

MINUTES OF THE GOODLETTSVILLE
BOARD OF ZONING APPEALS

Date: November 10, 2003

Time: 5:00 PM

Place: City Hall Conference Room

Members Present: Tom Mosier, Ed Lowe, Glen Garrett

Staff Present: Bill Terry, Bennie Lane, Vicky Ignatz

Others Present: Mr. and Mrs. Phillip Upchurch, Sarah Greer, Mr. and Mrs. Martin Bennett, Talmadge Watts

The meeting was called to order by Tom Mosier, Chairperson. The minutes of the following Goodlettsville Board of Zoning and Sign Appeals were approved as written: April 14, 2003, May 12, 2003, September 15, 2003 and October 13, 2003.

CASE NO. 03-10-455 Consider the request of Sarah F. Greer for a front yard setback variance regarding the location of a carport at 340 Janette Avenue.

Analysis – Staff reviewed. Terry reported this request was before the board at the October 13, 2003 meeting. As noted at the last meeting, the applicant erected a carport at the end of the driveway apparently without a building permit. The carport is immediately behind the rear wall of the house and is a permanently open-sided structure located in a logical place behind the paved driveway. However, it encroaches fully into the required two (2) feet side yard setback. Due to the locations of the adjoining neighbor's fence and the carport, the structures abut on the common property line.

As requested previously by the Board, the applicants submitted final plats of their respective property. Both surveys indicate the lots were appropriately plotted and recorded. However, a survey drawing at this scale cannot indicate inches of improvements on either of the properties.

Discussion – Mosier clarified that the issue is not a property line dispute. Terry stipulated that the issue before the board is a variance request of two feet in the side yard setback of an accessory structure. The regulations state that an accessory structure which is located behind the primary structure is required to maintain a two feet side yard setback. Ms. Greer's carport encroaches into the side yard setback the entire two feet.

Terry instructed the Board members that the Bennetts are represented by council. If the Board is uncomfortable due to the presence of council, the Board can defer the application and request the presence of the City Attorney for any further discussion.

Ms. Greer stated that the carport is no longer attached to the fence. The support structures are secured in concrete under the surface of the ground. She has contacted several companies requesting the structure be relocated and has been unsuccessful in hiring anyone to accomplish the project. Ms. Greer stated that if the Board ruled that the carport must be moved, she would comply with the request.

Talmadge Watts, legal representative for Mr. and Mrs. Bennett, stated the adjoining property owners oppose the variance. There is no basis for a hardship to grant the variance. The location of the concrete pad doesn't encroach into the setback, the carport is simply too large for the area and the abutment of the carport against the fence creates a hardship for the Bennetts to properly maintain the fence. The location of the fence is not an issue in the variance.

Mosier, Garrett and Lowe stated that there is no evidence of hardship prior to the erection of the carport and that the existing carport should be moved to comply with the side yard setback requirements.

Action of the Board – Motion by Garrett to deny the variance request of two feet in the side yard setback of an accessory structure at 340 Janette Avenue due to the lack of evidence of a hardship. The applicant has ninety (90) days from this date of November 10, 2003 to bring the location of the carport into compliance with the two feet side yard setback requirement for an accessory structure. 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 Section 14-307(f) have not been met, and

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

NOW, THEREFORE, BE IT ORDERED, that request for a variance in the side yard setback requirements for an accessory structure at 340 Janette Avenue be denied due to the lack of evidence of any existing hardship.

CASE NO. 03-11-458 Consider the request of Phillip Upchurch for a temporary use permit for Christmas tree sales at the corner of Long Hollow Pike and Caldwell Road.

Analysis – Staff reviewed. Terry reported that the applicant has held several temporary use permits for seasonal sales at this location. This is the first application by Mr. Upchurch for Christmas trees sales at 405 Long Hollow Pike. Procedurally a temporary use permit must be approved by this Board. The site plan submitted by the applicant indicates a sight distance problem at the intersection due the location of trees.

Discussion - Mr. Upchurch agreed to relocate the trees further back on the site to improve sight distance. Mosier requested the duration of the sales period and whether the applicant had been made aware of the temporary use permit requirements. Upchurch stated the sales period would be from November 22 – December 22, 2003. He stated he was aware of all requirements for the issuance of the permit.

Action of the Board – Motion by Lowe to grant a temporary use permit for Christmas tree sales at the corner of Long Hollow Pike and Caldwell Road, Sumner County Tax Map 143, Parcel 69, for the period of November 22 – December 22, 2003. The following conditions apply to the

permit. The applicant must relocate the proposed tree sales area further back on the site to improve sight distance on the roadways. The applicant must comply with the standard guidelines listed below. Strict adherence to the established sales period is required.

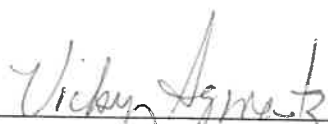
1. A build permit must be obtained from the Goodlettsville Codes Department and inspection of the on-site trailer(s) and structures must occur.
2. Any temporary structure shall meet all setback requirements of the zoning district in which it is located.
3. Temporary electrical service must meet electrical codes regulations.
4. Off-street parking requirements 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 on each street front.
6. No off-site signage is permitted in Goodlettsville.
7. The location of the on-site trailer(s) and advertising shall be in the same locations as initially approved.
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.

Motion seconded by Garrett. Motion passed unanimously.

Meeting adjourned.



Tom Mosier, Chairperson



Vicky Ignatz, Recording Secretary