

**OFFICIAL MINUTES OF THE GOODLETTSVILLE**  
**BOARD OF ZONING AND SIGN APPEALS**

**Date:** June 6, 2017

**Time:** 5:00 P.M.

**Place:** Massie Chambers- Goodlettsville City Hall

**Members Present:** Chairman Tom Mosier, Owen Sanders, Edgar Lowe, William Carter, Commissioner Rusty Tinnin

**Absent:** All present

**Also Present:** Addam McCormick, Tim Ellis, Commissioner Zach Young, Jeff McCormick, Rhonda Carson, and others

Chairman Tom Mosier called the meeting to order and welcomed Commissioner Rusty Tinnin to the Board. He announced that Rusty Tinnin will be replacing Commissioner Zach Young as the City Commission representative for the Board of Zoning and Sign Appeals. He thanked Commissioner Young for his four years of service to this Board.

Edgar Lowe made a motion to approve the minutes of the April 4, 2017 Board of Zoning and Sign Appeals meeting as written. William Carter seconded the motion. The motion passed unanimously 5-0.

**Item #1 {PUBLIC HEARING}**

**Christina Rodriquez, Property Representative:** Requests an administrative appeal of a zoning notice regarding a home occupation business at 500 Moncrief Ave. Property is zoned R-25, Low Density Residential Zoning District. Property is referenced as Davidson County Property Tax Map/Parcel # 02503001100 and contains 9.89 acres. Liset Macias-Rodriquez, Property Owner.

Addam McCormick, Director of Planning and Development Services reviewed the request. He stated the request by Christina Rodriquez is an administrative appeal of a zoning notice regarding a home occupation business at 500 Moncrief Avenue.

Mr. McCormick showed the residential home and property at 500 Moncrief Ave. The house is newly built within the last year and the property is 9.89 acres and zoned R-25, Low Density Residential.

He explained that staff received a complaint at the end of March regarding a home occupation business that possibly exceeded the criteria for home office business. Staff gave a timeline of events for the Public Hearing by ordinance:

April 19, 2017-Formal violation notice sent to owner

April 24, 2017-Owner requested an administrative appeal request

May 17, 2017-Public Hearing advertised in Goodlettsville Ledger

May 24, 2017- Public Hearing signs installed on site

May 26, 2017-Adjoining property owner notices sent

Staff reviewed the appeals section of the Administrative appeal 14-213. Administration and Enforcement.

Staff reviewed the requirements for home occupation according to the City of Goodlettsville Zoning Ordinance Section 14-208.

Staff explained this particular complaint was based on the occupant of 500 Moncrief operating an educational business. The complaint was referenced to an on-line sign up discussing class size being twelve (12) students. Staff stated they observed gravel going to the property. Mr. McCormick stated with this information a notice was sent based on it exceeding the traffic generated from a neighborhood by a home business. He explained that the Zoning Ordinance does not define what traffic is in a neighborhood. A standard engineering manual is used (transportation engineer) and considered when doing traffic studies, the average to be ten (10) traffic trips a day per house.

Mr. McCormick presented pictures submitted by Ms. Rodriguez showing the gravel parking area. He stated she would clarify what this gravel parking area is used for (Madison Utility District fill site). He also presented pictures of the vehicles associated with the site. He stated staff was invited by Ms. Rodriguez to the site to review when a class was in session. The class is held once a month and staff estimated fifteen (15) students in attendance for the session with eight (8) cars in the parking area.

Mr. McCormick stated with this information, staff made the determination that this business did not meet the provisions and intentions of the home occupation section of the zoning ordinance.

Ms. Christina Rodriguez represented the request. Ms. Rodriguez described that she is a nurse and the business she is operating, teaches clinical procedures for student nurses in order to pass their clinical test. She stated the teaching environment in which classes are held at her home are very quiet and at no time are they loud or rowdy. She holds a nursing workshop once a month for three (3) days (Friday, Saturday, and Sunday). She has approximately sixteen (16) student nurses that come to her house to study, doing assessments and procedures, and classes are held in the basement area of the house. She stated that usually seven (7) or eight (8) cars are normal to be in the parking area when a class is in session. She also has a personal van that she uses to transport some students back and forth from the hotel to her property. She explained that the rest of the month of teaching was all performed on-line, and no other classes are held on the property. She stated she has no signs on the property and does not advertise for her classes, and registering is done on-line as a tutoring service. She did not feel that the classes disturbed any neighbors and she did not feel that she is violating any requirements of the home occupation regulations.

Ms. Rodriguez stated she understood the concern to be the gravel area at the property. She explained the property to be ten (10) acres with a lot of hills. Madison Utility District had an agreement with the previous owner, and over the years, they have been dumping rock and dirt at

the site. She stated after she bought the property, she received permission from Public Works to continue to allow Madison Utility District to dump at the site. She has a verbal agreement with Madison Utility District to continue disposing on the site.

Ms. Rodriquez presented pictures to the Board showing the property area where the dumping was taking place. The pictures also showed the landscaping of the property and she stated her goal was to continue improving the property. She discussed installing a gate at the front of the property to prevent unwanted visitors from accessing her property.

Chairman Tom Mosier and Ms. Rodriquez discussed the Madison Utility agreement. Ms. Rodriquez stated she invited Public Works and Addam McCormick to visit the site. She stated that Public Works determined it was an open site and she could continue to fill. Public Works also recommended installing a silt screen (fence), which she did.

Mr. Edgar Lowe stated his concerns/objections with the area being used as a business according to the requirements for home occupations such as:

- (i) No other person other than members of the family residing on the premises shall be engaged in such occupation
- (iii) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation
- (ix) No home occupation shall require internal or external alterations, construction features, or the use of any equipment that would change the fire rating of a structure
- (xi) The following are specifically prohibited as home occupations:
  - (B) A barber or beauty shop or similar activity where clientele or patrons are served on the premises.

Ms. Rodriquez and Mr. Lowe discussed their interpretations of the ordinance. Ms. Rodriquez stated she would comply with whatever the Board determined, but reminded them that this is her business and how she earns her income.

Mr. William Carter asked how much of the floor space of the home it utilized for the classroom. Ms. Rodriquez responded that the basement area is approximately two thousand (2,000) sq. ft. The space consist of a teaching area, equipment (hospital beds, IV poles) used to teach procedures, nursing equipment, and an office.

Commissioner Tinnin stated he was concerned with allowing this home occupation because other citizens of the City may have been denied for similar home occupations or it could open the door for unwanted businesses in residential areas.

Edgar Lowe discussed the percentage of the home that was being used for the home occupation. Ms. Rodriquez stated the entire basement was not being used. Mr. McCormick clarified that according to the ordinance, no more than twenty-five (25) percent of the home could be used.

Chairman Mosier stated that in his opinion, he felt the ordinance regarding home occupation was vague.

Chairman Mosier opened the Public Hearing at this time and advised the audience to keep each comment to two or three minutes.

Jerry Garrett, resident of Moncrief Avenue addressed the Board. He complimented the home that Ms. Rodriquez built and it being a nice addition to the City. He expressed his concerns regarding zoning laws and protecting the residential area. He also was concerned that the number of students could increase and add more traffic to the area. He thought it could set a precedent for profit home businesses and be detrimental to residential zoning.

Wayne Ouellette, resident of Moncrief Avenue addressed the Board. His concerns were a commercial business operating in a residential area which could increase traffic and trash along the road.

Ms. Rodriquez discussed her closest neighbor to her property. The neighbor could not attend the meeting, but had called the City office to express her support of the business. Ms. Rodriquez clarified that at no time would she ever have more than sixteen (16) students and if parking and traffic were a problem, she could transport the clients back and forth in her van.

Addam McCormick clarified for Chairman Mosier that as a Zoning Administration, they made the decision, according to the provisions of the home occupation requirements to send the violation letter. The scale of the home occupation was not within the ordinance. He explained that Ms. Rodriquez appealed that decision. If the Board approves the appeal, it would allow the business. If the Board denies the appeal, the zoning order would stand.

Commissioner Zach Young informed the Board that he was the person who received the initial complaint of the business and he forwarded it on to staff. He described the complaint as a neighboring property owner being concerned with this residential owner/ home being out of compliance with the home occupation regulations. He thought there were multiple violations of the regulations. He was glad to have this business in Goodlettsville, but thought it would be better suited in a commercial area/building.

Chairman Mosier called for a motion regarding this administrative appeal.

Based on discussion had at this meeting, Edgar Lowe made a motion to deny the request based on the home occupation being in violation of the following:

1. Having multiple people involved in the occupation
2. Greater than twenty-five (25) percent of the dwelling is being used for the home occupation.
3. Outside appearance of the property has been changed and used as a parking lot
4. Clients and patrons are being served on the premises.

Motion was seconded by Owen Sanders. The motion passed with four voting to deny, and Chairman Mosier voting to abstain.

Addam McCormick clarified that the on-line education service is not the issue, but the scale of the current business. He informed the Board that this was the final authority of the City, and Ms. Rodriguez would not have the option to come back before the Board.

Ms. Rodriguez thanked the Board members and stated she would proceed with counsel.

Owen Sanders made a motion for adjournment. Rusty Tinnin seconded the motion. The meeting adjourned at 6:00p.m.

  
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Tom Mosier, Chairman

  
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Rhonda Carson, ECD Assistant