

MINUTES OF THE GOODLETTSVILLE
BOARD OF ZONING APPEALS

Date: December 9, 2003

Time: 5:00 PM

Place: City Hall Conference Room

Members Present: Tom Mosier, Owen Sanders, Ed Lowe

Staff Present: Bill Terry, Bennie Lane, Vicky Ignatz

Others Present: Barry Tyree, Steve Artz, Debbie Robinson

The meeting was called to order by Tom Mosier. Minutes of the November 11, 2002 Goodlettsville Zoning and Sign Appeals Board meeting were approved as written.

Case Heard: 2002-12-434 2002-12-040

CASE NO. 2002-12-434 Consider the request for a zoning variance in the rear yard setback at 157 North Wynridge Way, Lot 59. The applicant is Barry Tyree, Tyree General Contractors, LLC.

Analysis – Staff reviewed. Terry reported the applicant is the contractor for the Wynridge HDRPUD. The lot for consideration is a rectangular shaped lot with the length of the lot fronting on North Wynridge Way and the width of the lot fronting Forest Oak Drive. The normal building footprint would require the structure to face Forest Oak Drive. Under the zoning regulations the house fronts two streets with thirty (30) foot front yard setbacks from each street. The structure, as planned, will not fit into the required setback on Forest Oak Drive. The contractor or the buyer has chosen the house to front on North Wynridge Way; however, the plan indicates the front of the house will be turned to angle the front toward the intersection of North Wynridge Road and Forest Oak Drive. In doing this, the required twenty feet rear yard setback has been encroached upon by fifteen (15) feet leaving a five (5) foot rear yard setback.

Mitigating circumstances are that if the house fronted Forest Oak Drive, there would be only a five (5) foot side yard setback and a variance would be required due to the subdivision regulations requirement of a fifteen (15) foot separation between homes.

Discussion - Barry Tyree stated that the slope of the lot requires the house to be pulled down the hill in order to locate the lower corner of the garage level with the basement, eliminate the need for additional excavation and allow the buyer to eventually finish out the basement with an eight and one-half (8 ½) foot ceiling. The placement of the house will reduce the approximate height of the retaining wall from seventeen (17) feet to less than twelve (12) feet. The realignment will also decrease the number of steeps at the front of the home.

Tyree continued that the house on Lot 58 has not been built and the home can be located to comply with the required side yard setback and lessen the impact of the location of the house on Lot 59. Terry questioned if a privacy fence has been considered to separate the back view of the house from the adjoining lot. Tyree responded that the fifteen (15) foot setback would

compensate for any need of a privacy fence. Sanders asked if the location of the house on Lot 58 would impact the sale of the adjoining lot. Tyree stipulated that historically this type configuration would not impact the sale of the adjoining lot.

Lowe questioned if the hardship is the topography or the desire of the owner to save construction costs. Tyree answered that the slope of the land is approximately forty-five degrees and would qualify as an acceptable hardship. He added that the decrease in the height of the retaining wall should be considered as a safety issue.

Motion by Lowe to grant a fifteen (15) foot variance in the rear yard setback requirement of Lot 59 in Wynridge due to the hardship of the approximate forty-five degree slope of the lot and to enable a decrease in the height of the retaining wall for safety purposes. This action will establish a five (5) foot rear yard setback for this lot. A condition of this variance is to insure that the contractor will locate the home built on the adjoining lot, Lot 58, fifteen (15) feet from the existing property line of Lot 59. Motion seconded by Sanders. Motion passed unanimously.

OFFICIAL ORDER OF THE BOARD

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

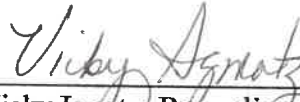
WHEREAS; the Board has determined that the requirements of Section 14-1408(c) have been met, and

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

NOW, THEREFORE, BE IT ORDERED, that a fifteen (15) foot variance in the rear yard setback requirement of Lot 59 in Wynridge HDRPUD be granted due to the hardship of the approximate forty-five degree slope of the lot and to enable a decrease in the height of the retaining wall for safety purposes. This action will establish a five (5) foot rear yard setback for Lot 59. A condition of this variance is that the contractor must locate any home built on the adjoining lot, Lot 58, fifteen (15) feet from the existing property line of Lot 59.



Tom Mosier, Chairperson



Vicky Ignatz, Recording Secretary