

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

Date: April 10, 2000

Time: 5:00 PM

Place: City Hall Conference Room

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

Staff Present: Bill Terry, Vicky Ignatz

Others Present: Dale & Cheryl Hamilton, Barbara & Walter Luttermoser, June Hawkins, Teresa McAnally, Thelma Hughes, Lena Doss, Jeanette Clark, Vicki & David Wilson

Cases Heard: 2000-2-347

2000-4-351

2000-4-352

2000-4-353

CASE NO. 2000-2-347

Consideration of a request for an interpretation by the Board to determine that the property owner had a legally established two family dwelling at 237 Swift Drive prior to the 1989 Goodlettsville Zoning Ordinance. The applicant is Mrs. June Hawkins.

Analysis: This matter was originally heard in February 2000 and was deferred to allow staff to confer with the city attorney to determine if a legal, binding and enforceable agreement could be attained. Staff and the city attorney have discussed the matter at length and the following conclusions have been reached. The rental unit is not a legally established non-conforming use due to the fact that no permits were obtained, no inspections were performed, no divider walls meeting fire codes were installed, no structure alterations were made and there is a doorway accessible to the remained of the home. The opinion of staff is the home is a single family dwelling, therefore, it is not a non-conforming separate duplex.

Discussion: Mosier asked if the home could be grandfathered in as a two family dwelling. Terry stated the rental unit was not legally established under the city's zoning ordinance requiring a building permit, alteration specifications and building inspections; therefore, the home cannot be recognized as a legally established nonconforming use.

Lowe asked if a temporary variance could be issued limiting the rental of the room only while Mrs. Hawkins resides in the home. Terry stated any variance permitted by the Board would be attached to the property, not the homeowner.

Mosier asked if the problem could be solved by removal of the appliances and allow Mrs. Hawkins to continue to rent the room. Terry stated the situation could alleviate the possibility of rental of the room by future owners.

Vicki & David Wilson and Lena Doss, adjoining property owners, shared their concerns about the possibility of rental of the room by future owners. Vicki Wilson asked that, prior to the sale of

the home, the appliances be removed and all evidence of separate living quarter be removed. David Wilson asked if future owners of the home would have the right to rent the room. Terry stated any future owner(s) would have to appear before the Board to request a variance. Each case is independent and stands on its own merits. Lena Doss was concerned about devaluation of property values with the continued rental of the property. Jeanette Clark, adjoining property owner, asked for a clarification of the legal opinion as it relates to Mrs. Hawkins living in the home and renting a room. Terry stated council has determined that the residence is not a legally established non-conforming use. Council does not want to enter into a written contract with Mrs. Hawkins. The Board has the authority to make an administrative decision regarding the use of the property.

Lowe stated his concern with future use of the property. He would like to see a legal agreement with Mrs. Hawkins regarding future use or provide detailed limitations in any action by the Board. He would like to see that the appliances are removed.

Action by the Board: Motion by Sanders that the Board finds that the current renting of a unit at 237 Swift Drive is not a legally establish non-conforming use; therefore, the Board directs Mrs. Hawkins, the owner, to immediately take the following actions:

1. Removal of the kitchenette
2. No other alterations may be made to the house to expand rooming possibilities
3. The room may not be permanently closed to the remainder of the house
4. When Mrs. Hawkins moves or sells the house, the room must be opened to the remainder of the house.

Motion seconded by Jackson. Motion passed 4-0. Jackson asked the Codes Department to inspect the residence after the removal of the kitchenette has been completed.

ORDER OF THE BOARD

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

WHEREAS; the Board has determined by administrative interpretation that the requirements of Section 11-603 (a) (b) and Section 11-1301 (a) of the Goodlettsville Zoning Ordinance have not been met, and

WHEREAS; the Board has determined that an adverse impact will occur;

NOW, THEREFORE, BE IT ORDERER, the Board determines that the property owner at 237 Swift Drive does not have a legally established two family dwelling prior to the 1989 Goodlettsville Zoning Ordinance; therefore, the Board directs the owner to immediately take the following actions:

1. Removal of the existing kitchenette
2. No other alterations may be made to the house to expand rooming possibilities
3. The room may not be permanently closed to the remainder of the house
4. When the current owner moves or sells the house, the room must be opened to the remainder of the house.

CASE NO. 2000-4-351

Consideration of a request for a temporary use permit by B & B Fireworks to sell fireworks at Louisville Highway and I-65 during the July 4th holiday period. The applicant is William Stamper.

The item was deferred by staff due to the applicant's absence. This item will be placed on the Goodlettsville Zoning Appeals Board's May agenda.

CASE NO. 2000-4-352

Consideration of a request for a variance to encroach into the required side yard with a free standing unattached carport at 209 Rosehill Drive. The applicant is Dale Hamilton.

Analysis – The applicant erected the carport on the paved driveway for the house and was unaware that a building permit was required. The ordinance requires that a carport beside the house be attached to the dwelling. The carport meets the side yard requirements. This type carport is not suitable to be attached to the dwelling and there is a slope to the yard where the carport would need to be moved to meet code requirements.

Discussion – Mosier asked the applicant if there was any opposition to the site of the carport by adjoining property owners. Mr. Hamilton stated he had spoken with the adjoining neighbors and there were no objections.

Action of the Board - Motion by Lowe to grant a variance for the location of the carport cover based on topography of the land which impedes placement of the carport further back on the lot as required by code regulations. Motion seconded by Sanders. Motion passed 4-0.

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 11-1408 c (1) 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 variance be granted for the location of a carport at 209 Rosehill Drive based on the hardship of the owner due to the topography of the back yard.

CASE NO. 2000-4-353

Consideration of a request for a variance in the side yard setback and the location for a storage building at 508 Dorothy Drive. The applicant is Barbara Luttermoser, owner.

Analysis – The storage building is already in place on the property and is encroaching one foot into the side yard setback. The width of the building prevents it from meeting the 10 foot side yard setback requirement. The lot is small in the back of the house and due to the design of the house makes it difficult to place the building behind the rear wall of the house.

Discussion - Bennie Lane, Codes Dept., investigated a complaint regarding a deck built without the benefit of a building permit at the residence. The codes violation regarding the storage unit was discovered at that time. Mr. Luttermoser stated the building has been in this location for approximately one and one half years. The owner presented letters from two adjoining neighbors that the location of the storage unit was acceptable to them.

Action of the Board - Motion by Lowe to grant a variance for the location of the storage building at 508 Dorothy Drive based upon the fact that no harm is being committed against the adjoining property owners. Motion seconded by Jackson. Motion passed 4-0.

ORDER OF THE BOARD

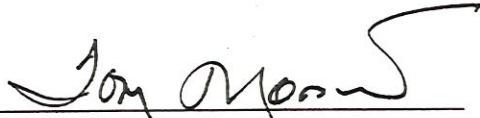
WHEREAS, the public and the adjoining property owners have been notified, and;

WHEREAS, the Board has determined that the requirements for a variance contained in Section 11-1408 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 side yard variance be granted for a storage unit at 508 Dorothy Drive based on the fact it will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located.

The meeting adjourned at 6:14 PM.


Tom Mosier, Chairperson


Vicky Ignatz, Recording Secretary