

MINUTES OF THE GOODLETTSVILLE BOARD OF ZONING APPEALS

Date: September 18, 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: Vernon Hunt, Dianne & Steve Sloan, Hal Johnson, Curtis Stewart,
Pat Lydon, Mary Minchey, Oscar Smith, Ruby Neely, Daphne Smith, Ed O'Brien,
W.T. Parker, Terry Carter

Cases Heard: 00-9-361 00-9-363 00-9-365
 00-9-362 00-9-364

The Goodlettsville Appeals Board meeting was called to order by Tom Mosier, Chairperson. The minutes of the August 14, 2000 Goodlettsville Appeals Board stand approved as written.

CASE NO. 00-9-361 Consideration of a request for a temporary use permit at 600 S. Main Street, Goodlettsville Plaza, for a Christmas tree sales tent and lot. The applicant is Vernon Hunt, Hunt Tree Company.

Analysis – Staff reviewed. The Hunt Tree Company has used this site for a number of years. Last year, Hunt Tree Company and the neighboring homes on Shevel Drive reached an agreement as to the location of the site on the Plaza property. Staff received no complaints during the sales period.

Discussion – Steve and Dianne Sloan, Shevel Drive residents, stated they would prefer the sales site to relocate to the Dickerson Road side of the property; however, they were satisfied with the location and set-up of the site last year. They also stated the adjoining neighbors, the Randolphins, were satisfied with last year's site.

Action of the Board - Motion by Mosier to approve the request for a temporary use permit for a Christmas tree sales tent and lot at 600 S. Main Street from November 21 to December 21, 2000 with the following conditions:

1. Any temporary structure shall meet all setback requirements of the zoning district in which it is located;
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 advertizing the event is permitted on site.
4. No off-site signage is permitted in Goodlettsville.
5. Temporary electric service must meet electrical codes regulations.

6. The tent shall have two exits, one at each end of the tent, for emergency egress, and such exits and all aisles shall be kept free and clear of obstructions while the tent is occupied by the public.
7. Prior to obtaining a temporary permit, the operator or owner shall file with the building official of the city a certificate executed by an acceptable testing laboratory, certifying that the tent, decorative attachments of any kind and tarpaulins meet the requirements for flame resistance prescribed for both the small and large test in NFPA 701, and that such flame resistance is effective for the period of the permit.
8. The location of the tent, trailer, and advertising shall be in the same location as the previous year.
9. Temporary living quarters will be permissible on site during the sales period.
10. A building permit must be obtained from the Goodlettsville Codes Department and inspection of the on-site construction must occur.
11. A transient vendors license must be obtained from the Goodlettsville Business Tax Office.

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 14-901(n) 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 at 600 S. Main Street for a Christmas tree sales tent and lot from November 2 through December 21, 2000 is granted, that the conditions specified above shall apply, and that this order shall constitute such permit.

CASE NO. 00-9-362 – Consideration of a request for a temporary use permit at 948 Springfield Highway for a pumpkin sales lot. The applicant is Hal Johnson.

Analysis – Staff reviewed. This site was used for the first time in June-July, 2000 as a fireworks sales site. A fire hydrant was installed to meet the requirements. There were no problems noted for this location during the July 4th sales period. The applicant is new to this area; however, he has maintained sales sites for over thirty years in North Carolina.

Discussion - Johnson stated the pumpkin sales would be from October 1 through October 31, 2000. A trailer will be utilized for office and sleeping purposes. A split rail fence

will remain in place during the pumpkin sales and Christmas tree sales. Johnson stated the temporary electrical source is approximately 20 ft. from the road frontage. Terry stated the trailer must meet the 50 feet setback requirement. The split rail fence must meet the 10 ft. front setback requirement.

Action of the Board - Motion by Lowe to approve the request for a temporary use permit for a pumpkin sales lot at 948 Springfield Highway from October 1 through October 31, 2000 with the following conditions:

1. Temporary structures may be placed adjacent to the current temporary electrical service 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. No off-site signage is permitted in Goodlettsville.
5. Temporary electric service must meet electrical codes regulations.
6. Temporary living quarters will be permissible on site during the sales period.
7. A temporary building permit must be obtained from the Goodlettsville Codes Department and inspection of the on-site construction must occur.
8. A transient vendors license must be obtained from the Goodlettsville Business Tax Office.

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 14-1408 (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 at 948 Springfield Highway for a pumpkin sales site from October 2 through October 31, 2000 is granted, that the conditions specified above shall apply, and that this order shall constitute such permit.

CASE NO. 00-9-363 – Consideration of a request for temporary use permit for a Christmas tree sales lot at 948 Springfield Highway. The applicant is Hal Johnson.

Analysis – Staff reviewed. This is the same applicant and location for the October pumpkin sales.

Discussion – Johnson stated the Christmas tree sales would be from November 9 through December 31, 2000. Lowe stated that the same requirements and restrictions should apply as in the October pumpkin sales.

Action of the Board - Motion by Jackson to approve Christmas tree sales at 948 Springfield Highway from November 9 through December 31, 2000 with the following conditions:

1. Temporary structures may be placed adjacent to the current temporary electrical service 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 advertizing the event is permitted on site.
4. No off-street signage is permitted in Goodlettsville.
5. Temporary electric service must meet electrical codes regulations.
6. Temporary living quarters will be permissible on site during the sales period.
7. A temporary building permit must be obtained from the Goodlettsville Codes Department and inspection of the on-site construction must occur.
8. A transient vendors license must be obtained from the Goodlettsville Business Tax Office.

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 at 948 Springfield Highway for a Christmas tree sales site from November 9 through December 31, 2000 is granted, that the conditions specified above shall apply, and that this order shall constitute such permit.

CASE NO. 00-9-364 – Consideration for a variance in the minimum lot width of the building line requirement for a lot at 401 Melissa Court. The applicant is Curtis Stewart, owner.

Analysis – Staff reviewed. The applicant has recently contracted to purchase this undeveloped lot located in Gateway Subdivision and plans to build a house. The lot was created in the 1960's when the subdivision was originally platted. Presumably, the lot

met all requirements at the time it was approved and the plat recorded. This lot meets all current zoning requirement under R15 zoning except the minimum lot width requirement of 75 feet. The lot width at the building line 69 feet.

Terry stated two additional conditions should be addressed. The foundation plan shows a side setback on one side of 13 feet while the ordinance requires 15 feet setback. This can be corrected by moving the building footprint over two feet further from the property line. There is also a utility easement and major drainage easement on the west property lot line that may affect development of the lot. Terry recommended that any construction that takes place on the lot should be coordinated with the Public Works Dept. to ensure the easement is not encumbered nor the flow of water through the drainage ditch impeded. Also, to insure any building on the lot can withstand the flow of stormwater runoff.

Curtis Stewart, prospective property owner and building contractor, stated he plans to build and sell a 1250 sq. ft. single family dwelling, consistent with the existing homes while complying with all current regulations. Ed O'Brien, adjoining property owner, stated David Sutton currently owns both the Monticello and Melissa Court properties. An existing sewer line connecting 202 Monticello to the main sewer line has recently been repaired. This sewer line runs across the property at 401 Melissa Court. Terry stated the sewer easement Mr. O'Brien is referring to is not recorded on the plat; therefore, it is a private service line which would need to be relocated prior to any construction on the property. Terry stated Public Work Department would have to agree to any plan for relocation of the sewer tap; however, relocation of the private service line would be an agreement between the two property owners.

Lydon questioned which direction the proposed house will be facing. Stewart stated the front of the house would face Melissa Court. Smith noted the house will not be consistent with the appearance of the established neighborhood. Minchey stated her property would be affected the most by the location of the new house and she requested a privacy fence erected.

Lowe and Mosier asked for clarification as to whether a house can be built on this lot without a variance. Terry stated without a variance a building permit cannot be issued for this lot. Then the issue of property rights enters the discussion due to a legally established recorded lot. The general rule of law requires the most reasonable utilization of the property which can be made should be made.

Lowe and Mosier questioned if the situation could be settled by moving the building footprint back further on the lot. Terry reviewed the variance issue. The lot was platted in the 1960's. A 40 foot front yard setback was established at that time with a lot width of approximately 69 or 70 feet. The lot width was scaled from a map and not measured by an engineer; therefore, it may not be accurate. The zoning ordinance was changed in 1989 establishing zoning areas and minimum building footprint. The R-15 zone established a building footprint of 1250 sq. ft., 15 foot minimum side yards and minimum

lot width at the building line is 75 ft. The front yard setback line is 40 ft. established by the plat. Even if you move the house back to get a wider lot width for building, the ordinance states the lot width at the building setback line must be 75 ft. The variance issue to consider is lot width requirements.

O'Brien and Minchey stated that the lot width includes the creek and, with only 46 feet width from the lot line to the creek, there is not sufficient width to the property to build a house. Terry noted the plat shows a 15 foot easement for public utility and drainage on the creek side of the property. Regulations state a building can abut the easement line. Public Works will make the determination regarding the drainage issue.

Motion by Jackson to defer action on the item and request Public Works Department to ensure the easement is not encumbered nor the flow of water through the drainage ditch is impeded. Motion seconded by Lowe. Motion passed unanimously.

CASE NO. 00-9-365 Consideration of a request for a temporary use permit at 957 Louisville Highway for a Halloween entertainment event – Death Valley Haunted Woods. The applicant is Terry Carter.

Analysis – Staff reviewed. The applicant wants to establish a “haunted trail” on the vacant property between the Waffle House and Fat Boys Tires on Louisville Highway during October, 2000. The Goodlettsville Zoning Ordinance makes no provisions for such an event; therefore, the Board must make a determination to grant approval. Staff has concerns regarding limited parking and controlled access for parking area. Terry suggested one entrance and one exist from Louisville Highway and the placement of barriers between the street and the parking area to prevent additional roadway ingress/egress.

Discussion - Terry Carter, event coordinator, stated the event would be scheduled from September 22 through November 2, 2000. Operating hours are weekend evenings from 7:00 PM – 12:00 PM. The site would contain 8 feet high studded entrance/exit walls, a four feet wide crusher run gravel trail, and storage trailers. An estimated attendance of 500 people per evening was determined based on other event locations the company manages. Mr. Carter agreed to locate one ingress point immediately after the Waffle House property and one egress point from Long Drive. Parking will be available on both the vacant lot at 957 Louisville Highway and Fat Boy Tires property. Mr. Carter stated eight foot saw horses with reflective tape will be used as barricade devises.

Bill Terry stated private duty officers for traffic and crowd control will need to coordinate their efforts with the Goodlettsville Police Department. One 4 x 8 ft. promotional sign mounted ground level to the site is permitted. No off -street advertising is permitted in Goodlettsville. Codes Department must inspect construction on the site prior to opening and electrical codes must be followed regarding temporary electrical service.

Motion by Jackson to grant the temporary use permit for a haunted trail at 957 Louisville Highway from September 22 through November 2, 2000 with the following conditions.

1. Only one entrance and one exist from the site is permitted and the approved traffic flow plan must be followed.
2. Private duty officers will address traffic flow and crowd control and coordinate efforts with the Goodlettsville Police Department.
3. One 4 x 8 ft. ground mounted promotional sign adverting the event is permitted on site.
4. No off-street signage is permitted in Goodlettsville.
5. Temporary electric service must meet electrical codes regulations.
6. A 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.

Motion seconded by Lowe. Motion passed unanimously.

ORDER OF THE BOARD

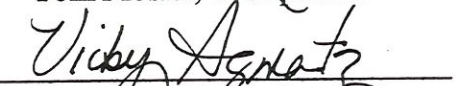
WHEREAS, the public and the adjoining property owners have been notified, and;

WHEREAS, the Board has determined that the requirement for a variance contained in section 14-1408 (c) of the Goodlettsville Zoning Ordinance have been met; and;

WHEREAS, no adverse impact on adjoining property owners will occur;

NOW, THEREFORE, BE IT ORDERED that a temporary use permit be granted for a haunted trail at 957 Louisville Highway from September 22 through November 2, 2000, that the conditions specified in items (1) thru (7) above shall apply, and that this order shall constitute such permit.


Tom Mosier, Chairperson


Vicky Ignatz, Recording Secretary