

MINUTES OF THE GOODLETTSVILLE
BOARD OF ZONING AND SIGN APPEALS

Date: May 13, 2002

Time: 5:00 PM

Location: Goodlettsville City Hall Conference Room

Members Present: Tom Mosier, Owen Sanders, Ed Lowe

Staff Present: Bill Terry, Bennie Lane, Vicky Ignatz

Others Present: Paul Artrip, Frank Mondelli, Jeff Booth, Aaron Blankenship, James Scott

Case Heard: 2002-5-410

2002-5-413

2002-5-412

2002-5-414

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

CASE NO. 2002-05-410 Consider the request of Paul Artrip, 458 Moss Trail, to grant a zoning variance to the maximum height requirement for fencing on a right-of-way, Davidson County Tax Map 26, Parcel 38.

Analysis - Staff reviewed. Terry reported the business, Artrip's Market, has been operating at this address for several years. A few months ago, a fence was erected in the front and side yards of the property to provide security for the merchandise that is displayed outside the building. The maximum requirement for fence height in the front of a building in this zoning district is six (6) feet. The front portion of the fence measures approximately eighteen (18) inches above the six (6) feet height requirement. There are other factors to consider regarding non-compliance. 1) The fence has actually enclosed a part of the public right-of-way of the corner of Rivergate Parkway and Moss Trail. TDOT condemned the right-of-way during the planning stages of the construction of I-65 and thereby, created a wider than normal right-of-way. 2) There is an eighteen (18) inch wire border circumventing the top portion of the fence which is positioned outwardly infringing on the right-of-way to a greater extent than the fence itself. 3) The topography of the site creates problems in relocating the fence outside of the right-of-way. There is a large hillside immediately behind the building inhibiting utilization of the land. The lot is also a unique configuration.

This business has been cited for codes violations relating to construction of sheds without a building permit and improper storage of outdoor coolers. These matters have been resolved by the owner. Currently the display of illegal signs needs to be addressed by obtaining a sign permit from the Codes Department. Terry requested a response from the applicant as to whether he intends to comply with the zoning and codes regulations.

Public Works has no use for the right-of-way unless an unusual circumstance develops. A determination was made to require Mr. Artrip to sign a Hold Harmless Agreement stipulating that in the event the city or any public utility entity should need to utilize the right-of-way, the fence will be removed at the expense of the property owner.

Discussion – Frank Mondelli, legal representative for Paul Artrip, stipulated that the plastic banner would be removed and a sign permit obtained if a decision is made to remount the banner. All other code violations have been addressed. Mondelli acknowledged that the applicant is aware that regulations need to be followed in the event future additions, alterations, signage, etc. are made to the site.

Mondelli informed the Board that the applicant relied on the company erecting the fence to comply with code regulations and was assured that all requirements had been met. The oversized right-of-way and the topography of the site creates a hardship for the property owner. The eighteen (18) inch wire border circumventing the top portion of the fence can be remounted and positioned as to not infringe on the right-of-way.

Mondelli presented a preliminary draft of the Hold Harmless agreement for staff review stating the applicant's financial responsibility regarding maintenance and removal of the fence. The agreement stipulates that a request for removal of the fence be in written form, the reason for removal be stated and that sufficient time be permitted for removal of the fence. Terry stated that the agreement will be reviewed by staff and will modify the agreement as needed.

Motion by Sanders to grant a zoning variance of eighteen (18) inches to exceed the maximum height requirement for fencing on the right-of-way at 458 Moss Trail, Davidson County Tax Map 26, Parcel 38 with the following conditions: 1) a Hold Harmless Agreement be established designating the owner's responsibility regarding maintenance and removal of the fence at the owner's expense in the event the city or any public utility entity should need to utilize the right-of-way and, 2) the eighteen (18) inch wire border circumventing the top portion of the fence be realigned to not impede within the right-of-way. 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 been met, and

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

NOW, THEREFORE, BE IT ORDERED, that an eighteen (18) inch variance be granted to exceed the maximum height of a front yard fence currently located on the right-of-way at 458 Moss Trail, Davidson County Tax Map 26, Parcel 38 with the following conditions: 1) a Hold Harmless Agreement be established designating the owner's responsibility regarding maintenance and removal of the fence at the owner's expense in the event the city or any public utility entity should need to utilize the right-of-way and, 2) the eighteen (18) inch wire border circumventing the top portion of the fence be realigned to the inside of the fence to not impede within the right-of-way.

CASE NO. 2002-05-412 Consider the request of Jeff Booth, RCC Western Stores Inc. dba Boot Corral, 240 Long Hollow Pike, to grant a temporary use permit for an outdoors sales tent, Davidson County Tax Map 19-13, Parcel 116.

Staff reviewed. Terry reported that the Boot Corral on Long Hollow Pike in the K-Mart Shopping Center wants to have an outdoor sales event with a temporary tent in the parking lot. It does not appear that any activity will be affected by such an event. Adjoining property owners have been notified. Terry acknowledged that he had spoken with Mr. Booth regarding the sales event changing from a tent sale to a sidewalk sales event which did not require a temporary use permit.

Jeff Booth, Manager of Boot Corral, explained that the application for the temporary use permit is being modified to reflect a request a small food service tent in the parking lot to coincide with the store's planned sidewalk sales event. Booth described the food service tent's dimensions as ten (10) feet by twenty (20) feet with a generator power source. A letter granting use of the parking area by the property owner has been secured. Terry and Lane recommended to Booth to contact the Metro Health Department be to obtain regulations regarding outdoor food service.

Motion by Lowe to grant a temporary use permit for a food service tent from June 12-18 in the K-Mart parking lot on Long Hollow Pike with the conditions that the proper permits are obtained from the Metro Health Department for preparation and serving of food, to maintain proper fire lane clearance and to obtain a temporary tent permit from the Codes Department. Motion seconded by Sanders. Motion passed unanimously.

OFFICIAL ORDER OF THE BOARD

WHEREAS, the public has been adequately notified, and

WHEREAS, the Board has determined that the requirements of Section 11-901(n) have been met, and

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

NOW, THEREFORE, BE IT ORDERED, that a temporary use permit for a food service tent located at 240 Long Hollow Pike, Davidson County Tax Map 19-13, Parcel 116 from June 12-18, 2002 be granted with the following conditions: 1) proper permits are obtained from the Metro Health Department for preparation and serving of food, 2) maintain proper fire lane clearance and 3) obtain a temporary tent permit from the Codes Department.

CASE NO. 2002-05-413 Consider the request of Aaron Blankenship to grant a temporary use permit for a fireworks sales tent at 843 Louisville Highway, Sumner County Tax Map 142, Parcel 12.

Staff reviewed. Terry reported the applicant is making an initial request with the city for a fireworks sales tent. The site on the tent sales is the Greystone Motel and Campground at the No. 98 interstate exchange. There is a problem in meeting the requirements for fireworks sales

tents. The site plan indicates a fire hydrant across the street on Highway 31W; however, a field check revealed no fire hydrant availability within three hundred (300) feet of the site.

Aaron Blankenship, Old South Patriotics, informed the Board that he measured the distance from the fire hydrant directly across 31W Highway to the site as 240 feet. The owner of the property informed Blankenship that another fire hydrant was accessible from the back portion of the property. Terry explained that the direct measurement taken by the applicant traveled through an existing chain link fence and an accurate measurement would be the direction the hose would need to be positioned along the fence to the entrance of the property and then to the tent site. Any fire hydrant, adjacent to the access road on the back portion of the property and presumably in working condition, would not meet the required fire hydrant distance. Terry suggested any approval of the request be conditional based upon the Fire Chief's confirmation of an operable hydrant with 300 feet of the proposed site. Blankenship questioned if a fire hydrant could be installed. Terry agreed that this is permissible if a six (6) inch water line is available; however, the permit approval process could take six to eight weeks.

Motion by Sanders to defer action until the June 10, 2002 meeting to allow the Fire Chief the opportunity to confirm the fire hydrant is operable and with the required 300 feet limit of the proposed fireworks sales tent site. Motion seconded by Lowe. Motion passed unanimously.

CASE NO. 2002-05-414 Consider the request of Dania McVicker-Vernali, 466 Moncrief Avenue, to grant a zoning ordinance variance for the maximum height requirement of an accessory building, Davidson County Tax Map 25, Parcel 145.

Staff reviewed. Terry reported that there is currently a garage on the property. The property owner's plans are to build an addition, measuring sixteen (16) feet by forty (40) feet, onto the rear portion of the existing garage to house a large motor home. The reason for the building height of twenty-two (22) feet and six (6) inches is to utilize a planned truss roof system with a 40 feet span to make the roofline uniform. With this type roof system, there will be no attic space that can be occupied. The maximum height for an accessory building is eighteen (18) feet. Therefore, a four and one-half (4 ½ feet) variance is being requested.

James Scott, building contractor, explained that the building site will be excavated to match the grade of the existing building. No living quarters will be incorporated into the truss roof system.

Motion by Lowe to grant a variance of four and one-half (4 ½) feet in the maximum height of an accessory building at 466 Moncrief Avenue, Davidson County Tax Map 25, Parcel 145 based on the fact that the additional height is necessary for the continuity of the original and additional structures and that the truss roof system will not permit living quarters. Motion seconded by Sanders. Motion passed unanimously.

ORDER OF THE BOARD

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

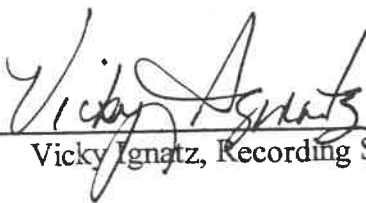
WHEREAS; the Board has determined that the requirements of Section 14-307(f) have been met, and

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

NOW, THEREFORE, BE IT ORDERED, that a variance of four and one-half (4 ½) feet in the maximum height of an accessory building be granted at 466 Moncrief Avenue, Davidson County Tax Map 25, Parcel 145 based on the fact that the additional height is necessary for the continuity of the original and additional structure and that the truss roof system will not permit living quarters.



Tom Mosier, Chairperson



Vicky Ignatz, Recording Secretary