

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

Date: August 14, 2000

Time: 5:00 PM

Place: Goodlettsville City Hall, Massie Auditorium

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

Staff Present: Bill Terry, Vicky Ignatz

Others Present: Garland Stone, Grace Oliver, Greg Mayo, Paul and Beverly Lawnduski, Julius Olds,
Janice Dennis, Elizabeth Brooks, Fred Millinon, Cherie Stucki

Minutes of the May 8, 2000 Board of Zoning Appeals stand approved as written.

CASE NO. 00-7-358 – Consideration of a request for a variance in the rear yard setback requirements to permit the construction of a deck at 314 Jackson Road. The applicant is Janice Dennis.

Analysis – The applicant was in the process of building a deck when it was discovered by the Goodlettsville Codes Department said deck was under construction without a building permit. A stop work order was applied. It was determined that the proposed 12 foot deck would encroach into the required rear setback. This home is one of five lots on Jackson Road with 65 foot front yard setbacks Due to the impact of the flood plain of Mansker Creek. There is also a 10 foot public utility easement along the back of this lot.

Discussion – Janice Dennis, the applicant, wanted to clarify that the Goodlettsville Codes Department placed a stop work order based upon inspecting footings and posts placed in the back yard. She stated the footings and posts were for a fence, not a deck. Garland Stone, project contractor, stated Mrs. Dennis later received permission from John Spurgeon, Goodlettsville Codes Department, to complete the fence. Stone stated the fence borders the utility easement and encroaches 2 feet on the easement only at one corner of the fence.

Terry stated during the interim of the application date and the hearing date a fence, permitted under the zoning ordinance, was erected on the property and encroaches on the public utility easement approximately 2 feet. He stated encroachment into the public utility easement cannot be permitted without the approval of the Department of Public Works. The department reserves the right to maintain the public utility and in the process could damage the encroaching fence should repairs be required. Mrs. Dennis stated she understood the situation and is aware of the risk to the fence and proposed deck. Stone stated he would meet with the Public Works Department regarding an variance for the fence location.

Chairman Mosier asked for citizen comments. Julius Olds, 110 Lindsey Drive, an adjoining property owner, is very displeased with the appearance of the fence and is concerned with future property values of the homes in Ashlin downs should the deck be permitted. He would prefer the deck and fence be built on a smaller scale to comply with zoning and codes regulations and the development's covenants. Paul Lawnduski, 109 Lindsey Drive, wants to see Ashlin Downs Restrictive Covenants

upheld regarding 20 foot setbacks. David Trenner, 107 Lindsey, stated he felt the fence was unsightly due to the height of the fence and the dimensions of the proposed deck. Bill Riley, 106 Lindsey, telephoned the Planning Office on 8/14/00 to state he had no objections to the variance being granted. Terry stated the deed restrictions and covenants are private restrictions determined by the developer. The City can only enforce public regulations.

Terry stated the hardship issue in this situation is the large front yard setback due to the flood plain of Mansker Creek. The options of the Board are to deny the request, grant a variance of 10 feet up to the public utility easement or conditionally approve the requested 12 foot variance based on the approval of the Public Works Department.

Action of the Board – Motion by Garrett to grant a rear yard variance of 10 feet at 314 Jackson Road with the condition no deck structure is to be built within the public utility and drainage easement. Motion seconded by Jackson. 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 requirements for a variance contained in Section 14-1408 (c)(8) 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 rear yard setback variance of 10 feet be granted for construction of a deck at 314 Jackson Road based on the fact the property has a 65 foot front yard setback due to the Mansker Creek flood plan and that the rear wall of the house is located near the rear setback line. A condition of the variance is that no deck structure will be built within the public utility and drainage easement.

CASE NO. 007-359 – Consideration of a request for a variance in the side yard setback requirements to encroach into the landscape buffer at 835 Wren Road. The applicant is Destination Nashville, Rhonda Marko, owner.

Analysis – Terry stated the house on this lot at 835 Wren Road has been converted into an office. The owner would like to expand and attach an addition to the back of the house. This type expansion requires that the entire site be brought into compliance with existing zoning standards. Therefore, a paved driveway and parking lot is required.

The zoning ordinance requires a minimum side yard in this district of 15 feet, and no more than ½ of that area, or 7 ½ feet can be paved. The remaining yard is to be landscaped. There is only 18 feet between the lot line and the side of the building. A standard driveway and parking lot cannot be constructed, and in order to a 12 foot driveway installed, a variance of 5 ½ feet in the open space requirements is required due to the limiting factor of existing construction.

Discussion – Garrett asked if the 7½ foot buffer was arbitrary in nature. Terry stated the concept of the 7½ foot landscape buffer prohibits pavement from property line to property line. He stated that in permitting the variance the side yard would measure 2 feet in width to the property line. Lowe stated he had no problem with the variance as long as there is a very heavy landscaping plan in place. Terry suggested sodding of the area should also be considered.

Action of the Board – Motion by Jackson to grant a 5½ foot variance in open space requirements at 835 Wren Road with the condition that maximum landscaping and sodding are used in the remaining 2 feet of the side yard open space. Motion seconded by Sanders. 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 requirements for a variance contained in section 14-1408 (c)(8) 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 an open space requirement variance of 5 ½ feet be granted at 835 Wren Road based on the fact that there is not adequate space from the existing building to the property line to accommodate the required driveway and open space requirements. A condition of the variance is that maximum landscaping and sodding will be utilized in the remaining two feet of open space.

CASE NO. 00-8-360 – Consideration of a request for a variance in the rear yard setback requirements of an existing deck at 107 Brockhampton. The applicant is Elizabeth M. Brooks.

Analysis – When the house was built, it had an 8 foot x 12 foot deck, and the deck was barely within the building envelope established for the lot. A previous owner expanded the deck by 5½ feet to make a 12 foot x 13 foot deck. This expansion was done without benefit of a building permit.

While the deck extends beyond the building envelope, the recorded plat show no rear yard setback. In order to clear the building envelope issue and get the matter on record, the board should act on the matter.

Discussion – Mosier asked if the roof would encroach future into the setback. Terry stated the current 5½ foot encroachment would not be effected by the addition of the roofline. Also, it would benefit the owner for resale of the home to have the variance approval on file in the event of a title search.

Action of the Board – Motion by Lowe to grant a rear yard setback variance of 5½ feet at 107 Brockhampton Court and to permit the addition of a roofed/screened porch to the existing deck. A condition of the approval is that a permanent structure cannot be added to include walls and heating and/or cooling capacity. Motion seconded by Sanders. Motion passed unanimously.

ORDER OF THE BOARD

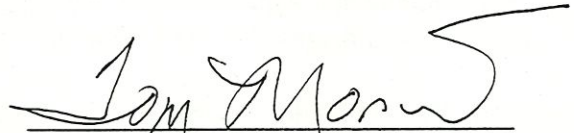
WHEREAS, the public and the adjoining property owners have been notified, and;

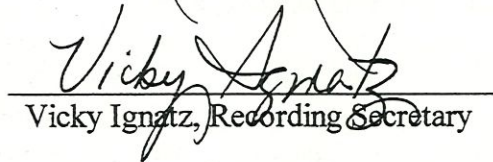
WHEREAS, the Board has determined that the requirement for a variance contained in section 14-1408 (c)(8) of the Goodlettsville Zoning Ordinance have been met; and;

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

NOW, THEREFORE, BE IT ORDERED that a rear yard setback variance of 5½ feet be granted at 107 Brockhampton Court based on the fact an existing deck was built beyond the building envelope by a previous owner without benefit of a building permit and to permit the addition of a roofed/screened porch to the existing deck. A condition of the approval is that a permanent structure cannot be added to include walls and heating and/or cooling capacity.

The meeting adjourned at 6:29 PM.


Tom Mosier, Chairperson


Vicky Ignatz, Recording Secretary