

MINUTES OF THE GOODLETSVILLE
BOARD OF ZONING APPEALS

Date: October 13, 2003

Time: 5:00 PM

Place: City Hall Conference Room

Members Present: Tom Mosier, Owen Sanders, Ed Lowe, Glen Garrett, Mike Cunningham

Staff Present: Bill Terry, Vicky Ignatz

Others Present: Sarah Greer, Martin Bennett, Wayne & Elise Warrick, James Peay, Jon Norton, Mark & Tara Bradshaw, Robert Lessenbery, Steve Drake, Steve Hawkins, Douglas Richardson, Bob Erwin and others

The meeting was called to order by Tom Mosier, Chairperson. The approval of the minutes for the September 15, 2003 meeting were deferred.

Motion by Mosier to adjust the agenda schedule and move Case No. 03-4-400 to the end of the agenda. Motion seconded by Cunningham. Motion passed unanimously. For the record, this case number was misidentified as Case No. 03-10-454 on the October 13, 2003 agenda and should be corrected to reflect Case No. 03-4-400.

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

Analysis - Staff reviewed. Terry reported that a carport has been erected at the rear portion of the driveway at 340 Janette Avenue without benefit of a building permit. The permanently opened carport is located immediately behind the rear wall of the house, directly at the end of the paved driveway and encroaches into the required two (2) feet side yard setback. The zoning ordinance stipulates that when an accessory structure is located behind the primary structure, the accessory structure can be located within two (2) feet of the property line. A visual inspection of the side indicates the support structure of the carport is directly on the property line.

Discussion - Sarah Greer explained her property has been surveyed and indicated a portion of the adjoining property owner's fence encroaches two (2) inches onto the applicant's property. The carport was placed in this location to protect her vehicles from the sap falling from the trees planted on the adjoining property at 338 Janette Avenue. Ms. Greer acknowledged she was unaware of the need for a building permit or the side yard setback requirements.

Martin Bennett, 338 Janette Avenue, acknowledged he has no problem with the adjoining neighbor's carport other than a portion of the carport is attached to his fence with screws which is forcing his fence to lean inward toward his property. He does state that a survey was prepared for his property at the time the fence was erected and that it is his understanding the fence does not encroach onto Ms. Greer's property.

Mosier questioned if the Board should take action on what appears to be a property line dispute. Terry suggested that the applicant and adjoining property owner provide to the Board a licensed, stamped survey or final plat of the corresponding properties. These documents should assist in determining the issue of encroachment into the side yard setback.

Action of the Board - The Board deferred action on this request and directed Ms. Sarah Greer, 340 Janette Drive, and Mr. Martin Bennett, 338 Janette Drive, to submit surveyed plats indicating the location of an adjoining property line. The Board will reconsider the side yard setback variance after review of this information.

CASE NO. 03-10-456 Consider the request of Wayne & Elise Warrick for a variance to locate a shed in the front of the house at 227 Swift Drive.

Analysis - Staff reviewed. Terry reported the applicant erected a storage shed on said property which encroaches into the required front yard setback. This accessory building was erected without benefit of a building permit.

Discussion – Mosier asked if the storage shed could be relocated to another area of the property. Terry stipulated the application for a variance is based on the topography of the lot which consists of a steep slope where a pad has been graded out for the house and prohibits another viable location for the storage shed. Lowe questioned if the storage building can be seen from the street. Terry responded that the visibility of the roof of the storage shed and the house are approximately at street level.

Action of the Board - Motion by Lowe to approve a fifteen (15) foot front yard setback variance for an accessory building at 227 Swift Drive based on the severe topography of the lot. Motion seconded by Sanders. 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 been met, and

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

NOW, THEREFORE, BE IT ORDERED, that a request for a fifteen (15) foot front yard setback variance for an accessory building at 227 Swift Drive be approved based on the severe topography of the lot. Motion seconded by Sanders. Motion passed unanimously.

CASE NO. 03-4-440 Consider the request of James A. Peay for approval of a conditional use permit to establish a paintball course and a Frisbee golf course as a Intermediate Impact Community Facility.

Analysis – Staff reviewed. Terry reported the applicant is making a second request for a conditional use permit to establish a paintball course and a Frisbee golf course at 198 Memorial Drive, Davidson County Tax Map 25, Parcel 58. The applicant is making the application based on the interpretation of the Goodlettsville Zoning Ordinance relating to usage of an Intermediate Impact Community Facility which stipulated that an “Intermediate Impact Facility has a significant effect upon the surrounding land uses due to their traffic generation characteristics,

parking requirements, land requirements or potential nuisances and typically performed by, or the maintenance and operation of the following institutions or installations: cemeteries, columbariums, mausoleums, colleges, junior colleges, universities, commercial boat docks, marinas, yacht clubs, golf courses and water storage facilities". Therefore, the applicant is requesting that a paintball course and a Frisbee golf course be included in Intermediate Impact Facilities activities.

Discussion - Jon Norton explained that the paintball course and Frisbee golf course share common characteristics and common compatibility uses similar to a golf course and request the Board determine that the paintball course would be an appropriate activity in the Intermediate Impact Facilities category. The function of this sport is to provide a safe and appropriate land use for the participants of the sport.

Garrett acknowledged his concern regarding the location of the facility in relationship to residential properties, the accessibility to the property from the driveway access on Memorial Drive and the overall safety factors related to the sport for non-participants. Terry reported the ingress/egress from the easement to the point of the property is owned by the City of Goodlettsville and Madison Suburban Utility District. Peay stipulated that a survey was submitted to staff indicating two (2) easement access points, one from Memorial Drive and the second from Harris Street. Terry continued that the easement agreement for access would have been based on residential use of the owners. This proposal would generate traffic which is totally unrelated to any residential occupancy. Should the Board grant said permit, the applicant would need to submit an engineered site plan to the Planning Commission indicating driveway access, parking area, curbing, landscape and drainage plans. Paving of the parking area will need to be considered depending on the number of parking spaces required. A retention pond may be required depending on stormwater run-off. Norton acknowledged that a revision of the site plan, if needed, can be submitted to the Planning Board for approval.

Mark and Tara Bradshaw, owners of Action Paintball located on Conference Drive, indicated that there have been no safety issues relating to existing paintball courses located in residential areas of Bowling Green, KY and Clarksville, TN. As residents on Moncrief Drive, they are in favor of the site usage. Also, paintball is listed as the third most popular extreme sport in America. Robert Lessenbery, Steve Drake and Steve Hawkins, participants in the paintball sport, stated that proper use of equipment and monitoring of the sport deter adverse safety factors. A petition has been prepared with four hundred (400) signatures in support of the location for the courses and is available to the Board for review.

Mosier voiced his concern with temporary restroom facilities for public health reasons. Jon Norton stated that he is only aware of temporary restroom facilities at other outdoor facilities. Although temporary restroom facilities are not referenced in the zoning ordinance, this site's restroom facilities would be maintained and serviced bi-weekly to minimize long-term health issues. Norton acknowledged that the existing building on site could be used as a permanent restroom facility.

Glen Garrett, board member, excused himself and left the meeting.

Peay stated the paintball season typically spans from September through February. Operations would typically be Fridays, Saturdays and Sundays. Participants between the ages of thirteen

(13) and seventeen (17) would require parental permission. The sport is supervised, organized and standard safety measures are utilized. Terry added that special conditions for Intermediate Impact Facilities include that the proposed development shall be as compatible as possible a development within the surrounding area, thus lessening the impact; traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets; the proposed facility shall provide a basic community function or essential service necessary for a convenient and functional living environment in order to be located on the site; the off-street parking requirements shall be determined by the board taking into account characteristics of the use; the site plan for such facilities shall be approved by the planning commission taking into account the above conditions as well as any other pertinent factors related to the use and operation of the facility.

Douglas Richard, business/property owner adjoining the site, shared his concern with vehicle and foot traffic volume impacting his business. Another concern was stormwater drainage from the proposed parking lot and how it will impact the existing problem of drainage. Bob Erwin, business/property owner, asked specifically the number of vehicles that would utilize the site daily. A representative for the applicant stated that approximately twenty-five (25) to fifty (50) persons per day would utilize the site.

Mosier acknowledged that the Intermediate Impact Facilities classification appears to be appropriate. He reported that the Board should consider specific items to be attached to a conditional use permit to include: 1) the Memorial Drive access easement can be utilized for the driveway entrance; 2) permanent restroom facilities should be required; 3) the conditional use permit for the site should be limited to the current owner only; 4) determine a maximum number of parking spaces; 5) limit activities to paintball and Frisbee golf course; and 6) consider daily operation time period.

Action of the Board - Motion by Cunningham to grant a conditional use permit to establish a paintball course and a Frisbee golf course at 198 Memorial Drive, Davidson County Tax Map 25, Parcel 58 based on the interpretation of the Board regarding the definition of Intermediate Impact Facility activities with the following conditions: 1) activities on-site are exclusively limited to one (1) paintball course and one (1) Frisbee golf course; 2) permanent restroom facilities are required on-site; 3) the conditional use permit for the site is limited to the current registered owner(s); 4) a maximum of forty (40) parking spaces are permitted on site; 5) a site plan is to be submitted to the Goodlettsville Planning Commission for approval.

ORDER OF THE BOARD

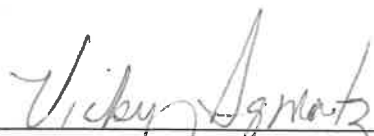
WHEREAS; the public and adjoining property owners have been adequately notified, and

WHEREAS; the Board has determined that the requirements of Section 14-1409 (c), have been met, and

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

NOW, THEREFORE, BE IT ORDERED, that a conditional use permit to establish a paintball course and a Frisbee golf course at 198 Memorial Drive, Davidson County Tax Map 25, Parcel 58 based on the interpretation of the Board regarding Intermediate Impact Facility activities has been approved with the following conditions: 1) activities on-site are exclusively limited to one (1) paintball course and one (1) Frisbee golf course; 2) permanent restroom facilities are required on-site; 3) the conditional use permit for the site is limited to the current registered owner(s); 4) a maximum of forty (40) parking spaces are permitted on site; 5) a site plan is to be submitted to the Goodlettsville Planning Commission for approval.


Tom Mosier, Chairperson


Vicky Ignatz, Recording Secretary