

MINUTES OF THE GOODLETTSVILLE
BOARD OF ZONING APPEALS

Date: May 10, 2004

Time: 5:00 PM

Place: Goodlettsville City Hall Conference Room

Members Present: Tom Mosier, Ed Lowe, Glen Garrett

Absent: Owen Sanders

Staff Present: Rick Gregory, Bennie Lane, Vicky Ignatz

Others Present: Rodger Williams, Jerome Crawford, Valerie Rogers and Dorothy Webb

The meeting was called to order by Tom Mosier. Minutes of the April 12, 2004 Goodlettsville Zoning and Sign Appeals Board were approved as written.

CASE NO. 03-09-453 Consider the request of Tracy Woodard, 5501 Briercliff Road, Knoxville, TN for a variance to the Goodlettsville Zoning Ordinance to permit the use of a duplex structure as a non-conforming triplex on property located at 604 Ellen Drive, Sumner County Tax Map 143-0, Group A, Parcel 12.

Analysis - Staff reviewed. Lane reported that an inspection of the premises has occurred. The third unit was found to be non-compliant with Life Safety Code requirements specifically relating to the absence of outside, secondary access for the sleeping area. The premises are also non-compliant relating to the 1986 CABO One and Two Family Dwelling Code, Sections R-212, R-204.3, R-211.2, R-210.2 and R-291.

Gregory reiterated that staff understands that a hardship may be placed on the occupant of the non-complying unit; however, the city cannot knowingly allow the continued occupancy of a residential structure in violation of Life Safety and CABO requirements. The City Attorney reviewed this request and recommended dismissal of the variance request. Staff recommends the denial of this request.

Discussion - The applicant nor any representative was present for the scheduled meeting. Staff informed the Board that the applicant was notified of the official meeting via USPS regular mail and USPS certified mail.

Action of the Board - Motion by Garrett to dismiss the request of Tracy Woodard, 5501 Briercliff Road, Knoxville, TN for a variance to the Goodlettsville Zoning Ordinance to permit the use of a duplex structure as a non-conforming triplex on property located at 604 Ellen Drive, Sumner County Tax Map 143-0, Group A, Parcel 12 based on non-compliance of Life Safety Code NFPA 101 and 1986 CABO One and Two Family Dwelling Code. Motion seconded by Lowe. 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 Life Safety Code NFPA 101 and 1986 CABO One and Two Family Dwelling Code have not been met, and

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

NOW, THEREFORE, BE IT ORDERED, that a request of Tracy Woodard, 5501 Briercliff Road, Knoxville, TN for a variance to the Goodlettsville Zoning Ordinance to permit the use of a duplex structure as a non-conforming triplex on property located at 604 Ellen Drive, Sumner County Tax Map 143-0, Group A, Parcel 12 be dismissed based on non-compliance of Life Safety Code NFPA 101, Section 24-2.2.1 and 1986 CABO One and Two Family Dwelling Code, Sections R-212, R-204.3, R-211.2, R-210.2 and R-219.

CASE NO. 05-043-04 Consider the request of Dr. James Loden, M.D., P.C. for a variance to the Goodlettsville Sign ordinance to permit signage in the public right-of-way at 907 Rivergate Parkway, Davidson County Tax Map 34-3, Parcel 10.

Analysis – Staff reviewed. Gregory reported that upon inspection by staff, the sign does not appear to be within the right-of-way of Rivergate Parkway. However, the sign is located within the ten (10) feet sign setback requirement and, therefore, is deemed a non-conforming sign. The applicant's request is to permit renovation of a non-conforming sign at 907 Rivergate Parkway, Rivergate Executive Park. The proposed sign is within the Mall Sign Zone and subject to a maximum area of one hundred (100) square feet. It is also proposed to be a commercial complex sign and may take advantage of the provision for commercial complex signs found in the Goodlettsville Sign Ordinance, Section 14-105.51(d). The proposed sign meets these guidelines.

Discussion – Jerome Crawford, representative for the applicant, stipulated that the sign is to be modified to include the complex name, Dr. James Loden and other tenant listings and a time/temperature indicator. The renovation of the sign will greatly assist patients to locate Dr. Loden's surgery center. The sign will not obstruct visibility.

Action of the Board - Motion by Lowe to grant a variance to the Goodlettsville Sign Ordinance to permit renovation of a non-conforming sign located in the required setback at 907 Rivergate Parkway, Rivergate Executive Park, Davidson County Tax Map 34-3, Parcel 10. Motion seconded by Garrett. 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 the Goodlettsville Sign Ordinance, Section 14-107, Subsection 7.2 - Alterations to Nonconforming and Noncomplying Signs have been met;

WHEREAS, the Board has determined that adverse impact will not occur,

NOW, THEREFORE, BE IT ORDERED, a variance to the Goodlettsville Sign Ordinance, Section 14-107, Subsection 7.2 – Alterations to Nonconforming and Noncomplying Signs is granted to permit renovation of a non-conforming sign located at 907 Rivergate Parkway, Rivergate Executive Park, Davidson County Tax Map 34-3, Parcel 10.

CASE NO. 05-468-04 – Consider the request of Valerie Rogers, 199 Lamberth Road, Cottontown, TN 37048 for a temporary use permit for seasonal flower sales at 500 Long Hollow Pike, Sumner County Tax Map 143J, Parcel 14.

Analysis - Staff reviewed. Gregory reported the request is for a temporary use permit for the sale of flowers on two weekends in May. A letter of permission has been received from the property owner. The zoning ordinance permits temporary sales for a specific length of time. This request would be subject to a seven day time limit. As such, the board should consider this as a dual request for two temporary use permits. Staff is concerned that the proposed location of the sales site on the northwest corner of the property at the intersection of Ellen Drive and Long Hollow Pike could impede visibility. Therefore, staff recommends the sales site be established at the northeast end of the property.

Discussion – Valerie Rogers described the display area as encompassing three parking spaces with a 12 feet x 12 feet tent. She agreed to relocate the display area to the northeast end of the property for visibility purposes. The restrictions for temporary sales sites were provided to the applicant upon submission of the application.

Action of the Board – Motion by Garrett to grant permission for two temporary use permits for seasonal flower sales at 500 Long Hollow Pike, Sumner County Tax Map 143J, Parcel 14. The conditions of the permit are: 1) sales are to be conducted on only two weekends during the month of May, 2004, 2) the sales site is to be located on the northeast section of the parking area to insure traffic visibility at the intersection of Ellen Drive and Long Hollow Pike and 3) the following standard guidelines for temporary use permit must be strictly adhered to:

1. A building permit must be obtained from the Goodlettsville Codes Department and inspection of the on-site trailer(s) and structures must occur prior to the sales/event opening to the public. It is the responsibility of the applicant to request inspection.
2. Any temporary structure shall meet all setback requirements of the zoning district in which it is located.
3. Temporary electrical service must meet electrical codes regulations.
4. Off-street parking requirement shall be observed and such parking shall be so arranged that backing onto a public street will not occur.
5. One 4 x 8 ft. ground mounted promotional sign advertising the event is permitted on each street front.

6. No off-site signage is permitted in Goodlettsville.
7. The location of the on-site trailers(s) and advertising shall be in the same locations as the previous year.
8. Temporary living quarters will be permissible on the site during the sales period.
9. A transient vendors license must be obtained from the City of Goodlettsville's Business Tax Office at City Hall.
10. Strict adherence to the established sales period is required.

Motion seconded by Lowe. Motion passed unanimously.

OFFICIAL ORDER OF THE BOARD

WHEREAS, the public has been adequately notified, and

WHEREAS, the Board has determined that the requirements of Section 11-901(n) have been met, and

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

NOW, THEREFORE, BE IT ORDERED, that a request for two temporary use permits for seasonal flower sales at 500 Long Hollow Pike, Sumner County Tax Map 143J, Parcel 14 be granted. The conditions of the permit are: 1) sales are to be conducted on only two weekends during the month of May, 2004, 2) the sales site is to be located on the northeast section of the parking area of the site to insure traffic visibility at the intersection of Ellen Drive and Long Hollow Pike and 3) strict adherence to the standard guidelines for the temporary use permits which have been provided to the applicant.

CASE NO. 05-469-04 – Consider the request of Dorothy Webb, 202 Monticello Avenue, Davidson County Tax Map 34-4, Parcel 150 for a variance to the Goodlettsville Zoning Ordinance regarding front yard setback requirements for the R-15 zoning district.

Analysis – Staff reviewed. Gregory reported the request concerns a corner lot at 202 Monticello Avenue, Lot 14, Section Two, Gateway Subdivision. The R-15 zoning district has a thirty (30) feet front yard setback requirement. The subdivision plat of record shows this lot with a forty (40) feet setback on the affected (north) lot line. According to the submitted drawing accompanying this request, the carport has been placed, without benefit of a building permit, approximately twenty (20) feet inside the recorded setback line of forty (40) feet. Ordinarily, a plat amendment would be in order to address a discrepancy between a recorded document and a zoning requirement. However, in this case if the plat were amended, an encroachment would still exist and a variance required.

Discussion – The board agreed that there were no major problems as a result of the setback encroachment due to the carport not being a permanent structure and the placement of the house and carport on the corner lot. Emergency access to the premises will not be a problem. There is no adverse effect on the adjoining property owners and the request is justified.

Action of the Board – Motion by Lowe to grant a front yard setback variance of twenty (20) feet at 202 Monticello Avenue, Davidson County Tax Map 34-4, Parcel 150 due to the topography of the corner lot. Motion seconded by Garrett. Motion passed unanimously.

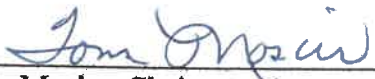
ORDER OF THE BOARD

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

WHEREAS; the Board has determined that the requirements of Chapter 14, Section 14-1409 of the Goodlettsville Zoning Ordinance have been met, and

WHEREAS, the Board has determined that adverse impact will not occur,

NOW, THEREFORE, BE IT ORDERED, that a front yard setback variance of twenty (20) feet at 202 Monticello Avenue, Davidson County Tax Map 34-4, Parcel 150 is granted based on the difficult topography of the corner lot.


Tom Mosier, Chairperson


Vicky Ignatz, Recording Secretary