

OFFICIAL MINUTES
GOODLETTSVILLE BOARD OF ZONING APPEALS

Date: September 15, 1997
Time: 5:00 PM
Place: City Hall

Cases Heard:

97-8-302
97-8-303
97-9-304
97-9-305

Members Present:

Tom Mosier
Tommy Jackson
Owen Sanders
Edgar Lowe

Others Present:

Ron Childress
Tim Brown
Jim Scott
Tommy Cunningham
Chris Remke
Shane Brewer

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 minutes of the August 11, 1997 meeting was approved as submitted.

CASE NO. 97-8-302

Reconsideration of a request for a variance in the minimum ground coverage requirements for a house proposed to be constructed on a lot across from Bell Street on Brick Church Pike. The applicant is Tim Brown, owner.

Analysis - The property in question has been before the board previously as an existing non-conforming lot of record. A variance was granted to provide for use of the lot as a building site. The lot is 5,000 square feet in size. The applicant wants to build a 1½ story house with ground floor area of 760 square feet. The zoning ordinance requires 1,000 square feet minimum ground coverage for a house in the R-10 District.

Discussion - Tim Brown noted that if he could build the type house he proposed there would be more yard available and considering that the lot is very small. The board studied that house plan and made suggestions to add windows along the side of the house facing Brick Church Pike. It was further noted that the driveway easement had not been settled.

Action of the Board - Tommy Jackson moved that the variance be granted to permit the construction of an 1140 square foot house with 750 down and 390 up with the condition that two windows be added, that the house meet all applicable building codes and that the driveway easement be established. Second by Edgar Lowe, and motion carried unanimously.

CASE NO. 97-8-303

Consideration of a request for a variance in the minimum rear yard setback for a lot at 605 Alta Loma Road to permit the construction of an attached garage. The applicant is Ron Childress, owner.

Analysis - The applicant wants to build a garage onto the back of his house. The setback for the rear yard is 20 feet. The garage he desires will intrude 4 feet into the required setback. There is currently a concrete pad on which cars are parked, and this is where the garage is proposed.

Discussion - Mr. Childress advised the board that with the setback of house from the street, it would not be possible to build a standard two car garage and still meet the required rear setback. He also presented a written note from the nearest affected property owner, Bonnie Dickens, which stated that she had no objection to the variance. He noted that the garage was needed because his car had broken into by vandals.

Action - Owen Sanders moved that a four foot variance in the rear setback be granted due to the placement of the house on the lot and the need for a garage. Tommy Jackson seconded, and motion carried unanimously.

CASE NO. 97-9-304

Consideration of a request for a variance in the maximum 18' foot height permitted for an accessory garage on the property at 740 Old Dickerson Road. The applicant is James Scott, owner.

Analysis - Mr Scott wants to build an accessory garage to house vehicles and lawn equipment. He has a unique architectural styled house with steep roof pitches. In order to maintain a similar roof pitch on the garage so that it will match the house, he needs to be able to build the garage with a 22' height at the peak.

Discussion - Scott noted that the garage would look just like the house in style and matching brick, and that the only way to achieve it was with a steep roof that would extend above the maximum 18' height. Tommy Cunningham, contractor, confirmed the design. It was noted that the reason for the height maximum was to prevent the construction of garage apartments that are illegal. Scott agreed that this would never be done.

Action of the Board - Tommy Jackson moved to grant the variance in order to maintain the architecture of the house with a provision that any upstairs space in the garage could only be used for storage and no living space would be permitted. Owen Sanders seconded, and the motion carried unanimously.

CASE NO. 97-9-305

Consideration of a request for a variance in the front setback requirements for property on East Cedar Street behind K-Mart to construct a mini-warehouse/self-storage facility. The applicant is Hawkins Development Co. acting as agent for Superior Storage, LLC, optionee.

Analysis - The subject property is zoned industrial, therefore, storage and warehousing is a permitted use. However, there are some unusual circumstances related to the property. First, many years ago the property was filled and a flood relief channel was constructed in order to make it buildable. Mansker Creek is beside this property. A major drainage ditch was also built through the property. The drainage ditch restricts the depth of any building to be built and also establishes a setback line. Another unusual situation exists on the front of the property. East Cedar Street is built along the frontage, but a survey reveals that East Cedar was actually constructed on this property without right-of-way being dedicated. The street encroaches onto this property about 12 feet.

A legal opinion was requested of the city attorney to determine the extent of the city's right of way. The city attorney opined that even though there was no dedication the city, by virtue of use by the public and no protest from the property owner, had acquired a permanent easement for the street. This, in effect, makes the edge of the pavement the property line for building purposes.

The required building setback on the front is 40 feet. The developer is requesting a 5 foot variance in order to set back from the edge of the pavement a total of 35 feet. A 10 foot landscaped area will be provided along the frontage.

Discussion - Shane Brewer and Chris Remke represented the developer and noted that a certain minimum square footage of building area was necessary to make the project work. The drainage ditch and flood plain were noted as limiting factors on the property. Edgar Lowe questioned the type of fencing to be built along East Cedar Street. Brewer stated that it would be a black wrought iron-like fence would be used. The type of building was also questioned. Brewer stated that the buildings would be architectural block and the on-site residence would have a residential appearance.

Action of the Board - Edgar Lowe moved that a five foot variance be granted to be conditioned upon the provision of a 10' landscaped area along the frontage, a decorative fence and architectural block construction. Owen Sanders seconded, and motion carried unanimously.

There being no further business, the meeting was adjourned.


Tom Mosier, Chairman

Submitted by:


Bill Terry, Secretary