

MINUTES OF THE GOODLETTSVILLE
BOARD OF ZONING APPEALS

Date: January 14, 2002

Time: 5:00 PM

Place: City Hall Conference Room

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

Staff Present: Bill Terry, Bennie Lane, Vicky Ignatz

Others Present: Phillip Piercy, Chris Akers

The meeting was called to order by Tom Mosier. Minutes of the December 10, 2001 Zoning and Sign Appeals Board were approved as written.

Case Heard: 2002-1-404

CASE NO. 2002-1-404 Consider the request of Chris Akers, P.E., Littlejohn Engineering, for variances in the building setback and side yard setback for Kabuto Restaurant, Conference Drive, Davidson County Tax Map 26,2, Parcel 1.

Analysis – Staff reviewed. Terry reported the proposed project is to be built at the intersection of Conference Drive and Northgate Circle. The need for a variance in the building setback on Northgate Drive is that the site is bordered on three sides by public streets and the ordinance requires a 40-foot building setback from each street. The requirement has been complicated by the fact that the widening of Conference Drive has taken an additional 12 feet off the property. TDOT's dedication of right-of-way pushes the building farther back on the lot in order to get a row of parking and aisle space along Conference Drive. Therefore, a variance of 5 feet in the 40-foot setback from Northgate Drive has been requested. There is no violation of the side yard setback; therefore, no variance is required.

Also, the walk-in cooler is to be located on the side of the building fronting Northgate Drive and will need to be included in the variance. Therefore, a variance of 14 feet in the building setback requirement needs to be considered.

Phillip Piercy, Littlejohn Engineering, stated that the property owner, Johnny Yun, had previously purchased the property and the engineering plan was prepared based on a survey that did not include TDOT's appropriating 12 feet of the property for a ROW for the widening of Conference Drive. A new survey was prepared and the request for a variance was submitted to this Board.

Lowe stated the hardship for the variance is established by the site being bordered by three streets in addition to TDOT's acquiring 12 feet of ROW.

Motion by Garrett to approve the request for a 14 feet variance in the building setback requirement on Northgate Drive based on the acquisition of 12 feet of right-of-way by TDOT

and the hardship of the property being bordered by three public streets. 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 fourteen (14) feet variance in the building setback requirement on Northgate Drive be granted to Johnny Yun, Kabuto Restaurant, based on hardships of the twelve (12) feet of right-of-way acquisition by TDOT for the widening of Conference Drive and the property being bordered by three public streets.



Tom Mosier, Chairperson



Vicky Ignatz, Recording Secretary