

MINUTES OF THE GOODLETTSVILLE
BOARD OF ZONING AND SIGN APPEALS

Date: November 12, 2001

Time: 5:00 PM

Place: City Hall Conference Room

Members Present: Owen Sanders, Tommy Jackson, Ed Lowe

Staff Present: Bill Terry, Bennie Lane, Vicky Ignatz

Others Present: Raymond Kash, Mrs. Lisa Mosier, Jeramiah Davis

Cases Heard: 2001-11-400

CASE NO. 2001-11-400 Consider a request for side yard and rear yard setback variances at 101 Joshua's Run, Lot 131, Twelve Stones Crossing. The applicant is Newmark Homes.

Analysis - Staff reviewed. Terry reported the owner of the property would like to build a deck onto the rear of the house which would encroach into the required side and rear yards. This is a new house which backs up to the golf course and is located on a corner. The required setbacks are five feet from the interior property line, 30 feet from the side street and fifty feet from the rear line at the golf course. The rear setback was established by plat of the developer; however, the other setbacks were established by the zoning ordinance. This lot and the rear yard are highly visible from the street and the golf course.

The side yard setback request is to encroach to within 1.6 feet of the property line. On the street side, the house is set back 30 feet. This request would allow the deck to extend almost 6 feet toward the street. Also, the approved master plan for Twelve Stones Crossing approved a 5 ft. - 15 ft. side yard and setback requirement which means the side yards may measure as little as five feet, but the houses must be 15 feet apart. So, in this case, there is a 5 feet setback on this lot and the adjoining lot has a 10 feet setback.

The rear yard setback request is to encroach 10 feet into the 50 feet rear setback. This request would allow the deck to extend 10 feet into the 50 feet rear setback. The rear yard encroachment is not as significant since the lot backs up to the golf course and there is a 25 feet landscape easement.

Discussion - Raymond Kash, Newmark Homes, presented a letter from Landsource, Inc., the developer for Twelve Stones Crossing indicating agreement with the reduction of the rear yard setback as it relates to the golf course. Lowe questioned if a privacy fence is planned for the hot tub area. Kash stated that a 4 ft. handrail would be constructed per codes requirements; however, a privacy fence is not planned. Lowe voiced his concern with the protrusion of the deck into the left side yard setback. He asked if the deck's dimensions could be modified to accommodate the 5 feet side yard setback. Kash agreed

to align the left corner of the deck to comply with the required setback. Lowe noted that this adjustment would eliminate the need for a variance for the side yard setback.

Sanders recommended that the berm located on the side yard extending toward the street be landscaped with evergreen trees. Mosier, the homeowner, asked if a privacy fence would eliminate the need for landscaping. Lowe and Sanders affirmed that landscaping would be required to create a natural barrier at the street. Lane added that a the hot tub measuring more than 2 feet in depth would require a 4 foot barrier around the perimeter of the tub with a self closing gate to meet standard requirements. Location of the steps might affect the placement of any privacy fence.

Action of the Board - Motion by Lowe to approve the submitted plans for a deck at 101 Joshua's Run, Twelve Stones Crossings, with the following conditions: 1) modify the dimensions of the left side of the deck to conform to the 5 feet side yard setback; 2) grant a 6 feet side yard setback for the right side of the deck; 3) landscape the right side yard with 6 ft. pine trees planted on a berm measuring 25 feet in length along the proposed deck extending two feet from the interior of the back corner of the home to the end of the deck; 4) grant a 10 feet rear yard setback variance. 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 14-1408 have been met, and

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

NOW, THEREFORE, BE IT ORDERED, that a request to grant a side yard variance at 101 Joshua's Run, Twelve Stones Crossings, be modified to allow the left side of the deck to conform to the 5 feet side yard setback; to grant a 6 feet side yard setback for the right side of the deck; require landscape design on the right side yard to include 6 ft. pine trees planted on a berm measuring 25 feet in length along the proposed deck extending 2 feet from the interior of the back corner of the home to the end of the deck; and, grant a 10 feet rear yard setback variance.



Owen Sanders, Chairman Pro-Tem



Vicky Ignatz, Recording Secretary