

OFFICIAL MINUTES

GOODLETTSVILLE BOARD OF ZONING APPEALS

Date: December 9, 1991
Time: 5:00 PM
Place: City Hall

Cases Heard:
 Case No. 91-12-212
 Case No. 91-12-213
 Case No. 91-12-214
 Case No. 91-12-215
 Case No. 91-12-216

Members Present:

Eddie Niebruegge
 Tommy Jackson
 Fred Chapman
 Owen Sanders
 Tom Mosier

Others Present:

Jeff Cordell
 Roger Loyd
 Jim Hawkins

Staff Present:

Bill Terry

The meeting was called to order by Chairman Niegruegge. The approval of the previous minutes was deferred. It was duly noted that the meeting had been advertised and adjoining property owners notified by mail and that no one from the general public was present to support or oppose any case.

Case No. 91-12-212 - Consideration of a request for a variance in the parking lot design standards for a dance studio proposed for construction on West Cedar Street, Parcel 11, Map 25-4 Davidson County Tax Maps.

Staff Analysis - The Cordell's currently run a dance studio at another location. The subject property now has a house on it, and Cordell wants to move the house off the property and build a new building for the dance studio. The use is permitted by the zoning ordinance, however, due to the size of the lot, all of the design requirements for parking lots cannot be met. Specifically, the required 7.5 foot open space on the east property line and at one point, the 25 foot required driveway are the standards for which the variance is requested.

The ordinance requires a 15 foot side yard and no more than 1/2 of the side yard can be used for parking. The intent is maintain a landscaped area between lots or parking areas. In this case the required length of a parking space and width of the driveway take up the entire side yard to the property line. The only other alternative is to reduce the width of the proposed building in order to comply with the requirements of the zoning ordinance. Slides of the site were shown.

Discussion - Cordell showed the board what he wanted to build and

stated that there was really no other way to do the project. He was asked if a smaller building would work, and he stated that it would not. The board noted that this was an existing lot of record and due to its size, some of the current zoning requirements could not be practically met. It was also noted that there was a parking lot on the east boundary of the lot adjacent to the proposed lot and that there was a three to four foot change in grade with a retaining wall on the adjacent lot. This was a mitigating factor.

Action of the Board - Fred Chapman moved and Owen Sanders seconded that the needed variances be granted due to the fact that this would make possible a reasonable use of an existing small lot.

ORDER OF THE BOARD

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

WHEREAS, the board has determined that the requirements for a variance have been met, and

WHEREAS, the board has determined that granting the variance would permit the reasonable use of an existing small lot of record,

NOW, THEREFORE, BE IT ORDERED that a 7.5 foot variance in the side yard parking lot requirement be granted and that a driveway width variance of four feet be granted.

Case No. 91-12-213 - Consideration of a request for a temporary use permit for fireworks sales during the Christmas and July 4 sales periods on the lot at the corner of Long Hollow Pike and Caldwell Drive, Map 143, Parcel 64.01, Sumner County Tax Maps. The applicant is Roger Loyd.

Staff Analysis - This lot has been used for this purpose for several years, and it presents no problem. However, the operator has failed to observe the sign ordinance. Last July several signs were erected in violation of the ordinance. The manager was served with a notice of violation, but he failed to comply. Subsequently, he was served with a citation to city court. He still refused to comply choosing instead to just pay the \$50 fine.

Discussion - The board queried Loyd about why he had failed to comply with the city's sign ordinance. Loyd indicated that the local manager of the operation was to blame since he (Loyd) was not on site. This year he has hired a new manager and pledged that the ordinance would be obeyed. The board was inclined to go along with the pledge with the proviso that any further violations would constitute grounds to revoke the temporary use permit. Staff also noted to Loyd that any violation would be noted with a misdemeanor citation for each day that such exists.

Action of the Board - Fred Chapman moved and Tommy Jackson seconded that the request be approved conditioned upon compliance with the

sign ordinance and other applicable sections of the municipal code.

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. 91-12-214 - Consideration of a request for a temporary use permit for fireworks sales on Louisville Highway, Map 141, Parcel 1.04, Sumner County Tax Maps. The applicant is B. D. Sorell.

Staff Analysis - Such sales have been allowed on this site in previous years, and no problems have resulted. The tent should be set back for the right-of-way at least 10 feet and not just from the edge of the pavement. The sign ordinance applies.

Discussion - The applicant was represented by Jim Hawkins, attorney, who asked why there was a problem. The procedure for obtaining a permit was explained, and no problems were noted.

Action of the Board - Tom Mosier moved and Fred Chapman seconded that the request be approved subject to the staff comments.

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.

Staff reported to the board that the next two cases had not been submitted in time to meet the newspaper publication deadline but due to extenuating circumstances, the applicants requested consideration. Adjoining property owners had been notified by mail, and no comments were received. The board agreed to hear the

cases but instructed staff to advertise the cases in the next month's agenda.

CASE NO. 91-12-215 - Consideration of a request for a variance in the front setback for Lot 34, Long Hollow Place Subdivision. The applicant is Wayne Mayo.

Staff Analysis - The subject house is finished and is sold. However, in the closing the loan survey showed that a front corner of the house is about four feet across the setback line. Wayne Mayo, the contractor, thought he had located the correct property corners when he located the footing on the lot as did Jack Polk, the city building inspector. The result is that the lending institution will not close until the line is corrected in some way. Staff also noted that the rear portion of the lot was steep and that the house could not have been set much farther back without extensive filling.

Discussion - The board and Mayo discussed the procedures used in trying to located the corners and the slope of the lot. It was concluded that the builder and city building inspector used a reasonable approach and made a good faith effort to locate the house.

Action of the Board - Fred Chapman moved that a five foot variance be granted thus making the setback line 35 feet for the lot based on the slope of the lot and the good faith effort to locate the correct line. Tommy Jackson seconded, and the motion carried unanimously.

ORDER OF THE BOARD

WHEREAS, the board has determined that a hardship exists in the placement of a house on Lot 34, Long Hollow Place Subdivision, 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 five foot variance in the front setback be placed on the subject lot creating a 35 foot setback line.

CASE NO. 91-12-216 - Consideration of a request for a variance in the front setback line at the Goodlettsville Landscape Center 606B North Main Street. The applicant is Tommy Jackson.

Staff Analysis - This lot is occupied by the Goodlettsville Landscape Center. At one end of the lot is a mulch pit. The owner would like to construct a shed which is roofed and enclosed on one side to house a tractor and other equipment. The required setback is 50 feet. The proposed setback is 33 feet. There is a steep

hillside limiting use of the property and the 50 foot requirement would push the shed back into the hillside. The proposed location is about the only place to build the shed.

Discussion - Chairman Niebruegge noted that the applicant is a member of the board and, therefore, could participate in the discussion only to the extent of presenting facts. Jackson confirmed the facts as presented by staff. The board concluded that the steep hillside on the lot presented a justifiable hardship limiting locations of buildings.

Action of the Board - Fred Chapman moved that a 17 foot variance in the front setback be granted for the location of this structure due to the topography of the site. Owen Sanders seconded, and the motion carried with Jackson abstaining.

ORDER OF THE BOARD

WHEREAS, the board has determined that a hardship exists in the placement of a building at 606B North Main Street, 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

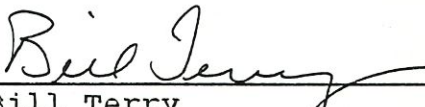
WHEREAS, no adverse impact on other properties will occur,

NOW, THEREFORE, BE IT ORDERED, that a 17 foot variance in the front setback be granted for the construction of an equipment shed as proposed.

The meeting adjourned at 6:30 PM.

Eddie Niebruegge, Chairman

SUBMITTED BY:



Bill Terry
Planning and Codes Director