

MINUTES OF THE GOODLETTSVILLE
BOARD OF ZONING APPEALS

Date: October 14, 2002

Time: 5:00 PM

Place: City Hall Conference Room

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

Staff Present: Bill Terry, Bennie Lane, Vicky Ignatz

Others Present: Rocky Montoya, Steve Brown, Odell Odom

Cases: 2002-10-428 2002-10-430

The meeting was called to order by Tom Mosier, Chairperson. Minutes of the September 16, 2002 Goodlettsville Board of Zoning and Sign Appeals were approved as written.

CASE NO. 2002-10-428 Consider the request of Rocky Montoya, 412 Bass Street, for a conditional use permit to convert the existing building to a studio apartment and decrease the required square footage of existing office space to two hundred sq. ft.

Analysis – Staff reviewed. Terry reported that the applicant owns a lot and existing building at 412 Bass Street and operates his business, Montoya Land Surveying, at the location. The owner would like to reside in the building as well as operate his business from this location. The zoning ordinance permits an accessory apartment as part of a principal commercial use in this zoning district. However, in this situation, the owner wishes to convert most of the building into residential living space and the square footage allocated for business will be reduced to two hundred sq. ft. This would, in effect, make the business use subordinate to the residential use.

One aspect that the board may want to consider is the existing character of the neighborhood. This entire block on Bass Street is zoned commercial, but it is still used for predominately residential use. There are only two businesses on the block. In reality, this is not a viable commercial area. There is no hardship that would justify issuing a variance. So the issue to consider is what is the best use for this property and the adjoining properties. The board is empowered to make interpretations of the terms of the zoning ordinance.

Discussion - Montoya, property and business owner, explained that he is downsizing, selling his principal dwelling and wishes to convert the building on Bass Street into one thousand four hundred sq. ft. of living space and two hundred sq. ft. of office space.

Mosier questioned if the permitted ratio of business/residential square footage is defined for CSL zoning. Terry stated the permitted use for the primary use is defined; however, the secondary use is not defined; therefore, the Board has the power of interpretation of the terms of the zoning ordinance. Mosier stated the residential use of the property and surrounding neighborhood is grandfathered in and the area has remained primarily residential. Terry stipulated there are a few other businesses in the city that have living quarters incorporated into the buildings.

Mosier asked if the adjoining neighbors have been notified and if any opposition has been forthcoming. Terry responded that notification has been mailed to the neighbors and no opposition to the request has been received. Mosier, Cunningham and Lowe agreed that as long as a valid business continues to operate on the site, an interpretation can be made to permit the principle use of the building as a commercial business.

Action of the Board – Motion by Sanders that the Board shall make an interpretation of the zoning ordinance relating to the principal use of the existing building at 412 Bass Street. The principle use of the building for commercial business is deemed to be permissible. Motion seconded by Cunningham. 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(g) have been met, and

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

NOW, THEREFORE, BE IT ORDERED, the an interpretation by the Board has been made by determining the principle use of the existing building at 412 Bass Street is for commercial business purposes.

CASE NO. 2002-10-430 Consider the request of Odell Odom, Generations Salon, 837 Wren Road, for a variance in the side yard setback requirements. The applicant is Steve Brown, Barge Waggoner Sumner Cannon.

Analysis - Staff reviewed. Terry reported the property is currently used as a business; however, another individual is purchasing the property to locate a salon on the premises. The additional personnel and customer parking required will necessitate a larger parking area. As proposed, the paved parking area will encroach into the required open space of the side yard setback. The zoning ordinance requires that no more than one-half of the required side yard may be paved.

The issue is the driveway to be located between the house and the property line. The proposed driveway design encroaches into the setback by twelve and one-half feet which is more than one-half of the required open space. Due to the location of the house, there is no other way to access the back parking lot than with a driveway that encroaches into the side yard setback. This type encroachment has occurred before in this area; moreover, this type variance has been granted by previously by this board.

Discussion – Steve Brown, Barge Waggoner Sumner Cannon, explained that the existing driveway of six hundred twenty sq. ft. will be removed and new paving will be installed measuring four hundred twenty-five sq. ft. This will eliminate one hundred forty-five sq. ft. of paving; however, it will encroach into the side yard setback by twelve and one-half feet. The

area was developed as residential with narrow widths and deep depths of lots. Mosier and Cunningham agreed that latitude should be given based on the narrowness of the lot.

Motion by Lowe to grant a side yard setback variance at 837 Wren Road for access to the rear parking area due to the narrowness of the existing lot and the reduction of paving on site. 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 side yard setback variance at 837 Wren Road be granted for access to the rear parking area based on the narrowness of the existing lot and the reduction of the square footage of paving on site.



Tom Mosier, Chairperson



Vicky Ignatz, Recording Secretary