

OFFICIAL MINUTES  
GOODLETTSVILLE BOARD OF ZONING APPEALS

Date: May 12, 1997  
Time: 5:00 PM  
Place: City Hall

Cases Heard:

97-3-293  
97-5-297  
97-5-298

Members Present:

Tom Mosier  
Tommy Jackson  
Owen Sanders  
Ellie Mead  
Edgar Lowe

Others Present:

James McCaslin  
Tim Brown  
James Pomeroy  
William Stamper

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 April 1997 meeting were approved as submitted.

**CASE NO. 97-3-293**

**Reconsideration of a Request for a Variance in Lot Size and Setback Requirements for an Existing Non-Complying Lot on an Uncompleted Portion of Bell Street.**

Analysis - This item was heard at the April and May meetings and was deferred to obtain a legal opinion of the status of an extension of Bell Street and action of the planning board granting access. The city attorney opined that the extension was not a public street having been abandoned many years ago. The planning board did not act due to the fact that a public street was not involved. The item was deferred again in May in order to determine how a proper access and utility easement could be established.

Discussion - Chairman Mosier asked inquired as to the status of the easement. Staff advised that an access and public utility easement could be established serving all lots but that it had to be drawn up and approved and then recorded. The owner agreed that this could be done

Action - Owen Sanders moved that a variance in minimum lot size be granted due to the fact that the lot was recorded prior to the adoption of the zoning ordinance and with the condition that the city attorney finds that an access and public utility easement has been legally established. Second by Ellie Mead, and motion carried unanimously.

## ORDER OF THE BOARD

**WHEREAS**, the board has determined that a hardship exists in the size of a lot which is a non-complying lot-of-record, and

**WHEREAS**, the board has determined that the requirements for a variance contained in Sections 11-1303 and 11-1408 of the Goodlettsville Zoning Ordinance have been met, and

**WHEREAS**, no adverse impact on other properties will occur,

**NOW, THEREFORE, BE IT ORDERED**, that a variance in the minimum lot size be granted for a lot shown as Map 18-16, Parcel 21, Davidson County Tax Maps for use as a residential building lot.

**CASE NO. 97-5-297                      Consideration of a request for a temporary use permit to operate a fireworks sales tent at 977 Louisville Highway. The applicant is William Stamper, owner.**

Analysis - This applicant operated on this same lot last year and has recently purchased the property. The site meets the requirements previously established for temporary sales tents. Staff repeated the standards to be applied. These are:

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. A fireworks 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;
4. The electrical code shall apply;
5. 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 scale tests in NFPA 701, and that such flame resistance is effective for the period of the permit.
6. A fireworks tent shall be so located that all structures and inventory are no more than 300 feet from an operable fire hydrant and no closer than 200 feet to any source of a flammable or combustible liquid or gas;
7. No fireworks tent shall be located under any power line;
8. In addition to a temporary use permit, an operator or owner shall obtain a temporary building permit from the Codes Department as required by the Building Code.

Stamper noted that he had no problem with the standards.

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Action - Edgar Lowe moved that the request be granted subject to the standards as stated. Owen Sanders seconded, and motion carried unanimously.

### OFFICIAL 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 11-901(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 is approved, that the conditions specified above shall apply, and that this order shall constitute such permit.

**CASE NO. 97-5-298**

**Consideration of a request for a variance in the minimum side and rear yard setback requirements to permit the location of a carport at 901 Barnett Drive, lot 7, Long Hollow Woods Subdivision, Section II. The applicant is James Pomeroy, owner.**

Analysis - The applicant, Mr. Pomeroy, contracted with AAA Home Improvements owned by Randy Jones to erect a carport on the back of his house. He assumed that the contractor would take care of all permits. The carport was erected without a permit and encroached upon the side and rear yard. The lot is zoned R25 which requires a 15' side yard and a 30' rear yard. The contractor is gone, and the owner is now trying to rectify the situation. A stop work order was placed on the project, however, the job was finished before an inspector discovered the problem.

The carport is attractive and is functional on the property. The owner is apparently without fault. However, a violation has been created because the contractor failed to obtain a building permit. A video of the area and the structure was viewed.

Discussion - Mr. Pomeroy presented his case again stating that he thought the contractor took care of all permits and assumed that it was ok. He stated that he had invested about \$10,000 which would be lost if he had to remove the carport. His only recourse would be to sue the contractor.

The board members discussed the situation, possible solutions and the possible effect of the carport being located where it is. It was noted that due to the slope of the lot and the recent construction of an extensive privacy fence, the carport was not noticeable from the streets.

Action - Ellie Mead moved that the variance be granted with the further condition attached that the privacy fence must be maintained as a part of the improvements on the property.

## ORDER OF THE BOARD

**WHEREAS**, the board has determined that a hardship exists if the carport had to be removed, and

**WHEREAS**, the board has determined that the requirements for a variance contained in Section 11-1408 of the Goodlettsville Zoning Ordinance have been met, and

**WHEREAS**, no adverse impact on other properties will occur,

**NOW, THEREFORE, BE IT ORDERED**, that a variance in the minimum rear and side yards be granted in order to allow the continued use of the carport as constructed,

**BE IT FURTHER ORDERED**, that the existing privacy fence shall be maintained as a permanent part of the improvements of the property.

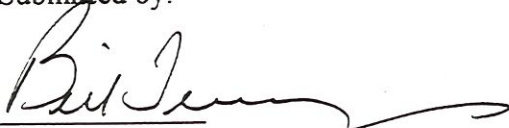
There being no further business, the meeting was adjourned.



~~Tom Mosier~~, Chairman

Owen Sanders Vice

Submitted by:



Bill Terry, Planning Director