

MINUTES OF THE GOODLETSVILLE
BOARD OF ZONING APPEALS

Date: February 11, 2002

Time: 5:00 PM

Place: City Hall Conference Room

Members Present: Tommy Jackson, Glen Garrett, Owen Sanders, Ed Lowe

Staff Present: Bill Terry, Bennie Lane, Vicky Ignatz

Others Present: Donnie Brundige, T. Jackson Sharber, Brenda Teachowt, Cliff Garrett, David Cole, David Beyers

The meeting was called to order by Owen Sanders. Minutes of the January 14, 2002 Zoning and Sign Appeals Board were approved as written.

Case Heard: 2002-2-405 2002-2-406 2002-2-407

CASE NO. 2002-1-405 Consider the request of Donnie Brundige to permit variances in the front yard setback and side yard setback at 515 Donald Avenue, Davidson County Tax Map 26-9, Parcel 6. (9.51 #02-405)

Analysis - Staff reviewed. Terry reported that the applicant has erected a free-standing carport in his front yard about 20 to 30 feet from the street without benefit of a building permit. The required front yard setback is 100 feet established by the subdivision plat. An accessory structure is not essential to the use of the property nor are they permitted in a required front yard. There is no prohibition on the established parking area in this location. The configuration of the lot and house prohibits access to the back yard by vehicles and the carport at this location is very intrusive.

Discussion - Donnie Brundige, applicant, stated that the free-standing carport was erected in December, 2001 at the request of the renter. The asphalt parking pad was established prior to the purchase of the property. The attached carport was erected at the same time. Cliff Garrett, adjoining property owner has no objection to the attached carport; however, he would appreciate the free-standing carport be removed. T. Jackson Sharber, adjoining property owner, wants to maintain the character of the subdivision and requests that the free-standing carport be removed.

Action of the Board - Motion by Jackson to remove the free-standing carport from the front yard setback at 515 Donald Street, Davidson County Tax Map 26-9, Parcel 6. 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 not been met, and

WHEREAS, the Board has determined that an adverse impact will occur;

NOW, THEREFORE, BE IT ORDERED, that the request for a front yard variance be denied for 515 Donald Street, Davidson County Tax Map 26-9, Parcel 6 and that the owner be directed to dismantle and remove the free-standing carport in a timely manner.

Analysis – Staff reviewed. Terry reported the side yard variance request at 515 Donald Street is for another carport which has been attached to the side of the house, again without a building permit. The required side yard setback is 15 feet and the carport appears to extend to the property line and creates stormwater drainage onto the adjoining property.

Discussion - Cliff Garrett and T. Jackson Sharber, adjoining property owners, stipulated that they were in favor of permitting the attached carport to remain on premises. Brundige submitted that the carport measures 17 feet x 40 feet with a 5 ft. overhang. Bennie Lane, Codes Department, estimated the structure is in violation of the side yard setback by 11 feet. Lane informed the Board that the applicant had obtained a building permit for this addition. Jackson recommended that the existing overhang be shortened to one foot and to install proper guttering and drainage.

Action of the Board - Motion by Lowe to grant a 7 ft. side yard variance at 515 Donald Avenue, Davidson County Tax Map 26-9, Parcel 6 based on the following conditions: the applicant is instructed to decrease the existing overhang to measure 1 foot from the outer support beam, install gutter, downspout and ground level drainage. Enclosure of the carport area is prohibited in the future. Motion seconded by Jackson 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 the request for a 7 feet side yard variance at 515 Donald Street, Davidson County Tax Map 26-9, Parcel 6 be granted with the following conditions: the applicant is to decrease the existing overhang to measure 1 foot from the outer support beam, install gutter, downspout and ground level drainage. Enclosure of the carport area is prohibited in the future.

CASE #2002-02-406 Consider the request of David Cole to grant a temporary use permit for seasonal sale of produce at Long Hollow Pike and Caldwell Road, Sumner County Tax Map 143, Parcel 69. (9.51 #02-406)

Analysis – Staff reviewed. Terry reported that the applicant wants to sell produce during the four-week period from July 6 to August 3, 2002. Mr. Cole has a lease agreement with the

property owner. The Goodlettsville Zoning Ordinance does not make any provision for produce sales. Temporary use permits for fireworks, fleamarkets and other sales allow duration of sales from 3 to 21 days.

Staff is concerned about the frequency of temporary uses that are being requested for this lot. At one time the lot was used twice a year for fireworks sales. Now it is being utilized for two fireworks sales, on Christmas tree sale, one fall pumpkin sale and one spring flower sale. There are two requests for this lot on this agenda. The amount of sales requests almost constitutes continuous use and all from temporary buildings, trailers or tents. The Board must consider all uses of this site and their impact on the adjoining residences and businesses.

The sales period time limit is another factor. In the "other sales" category, the time limit is 7 days; however, most temporary sales events are permitted a much longer sales period. The 7 days time limit is arbitrary.

Discussion – David Cole, applicant, informed the Board that he would like to use this site to evaluate the potential for permanent sales for produce in this area. He is interested in purchasing a location in Goodlettsville should the demand for produce prove viable. He has been selling produce since 1987. Jackson questioned what type structure will be utilized on site. Cole stated that an 18 x 32 feet prefab structure will be erected. One trailer for corn will be located under the structure. The building will be secured during the evening. Hours of operation will be 8:30 AM – 6:00 PM. Advertising for the event will be placed in local papers. All produce will be grown by the applicant except for peaches, blackberries and watermelons.

Garrett informed the Board that he has no concern with the physical appearance of the proposed sales site. He has visited the Cole's Farm in Cottontown, TN and was very impressed with the how the location was maintained. Cole stated that the refuse will be removed daily from the site.

Action of the Board – Motion by Jackson to grant a temporary use permit to sell produce at the corner of Long Hollow Pike and Caldwell Road, Sumner County Tax Map 143, Parcel 69, from July 6 through August 3, 2002. The applicant must comply with the standard guidelines listed below. Strict adherence to the established sales period is required.

1. A building permit must be obtained from the Goodlettsville Codes Department and inspection of the on-site trailer(s) and structures must occur.
2. Any temporary structure shall meet all setback requirements of the zoning district in which it is located.
3. Temporary electrical service must meet electrical codes regulations.
4. Off-street parking requirement shall be observed and such parking shall be so arranged that backing onto a public street will not occur.
5. One 4 x 8 ft. ground mounted promotional sign advertising the event is permitted on each street front.
6. No off-site signage is permitted in Goodlettsville.
7. The location of the on-site trailers(s) and advertising shall be in the same locations as the previous year.
8. Temporary living quarters will be permissible on the site during the sales period.

9. A transient vendors license must be obtained from the City of Goodlettsville's Business Tax Office at City Hall.

Motion seconded by Lowe. 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 request for a temporary use permit to sell produce at the corner of Long Hollow Pike and Caldwell Road from July 6 through August 3, 2002 be granted to the applicant. The applicant must comply with the standard guidelines for temporary use permits. Strict adherence to the established sales period is required.

CASE # 2002-02-407 Consider the request of David Beyers, Dave Beyers Enterprises, to grant a temporary use permit for seasonal sales of Tropical Sno Hawaiian Shaved Ice at Long Hollow Pike and Caldwell Road, Sumner County Tax Map 143, Parcel 69. (9.51 #02-407)

Analysis – Staff reviewed. Terry reported that this is a request for a temporary use permit to sell shaved ice from a free-standing trailer. The applicant is requesting a permit for a sales period of 22 weeks from Mid-April thru September, 2002 and wants to be able to utilize the lot concurrent with the spring flower sales, fireworks sales and produce sales applicants.

Staff opposes any temporary use permit to be issued for more than a 30 days sales period. Furthermore, only one use at a time should be allowed on the site due to traffic and safety issues. This particular site has five annual reoccurring requests for temporary use permits. The Board has just approved the sixth temporary use permit for produce sales in July. Approval of this request and the established recurring requests could constitute continuous use of the property which can easily translate to permanent use of the site. Also, the Board is aware that staff was given authority to administratively approve recurring temporary use permits as long as all requirements are being met by the applicants. There has been concern by staff that regulations are not being met by some applicants regarding obtaining building permits, sign permits and requesting on-site inspection prior to opening of the business. The Board needs to revisit the temporary use issue to see how best to proceed.

Discussion – Dave Beyers, applicant, has obtained a lease agreement from the property owner. Beyers agreed to use the site for any period of time that the Board determined appropriate. He informed the Board that he has spoken with Roger Loyd, owner of the property, who was not opposed to dual occupancy of the site. Lowe questioned if the temporary electric pole on site could handle requirements for dual occupancy. Beyers agreed that he would be responsible for

upgrading of the electrical service, if necessary. Bennie Lane, Codes Dept., stipulated that a second service would be permissible on-site.

Garrett acknowledged his concern for dual temporary use permits on the site. Temporary use permits have already been issued for this property during the majority of the time period requested by the applicant. The previously approved applicants anticipate utilizing the site without additional tenants. Beyers asked if specific dates could be determined when no other persons were using the site. Garrett viewed this as continuous use of the property and this is not conducive to the adjoining residents and businesses. Lowe voiced his concern with the additional traffic generated and viewed the approval of dual temporary use permits for one site as establishing precedence and is not in favor of such action.

Terry reported that complaints have been received from the business park across the street regarding the presence of continued temporary vendors. The continued leasing of the property by Roger Loyd and any additional temporary use permits approved by this Board will need to be scrutinized carefully to avoid continuous use status of the property.

Action of the Board – Motion by Lowe to deny the request for a temporary use permit for seasonal sales of Tropical Sno Hawaiian Shaved Ice at Long Hollow Pike and Caldwell Road, Sumner County Tax Map 143, Parcel 69. The action is based on the desire of the Board to not establish a precedence for dual use of an individual property and to eliminate excess traffic and signage generated by dual sales sites.

OFFICIAL ORDER OF THE BOARD

WHEREAS, the public has been adequately notified, and

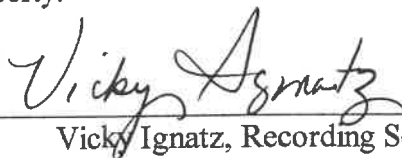
WHEREAS, the Board has determined that the requirements of Section 11-901(n) have been not met, and

WHEREAS, the Board has determined that an adverse impact will occur;

NOW, THEREFORE, BE IT ORDERED, that a request for a temporary use permit for seasonal sales of Tropical Sno Hawaiian Shaved Ice at Long Hollow Pike and Caldwell Road from Mid-April through September, 2002 be denied based on the desire of the Board to not establish a precedence for dual use of an individual property.



Owen Sanders, Chairperson Pro-Tem



Vicky Ignatz, Recording Secretary