

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

Date: October 9, 2000

Time: 5:00 PM

Place: City Hall Conference Room

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

Staff Present: Bill Terry, Vicky Ignatz

Others Present: Curtis Stewart, Bill Dorris

Cases Heard: 00-9-364 00-10-366

The Goodlettsville Appeals Board meeting was called to order by Tom Mosier, Chairperson. The minutes of the September 18, 2000 Goodlettsville Appeals Board stand approved as written.

CASE NO. 00-9-364 Consideration of a request for a minimum lot width variance at 401 Melissa Court. The applicant is Curtis Stewart.

Analysis - Staff reviewed. The applicant has recently contracted to purchase a vacant lot located in Gateway Subdivision and wishes to build a house. The lot was created when the subdivision was originally platted during the 1960's, but for some reason was never developed with a house. Presumably, the lot met all requirements at the time it was platted. Therefore, the lot is an approved and recorded lot. However, under the current zoning ordinance, there is not enough lot width at the building line. The requirement is 75 feet, but the lot has available about 69 feet. In addition, the footprint of the building needs to be moved to comply with the side yard setback requirement of 15 feet. Also, there is a major drainage way on one side of the lot that may affect development of the lot.

Discussion - Terry reported since the last meeting, the site has been inspected by the Public Works and Codes Departments. Bill Brasier, Public Works Dept., stated the sewer easement will not be affected. However, the foundation wall of the house will be on the edge of the drainage ditch. Due to the likelihood of flooding, the Codes Department will require a particular type of footing/foundation wall on that side of the house along with a sump and pump in the crawl space. If the builder complies with these requirements, then a house can be built on the lot.

Curtis Stewart, contracted buyer/developer, was presented with a rendering of the footing/foundation wall configuration deemed appropriate by the Goodlettsville Codes Department. Mr. Stewart stated the stormwater runoff would travel to the opposite side of the drainage ditch and not effect his property; however, he would check with his engineer regarding projected costs for foundation requirements to determine if it would be cost effective to build on the lot.

Lowe, Jackson and Mosier stated they felt comfortable with the requirements set by the Codes Department and the determination that the easement would not be affected by the proposed building.

Action of the Board - Motion by Lowe to grant a variance in the minimum lot width for R-15 zoning from 75 feet to 69 feet with the conditions that the particular type of footing/foundation wall and sump and pump required by the Goodlettsville Codes Dept. are incorporated into the building plans and properly executed during the building process. Motion seconded by Jackson. Motion passed unanimously.

ORDER OF THE BOARD

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 a variance in the minimum lot width for R-15 zoning from 75 feet to 69 feet at 401 Melissa Court be granted with the following conditions: (1) The particular type of footing/foundation wall required by the Goodlettsville Codes Dept. is incorporated into the building plans and properly executed during the building process, and (2) a sump and pump is installed in the crawl space of the house.

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 16-0-10, Parcel 50. The applicant is Bill Dorris.

Analysis - Staff reviewed. Terry reported the applicant wants to create a buildable lot from area that is now a part of another lot. This property was originally platted as a part of Lots 1, 2, and 3 of the Roscoe Place Subdivision recorded in 1934. The lots were 50 feet x 200 feet. At some point in time, 50 feet was sold off of the rear of Lots 1, 2, and 3 and added to Lot 7 which fronts on Two Mile Pike. The current property map shows Lots 1, 2, and 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. The property is under one ownership at this time and constitutes one parcel.

In reviewing this request, an old property map was located which shows Lots 1, 2, and 3 as Parcel 49, a separate parcel. The question is when was this property sold. If the property was sold or subdivided by deed prior to 1960, it is legally a separate parcel. If it was sold or subdivided after the zoning ordinance for Goodlettsville was adopted in 1960, it is not a legally established lot. The date of sale of the property has not been determined, a recorded plat is not available; therefore, it cannot be determined whether the Parcel 49 is a legally established lot.

The current proposal is to subdivide Parcel 69 to create a new 50 feet x 160 feet lot which contains 8,000 square feet. The zoning district is R10 which requires a minimum lot size of 10,000 square feet and minimum lot width of 60 feet. Thus, the reason for the variance request is to vary those items so that a subdivision plat can be drawn to submit to the Planning Board.

The issues before the Board are: (1) is the property a legally established lot which can be

built on; and, (2) can this 50 feet x 150 feet portion of Parcel 69 be split off and recorded as a separate parcel which does not meet current zoning regulations.

Discussion – Mosier asked for clarification regarding the existence of two different property maps numbers. Terry reported Metro maintains the property maps and revisions are made periodically to reflect changes in properties. According to an old property map, at some point in time Parcel 49 was assigned to the 50 feet x 150 feet portion of the property. The latest published property map does not show the existence of Parcel 49; therefore, he estimated that within the last ten years Parcel 69 was assigned to the current configuration of lots based on ownership.

Bill Dorris stated the 50 feet x 150 feet portion of Lots 1, 2 and 3 was purchased by the Ozanne family and combined into Parcel 49. Mr. Dorris provided a 1995 City of Goodlettsville tax statement that listed the property as Parcel 49.

Garrett and Mosier requested confirmation as to whether the lot was legally established at Parcel 49. They also requested a determination as to when and why the parcel was renumbered Parcel 69.

Action of the Board - Motion by Sanders to defer this item until a title search is accomplished to determine if the property is a legally established lot under the Goodlettsville Zoning Ordinance, when Parcel 49 was established/abolished, and when Parcel 69 was established. Motion seconded by Jackson. Motion passed unanimously.

Bill Dorris stated he initiate a title search to determine the history of the property.

Non-agenda Item:

Terry offered that the Board had previously given staff permission to grant repetitive temporary use permits. He asked if this would apply to a recently submitted temporary use permit request by Mr. Hal Johnson to utilize Long Hollow @ Caldwell Road for a Christmas tree sales site. Mr. Johnson had been granted a temporary use permit in September for a pumpkin sales site on Springfield Highway. Garrett stated that since this is a new location for a temporary use permit for this petitioner, the Board should hear the request. Mosier agreed with this finding and directed the request be placed on the November, 2000 Board of Appeals agenda.

The meeting adjourned at 6:05 PM.


Tom Mosier, Chairperson


Vicky Ignatz, Recording Secretary