

**MINUTES OF THE GOODLETTSVILLE
BOARD OF ZONING APPEALS**

Date: November 13, 2000

Time: 5:00 PM

Place: City Hall Conference Room

Members Present: Tom Mosier, Edgar Lowe, Tommy Jackson

Staff Present: Bill Terry, Vicky Ignatz

Others Present: Bill Dorris, Bobby Huffines, Mike Johnson

Cases Heard: 00-10-366

00-11-367

The meeting was called to order by Tom Mosier, Chairperson. The minutes of the December, 1999 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.

Staff reviewed. The item was deferred last month for additional information on the legal status of the part of parcel 69 that the applicant maintains is a separate lot. The applicant proposes to subdivide parcel 69 to create a new 50 feet by 160 feet lot which contains 8,000 square feet. The applicant stated the 8,000 square feet has been subdivided into a separate lot, parcel 49, and that the property owner has paid taxes on two separate parcels for several years. The current property map shows lots 1, 2 & 3 being 50 feet x 150 feet and the property in question is shown as part of tax parcel 69 which consists of lots 7 and 8 and the rear part of lots 1, 2 and 3 of the Roscoe Place Subdivision.

The following information was obtained in researching the records. 1) The original deed to the total property dated May 2, 1945 describes the property as "being lots Nos. 7 and 8, and the north 50 feet of lots Nos. 1, 2 and 3 of Block G on the map of Roscoe Place. 2) A review of the city's 1961 zoning map does not show a separate lot on East Avenue. 3) The city's 1987 base map does show a separate lot on East Avenue as parcel 49. 4) The applicant has submitted tax receipts from 1995 showing taxes were paid on a parcel 49.

It is the opinion of the staff that the original lot purchased in 1945, which included all that was described in the deed, is one lot; furthermore, a separate lot did not legally exist. It appears that at some point the tax assessor's office showed the north 50 feet of lots 1, 2 and 3 as a separate lot and described it as parcel number 49; however, there is no subdivision plat on file to substantiate such action. Within the last 4 years, the tax office recombined the lots into parcel 69, eliminating parcel 49; however, there is no subdivision plat on file to substantiate this action either.

Mosier and Lowe shared their concern about approving any variance on a lot that has no proof of being legally established. Mosier asked staff what options the Board had regarding this situation. Terry stated a title search would determine if the lot was divided into two parcels prior to the 1989 Zoning Ordinance or if there is a title subdividing the lot into two parcels. Either finding would establish the lot as a legal lot and the Board could act upon the request by the applicant. Another option the applicant has is to present a subdivision amendment to the Planning Board requesting the lot be subdivided. However, the dimensions of lots 1, 2 and 3 equal 8,000 sq. feet which constitutes a non-conforming lot. The zoning ordinance requires 10,000 sq. feet to establish a buildable lot. The Planning Board cannot approve such a request. Mosier suggested a title search of the property be initiated to determine the actual history of the property.

Motion by Jackson to defer the item and requested the applicant initiate a title search of the property to determine if the lot was subdivided prior to 1989 or an amended subdivision plat was recorded in order for the Board to properly rule on the variance request. Motion seconded by Lowe. Motion passed unanimously.

CASE NO. 00-11-367 – Consideration of a request for a temporary use permit for a Christmas tree sales lot at Long Hollow Pike & Caldwell Road. The applicant is Hal Johnson.

Analysis - Staff reviewed. Terry reported the lot at Long Hollow Pike at Caldwell Road has been utilized as a fireworks sales lot for many years and meets all general sales lot requirements. The applicant already has a permit for a Christmas tree sales lot on Springfield Highway this season. The owner of the lot on Long Hollow has requested a temporary use permit for fireworks sales from Dec. 26, 2000 thru Jan. 1, 2001 and this permit has been approved. Therefore, Christmas tree sales must be complete and the lot vacated prior to this date.

Discussion - Mike Johnson stated the sales lot would be open from Nov. 20 thru Dec. 25, 2000 and would be vacated for use by Mr. Loyd as requested.

Action of the Board - Motion by Jackson to approve Christmas tree sales at Long Hollow Pike at Caldwell Road from Nov. 20 thru Dec. 25, 2000. The premises must be cleared and vacated by this date to permit fireworks sales by Roger Loyd, Mid-America Distributors, Inc., beginning December 26, 2000. The following conditions will apply:

1. Temporary structures may be placed adjacent to the current temporary electrical poles.
2. The off-street parking requirements shall be observed, and such parking shall be so arranged that backing onto a public street will not occur.
3. One 4 x 8 ft. ground mounted promotional sign advertising the event is permitted on site.
4. Temporary electric service must meet electrical codes regulations.
5. Temporary living quarters will be permissible on site during the sales period.
6. A temporary building permit must be obtained from the Goodlettsville Codes Department and inspection of the on-site construction must occur.

7. A transient vendors license must be obtained from the Goodlettsville Business Tax Office.
8. Vacate the property by December 26, 2000 to permit Mid-America Distributors, Inc. to being fireworks sales on this date. Coordinate the transition with Roger Loyd, property owner.

Motion seconded by Lowe. Motion passed unanimously.

ORDER OF THE BOARD

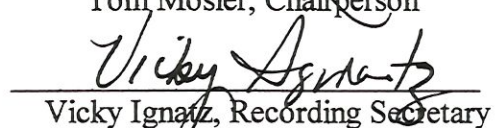
WHEREAS; the public and adjoining property owners have been adequately notified, and

WHEREAS; the Board has determined that the requirements of Section 14-1408 (c) have been met, and

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

NOW, THEREFORE, BE IT ORDERED, that the temporary use permit for a Christmas tree sales site at Long Hollow Road at Caldwell Road from November 20 through December 25, 2000 is granted, that the conditions specified above shall apply, and that this order shall constitute such permit.


Tom Mosier, Chairperson


Vicky Ignatz, Recording Secretary