

MINUTES OF THE GOODLETTSVILLE
BOARD OF ZONING AND SIGN APPEALS

Date: September 17, 2001

Time: 5:00 PM

Place: City Hall Conference Room

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

Staff Present: Bill Terry, Bennie Lane, Vicky Ignatz

Others Present: Greg Lynn, Richard Binkley, Richard Sutton, Ruth Seely, Paul Holloway

CASES HEARD: 2001-09-394 2001-09-395 2001-09-396

The meeting was called to order by Tom Mosier, Chairperson. Minutes of the August 13, 2001 Goodlettsville Zoning and Sign Appeals Board stand approved as written.

CASE NO. 2001-09-394 Consider a request for a temporary use permit for a Halloween entertainment event, "Spooktacular Haunted Scream Park:, at 1000 Rivergate Parkway, Davidson County Tax Map 26-14, Parcel 26. The applicant is Greg Lynn.

Analysis – Staff reviewed. Terry reported the applicant wants to establish this event inside the now vacant space previously occupied by Silk Greenhouse at Rivergate Mall. The zoning ordinance provides no guidelines for this type of event. Rivergate Mall management has agreed to the location of the event. It appears that all code requirements can be met for public safety.

These type events normally involve numbers of brightly colored signs. This aspect will need to be addressed by the permit. As usual, the only sign permitted is a wall sign on the exterior wall of the mall and near the entrance of the facility.

Discussion – Greg Lynn, applicant, stated the family oriented event has been approved by mall management. A Texas based company specializing in constructing major theme parks will be designing and constructing the technical special effects. The event is a multi-purpose fundraiser for Beech High School's athletic program, National Multiple Sclerosis Society, TN Camp for Diabetes and the American Red Cross. A two week set-up and dismantle period is required. The event will open to the public from 10/5/01 thru 10/31/01. The daily schedule is 7:00 PM until the last patron is served. A 20ft. by 20 ft. pumpkin patch will be located in the mall parking area adjacent to the event. Terry requested that Lynn submit a site layout of the outside event for review by staff.

Mosier asked for a description of the outside signage for the event. Lynn replied that a banner advertising the event would be placed over the existing "space available" banner sign currently on the exterior wall of the mall building. Bennie Lane stated that the current banner is oversized per sign regulations and to comply with regulations, the banner must not exceed 35 sq. ft. Terry added that Mr. Lynn will need to apply for a sign

permit and that the Codes Dept. can only issue a permit for a 35 ft. temporary banner. The Board would need to grant a variance to permit an oversized banner sign to be utilized. Mosier, Lowe and Garrett agreed that they saw no problem with permitting a non-conforming sign to be placed over the existing sign for the temporary event.

Terry addressed the fire safety requirements. He asked if Goodlettsville or Metro will be responsible for the fire inspections. Lane replied that Metro is responsible for all fire inspections for Rivergate Mall. Lane did voice his concern with the emergency exits available after the mall closed for business. Lynn explained that there are two exterior emergency exits with lighted signage at the rear of the building. Also, off duty police officers will provide security for the event.

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 be granted for the Halloween event "Spooktacular" Haunted Scream Park at 1000 Rivergate Parkway from September 18, 2001 through November 10, 2001 with the conditions that all building and fire safety codes are met and that the temporary banner sign advertising the event shall be no larger than the currently existing banner sign.

CASE NO. 2001-09-395 Consider the request for a minimum building footprint variance at 212 Graves Street, Davidson County Tax Map 18-16, Parcel 150. The applicant is Richard Binkley.

Analysis – Staff reviewed. Terry reported that the applicant wants to build a duplex in a townhouse configuration and believes that the City's minimum building requirements should not apply. The subject property is zoned R-7, a district which permits a duplex on a minimum 14,000 square foot lot. The property meets this requirement. The ordinance also requires a minimum building footprint of 1,200 square feet plus a one car attached garage. The applicant wants to build a townhouse measuring 872.9 sq. ft. per unit without an attached garage.

The applicant's position is that the minimum building footprint and the one car attached garage is not applicable due to the fact that other houses in the area do not meet the stated requirements and, in fact, that one duplex was built in violation of this requirement.

Discussion – Richard Binkley, applicant, stated he bought the property with the intent to build a townhome. He then sold the property to Richard Sutton with the understanding a townhome could be built on the lot. Binkley came to City Hall requesting zoning

information for the R-7 zoning district and did receive all necessary requirements. When he went to the Codes Department to pull the permit, he learned a 2,400 footprint with a one car attached garage per unit is required. He added that no existing homes built on Graves Street since the current zoning regulations were established in 1989 has the required minimum building footprint. Terry stated the older shotgun style houses were built prior to the establishment of the zoning ordinance.

The plan depicts a two-story building with an 872 sq. ft. building footprint per unit without an attached garage. Mr. Sutton, the owner, has a construction loan in place and has gone to the expense of an appraisal and survey. Lowe asked if the newer buildings on the opposite side of Graves Street have been built since the 1989 zoning ordinance was established. Terry stated that to the best of his knowledge the single family home built since 1989 meets building standards. The two-story townhome built since 1989 was permitted in error. It was not discovered that building requirements were not met until after the building was under construction. The townhome should have an attached garage on each side of the building. However, it was approved even though it did not meet the minimum requirements for an attached garage. Terry added that to the best of his knowledge, the existing townhome meets the minimum square footage requirement. Mr. Binkley disagreed that the existing townhome meets the minimum square footage requirement.

Mr. Sutton, property owner, stated he did not have a problem building an attached one car garage on each of the units. Mosier asked if the plans could be enlarged to meet the minimum standard of a 1,200 sq. ft. building footprint. Binkley responded that the hardship is that it would not be economically feasible to build a 2,400 sq. ft. townhome in this area; however, the lot is large enough to accommodate the required building footprint.

Mosier stated it is not the intent of the Board to penalize anyone financially. However, the lot will accommodate the required minimum footprint and does not create a recognized hardship for a variance. Lowe asked if a one-story building could be built to comply with the required building footprint. Binkley acknowledged that a one-story building could be built; however, the owner would not be able to recoup his investment with the revised plan. Terry added that the regulation was developed to eliminate the building of basic two-story square box buildings. Terry asked the Board to consider that the property owner has agreed to build attached garages to the 872 sq. ft. building footprint which would spread out the appearance of the structure; however, the garages are not considered part of the building footprint.

Action of the Board – Motion by Garrett to deny the request for a minimum building footprint variance at 212 Graves Street based on the fact that no hardship was established and that the proposed plan does not meet current zoning and building regulations. 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 14-1408 have been met, and

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

NOW, THEREFORE, BE IT ORDERED, that a request for a minimum building footprint variance at 212 Graves Street, Davidson County Tax Map 18-16, Parcel 150 is denied based on the fact that no hardship was established and that the proposed plan does not meet current zoning and building regulations.

CASE NO. 2001-09-396 Consider the request for a conditional use permit for **McFerrin Baptist Church, Burton Property, S. Dickerson Road, Davidson County Tax Map 26, Parcel 60. The applicant is Paul Holloway.**

Analysis – Staff reviewed. Terry reported that McFerrin Baptist Church wants to purchase this property and build a church thereon. The lot is narrow across the front and extends over 1,000 feet in depth. The ordinance provides that a church may be built in residential and/or agricultural zoning districts if the zoning requirements for a conditional use permit are met and the use is compatible with the adjoining neighborhood. The zoning requirements can be met. A driveway cut must be obtained from TDOT.

Discussion – Glen Garrett and Tommy Jackson recused themselves from the proceedings due to the fact that both Board members are adjoining property owners to the property under consideration.

Mosier asked what zoning requirements are to be met to approve a conditional use permit. Terry responded that the church property must have a minimum lot size of five (5) acres, have street frontage on a major or collector street and the proposed use must be compatible with the adjoining area.

Paul Holloway, applicant, stated the church will have a traditional appearance with brick exterior and white columns. Mosier questioned if the church will have future plans for a daycare. Holloway stated the church will not be offering daycare facilities. Ruth Seely, adjoining property owner, asked how the rear portion of the property might be utilized. Holloway replied that the church has no future plans to use the rear portion of the property. It is a possibility that the rear portion of the property would be available for sale in the event of future development of adjoining properties.

Action of the Board – Motion by Lowe to approve a conditional use permit to allow McFerrin Baptist Church to establish a church building on the Burton Property, S.

Dickerson Road, Davidson County Tax Map 26, Parcel 60 based on compliance with the zoning ordinance requirements to permit a church to locate in a residential district. Motion seconded by Sanders. Motion passed unanimously.

OFFICIAL ORDER OF THE BOARD

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

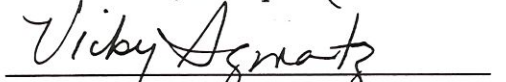
WHEREAS; the Board has determined that the requirements of Section 14-1409 have been met, and

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

NOW, THEREFORE, BE IT ORDERED, that a conditional use permit is approved for McFerrin Baptist Church to establish a church building on the Burton property, S. Dickerson Road, Davidson County Tax Map 26, Parcel 60 based on compliance with the zoning ordinance requirements to permit a church to locate in a residential district and the compatibility of use with the adjoining neighborhood



Tom Mosier, Chairperson



Vicky Ignatz, Recording Secretary