

MINUTES OF THE GOODLETTSVILLE
BOARD OF ZONING APPEALS

Date: September 16, 2002

Time: 5:00 PM

Place: City Hall Conference Room

Members Present: Tom Mosier, Ed Lowe, Mike Cunningham

Staff Present: Bill Terry, Bennie Lane, Vicky Ignatz

Others Present: Brian Tinch, James Thompson, Tim Curtis, Bobby Davis and others

Cases: 2002-09-424 2002-09-425

The meeting was called to order by Tom Mosier. Minutes of the August 12, 2002 Goodlettsville Board of Zoning and Sign Appeals was approved as written.

CASE NO. 2002-09-424 Consider the request of Brian Tinch, 142 Madison Court to grant a front yard setback variance, Sumner County Tax Map 140, Parcel 126.03.

Analysis – Staff reviewed. Terry reported the applicant was in the process of expanding the front porch of his house when the Goodlettsville Codes Department discovered he did not have a building permit. Subsequent to these findings, a stop work order was placed on the property after the determination that the expansion would encroach into the required front yard setback. The property is zoned R-40 and this zoning district requires a 50-foot front yard.

This project will include replacing the existing porch and expanding it to extend eight (8) feet closer to the street and across the majority of the front of the house. The homes on Madison Court were in existence prior to annexation by the City of Goodlettsville, thereby, becoming non-conforming lots for the current R-40 zoning. Due to the history and nature of these houses and the owners' efforts to improve them and due to the restricted size of the lots, the use of the variance procedure is appropriate to obtain improvement as long as no detrimental impact on adjoining property occurs.

Discussion – Brian Tinch, homeowner, indicated that the porch will improve the appearance of the home. The addition will extend eight (8) feet into the front yard setback. Future plans include extending the living room forward to bring the remaining front of the house in alignment with the porch addition. James Thompson, adjoining neighbor, stated that he had no objections to the porch addition.

Action of the Board – Motion by Lowe to grant an eight (8) foot variance at 142 Madison Court, Sumner County Tax Map 140, Parcel 126.03 based on the hardship of a nonconforming front yard setback established prior to annexation by the City of Goodlettsville. A condition of the variance is that the front porch remains open and that it never be enclosed for living space. Motion seconded by Cunningham. Motion passed unanimously.

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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 14-307(f) have been met, and

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

NOW, THEREFORE, BE IT ORDERED, that an eight (8) foot front yard variance be granted for 142 Madison Court, Sumner County Tax Map 140, Parcel 126.03 based on the hardship of a nonconforming front yard setback established prior to annexation by the City of Goodlettsville. A condition of the variance is that the front porch remains open and shall never be enclosed for living space.

CASE NO. 02-09-425 Consider the request of Mohammad Jahan, 815 Wren Road to grant a side yard setback variance and a parking space requirement variance, Davidson County Tax Map 26-13, Parcel 35. The applicant is Tim Curtis Architecture.

Analysis – Staff reviewed. Terry reported the property at 815 Wren Road is a converted home used currently as a business. The new owner wants to demolish the existing house and build a new building. The plans include that the major portion of the building will be occupied by a doctor's office. The remaining portion will be leased as retail space. As a part of the approval process, the owner is requesting a side yard variance and a parking space requirement variance.

The new construction and buildings will represent a substantial improvement to the property and to the general area. It is noted that the owners consider the lot is to be too narrow. However, no hardship that is inherent in the property has been established.

Discussion – Bobby Davis, representing the property owner, stated that the lot measures 137 feet wide by 280 feet deep with a TVA easement on the back portion of the property. Due to the overhead power lines, the building has to be located closer to the street and limits the front yard parking space. Therefore, a variance of three (3) parking spaces is requested. Tim Curtis added that the left side yard setback measures twenty (20) feet and the right side yard measures ten (10) feet. This is a combined average of fifteen (15) feet per side yard. Due to the landscaping and retention pond requirements, a five (5) foot side yard variance is requested for the right side yard.

Lowe responded that it appears that the plans can be revised to accommodate the necessary requirements for parking and side yard setbacks by realignment of the building and parking areas and the reduction of rear yard open space for a retention pond. Cunningham shared his concern of future parking availability based on the type of tenant rental in addition to the proposed doctor's office. Adequate parking availability based on realistic projected occupancy should be considered.

Davis questioned if the side yard variance can be considered separate of the parking lot variance request. He reiterated that the original residential lot size and the TVA easement hampers commercial development of the lot. Curtis agreed that the rear yard open space could be utilized for a larger retention pond; thereby, eliminating the need for the parking space variance. Terry indicated that historically side yard variances have been approved in this area exclusively for corner lots. Cunningham shared his concern with setting a precedent for a zoning variance without the establishment of a viable hardship. Mosier, Lowe and Cunningham agreed that no hardship has been established and that any variance would simply benefit the current design and layout of the proposed building.

Mosier asked if there is any availability of space in the right side yard to eliminate the need for the five (5) foot variance. Curtis explained that the design includes twenty-four (24) feet for the driveway, ten (10) feet for the retention pond and ten (10) feet for the side yard setback. Lowe inquired if the retention pond can be placed in the side yard setback. Terry indicated that there is no regulation to prohibit the retention pond from being located in the side yard setback. The plan engineer would need to determine if such a revision could work for the site and submit drainage calculations to the City Engineer for approval. Curtis responded that he was not aware that the retention pond could be placed in the side yard setback and agreed that placement of the pond in the side setback could possibly eliminate the need for a side yard variance. Terry recommended that the plan be reconsidered by the engineer based on the use of additional open space for parking and use of the side yard setback for the retention pond thus eliminating the need for any variance requests.

Motion by Cunningham to defer action on a parking space requirement variance and a side yard variance for 815 Wren Road, Davidson County Tax Map 26-13, Parcel 35 to permit applicant to reconsider the overall plan and eliminate the need for variance requests. Motion seconded by Lowe. Motion passed unanimously.



Tom Mosier, Chairperson



Vicky Ignatz, Recording Secretary