

100/59

OFFICIAL MINUTES
GOODLETTSVILLE BOARD OF ZONING APPEALS

Date: January 12, 1998
Time: 5:00 PM
Place: City Hall

Cases Heard:

98-1-310
98-1-311

Members Present:

Tom Mosier
Tommy Jackson
Owen Sanders
Ellie Mead Knight
Edgar Lowe

Others Present:

Terry McDonald
Ronald Williams
Rocky Montoya
Mark Wachter, representing neighborhood
19 residents of neighborhood

Staff Present

Bill Terry

The meeting was called to order by Chairman Mosier. It was noted that the meeting had been advertised and adjoining and other affected property owners notified by direct mail. The approval of the minutes of the November 1997 meeting were approved.

CASE NO. 98-1-310 - Consideration of a request for a variance in the minimum lot width requirements of the R25 zoning district to allow the creation of two lots out of one parcel at 815 Old Dickerson Pike. The request, if granted, would reduce the minimum lot width at the building setback line from 125 feet to 110 feet. The applicant is Ronald E. Williams, owner of the property.

Analysis - This parcel is now one lot which is vacant. The owner wants to subdivide the parcel into two lots for building purposes. The area is zoned R25 which requires a minimum lot size of 25,000 square feet and a minimum lot width at the setback line of 125 feet. The lot has enough square footage for two lots, but it does not enough width. The frontage width is 220 feet. Therefore, this variance is being requested.

A general rule of variances is that one cannot create their own hardship to justify a variance. There is no hardship now, and one house could be built on the lot. The hardship is created by the desire to subdivide the property into two lots. Thus, they would be creating the hardship by the subdivision.

Discussion - Terry McDonald, optionee, presented the request for himself and the owner stating that he desired to build one house on contract and the other as a spec house. They would be in the

\$180,000 to \$200,000 price range. Chairman Mosier asked if there were any comments from the public for or against the request. Mark Wachter appeared and spoke on behalf of the neighborhood. The basic argument presented in a written statement was that reducing the size of the lots would be out of character with the other lots in the area since most were at least one acre in size and 150 to 300 feet in width and that this would have the effect of devaluing the other homes. Ellie Knight asked the purchaser and the owner what hardship with the property existed that would justify a variance. No peculiar hardship was noted.

Action - Tommy Jackson moved that the request be denied since there was no hardship present in this case. Second by Ellie Knight, and motion carried unanimously.

CASE NO. 98-1-311 - Consideration of a request for a variance in the side yard setback requirements of the CSL zoning district to permit the construction of an addition to an existing building which is now noncomplying as to setback. The request, if granted, would reduce the required 15 foot setback to 0 and allow an extension of the existing building which is on the property line. The applicant is Rocky Montoya, owner of the property.

Analysis - The subject property is a small 50 foot wide lot and has an existing 40 x 40 building on it. The lot is 8,250 square feet in size. The building is built on the lot line on one side. The owner wants to sell and has a buyer who wants to add to the building more than doubling its size and continuing the zero setback line configuration. The current zoning ordinance does not permit a zero setback but requires a 15 foot setback instead.

Due to the fact that this use, a surveying office, is a permitted use but the building does not comply with the existing setback requirements, it is classified as a "noncomplying building". The ordinance provides that:

A noncomplying building may be enlarged or converted, provided that no enlargement or conversion may be made which would either create a new noncompliance or increase the degree of noncompliance....

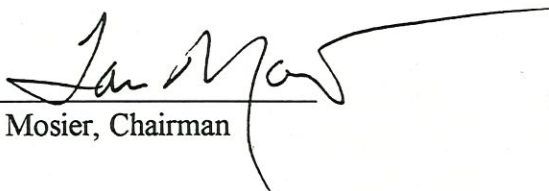
Since this proposal would more than double the size of the existing building, staff interpreted this as increasing the degree of noncompliance. Therefore, this variance has been requested.

Discussion - Rocky Montoya presented his case. He noted that the 10 foot setback on the other side of the lot needed to be maintained and that he thought this expansion was reasonable for the property. An offset in the expansion to meet the 15 foot setback would be difficult to maintain and would serve no purpose if view of the adjoining use. Ellie Knight asked staff about parking and square footage. Staff noted that parking was adequate if the addition was used for warehousing and storage as proposed. If it were converted to office or employee space, parking would not be adequate. Staff also noted that the maximum amount of building square footage that could be built on the lot was

3,300 square feet. Montoya noted that this was acceptable to him.

It was duly noted that no one was present to speak for or against the request.

Action - Ellie Knight moved that the board interpret the zoning ordinance provision such that this proposed construction represents an increase in the degree of encroachment thereby requiring further action by this board. Edgar Lowe seconded, and motion carried unanimously. Ellie Knight moved that the variance be granted to permit the extension of the zero lot line wall and building expansion. Owen Sanders seconded, and motion carried unanimously.


Tom Mosier, Chairman


Bill Terry, Secretary