

MINUTES OF THE GOODLETTSVILLE
BOARD OF ZONING AND SIGN APPEALS

Date: August 13, 2001

Time: 5:00 PM

Place: City Hall Conference Room

Members Present: Glen Garrett, Ed Lowe, Owen Sanders

Staff Present: Bill Terry, Bennie Lane, Vicky Ignatz

Others Present: Jo Sanders, Mary Potter, Marie Mathes, Ernest Mathes, Bruce and Nan DeVries, Thomas Newburn

Cases Heard: 2001-08-392

The meeting was called to order by Owen Sanders, Chairman Pro-Tem. Motion by Garrett to approve as written the minutes of the July 9, 2001 regular meeting of the Goodlettsville Zoning and Sign Appeals Board. Motion seconded by Lowe. Motion passed unanimously.

CASE NO. 2001-08-392 **Consider a request for a variance in the minimum side yard setback at 202 Church Street, Davidson County Tax Map 19-13, Parcel 32. The applicant is Bruce DeVries.**

Analysis - Staff reviewed. The owner of the property would like to build an addition onto his home which would encroach into the required ten (10) foot minimum side yard setback required. The lot currently contains a house, a garage and a storage building. There is also a ten (10) foot dedicated public alley along the north side of the property, and the garage on the back of the lot encroaches across the property line into the alley. The property is zoned R-10. The adjoining lot on the side facing Connell Street is zoned CSL, although the house is occupied as a residence.

The houses and lots in this section of town were platted in the 1930's before the city was incorporated and there are several alleys in this area. Many of the alleys, this one included, have building encroachments into the alley, but the alleys are still on the maps.

The house is now located 10 (ten) feet from the north side of the property line. The alley is an additional 10 (ten) feet, therefore, the house is located 20 feet from the adjoining property line. If the alley were abandoned by the city, the usual procedure is to give each adjoining property owner one-half of the width of the right-of-way, or five (5) feet. The garage encroaches into the backyard setback nine (9) feet. It is up to the Board to determine whether there are mitigating circumstances that would allow justification of a minimum side yard setback variance.

Discussion - Bruce DeVries, applicant, wants to build additional living space at his current home. There are future plans to build a back porch area. The utilities are located on the front of the property and would not be effected by any building. Lowe asked if the

applicant had considered any other building alternatives. Mr. DeVries stated that it is more economical to build onto the existing floor than add a second floor to the structure.

Sanders questioned if there had been an official request to abandon the alleyway. Terry reported that has been no official request presented to the city. Terry added if a request is made and granted, the alleyway would be divided evenly between the adjoining property owners of the alley. Mr. DeVries stated he has begun the process for requesting the abandonment of the alley. The adjoining property owners, Mr. & Mrs. Ernest Mathes, stated their intent is to deed their portion of the proposed abandoned alleyway to Mr. DeVries. Terry confirmed that abandonment of the right-of-way by the City and deeding of the entire ten (10) feet of alleyway to Mr. DeVries would bring the property into proper compliance with zoning regulations and the proposed addition to the home could be build.

Terry stated that in an official abandonment process, a letter of agreement regarding abandonment of utility right-of-ways would have to be received from all utility companies. Lowe acknowledged there are no acceptable hardship circumstances which would allow the Board to grant a variance for the side yard setback requested.

Action of the Board - Motion by Lowe to defer the motion for a minimum side yard setback variance request and to direct the applicant to request action by the City Commission and known utility companies to abandon the dedicated public right-of-way and known utility companies. Motion seconded by Garrett. 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 ten (10) foot side yard setback variance to Bruce DeVries, 202 Church Street, Davidson County Tax Map 19-13, Parcel 32 be deferred. Furthermore, the Board directs the applicant to request the City Commission and applicable utility companies to abandon the dedicated public right-of-way.


Owen Sanders, Chairman Pro-Tem


Vicky Ignatz, Recording Secretary