

# MINUTES OF THE GOODLETTSVILLE BOARD OF ZONING APPEALS

Date: December 11, 2000

Time: 5:00 PM

Place: City Hall Conference Room

Members Present: Edgar Lowe, Tommy Jackson, Owen Sanders

Staff Present: Bill Terry, Vicky Ignatz, Bennie Lane

Others Present: Bill Dorris, Frank Horton, Brock Rust, Jeff Bown, Jeff Hooper,  
Lynn Vezina

|                        |           |           |
|------------------------|-----------|-----------|
| Cases Heard: 00-10-366 | 00-12-371 | 00-12-373 |
| 00-12-370              | 00-12-372 |           |

The meeting was called to order by Owen Sanders, Vice-Chairperson. The minutes of the November, 2000 Board of Appeals stand approved as written.

**CASE NO. 00-10-366 – Consideration of a request for a minimum lot size variance and a minimum lot width variance at Lot #24, East Drive, Davidson County Tax Map 26-0-10, Parcel 50. The applicant is Bill Dorris.**

Analysis - Staff reviewed. Terry reported this issue was thoroughly discussed at the last meeting. The Board deferred action and requested the applicant to perform a deed or title search to prove that parcel 49 was a legal lot prior to the adoption of the Goodlettsville Zoning Ordinance. The zoning for this lot is R-10 which requires 10,000 sq. ft. to be considered a buildable lot. The minimum lot width for R-10 zoning is 60 ft. Should this proof be made available, the Board will need to consider a minimum lot size variance of 2,000 sq. ft. and a minimum lot width variance of 10 ft. to establish a buildable lot.

Discussion - Dorris presented documentation to affirm the establishment of parcel 49 prior to the adoption of the 1989 Zoning Ordinance. Lowe stated his satisfaction that there was adequate proof to parcel 49 as a legally established lot.

Action of the Board - Motion by Jackson to grant a minimum lot width variance of 2,000 sq. ft. and a minimum lot width variance of 10 ft. 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 been met, and

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

**NOW, THEREFORE, BE IT ORDERED**, that a variance in the minimum lot size for R-10 zoning from 10,000 sq. ft. to 8,000 sq. ft. be granted; furthermore, that a minimum lot width from 60 ft. to 50 ft. for Lot #24, East Street be granted to establish a buildable lot based on the fact that Lot 49 is a legally established parcel.

**CASE NO. 00-12-370 Consideration of a request for a minimum lot width variance for The Estates at Twelve Tones, Bella Vista Drive, Lots 12, 13 and 14, Sumner County Tax Map 143, Parcel 81. The applicant is Steve Brown, Barge, Waggoner, Sumner and Cannon.**

Analysis – Staff reviewed. Terry stated The Estates at Twelve Stones is a new subdivision development that is being constructed off Willis Branch Road bordering Twelve Stones Crossing. The final plat has been approved by the Planning Board and most of the infrastructure has been installed. In reviewing the construction plans, it was discovered that lots 12, 13 and 14 do not meet the minimum lot width requirements of 125 feet for the R-40 zoning district. Due to the fact the infrastructure is nearly complete and lots are advertised for sale, it would produce a hardship to redesign the subdivision at this point. These lots are also impacted by the Madison Creek flood plain; therefore, even though they front on Willis Branch Road, the access for these lots is derived from the rear of the property at a private ingress/egress easement from Bella Vista Drive.

Discussion – Frank Horton and Brock Rust, developers for the project, presented drawings of the development and photos of current lots and homes in Twelve Stones Crossing. The homes in this private, gated community will be on the same size lots as Twelve Stones; however, the homes will be larger and more expensive. Sanders requested clarification of lot width requirements for the R-40 zoning district. Terry stated zoning requires 125 ft. minimum lot width. The dimensions for the lots are: Lot 12 - 89 ft. x 90 ft., Lot 13 - 90 ft. x 92 ft. and Lot – 108.5 ft. x 118 ft.

Action of the Board – Motion by Lowe to grant minimum width lot variances of 36 feet for Lot 12, 35 feet for Lot 13 and 16.5 feet for Lot 14 in The Estates at Twelve Stones based on the ingress/egress and public utility easements and the flood plain impacting the lots. Motion seconded by Jackson 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 minimum lot width variances of 36 feet for Lot 12, 35 feet for Lot 13 and 16.5 feet for Lot 14 in The Estates at Twelve Stones be granted based on the ingress/egress and public utility easements and the flood plain impacting the lots. Motion seconded by Jackson passed unanimously.

**CASE NO. 00-12-371 - Consideration of a request for a side yard setback variance for The Estates at Twelve Stones, Bella Vista Drive, Lots 12, 13 and 14, Sumner County tax Map 143, Parcel 81. The applicant is Steve Brown, barge Waggoner Sumner & Cannon, Inc.**

Analysis - Staff reviewed. Terry stated the developer and homebuilder are building a particular type of house which has a large building footprint. In order to build this type footprint on these lots, the side yard requirement of the district must be varied. If the required side yard is imposed, a smaller house will have to be build than what is desired in this development which would not be compatible with the other homes proposed for the site.

Action of the Board – Motion by Jackson to grant side yard setback variances of 10 feet on the west side and 5 feet on the east side of Lot 12, 10 feet on the west side and 5 feet on the east side of Lot 13 and 5 feet on the east side of Lot 14 in The Estates at Twelve Stones based on the impact of the easements and flood plain on the lots' building footprints. 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 been met, and

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

**NOW, THEREFORE, BE IT ORDERED**, that side yard setback variances of 10 feet on the west side and 5 feet on the east side of Lot 12, 10 feet on the west side and 5 feet on the east side of Lot 13 and 5 feet on the east side of Lot 14 in The Estates at Twelve Stones be granted based on the impact of the ingress/egress and public utility easements, the adjoining flood plain and the need for larger building footprints to maintain the integrity of the development.

**CASE NO. 00-12-372 – Consideration of a request for variances for maximum lot coverage, front yard setback and side yard setback for Tire Depot, Inc., 210 Connell Street, Davidson County Tax Map 19-13, Parcels 65 & 65.1. The applicant is Jeff Bown.**

Analysis – Staff reviewed. Terry reported the applicant wants to establish his business in the existing building and expand it to accommodate the business. This creates several problems: 1) The existing building contains 8,073 square feet and encroaches on the front, rear and one side setback. The proposed expansion is 4,150 square feet. This will trigger a requirement that the entire site must be brought into compliance with current zoning regulations. There is no way to bring the site into compliance even to a reasonable degree with any expansion. Thus, the Board would have to completely waive this requirement. 2) The existing building now covers 43 percent of the site. The zoning ordinance limits building coverage to 40 percent. If the expansion were completed as requested, the building coverage would be 65 percent of the lot. The Board would have to grant a variance of 25 percent. 3) The proposed expansion would encroach into the 20 foot required rear setback and the 20 foot side setback along McCasland Street. Should it be determined that McCasland Street is a public street, the required setback is 40 feet. The applicant wants to build to the property line with no setback.

Discussion - Jeff Bown, applicant and owner of Tire Depot, Inc., stated he wants to use the building for office space, warehousing and shipping for his industrial tire sales business. This additional space is required to accommodate the current inventory and the future growth of the business. He plans to expand the building by an additional 4,150 sq., meet current fire codes, paint exterior of the building, clean up the site, landscape the north end of the building, lay crushed stone in the existing parking lot and provide 20 additional parking spaces. Mr. McKee, adjoining property owner, stated he has no objection to the proposed expansion as long as the right-of-way for McCasland Street is maintained.

Lowe and Sanders asked if the applicant could bring the entire building into compliance with current zoning regulations? Jackson asked if the expansion could be accomplished by adding a second floor to the existing building? Bown responded that complete zoning compliance or the added expenses involved in building a second floor to the existing building would stretch his finances. Lowe and Sanders stated they were apprehensive to approve the multitude of variances which would permit virtually the entire lot to be developed; moreover, the applicant had not proven actual circumstances of hardship.

Bown asked if changes were made to down size the expansion to less than 10,000 sq. feet, thereby, decreasing the setback variance required on McCasland Street. would the Board reconsider the request at the next meeting. Terry stated the variances regarding maximum lot coverage, setbacks and full compliance of zoning regulations would still apply with the only change being the depth of the setback variance required for McCasland Street.

Action of the Board - Motion by Lowe to deny the request for a maximum building setback, front yard setback and side yard setback variances for the proposed Tire Depot, Inc. based on the inability of the applicant to substantiate hardship and the failure to comply fully with the current zoning regulations due to multiple variance requests. 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 not been met, and

**WHEREAS;** the Board has determined that no hardship has been established;

**NOW, THEREFORE, BE IT ORDERED,** that the request for maximum building setback, front yard setback and side yard setback variances for the proposed Tire Depot, Inc. be denied based on the inability of the applicant to substantiate hardship and the failure to comply fully with the current zoning regulations due to multiple variance requests.

**CASE NO. 00-12-373 - Consideration of a request for a minimum building setback variance and a minimum front yard setback variance for Jack In The Box, Cartwright Street, Davidson County Tax Map 19-13, Parcel 103. The applicant is Jeff Hooper, Barge Cauthen & Associates.**

Analysis – Staff reviewed. Terry affirmed the Jack In The Box restaurant plans to locate on the corner of Long Hollow Pike and N. Cartwright Street. The company has combined three lots into two to create an adequate building site. However, the site is impacted by the flood plain of the creek and by a sewer line and easement which crosses through the middle of the lot. These factors do create hardships for the property.

The required front setback is 50 feet and the required side yard setback is 10 feet. The site plan locates the building at 30 feet. The building cannot be relocated with the required setback due to the location of the sewer line through the lot. Also, in order to construct a drive-up window lane and a by-pass lane, some encroachment into the yard are is required. Ten feet is required and the driveway uses approximately three feet of the area leaving seven feet.

Discussion – Jeff Hooper, Barge Cauthen, stated the project relocates the creek closer to I-65, alters the flood plan and moves the building envelope closer to the street. A request is made for a minimum building setback variance of 20 feet. The drive-thru window will encroach on the 10 feet side yard required permitting only 7.3 feet of landscape buffer. A request is made for a side yard setback variance of 2.7 feet.

Action of the Board - Motion by Jackson to grant a minimum building setback variance of 20 feet and a side yard setback variance of 2.7 feet. 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 been met, and

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

**NOW, THEREFORE, BE IT ORDERED,** that a minimum building setback variance of 20 feet and a side yard setback variance of 2.7 feet be granted for the site of the Jack In The Box restaurant, N. Cartwright Street based on the impact of the flood plain and easements which intersect the property.

Owen Sanders  
Tom Mosier, Chairperson *Pro Tem*  
Owen Sanders  
Vicky Ignatz  
Vicky Ignatz, Recording Secretary