkway, to the Goodlettsville Planning Commission. However, the City's sign regulations, Section 14-305(2)(a) and (b), authorize as of right a pole sign of size of 175 SF and 60' tall, and indeed, Kenjoh's representative John actually requested this revised and reduced size and height orally, as well as eliminating the sign display alleging facing adjacent residences, at the May 2, 2022 hearing. Otherwise, Section 14-305(2)(a) and (b) require the City's Planning Commission to review and rule on requests for larger and taller signage in the so-called "Interstate Sign Zone", which includes Kenjoh's proposed site on the railroad right of way adjacent to I-65.

The Planning Commission, under the Section, is to rule on the request based on "the pole signs ... to be located between the back of the primary building and the rear property line," and "the visibility of the increased signage height from the adjacent residential areas." By letter dated May 3, 2022 from Addam McCormick, Goodlettsville Planning Director, Kenjoh's application was denied. The foregoing are the grounds for the Planning Commission's denial.

The denial should be overturned and Kenjoh's application granted for several reasons. First, Kenjoh's request is to erect the sign in the railroad right of way, which contains no buildings and is otherwise vacant, as established by the aerial photograph attached as Exhibit 1, where the proposed sign is indicated by a red star. Despite the Planning Commission's denial and rationale, the City's sign code actually permits signs on vacant land. Specifically, Section 305.4 provides as follows: "Other Signs Vacant parcels of land may have erected thereon one (1) sign of any type that is not otherwise prohibited by Section 303.6. The maximum size sign shall be twenty (20) square feet, and the maximum height shall be ten (10) feet. All other pertinent provisions of Section 305.1 remain as applicable." Thus, the denial reference to "the proposed high-rise pole signage not being associated with a primary use/building on the CSX right-of-way property" is a misinterpretation of the City's sign regulations and incorrect. Instead, there is no requirement in the regulations to analyze requests for increased size or height in signage based on the existence of buildings on the property, as imposed by the Planning Commission.

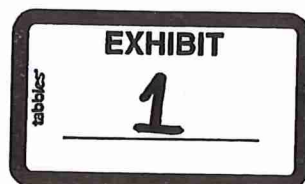
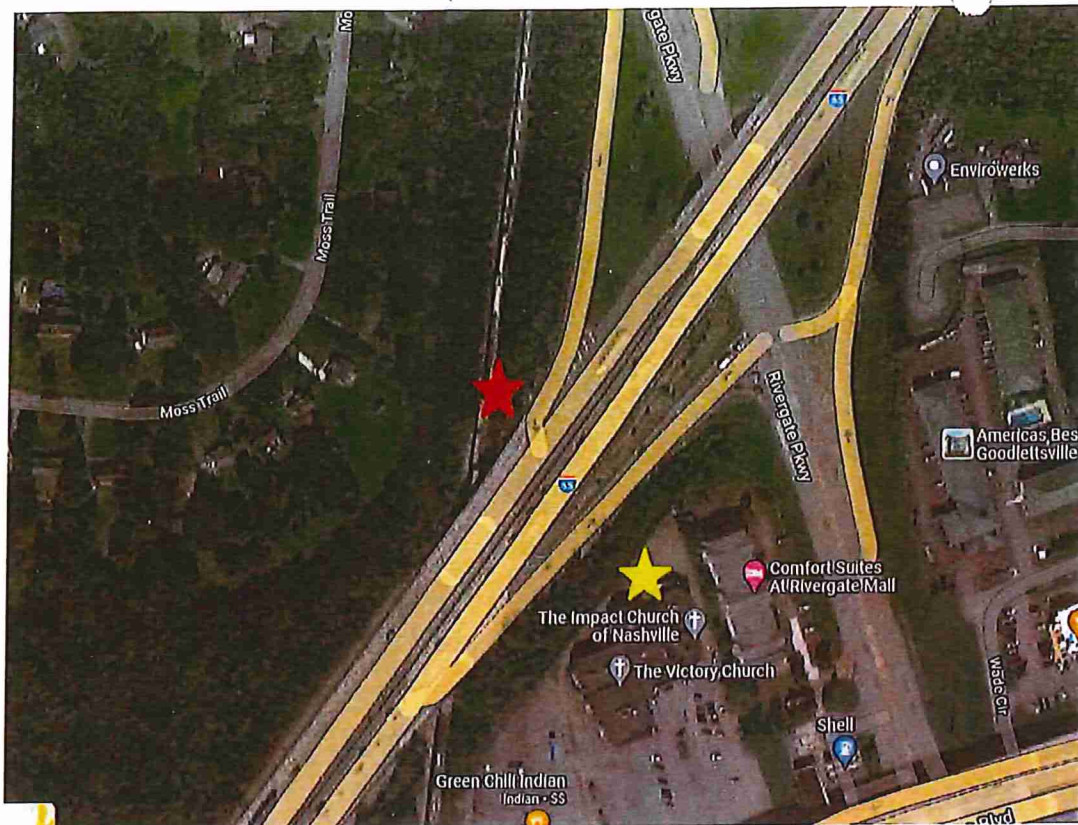
Second, and similarly, Kenjoh amended its request at the May 2nd hearing to reduce the height and size of the proposed signage to 60' tall and 175 SQ in size. The May 3rd letter from Mr. McCormick acknowledges such an oral revision at the hearing. And, importantly, such a height and size are permitted as a matter of right, and therefore don't require the approval of the Planning Commission, under the City's sign code. Therefore, the request should have been granted.

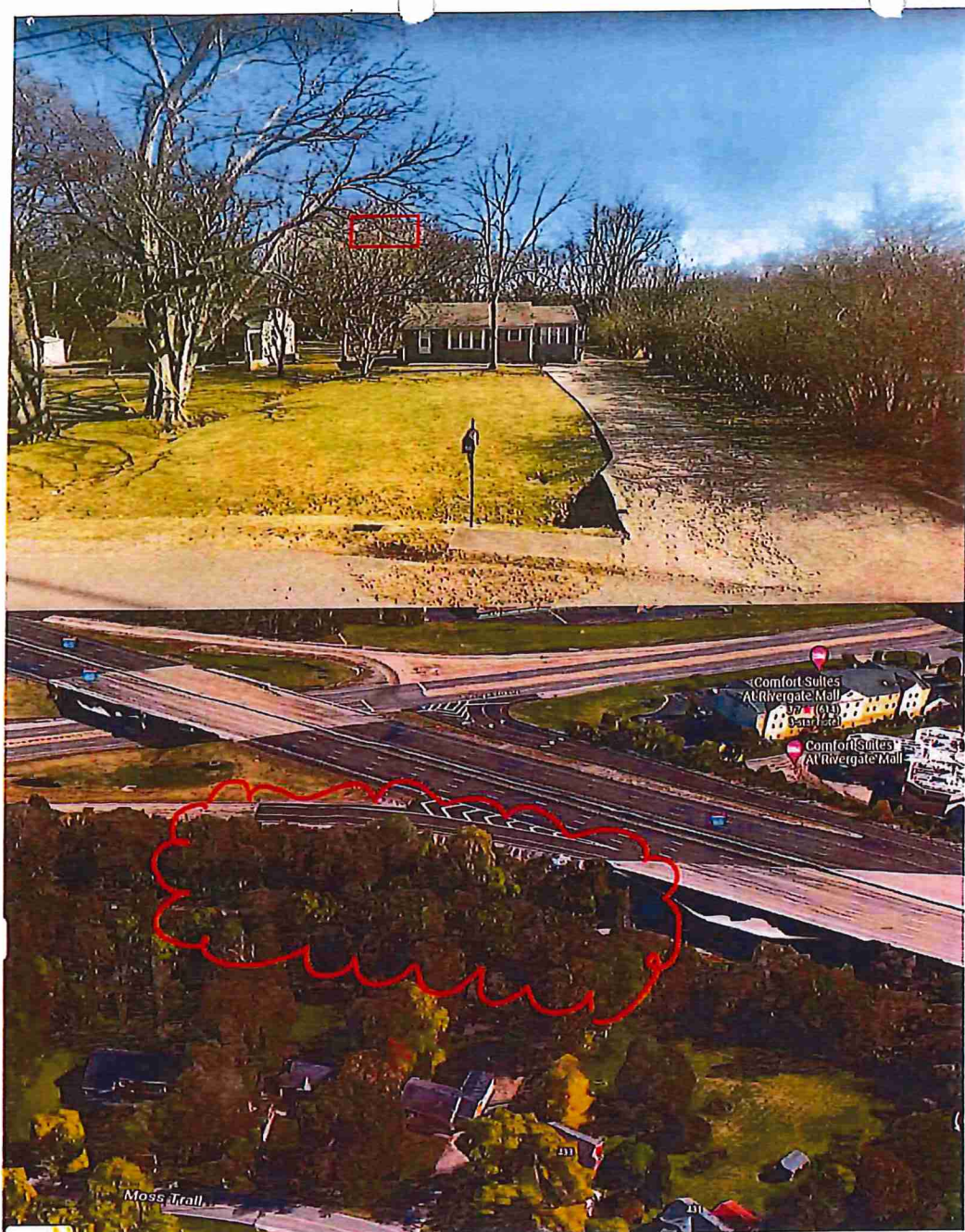
Third, the practical reality is that any residences are already next to the railroad tracks, such that Kenjoh's proposed billboard in the CSX Railroad right of right of way is a consistent land use for such an area. Further, attached as Exhibit 2 are photographs from the ground and air, depicting the proposed sign site and the residences "adjacent thereto." As is readily apparent, those residences will not even be able to see the proposed billboard, which will instead be completely blocked by exiting trees. And, as an additional accommodation, Kenjoh offered at the May 2nd hearing, and reiterates here, to eliminate the display otherwise facing these residences, and to erect a mere single face sign.

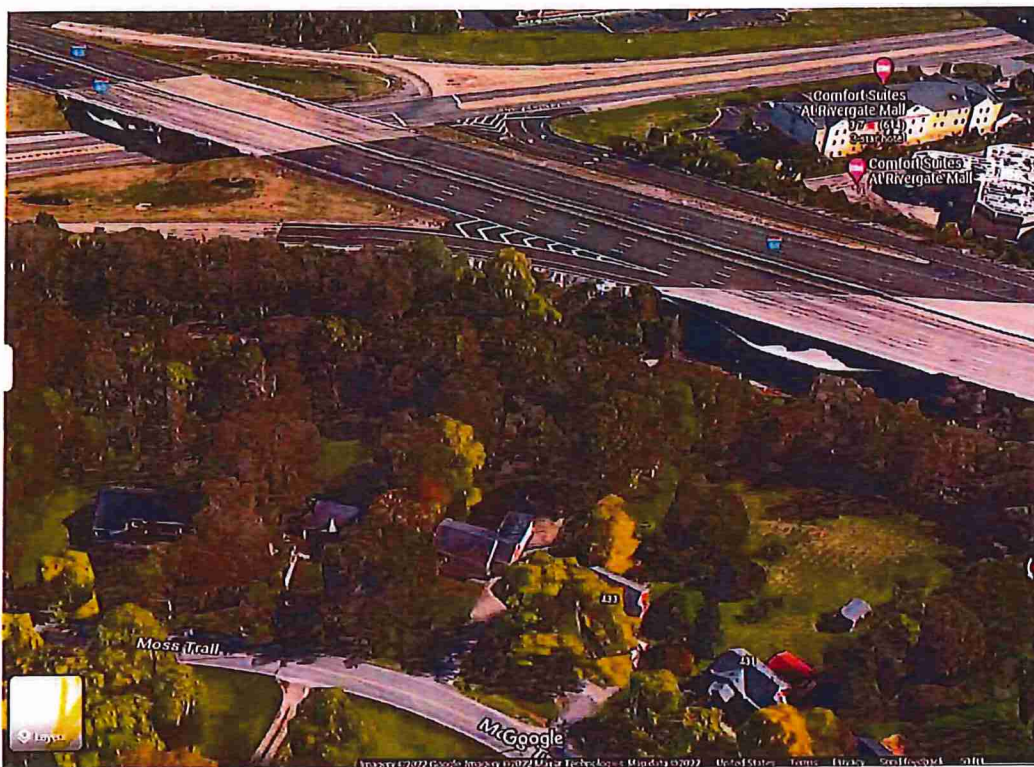
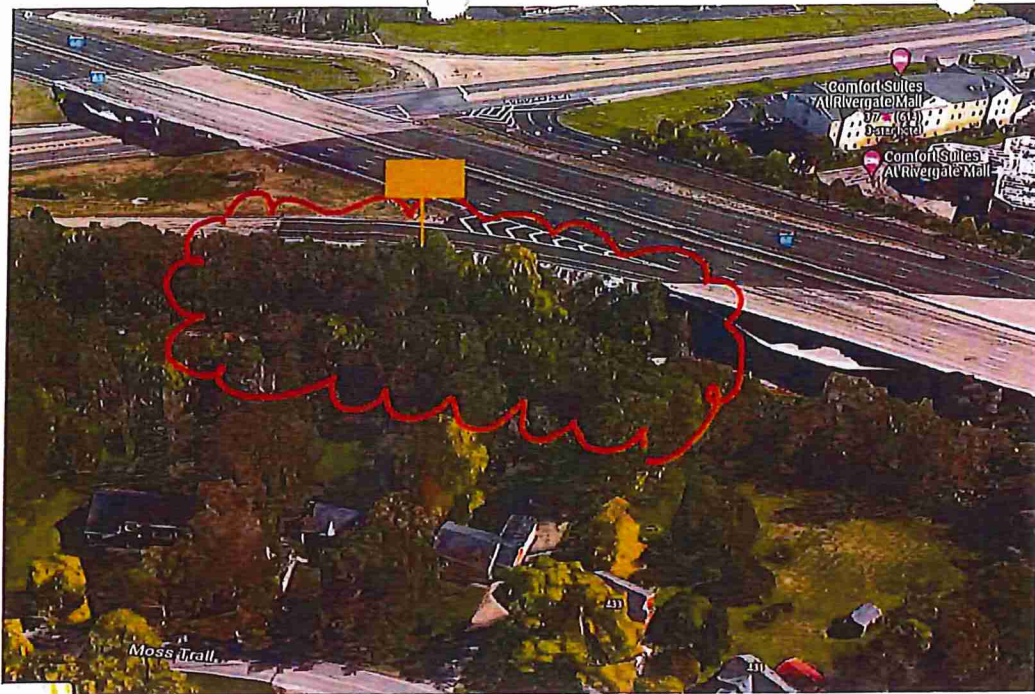
Fourth, the City has granted permission for the erection and maintenance of two other signs owned by competitors in the same vicinity as that it denied to Kenjoh. Those signs are depicted on attached Exhibit 3, and indicated as orange and pink stars. If competitor's signs have been authorized in much more prominent locations, Kenjoh's more modest request to erect a smaller, shorter, and single face sign on railroad right of way ought to be granted.

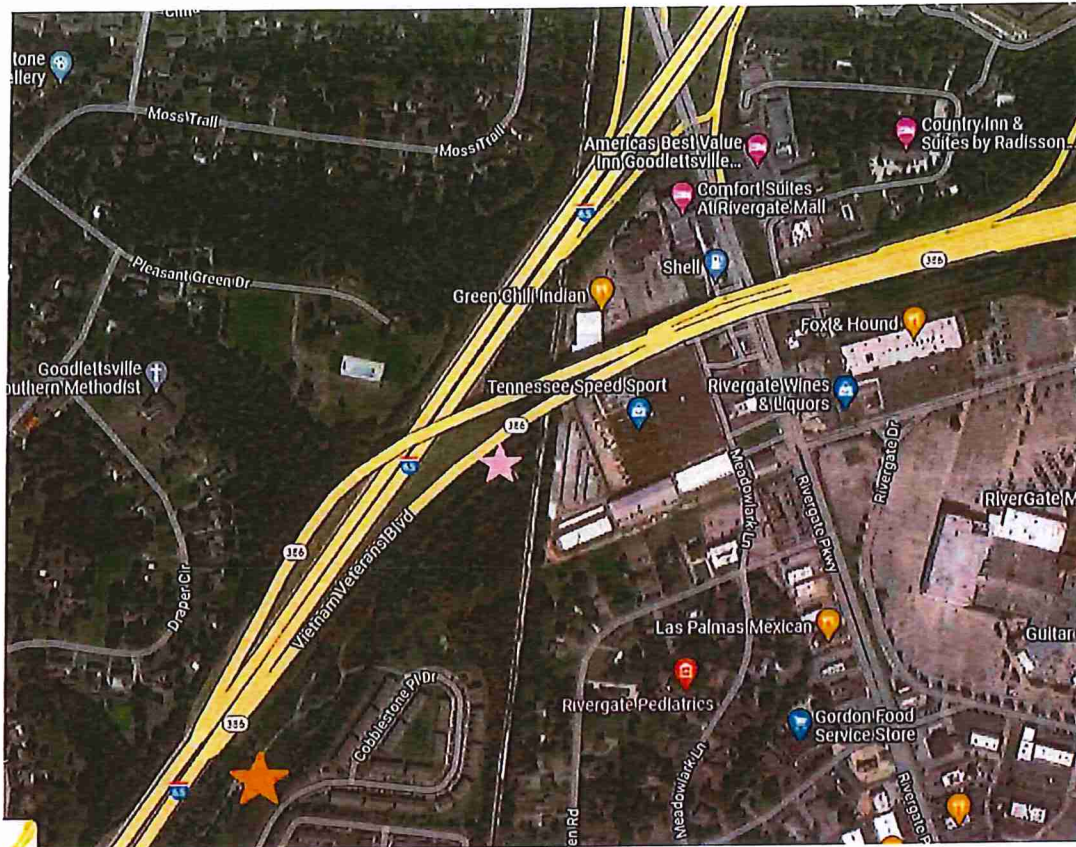
Finally, the site and sign proposed by Kenjoh is in full compliance with the regulations imposed by the Tennessee Department of Transportation ("TDOT"). Upon the grant of the corresponding permission from Goodlettsville, Kenjoh will secure the TDOT permit. Indeed, Kenjoh will condition the City's issuance of permission on this appeal upon the eventual grant of the permit from TDOT.

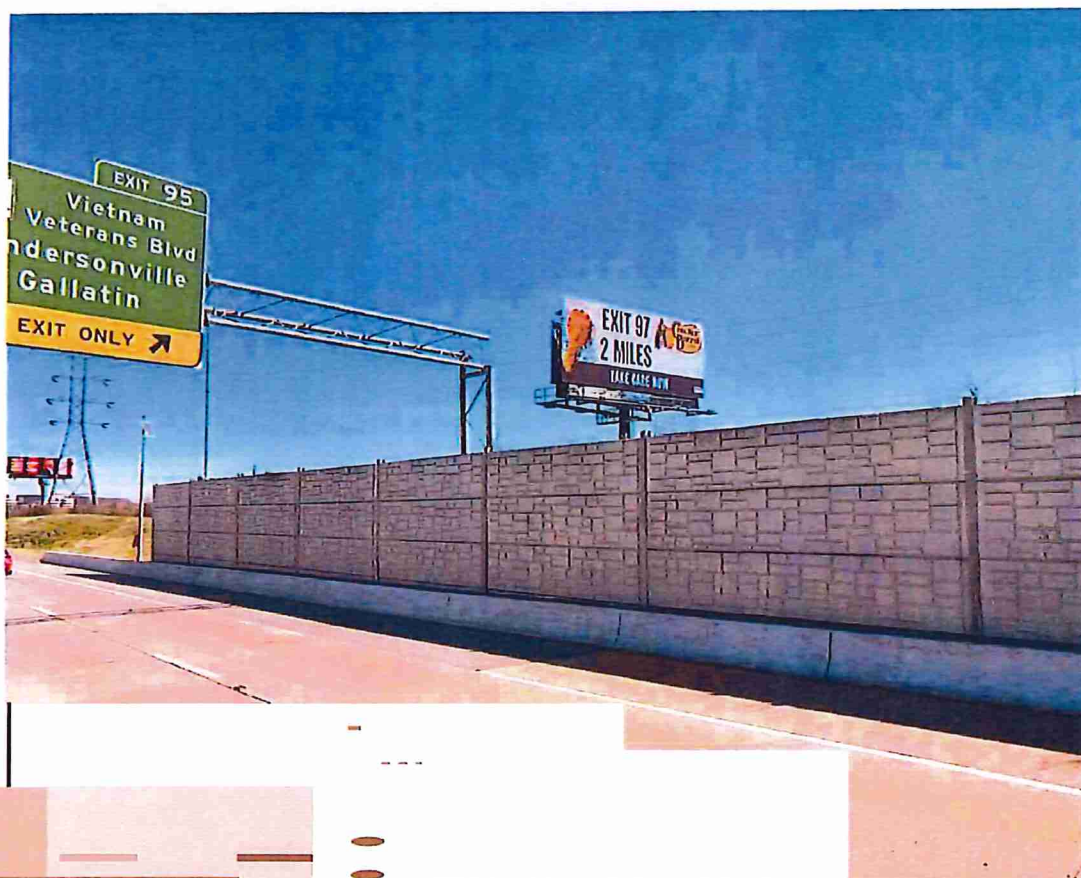
In short, Kenjoh's application is consistent with the legal requirements imposed by Goodlettsville's sign and zoning codes, and it is supported by the practical realities of surrounding land uses and competition. Therefore, Kenjoh respectfully requests that the May 3, 2022 denial of its application be overturned, and that it be granted the amended and reduced request for its permit.











Fee _____
Date _____
Sign District _____

Permit No. _____
Map _____
Parcel No. _____
Zoning _____
County _____

Application For Sign Permit

CITY OF GOODLETTSVILLE, TENNESSEE

JOB ADDRESS See attached - CSX rail property running N/S under I-65 at exit 96				OWNER JOB ADDRESS	
1. OCCUPANT Kenjoh Outdoor Advertising, LLC					
2. OWNER CSX RAIL	MAIL ADDRESS 16 Scott Drive - Churchville PA	ZIP 18966	PHONE 215-357-3908		
3. CONTRACTOR	MAIL ADDRESS	PHONE	LICENSE NO.		
4. ARCHITECT OR DESIGNER Jon Odom - ProFab	MAIL ADDRESS 2332 Flatley Rd, Richmond IN 47374	PHONE 765-966-2896	LICENSE NO.		
5. WORDING					
6. TYPE ILLUMINATION (FLASHING PROHIBITED) Digital Off-premise billboard		TYPE PERMANENT SIGN Digital Off-premise billboard			TEMPORARY
7. PROJECTING	WALL	SINGLE FACE	MARQUEE		
GROUND	POLE Yes	DOUBLE FACE Yes	OTHER		
8. ESTIMATE OF VALUATION OF WORK \$250,000		EXISTING SIGNS none			
APPROVAL	FOOTING	FINAL	ISSUED BY		
SPECIAL CONDITIONS					

WALL SIGN	
TOTAL SQ. FT.	

NOTICE

THIS PERMIT BECOMES NULL AND VOID IF WORK ON CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 3 MONTHS.

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT, THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT

DATE

SIGNATURE OF OWNER (IF OWNER BUILDER)

DATE

FREESTANDING SIGN

TOTAL SQ. FT.	
R.O.W.	

Our location is within the interchange sign overlay on the zoning map attached

Based on the following ordinances and our distance from roadway providing direct access we feel we are allowed a 30% increase in sign area equal to 227.5sqft and a height of 100 feet

(b) The maximum display surface area for a pole sign shall be

one hundred seventy-five (175) square feet. *The Planning Commission in review of a project site plan for a property within the Interstate Sign Zone designated areas may permit an increased sign area (not an increased sign height) for a high rise sign based on the distance the high rise sign is located from the roadway providing direct access to the property per the following sign area increases. The Planning Commission shall review all requests for increased sign area subject to protecting the streetscape appearance of the roadway providing direct access to the property with the sign and the visibility of the increased signage area from adjacent residential areas. A high rise sign located between 200 feet and 300 feet from the roadway providing direct access may be permitted a ten (10%) sign area increase in sign area, 300 feet -400 feet from roadway providing direct access may be permitted a twenty (20%) percent increase in sign area, and a sign exceeding 400 feet from the roadway providing direct access may be permitted a maximum thirty (30%) percent increase in sign area.*

(a) Signs installed under this section, the maximum height for

a pole sign shall be sixty feet (60') and the minimum height shall be forty

feet (40') and the pole sign is to be located between the back of the

primary building and the rear property line unless the property contains

site limitations that prevent the sign installation and if the sign location

would create limited sign visibility as determined during site plan review. *The Planning Commission in review of a project site plan for a property within the Interstate Sign Zone designated areas may permit an increased sign height for a high rise sign based on the distance the high rise sign is located from the roadway providing direct access to the property per the following sign area increases and the visibility of the sign height from the interstate and interstate ramps. High rise signs that are permitted to be reviewed for increased height shall include a majority portion of the sign area within fifty (50') feet of the interstate right-of-way. The Planning Commission shall review all requests for increased sign height subject to protecting the streetscape appearance of the roadway providing direct access to the property with the sign and the visibility of the increased signage height from adjacent residential areas. A high rise sign located between 200 feet and 300 feet from the roadway providing direct access may be permitted a maximum height of seventy (70') feet sign height, 300 feet -400 feet from roadway providing direct access may be permitted a maximum sign height of eight (80') feet, 400 feet-600 feet from the roadway providing direct access may be permitted a maximum ninety (90') feet height, over 600 feet may be permitted a maximum sign height of one hundred (100') feet.*



500 Water Street
12th Floor
Jacksonville, FL 32202
(904) 279-3826

Karen P. Clarke
Real Estate Analyst - Leasing

November 3, 2021

Mr. John Kirirah
Kenjoh Outdoor Advertising, LLC
2801 E. Camelback Road
Suite 450
Phoenix, AZ 85016

Dear Kirirah;

This Letter Agreement shall serve as authorization for Kenjoh Outdoor Advertising, LLC ("Kenjoh Outdoor") or any party acting on their behalf to apply for any, and all local and state permits necessary to construct a signboard on CSX Transportation, Inc. ("CSXT") property or properties as identified on Exhibit A and shown on Exhibit A1 (the "Site(s)").

In consideration for this Letter Agreement, Kenjoh Outdoor shall pay to CSXT a one-time fee in the amount of ONE THOUSAND AND 00/100 U.S. DOLLARS (\$1,000.00) for each location identified on Exhibit A, plus any applicable sales or rental tax thereon, upon the full execution of this Letter Agreement (Effective Date). Commencing on the Effective Date, the Site(s) shall be secured for a period of two years.

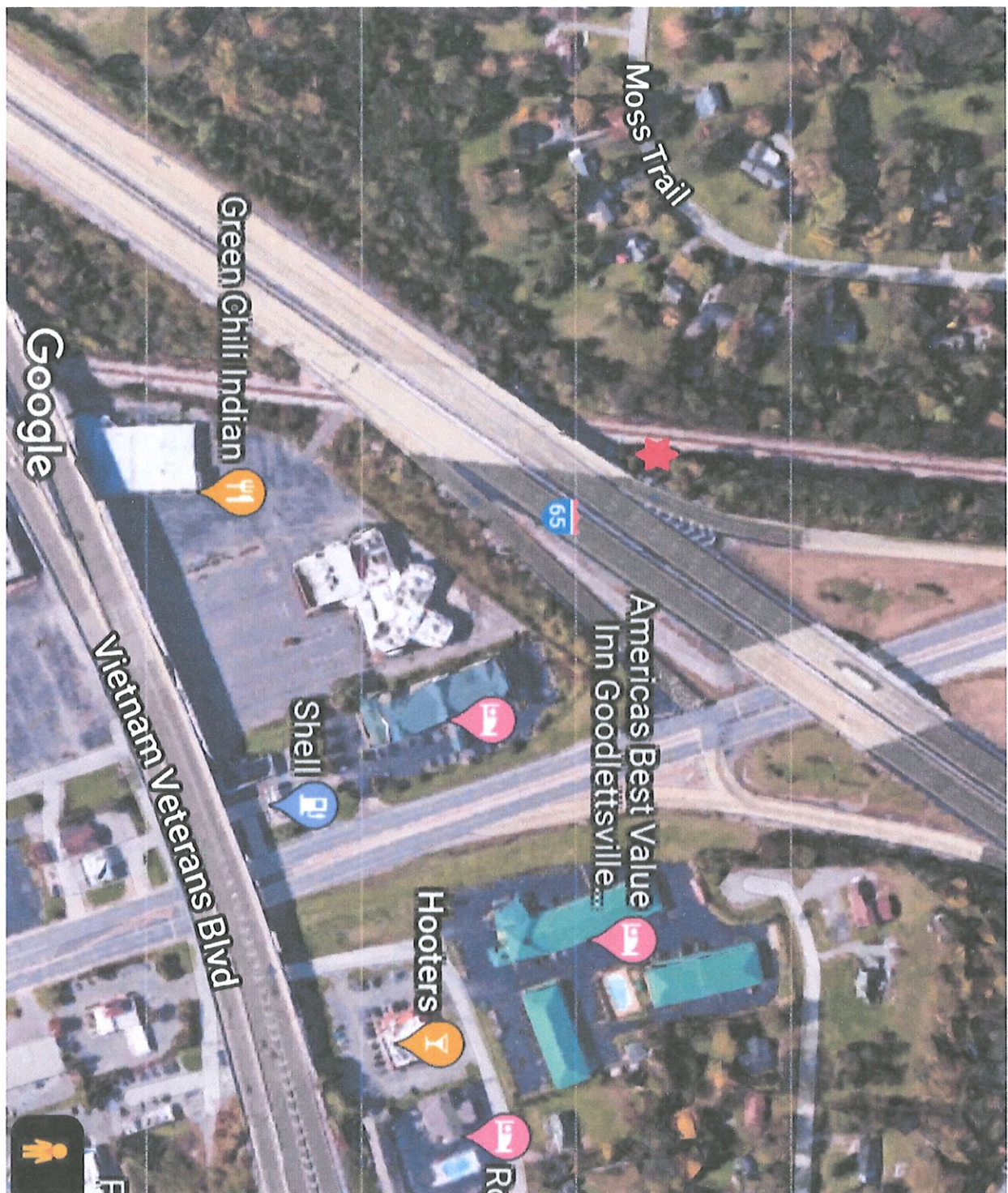
Upon receipt of the required permits for a Site(s), Kenjoh Outdoor shall enter into the CSX's standard form License Agreement, attached hereto as Exhibit B.

If you have any questions relative to this correspondence please do not hesitate to contact us at the number listed above.

Sincerely,

Karen P. Clarke

EXHIBIT A
(Site Location Maps and Aerials)



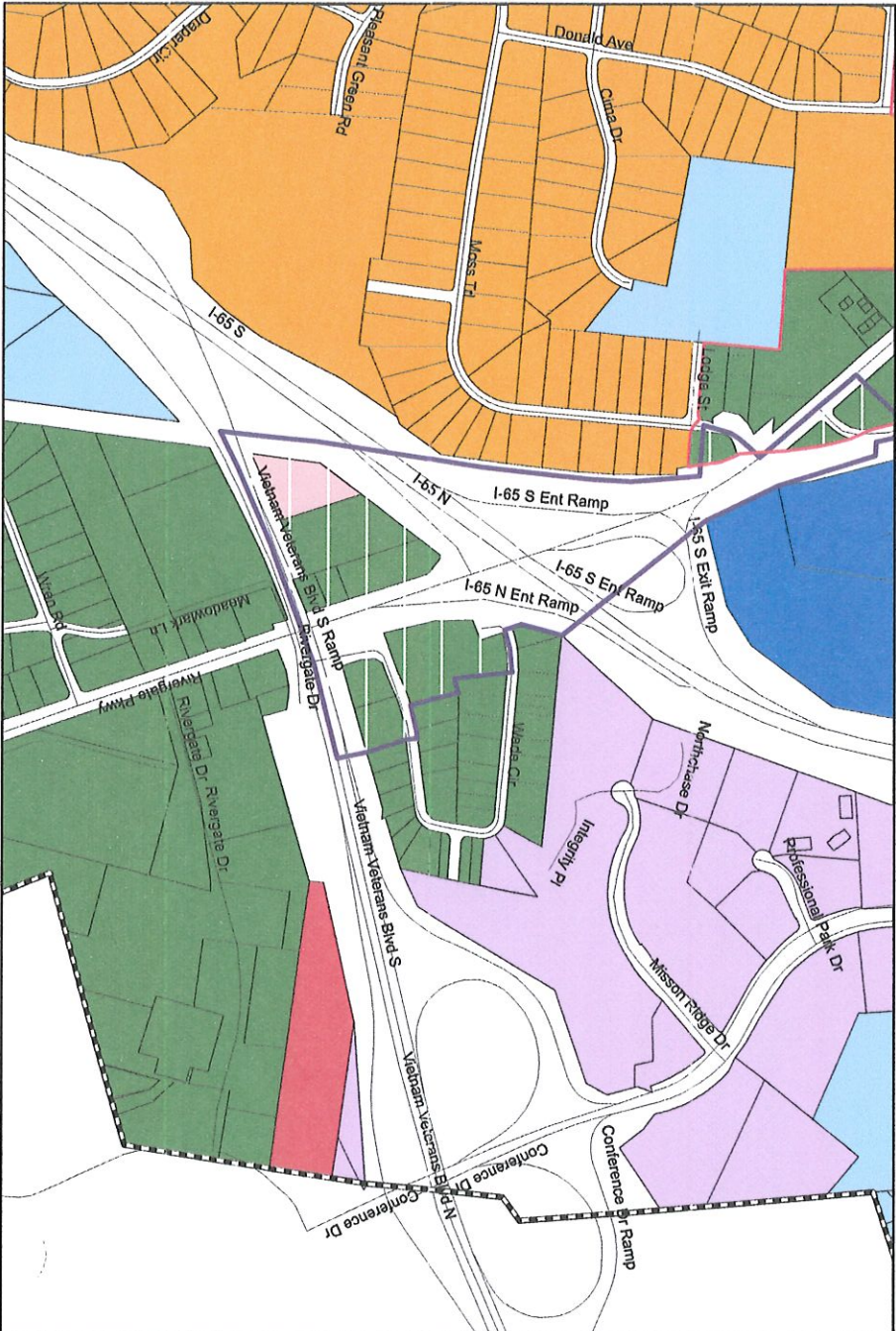


Legend

-  City Limits
-  CCO
-  INT OVERLAY
-  Zoning Line
- Parcels**
- Zone**
-  CC
-  CG
-  CPUD
-  CPUDL
-  CS
-  CSL
-  IG
-  IR
-  HDRPUD
-  LDRPUD
-  MDRPUD
-  R10
-  R15
-  R25
-  R40
-  R7
-  ROPUD
-  A
-  GOPUD
-  OP

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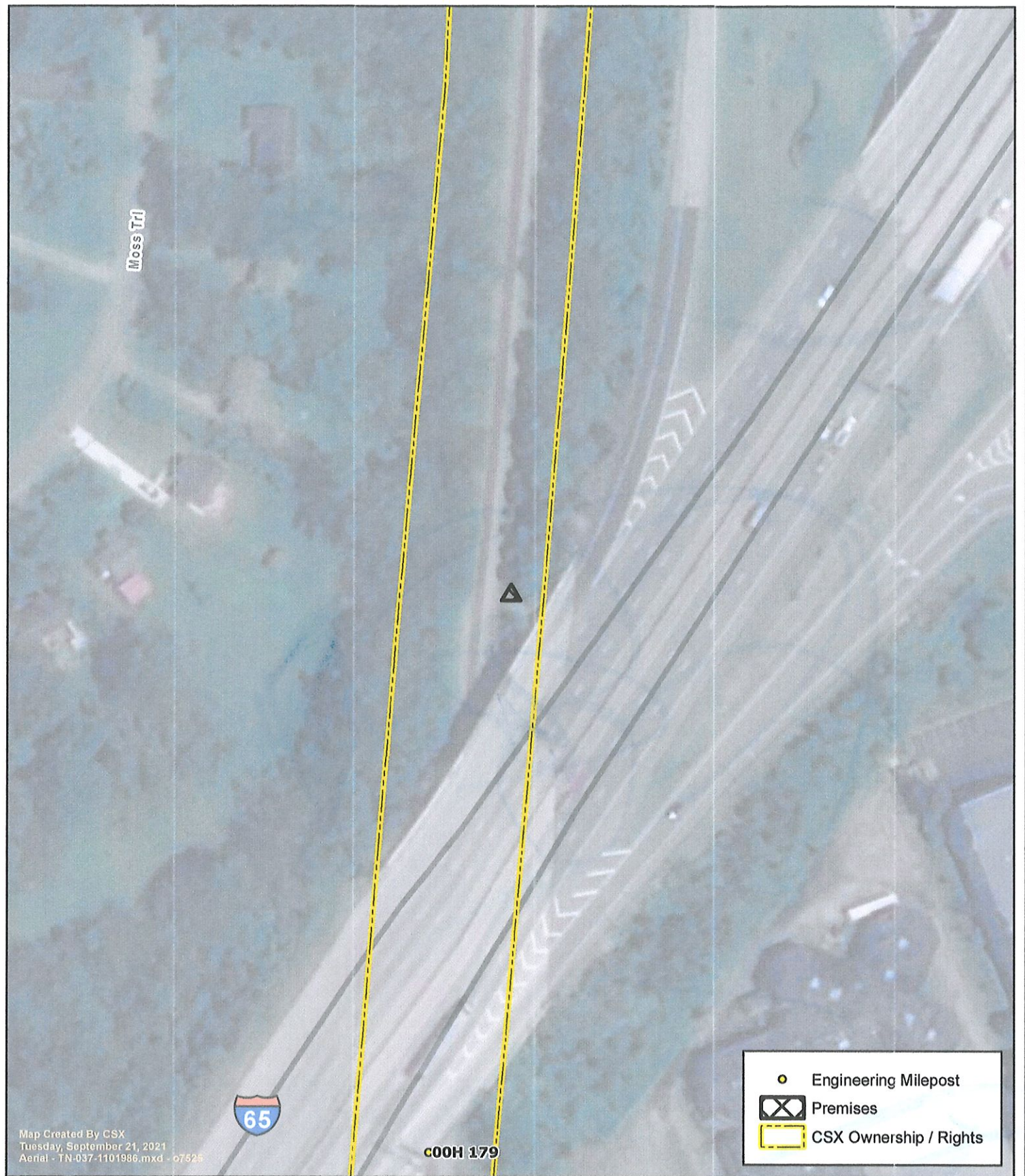
Continued on Page 21



Continued on Page 32

Continued on Page 23







Department of Planning and Codes/Building Safety

April 8, 2022

Kenjoh Outdoor Advertising, LLC

The sign permit application dated 3-30-2022 received on April 1, 2022 for a pole sign on CSX right-of-way/property adjacent to I-65 at proposed sign height of 100' in height and 227 sq. ft is currently being reviewed regarding if the sign ordinance section is applicable to right-of-way property since the sign is proposed with no relation to a primary building on the property and on rail road right-of-way property. Per the City of Goodlettsville Zoning Ordinance Sections 14-305 (2)(a) and 14-305 (2)(b) (Ordinance 20-971- June 11, 2020/ Ordinance 21-991-April 8, 2021) the City's Planning Commission review is required for the proposed sign. The Planning Commission review is scheduled for Monday May 2, 2022 at 5 pm at Goodlettsville City Hall at 105 S. Main Street.

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 thirty (30) days of the receipt of this letter. The City's Zoning Ordinance 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.

Addam McCormick
Goodlettsville Planning