

OFFICIAL MINUTES

GOODLETTSVILLE BOARD OF ZONING APPEALS

Date: October 28, 1996

Time: 5:00 PM

Place: City Hall

Cases Heard:

96-10-282

96-10-283

96-10-284

96-10-285

96-10-286

Members Present:

Tom Mosier

Tommy Jackson

Owen Sanders

Ellie Mead

Others Present:Staff Present

Bill Terry

Gaylon Northcutt

Robert McCaslin

Melody Collins

Lanny McGeehee

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

CASE NO. 96-10-281

Consider Request for a Temporary Use Permit to Sell Christmas Trees at Two Locations. The Applicant is Hunt Tree Co.

Analysis - This is a request from the same company which has sold trees for several years here and at the same locations. One location is at the corner of Dickerson Road and Long Hollow Pike on the bank property and the other is at Goodlettsville Plaza between the bank and the strip center at the corner. No problems were noted or reported last year. The ordinance requirements appear to have been met.

Discussion - It was noted that no one was present to speak.

Action - Owen Sanders moved that the request be granted. Second by Tommy Jackson, and motion carried unanimously.

CASE NO. 96-10-283

REQUEST FOR VARIANCES IN THE LOT WIDTH REQUIREMENT FOR TWO PROPOSED LOTS ON MADISON CREEK ROAD ON THE CRUNK PROPERTY. THE APPLICANT IS MELODY COLLINS, DAUGHTER OF JACK CRUNK.

Analysis - This property is located on Madison Creek Road. It has been the subject of some controversy over the years for various code violations. There has also been some illegal subdivision done on this tract in the past in that the owner, Jack Crunk, has sold one lot by deed without any road frontage and given another tract by deed to a son also without any frontage. Building permits have been denied on these tracts. This matter came up again when Melody Collins, daughter of Jack Crunk, attempted to get a building permit on yet another tract to be given to her by deed.

When the building permit was denied and the situation along with the proper way of subdividing property was explained, she became aware of the previous problems. This plat is her attempt to clean up the other problems and create legal building lots with frontage on Madison Creek Road. The plat will eliminate two of the three lots which were created without an approved plat. Two lots will be established, and a residual tract will be left containing over five acres. Ms. Collins will own one of the lots, and her brother will own the other. A residual tract will remain with Jack Crunk. The total amount of frontage of the Crunk property is about 310 feet.

The major problem with the plat is that the two lots do not have enough lot width as required by the zoning ordinance. The R40 zone requires 125 feet in lot width at the building setback line, and only 100 feet is actually available. The question is whether a hardship exists to justify a variance. Without the variance, the plat cannot be approved.

Discussion - Ms. Collins presented her case stating that the old barns will be removed and that property will be improved. The board noted that the property has limited road frontage but that it is extremely deep in length with a steep hill a short distance from the road. Jackson noted that the width and length created a hardship in dividing such property into buildable lots but that the plat of the property would be an improvement.

Action of the Board - Tommy Jackson moved that a variance in the minimum lot width at the street line be granted for the lots to have a minimum of 100 feet. Owen Sanders seconded, and motion carried unanimously.

CASE NO. 96-10-284 REQUEST FOR VARIANCES IN THE SETBACK REQUIREMENTS FOR A NEW BUILDING PROPOSED FOR AN EXISTING NON-COMPLYING LOT OF RECORD. THE APPLICANT IS ROBERT McCASLIN, OWNER.

Analysis - This lot is situated on Main Street across from the school and at one time housed a service station. The building is deteriorating, is usable for only marginal businesses and is very visible along the street. The lot is very small containing about 15,000 square feet, and a feasible size building cannot be built and meet the required setback requirements. It is non-complying because it does not meet the minimum lot size as established by the CSL district. The ordinance permits the board to grant a variance to allow the reasonable use of the property.

The request is for a zero setback on the north property line for the building and for a zero setback for the parking area along the rear lot line. The ordinance requires a 15 foot side setback for the

building and 5 foot for the parking lot. The rear lot line is at the foot of a steep embankment that leads to the mini-warehouses also owned by McCaslin. The side line for the location of the building is also by an embankment which is where the driveway leading to the mini-warehouses is located.

Discussion - McCaslin presented his request stating that he wanted to build a new building that would be an improvement to Main Street. He described that the building would be fluted block with storefront glass. The board agreed that the new building would be a major improvement and approved the fluted block design. It was noted that this size building was a reasonable use of the property for a non-complying lot.

Action of the Board - Ellie Mead moved that the variances requested be granted based upon the site plan as presented and based upon the finding that this building represented a reasonable use of an existing non-complying lot. Tommy Jackson seconded, and motion carried.

**CASE NO. 96-10-285 REQUEST FOR A VARIANCE IN THE MINIMUM LOT
WIDTH FOR LOT 3 OF THE PROPOSED MATTHEWS
PROPERTY SUBDIVISION. THE APPLICANT IS MRS.
JACK MATTHEWS, OWNER.**

Analysis - This property located on Springfield Highway just before Williamson Road is now in one tract. The tract contains three houses and an apartment which were built before the city annexed the area. The city recently rezoned the tract from Agricultural to R40 to permit the proper subdivision of the houses, and the planning board gave general approval for the lot layout. One lot, no. 3, cannot be designed to meet the 125 foot lot width requirement. The proposed lot pattern is about the only feasible way to divide the property.

Discussion - The discussion noted that these houses had been on the property for a long time and were most likely built without building permits. It was also noted that the planning board had placed a condition on the use of the garage apartment building which is on the same lot as a house on lot 2 that it could not be used as a residence. The zoning ordinance prohibits two principal buildings on the same lot.

Action of the Board - Ellie Mead moved that the variance in the minimum lot width be granted for lot no. 3. Second by Owen Sanders, and carried unanimously.

**CASE NO. 96-10-286 REQUEST FOR VARIANCES IN THE SIDE SETBACK AND
PARKING LOT REQUIREMENTS AND IN THE LOCATION
PROVISIONS FOR FILL IN A FLOODPLAIN. THE
APPLICANT IS ARLES GREEN, OWNER.**

Analysis - This property is an existing non-complying lot, and the buildings are in a rundown condition. Staff has been attempting to get the property cleaned up for quite a while. Now the owner wants to build a new building, but the lot is too small to accommodate the size building needed if all zoning requirements are met. Here again, the new building will be a vast improvement over the

existing conditions and will eliminate an eyesore.

Two variances are requested. One is a 10 foot side setback variance to permit a 10 foot rather than the required 20 foot setback. The other relates to parking lot design and curbing requirements. The building can't be moved back any farther, and there is not enough distance in front of the building to obtain parking spaces and put in a curbed front access with the required landscaping. There is some unused state right-of-way at the front and side that can be used for such purposes, and the owner has requested that the state grant such use.

A complication with this lot involves flooding. The entire property is in the floodplain of Slater Creek, however, it does not appear to be located within the floodway. Construction is permitted within the floodway fringe as long as elevation requirements are met.

Discussion - Lanny McGeehee, contractor for the owner, described the building and the elevations. It was noted that due to the small size of the building footprint, the impact on potential flood heights would be minimal.

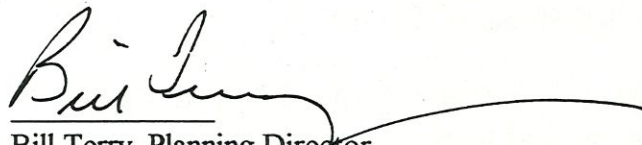
Action of the Board - Owen Sanders noted that the proposed use and building constituted a reasonable approach to the use of the noncomplying lot of record and moved that the variances be granted. Ellie Mead seconded, and the motion carried unanimously.

There being no further business, the meeting was adjourned.



Tom Moster, Chairman

Submitted by:



Bill Terry, Planning Director