

MINUTES OF THE MEETING
GOODLETTSVILLE BOARD OF ZONING APPEALS

Date: July 17, 2006

Time: 5:00 PM

Place: City Hall, Conference Room

Members Present: Tom Mosier, Owen Sanders, Al Jernigan

Members Absent: Ed Lowe, Glen Garrett

Staff Present: Rick Gregory, Bennie Lane, Vicky Ignatz

Also Present: Johnny and Cynthia Cantrell, David Bartley, Bill Bostick, Kelly Nelson, Randall Parker, Tony Azimipour, Jim Parker and others

Item #1 - The meeting was called to order by Chairman Tom Mosier. Motion by Sanders to approve the minutes of the May 30, 2006 Special Called Meeting of the Goodlettsville Board of Zoning and Sign Appeals. Motion seconded by Jernigan. Motion passed unanimously, 3-0.

Item #2 – CASE NO. 06-07-505 – Consider the request for a variance to the Goodlettsville Zoning Ordinance for side yard setback requirements in the R-7 Zoning District for Davidson County Tax Map 18-16, Parcel 59, 416 Bell Street, Goodlettsville, TN.

Analysis – Staff reviewed. Gregory reported this request concerns rebuilding a house destroyed by the April 7, 2006 tornado. The lot in question is approximately 60' wide by approximately 100' deep. The owner wishes to construct a 40' wide house. The property is zoned R-7, which calls for a 30' front yard, 9' side yard and 20' rear yard. Property records indicate the house destroyed in the storm to be located somewhat closer to the north property line than the south property line. No specific dimensions for requested variances are mentioned. Accommodation to rebuild on this lot is certainly in order. The only suggestion from staff is to consider the work currently underway on looking at the existing right-of-way for Bell Street and any improvements that may come from that work, such as street widening and sidewalks. With that said, staff certainly has no problems in recommending all reasonable variances needed to accomplish the rebuilding of the proposed house on this lot.

Discussion - Mosier stated that due to the owners applying for a loan application with the Small Business Administration for rebuilding of their home, the board's responsibility is to acknowledge that any reasonable setback variance request for the 60 feet x 100 feet lot will be considered for approval.

Action of the Board - Motion by Jernigan to permit the applicant to rebuild on the non-complying lot described as 60 feet x 100 feet, Davidson County Tax Map 18-16, Parcel 59, 416 Bell Street, Goodlettsville, TN 37072 with the condition that reasonable variances, which might result to accomplish the rebuilding of the proposed house on this lot, will need to be submitted to Goodlettsville Board of Zoning and Sign Appeals for consideration. Motion seconded by Sanders. Motion passed unanimously, 3-0.

ORDER OF THE BOARD

WHEREAS; the public and adjoining property owners have been adequately notified, and

WHEREAS; the Board has determined that the requirements of Chapter 14, Section 14-1408 of the Goodlettsville Zoning Ordinance have been met regarding, and

WHEREAS, the Board has determined that no adverse impact will occur,

NOW, THEREFORE, BE IT ORDERED, to permit the applicant to rebuild on the non-complying lot of record described as 60 feet x 100 feet, Davidson County Tax Map 18-16, Parcel 59, 416 Bell Street, Goodlettsville, TN with the condition that reasonable variances, which might result to accomplish the rebuilding of the proposed house on this lot, will need to be submitted to Goodlettsville Board of Zoning and Sign Appeals for consideration.

Item #3 – CASE NO. 06-07-506 - Consider the request for variances to the Goodlettsville Zoning Ordinance for minimum lot size and side yard setback requirements in the Office Professional Zoning District (OP) for Davidson County Tax Map 26-05, Parcel 135, Two Mile Pike, Goodlettsville, TN. The applicant is David Bartley, 3024 Vicwood Drive, Murfreesboro, TN 37123.

Analysis – Staff reviewed. This request concerns a lot slightly smaller than the zoning district calls for, in this case a legal, non-conforming lot of record. The lot is approximately 13,000 square feet in size, where 15,000 square feet is called for. Also included in the request is relief from side yard and transitional bufferyard requirements. The size requirement is definitely in order, with the lot having been created prior to the zoning district in which it is located. The setback and bufferyard requests are different in that they are not automatically considered restrictions created by the zoning ordinance, but are development driven. Reasonable accommodations on this smaller than anticipated lot are understandable, within reason. If granted, relief from the sideyard requirement might be better suited to this area against the southern property line, which is also zoned OP, Office Professional district. The adjoining property to the north is zoned R15 Residential district, and used residentially. Any sideyard variance would more properly affect the adjoining commercial lot rather than the adjoining residential lot. Any transitional buffering relief should be site plan based so that replacement options can be better evaluated.

Discussion – Sanders agrees with the request for a variance to the minimum lot size. He stated that he would be more comfortable reviewing a full site plan which depicts setbacks, building footprint and landscaping prior to making a decision regarding variance requests relating to transitional bufferyard requirements and setback requirements. Mosier and Jernigan agreed with the assessment.

Action of the Board - Motion by Sanders to grant a variance to the Office Professional (OP) zoning district minimum lot size requirement of 15,000 square feet to a minimum lot size of 12,990 square feet for a non-complying lot of record, Davidson County Tax Map 26-05, Parcel 135, Two Mile Pike, Goodlettsville, TN.

ORDER OF THE BOARD

WHEREAS; the public and adjoining property owners have been adequately notified, and

WHEREAS; the Board has determined that the requirements of Chapter 14, Section 14-1408 of the Goodlettsville Zoning Ordinance have been met regarding, and

WHEREAS, the Board has determined that no adverse impact will occur,

NOW, THEREFORE, BE IT ORDERED, a variance to the Office Professional (OP) zoning district minimum lot size requirement of 15,000 square feet to a minimum lot size of 12,990

square feet for a non-complying lot of record, Davidson County Tax Map 26-05, Parcel 135, Two Mile Pike, Goodlettsville, TN be granted.

Item # 4 – CASE NO. 06-07-507 – Consider the request for a variance to the Goodlettsville Zoning Ordinance for rear yard setback requirements in the LDRPUD Zoning District at 449 Buffalo Run, Sumner County Tax Map 143N-H, Parcel 1. The applicant is Bill Bostick, 132 Joshua's Run, Goodlettsville, TN.

Analysis - Staff reviewed. Gregory reported this request involves the location of a deck at the rear of house currently under construction on Buffalo Run. The house abuts the golf course on the rear, so no other homes are directly affected by this request. At its shallowest point, the deck is approximately five (5) feet deep. At its deepest point, the deck is approximately twelve (12) feet deep with protrudes approximately five (5) feet into the stated rear yard requirement of thirty (30) feet. The recorded plat notes this and other golf course lots to have fifty (50) feet rear yard setbacks. Considering the shallow depth and the restricted building envelop for this lot, the variance request is not excessive.

Action of the Board - Motion by Sanders to grant a rear yard setback variance of five (5) feet in the LDRPUD Zoning District at 449 Buffalo Run, Sumner County Tax Map 143N-H Parcel 1. Motion seconded by Jernigan. Motion passed unanimously, 3-0.

ORDER OF THE BOARD

WHEREAS; the public and adjoining property owners have been adequately notified, and

WHEREAS; the Board has determined that the requirements of Chapter 14, Section 14-1408 of the Goodlettsville Zoning Ordinance have been met regarding, and

WHEREAS, the Board has determined that no adverse impact will occur,

NOW, THEREFORE, BE IT ORDERED, permission in granted to the applicant for a rear yard setback variance of five (5) feet in the LDRPUD Zoning District at 449 Buffalo Run, Sumner County Tax Map 143N-H Parcel 1.

Item #5 – CASE NO. 06-07-510 – Consider the request for possible variances to the Goodlettsville Zoning Ordinance for front and side yard setback requirements in the R-7 Zoning District for Davidson County Tax Map 18-16, Parcel 63, 311 Old Brick Church Pike, Goodlettsville, TN 37072. The applicant is Randall Parker, 311 Old Brick Church Pike, Goodlettsville, TN

Analysis - Staff reviewed. Gregory reported this request concerns rebuilding a house destroyed by the April 7, 2006 tornado. The lot in question measures approximately fifty (50) feet wide by approximately two hundred forty-eight (248) feet deep. The owner wishes to construct a new residence on the premises. The property is zoned R-7, which calls for setbacks of thirty (30) feet front yard, nine (9) feet side yard and twenty (20) feet rear yard. No specific dimensions for the requested variances have been identified by the home owner at this time. The only suggestion from staff is to consider the engineering study currently underway specifically relating to the existing right-of-way for Old Brick Church Pike and any improvements that may result from any recommendations from the study, such as street widening and sidewalks. With that said, staff has no problems in recommending all reasonable variances which might result to accomplish the rebuilding of the proposed house on this lot.

Discussion - Mosier stated that it is his understanding that the lot is a non-complying lot of record due to the home being built prior to the establishment of the Goodlettsville Zoning Ordinance regulations in 1989. Gregory confirmed that this is the status of the lot.

Action of the Board – Motion by Jernigan to permit the applicant to rebuild on the non-complying lot of record, Davidson County Tax Map 18-16, Parcel 63, 311 Old Brick Church Pike, Goodlettsville, TN with the condition that reasonable variances, which might result to accomplish the rebuilding of the proposed house on this lot, will need to be submitted to Goodlettsville Board of Zoning and Sign Appeals for consideration. Motion seconded by Sanders. Motion passed unanimously, 3-0.

ORDER OF THE BOARD

WHEREAS; the public and adjoining property owners have been adequately notified, and

WHEREAS; the Board has determined that the requirements of Chapter 14, Section 14- 14-1303 of the Goodlettsville Zoning Ordinance have been met regarding, and

WHEREAS, the Board has determined that no adverse impact will occur,

NOW, THEREFORE, BE IT ORDERED, permission in granted to the applicant to rebuild on the non-complying lot of record, Davidson County Tax Map 18-16, Parcel 63, 311 Old Brick Church Pike, Goodlettsville, TN with the condition that reasonable variances, which might result to accomplish the rebuilding of the proposed house on this lot, will need to be submitted to Goodlettsville Board of Zoning and Sign Appeals for consideration.



Tom Mosier, Chairman



Vicky Ignatz, Recording Secretary