

MINUTES OF THE GOODLETTSVILLE
BOARD OF ZONING APPEALS

Date: September 20, 2004

Time: 5:00 PM

Place: Goodlettsville City Hall Conference Room

Members Present: Owen Sanders, Ed Lowe, Al Jernigan

Absent: Tom Mosier, Glen Garrett

Staff Present: Rick Gregory, Vicky Ignatz

Others Present: Huston McQuiston, Seth Jones, Ken Blanton

The meeting was called to order by Vice Chairman Owen Sanders. Minutes of the August 9, 2004 Goodlettsville Zoning and Sign Appeals Board were approved as written.

CASE NO. 08-476-04 Consider the request of Huston E. McQuiston for a front yard setback variance at 936 Louisville Highway, Sumner County Tax Map 141, Parcel 48.

Staff reviewed. Gregory reported the applicant wishes to utilize a portion of a pre-existing non-complying building which lies within the established front yard setback of the property. A large portion of the building was destroyed by a recent fire. Only a small section of the southern elevation of the building remains. The owner wants to utilize the concrete floor slab and as much of the remaining wall area as possible to assist in limiting reconstruction costs. Field inspection by staff and documentation from the owner indicate the existing building is approximately twenty-eight feet from the right-of-way established during the construction of I-65 as part of the property acquisition for the northbound I-65 on-ramp. The front yard setback requirement for this district is forty (40) feet.

The controlling provision of the zoning ordinance found at Chapter 14-1302(d) states "In all districts, when a non-complying building or other structure is damaged by any involuntary means to the extent of fifty (50) percent or more of its total floor area, such building or other structure may be constructed only in accordance with the applicable bulk regulations and other provisions of this ordinance". Therefore, staff analysis is that the property owner has no demonstrated any accepted conditions for a variance and that the request for a twelve (12) feet front yard variance should be denied.

Huston McQuiston, property owner, stated that the State of Tennessee's expansion of Highway 31W and the additional right-of-way taken from his front yard setback justifies a hardship. Seth Jones, the property owner's grandson, acknowledged that the building was not insured and that relocating the footprint of the building would incur additional costs. Jones noted that the adjoining property owner's landscaping appears to be located in the established right-of-way. Ken Blanton, adjoining property owner, agreed that fifty percent of his landscaping island is located in the public right-of-way. To his knowledge, a front yard variance was not obtained from the city during the renovation of his property. Blanton stipulated that he would be acceptable to the approval of a front yard variance.

Lowe and Sanders questioned the owner as to whether the depth of the property will allow a building footprint to be relocated an additional twelve (12) feet from the public right-of-way to

comply with current zoning regulations. McQuiston stated the rear of the property extends to the interstate and provides adequate area for a new building footprint. Jernigan added that financial consideration is not an acceptable hardship to grant a variance..

Motion by Lowe to deny the request for a twelve (12) feet front yard setback variance at 936 Louisville Highway, Sumner County Tax Map 141, Parcel 48 based on the inability of the owner to provide an acceptable hardship and to maintain the integrity of the established right-of-way on State Highway 31W. Motion seconded by Jernigan. Motion passed unanimously.

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 Section 14-1407(d)(2) of the Goodlettsville Zoning Ordinance has not been met, and

WHEREAS, the Board has determined that adverse impact will occur,

NOW, THEREFORE, BE IT ORDERED, a twelve (12) feet variance to the required forty (40) feet front yard setback requirement at 936 Louisville Highway, Sumner County Tax Map 141, Parcel 48 be denied based on the inability of the owner to provide an acceptable hardship and to maintain the integrity of the established right-of-way on State Highway 31W.



Owen Sanders, Vice Chairman



Vicky Ignatz, Recording Secretary