



October 4, 2022 Board of Zoning and Sign Appeals 5:00 PM City Hall - Massie Chambers

Agenda:

- 1 Approval of Meeting Minutes
 1. Approval of September 6, 2022 Meeting Minutes

Agenda Items

2. Duncan and Jeannie Rowe, Property Owners: Requests a variance to permit a detached two (2) car garage instead of an attached two (2) car garage with a proposed one family detached dwelling on 4.02 acres at 214 Hasty Drive. Property referenced as Davidson County Tax Map/Parcel# 02500022300 and is zoned R-40, Low Density Residential. Zoning Ordinance Section 14-205 (4)(g)
3. Mike Galbreath, Property Owner: Requests a rear building setback variance to permit an accessory carport to be attached to the house at 207 West Cedar Street. Property referenced as Davidson County Tax Map/Parcel#. 02504001600 Zoning Ordinance Section 14-208 (1)(e)(vii).

For more information regarding this agenda, please contact the city recorder by email at:
amccormick@goodlettsville.gov

A government committed to operating with efficiency and integrity in all we do as we strive to
enhance the quality of life for the community we serve.

105 S. Main Street – Goodlettsville, TN 37072 – 615-851-2200 – Fax 615-851-2212
www.goodlettsville.gov

OFFICIAL MINUTES OF THE MEETING

GOODLETTSVILLE BOARD OF ZONING AND SIGN APPEALS

September 6, 2022

Goodlettsville City Hall

5:00 p.m.

Massie Chambers-Auditorium

Present: Chairman Cisco Gilmore, Jimmy D. Anderson, Stuart Huffman, Mark Writesman

Absent: Brian Rager

Also Present: Addam McCormick (Staff), Tim Ellis-City Manager, Russell Freeman-City Attorney, Sharon Reed (Staff)

Chairman Gilmore called the meeting to order at 5:00 pm and declared a quorum.

Approval of August 2, 2022 Meeting Minutes: Writesman made a motion to approve the minutes of the August 2, 2022 meeting, Huffman seconded the motion. Motion was approved.

AGENDA

Item #1 Mike Galbreath, Property Owner: Requests a rear building setback variance to permit an accessory carport to be attached to the house at 207 West Cedar Street. Property referenced as Davidson County Tax Map/Parcel#. 02504001600 Zoning Ordinance Section 14-208 (1)(e)(vii) **(Revision to request deferred at August 2nd, 2022 Meeting)**

Staff Discussion:

- The Board of Zoning and Sign Appeals at the August 2nd, 2022 meeting discussed the request regarding an administrative appeal to keep the recently constructed carport building in violation of the Zoning Ordinance.
- The carport is a violation of the maximum size of permitted accessory buildings.
- As discussed at the August meeting, the request has been revised to a rear building setback variance request to attach the accessory building/structure carport to the primary building/structure house with an attached roof line including a section of steps.
- The carport is ten (10') feet from the rear property line.
- The property is zoned R-10, Medium Density Residential.
- The Zoning Ordinance R-10 district section require a twenty (20') feet rear setback for primary buildings/structures.
- The Zoning Ordinance permits accessory buildings when there are no designated easements to be five (5') feet from the back and side property lines.
- The proposal to connect the carport to the house would change the classification of the building /structure from an accessory to primary building/structure.
- The revised request is a variance to reduce the rear building (primary building/structure) setback from twenty (20') feet to ten (10') feet.
- The Zoning Ordinance permits a total building square footage of 5,576 on the 0.32-acre property (13,939 square feet) based on the maximum permitted forty (40%) percent lot coverage for all buildings/structure including both primary and accessory.
- The existing garage and recently constructed carport are both 720 square feet (1,440 square feet) and the house is 1,390 square feet.
- The total building area is 2,830 square feet or twenty (20%) building lot coverage.

- The four (4') feet width proposed roof line connection would be an estimated 260 square feet.
- The total square feet of building area including existing and proposed roof line connection would be 3,090 square feet or twenty-two (22%) percent of building lot coverage.
- Any motion to approve or deny the variance request will need to include the basis for the motion per these review standards.
- As discussed at the August Meeting, the appeal and variance request to keep the carport without an attachment including staff's denial recommendation was based on the Zoning Ordinance violation notice.
- The revised request for a setback variance would be a different request.
- The conditions of the property including property slopes, shared driveway, and conditions of the property per the Zoning Ordinance Variance Review section would need to be reviewed with the rear building setback variance request.
- Staff would recommend approval based on the slope of property at the rear of the primary building/structure house and the level of shared driveway alteration that would be required to relocate the existing carport for an attachment to the back of the primary building/structure house. The carport location is in an area of an existing established vehicle driveway and parking area.
- The recommendation is based on Zoning Ordinance Section 14-213 (8)(c) Variance review items (i) and (vii)
- Staff's recommended approval includes the stipulation for the applicant obtain permits for the carport work completed and roof line connection

Applicant: Mike Galbreath, 207 West Cedar Street

Public Hearing Opened: No one requested to speak.

Public Hearing Closed

Board Discussion:

No Discussion

Motion: Writesman made a motion to deny the request based on Mr. Galbreath creating the hardship by not applying for a permit or ceasing construction when asked to do so by a code's official, seconded by Anderson . The motion passed unanimously.

Item #2 Cynthia Payne: Request conditional use approval for a home day care center at 611B Ellen Drive. Property is zoned R25, Low Density Residential as is referenced as Sumner County Sumner County Tax Map/Parcel# 143NA007.00 Zoning Ordinance Section 14-213 (9)(e)(ii)(a)(1)

Staff Discussion:

- Staff received a complaint about a day care operating at the property and sent a violation notice.
- The property is zoned R25, Low Density Residential and includes 26,000 square feet in lot area which meets the minimum lot size requirement in the R25 zoning district of 25,000 square feet.
- The use is a non-conforming three (3) unit residential rental use.
- The applicant's request is for the home day care to permit up to four (4) kids with the home day care use.
- The State of Tennessee regulates home day cares including five (5) or more kids.
- The City's Zoning Ordinance definition of home day care does not include a defined minimum number of kids to be considered a home day care.
- The City's Zoning Ordinance Conditional Use section includes both general and specific review criteria.

- Per the Zoning Ordinance Conditional Use section, the Board can define reasonable restrictions on the conditional use application including restrictions to reduce or minimize the injurious effect of such conditional use upon and ensure compatibility with surrounding properties.
- The Board would need to define any restrictions to the conditional use application with the meeting motion.
- Since the home day use issue was determined based on a complaint and since the request is for use in a three (3) residential rental unit, the applicant will need to discuss the operation of the limited home day care to not adversely affect the adjacent properties and in this case other tenants in the building.
- The operation items to be reviewed include age of the children and hours of operations including drop off and pick up times.
- The applicant has requested the Board to review the outdoor play area fence requirement for the home day care conditional use based on the setting of the property.
- Staff discussed the proposal with the property owner, and they are aware of the request and possible required fence improvements.
- Staff would recommend approval based on applicant presenting the operation criteria determined by the Board to not adversely impact the adjacent properties and other tenants in the building.
- The Board will need to review the outdoor play area and depending on the age of the children included in the home day care a fenced in play area behind the residential building per ordinance provisions may need to be provided.
- The property owner would have to provide written approval of the fence installation and location.
- Since the proposal is of up to four (4) kids which would not be under the state licensing regulations, then the City's Code Department to review the tenant space to ensure all emergency egress doors and windows and operable smoke detectors and any other applicable life safety code features for a residential unit would be provided and operational.
- Due to the unique setting of the home day care use within in a multi-unit residential use the conditional use is recommended to be limited to three (3) to four (4) kids only.
- The number of kids permitted with the home day care use depends on the applicant's discussion of the home Day care operation to reduce the adverse impact to adjacent properties and residents in the building.

Applicant: Cynthia Payne, 611 B Ellen Dr.

- Payne explained she keeps children that are waiting to get into a day care due to the long wait list or starting pre-school.
- Payne states most are smaller children ranging in age from one (1) year to twenty-four (24) months
- Payne states she is a grandmother of six (6) so she may have on occasion her grandchildren in addition to the day care children
- Payne states she keeps her Goddaughter four (4) nights a week
- Payne states she is in rental property and plans to move in March when her lease is up.
- Writesman asked if the property owner is aware of the request
- McCormick responded the property owner is aware of the request and discussed if the board requires a fence would need confirmation from the property owner
- Writesman asked if the day care is upstairs
- Payne responded she moved there in 2019 and discussed the unit under her.
- Huffman discussed the property owner and the variance/conditional use.
- McCormick responded the conditional use goes with the applicant not the property owner.

Public Hearing Opened:

Ashley Cooley, 610 Ellen Drive

- Cooley states she does not want to live across the street from a day care center.
- Cooley states she purchased a house in a residential neighborhood not to be across the street from a business

- Cooley states she does not want the view out her front window to be advertising signs for a day care and she does not want the traffic or street parking for the day care
- Cooley states they are concerned with property value across from a day care

Public Hearing Closed

Board Discussion:

- Gilmore discussed the conditional use and if the applicant moves in March the conditional use will expire and if the board approves is the fenced in area required
- McCormick responded in the zoning ordinance it is one of the conditional use requirements for a home day care
- Gilmore discussed a timeline for the conditional use request
- McCormick discussed options the board could have on the conditional use request
- Freeman asked for updates on the residential fencing modifications.
- McCormick responded and explained the requirements for this location
- Anderson discussed concern with fire and safety issues of a day care on the 2nd floor
- Huffman discussed concern with the day care variance request if you just have four (4) kids

Motion: Huffman made a motion to deny the request, seconded by Writesman. The motion passed unanimously.

Item #3 Kenjoh Outdoor Advertising, LLC: Requests an administrative appeal of the Planning Director's decision to deny a sign permit for a high-rise pole sign within the Rivergate Parkway Interchange Sign Zone District for a proposed sign on CSX, Railroad right-of-way adjacent to I-65. The sign is proposed west of the south bound I-65 entrance ramp off Rivergate Parkway. Zoning Ordinance Section 14-305 (2).

-Staff Discussion:

- Applicant requests a deferral to the November meeting.

Motion: Anderson made a motion to defer the request, seconded by Writesman . The motion passed unanimously.

With no further business, Huffman made the motion to adjourn, seconded by Anderson. The motion passed unanimously.

The meeting adjourned at 5:32 pm.

Mike Galbreath asked questions about the decision. The Board decided to reopen the meeting and start the meeting recording again.

Motion: by Huffman to reopen the Board of Zoning and Sign Appeals meeting, seconded by Anderson.

The September 6, 2022 Board of Zoning and Sign Appeals meeting is open.

- Mike Galbreath stated he did apply and has a copy of the permit.
- Galbreath stated after several months of not hearing back from the City he told his contractor to proceed with construction

- Galbreath stated the first contact he heard from the City was when construction was about ninety (90%) complete
- Freeman asked McCormick if an application was completed
- McCormick responded yes he remembers around Christmas an application was completed and a city staff member called the building company about the size of the proposed building and the permit was not obtained then staff saw the work in March
- Freeman asked McCormick if the permit was denied?
- McCormick responded the permit was not denied and an explanation of the inspection.
- Freeman discussed the contractor's responsibility to follow the codes and ordinance for square footage.
- McCormick responded Mr. Galbreath was the permit applicant.
- Ellis stated he is not a voting member of the board but asked how he completed his application
- Galbreath stated it was a paper application and submitted to the office.
- Galbreath stated this is not something he did without permission he submitted the application and never heard back from the City.
- Freeman discussed last month's meeting issue was the building being out of compliance and this month's meeting request for rear building setback variance
- Galbreath stated if he was denied because he did not have a permit that is not because he did go through the process and did not hear back from the City.
- Freeman discussed the request on the agenda for a rear building setback variance
- McCormick responded the request for a rear building setback variance to permit the accessory carport to be attached to the house
- Galbreath discussed the property line and property layout with carport
- Freeman discussed the minimum and maximum distance setback variance
- Huffman discussed issues with the carport against codes and last months meeting discussion on how it could be amended with a setback variance of ten (10) feet
- Gilmore discussed a complaint a property owner submitted
- McCormick responded a property owner has concern with the driveway ownership and additional construction equipment on the driveway and property
- McCormick discussed the permit and property issue with square footage of house and accessory building
- Huffman discussed the hardship issue and the setback variance request
- Gilmore clarified the motion tonight was to deny the setback variance based on self-inflicted hardship
- Huffman asked Freeman for clarification on the motion to deny
- Freeman discussed the creation of a hardship issue and difficulty of defining a hardship
- Galbreath discussed issues if adding to the home due to the historic nature of house and connection would alter the historic appearance and discussed the shared driveway and property owner complaints
- Galbreath stated he was not aware of the letter they received from a neighbor and asked if it was available to the public
- McCormick responded yes, if he made a request, he could send him what he received.
- Freeman clarified a hardship, a new application for a connection and no construction will start before the application is accepted will allow the issue of creating a hardship not be a bases for denial.
- Freeman discussed a motion to reconsider and a motion to deny or approve.
- Ellis discussed the rules of the board and when items can be reconsidered.
- McCormick responded the Board of Zoning and Sign Appeals operate under the general criteria of Robert's Rules of Order with no by laws defined for hearing agenda items
- Huffman discussed the process of applying for a permit for the connection
- McCormick discussed obtaining a permit, an administrative appeal, and a variance request.
- Huffman discussed not reconsidering the motion and the applicant apply for the permit
- Freeman discussed codes permit process and a variance request

-McCormick discussed a permit application can be submitted but will be denied due to need for a variance to approve request.

Motion: by Huffman to deny reconsideration, motion is not seconded, motion failed.

-Gilmore and Freeman discussed no second is failed motion

The meeting adjourned at 6:00 pm.

Cisco Gilmore, Chairman

Sharon Reed, Planning Assistant

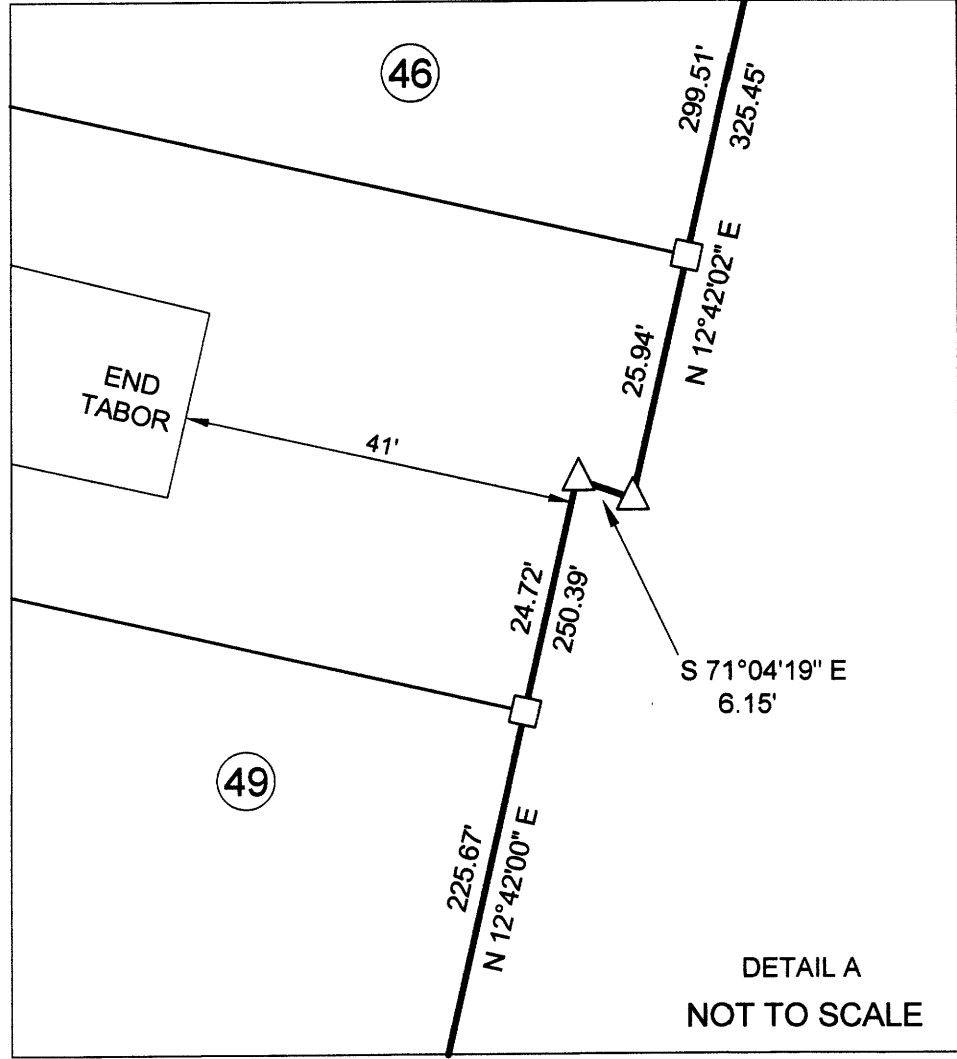
DRAFT

- CASE NO.**
- PURPOSE OF THIS SUBDIVISION PLAT IS TO CREATE TWO SEPARATE PARCELS
 - OWNERSHIP and PROPERTY INFORMATION
PARCEL ID: 02500001700
INSTRUMENT NO. 20201110-0132203

DAVID ROWE-MABEE and HAILEY ROWE-MABEE
0 DRY CREEK ROAD
GOODLETTSVILLE, TENNESSEE 37072
 - TENTH (10th) COUNCIL DISTRICT
DAVIDSON COUNTY, TENNESSEE
ZACH YOUNG, COUNCIL MEMBER
 - PROPERTY ZONING
R-40 - "LOW DENSITY RESIDENTIAL DISTRICT"
PER ORDINANCE NO. 20-979 DATED 10/22/2020
 - MINIMUM BUILDING SETBACKS
BUILDING SETBACKS TAKEN FROM GOODLETTSVILLE
ZONING ORDINANCE BULK TABLE II (PAGE 14-201)

FRONT - 50 FT
SIDE - 20 FT
REAR - 40 FT
 - LAND AREA
TRACT 1 AREA = 20.46 ± ACRES
TRACT 2 AREA = 4.02 ± ACRES
TOTAL SURVEYED AREA = 24.48 ± ACRES
 - THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, COVENANTS, OR RESTRICTIONS, EITHER WRITTEN OR UNWRITTEN. THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE REPORT.
 - SHARED ACCESS AND UTILITY EASEMENT TO SERVE TRACTS 1 AND 2 SHOWN HEREON AND NOT FOR THE USE OF SOLITUDE ACRES SUBDIVISION, SPECIFICALLY LOTS 41 AND 42.
 - ENGINEERING DESIGN IS REQUIRED FOR CULVERT/BRIDGE OVER CREEK CROSSINGS.
 - NOTE TO PROSPECTIVE OWNERS (UNKNOWN USE), YOU ARE STRONGLY ADVISED TO CONTACT METRO WATER SERVICES, (DEVELOPMENT SERVICES) TO DETERMINE ADEQUACY OF PUBLIC WATER FACILITIES FOR INTENDED DEVELOPMENT OF PROPERTY.
 - NEW FIRE HYDRANT AT THE END OF HASTY DRIVE TO BE INSTALLED TO THE WATER DEPARTMENT SPECIFICATIONS PER GOODLETTSVILLE PLANNING DEPARTMENT.
 - OWNER(S) OF TRACTS 1 AND 2 ARE REQUIRED TO EXTEND SEWER SERVICE TO CITY SEWER SPECIFICATIONS PER GOODLETTSVILLE PLANNING DEPARTMENT.

THIS PROPERTY LIES WITHIN ZONE X, AREAS OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS INDICATED ON FEMA NFIP FIRM PANNEL NUMBERED 47037C0136H, BEARING AN EFFECTIVE DATE OF APRIL 4, 2017.



LEGEND

- PROPERTY LINE
- ADJOINING PROPERTY LINE
- MINIMUM BUILDING SETBACK LINE (MBSL)
- CENTERLINE OF ASPHALT
- FENCE LINE
- 1/2-INCH REBAR (FOUND)
- 5/8-INCH REBAR (SET)
- CONCRETE MONUMENT (FOUND)
- SANITARY SEWER MANHOLE
- FIRE HYDRANT

I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND THAT THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS IN EXCESS OF 1:10,000 USING TOTAL STATION SURVEY EQUIPMENT BY THE METHOD OF RANDOM TRAVERSE. THIS SURVEY WAS PERFORMED IN COMPLIANCE WITH THE CURRENT TENNESSEE MINIMUM STANDARDS OF PRACTICE.

DATE: 12/09/2021
RONALD G. TAYLOR, R.L.S.
TENNESSEE REGISTRATION NO. 2123

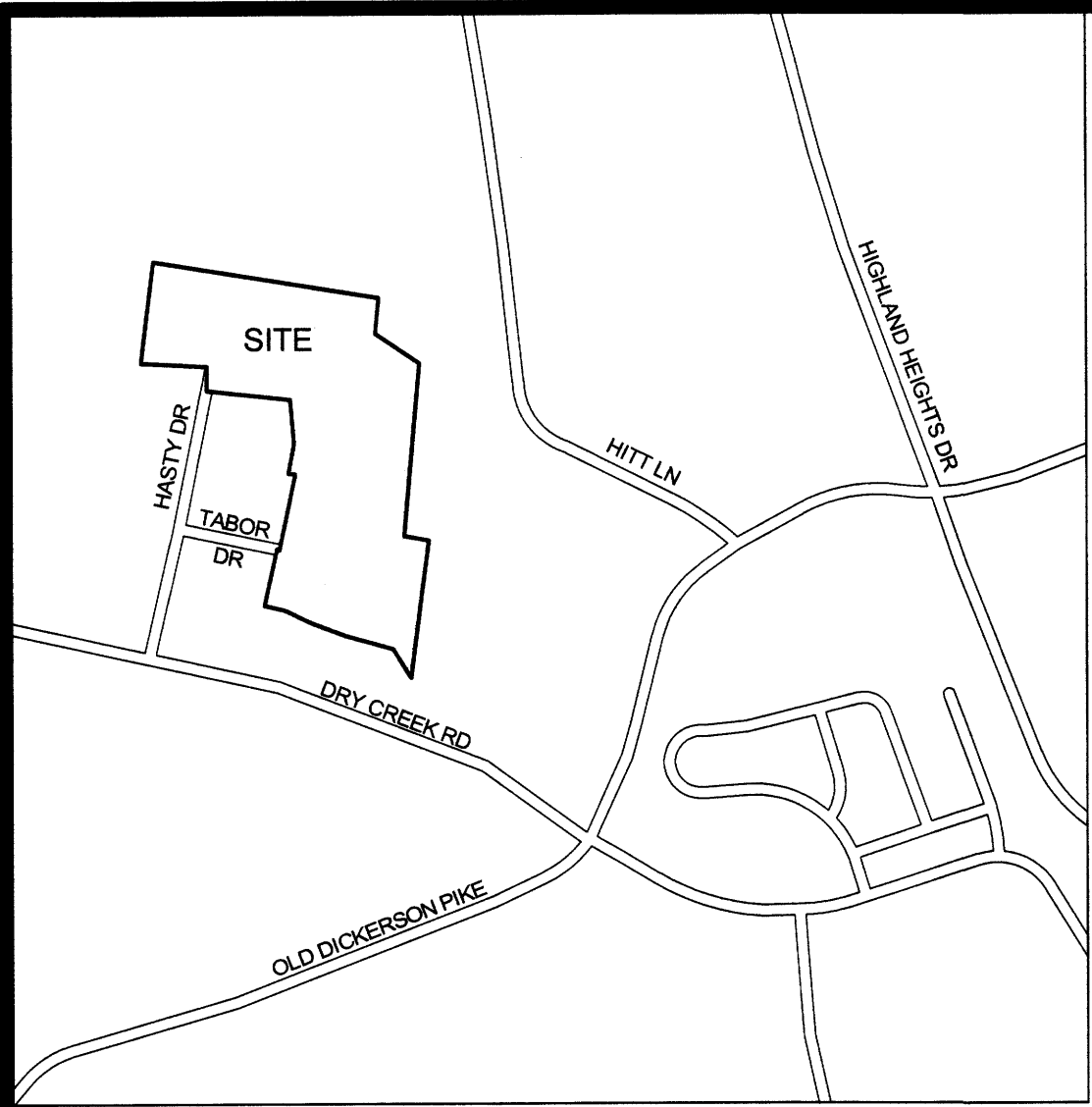
ROWE-MABEE MINOR SUBDIVISION
0 DRY CREEK ROAD
GOODLETTSVILLE, DAVIDSON COUNTY, TENNESSEE

REVISIONS		DATE
NO.	DESCRIPTION	
1	MINOR SUBDIVISION SUBMITTAL	10/22/21
2	CORRECTIONS PER PLANNING DEPARTMENT	11/19/21
3	CORRECTIONS PER SEWER DEPARTMENT	12/09/21

© 2021 L.I. SMITH & ASSOCIATES, INC.
ALL DESIGNS, DATA, AND INFORMATION PRESENTED ON THESE PLANS ARE THE INTELLECTUAL PROPERTY OF L.I. SMITH & ASSOCIATES, INC. THESE PLANS, DESIGNS, DATA, AND INFORMATION ARE TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. NO PART OF THESE PLANS, DESIGNS, DATA, OR INFORMATION SHALL BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF L.I. SMITH & ASSOCIATES, INC.

MINOR SUBDIVISION		NUMBER	1 of 1
SHEET		PROJECT # 20707	
DRAWN BY: RGT		CHECKED BY: RGT	DATE: 12/09/21
SCALE: 1" = 100'		DATE: 12/09/21	

L.I. Smith and Associates, Inc.
LAND DEVELOPMENT | INFRASTRUCTURE DESIGN
SURVEYING SERVICES
302 North Caldwell Street, Paris, TN 38242 | 731-644-0141 | www.lismith.com
475 Metroplex Drive, Suite 212 Nashville, TN 37211 | 615-256-0290



CERTIFICATE OF OWNERSHIP AND DEDICATION

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon as evidenced in Instrument No. _____ County Registers Office, and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building restriction lines and that offers of irrevocable dedication for all public streets, utilities, and other facilities have been filed.

By: _____ Date: _____

By: _____ Date: _____

CERTIFICATE OF ACCURACY

I (we) hereby certify that this is a true and accurate survey of the property shown hereon to the accuracy required by the Goodlettsville Planning Commission and that the monuments have been placed as required by those regulations.

Registered Land Surveyor _____ Date: 12/09/21 _____ R.L.S. No. 2123

CERTIFICATE OF APPROVAL OF SEWER SYSTEMS

I hereby certify that the sewer system(s) outlined or indicated on the final subdivision plat entitled _____ have been installed in accordance with current local and state government requirements or a Letter of Credit or other approved surety has been filed which will guarantee said installation.

Date: 12/13/2021 _____ Name, Title and Agency or Authorized Approving Agent: _____

CERTIFICATE OF APPROVAL OF WATER SYSTEM

I hereby certify that the water system(s) outlined or indicated on the final subdivision plat entitled _____ has/have been installed in accordance with current local and state government requirements or a Letter of Credit or other approved surety has been filed to guarantee said installation.

Date: 12/13/2021 _____ Name, Title and Agency or Authorized Approving Agent: _____

CERTIFICATE OF APPROVAL FOR RECORDING

I hereby certify that the subdivision plat shown hereon has been found to comply with the Goodlettsville Subdivision Regulations, with the exception of such variances, if any, as are noted in the minutes of the planning commission, and that it has been approved for recording in the Office of the County Register.

Date: 12/14/2021 _____ Representative: _____

Karen Johnson Davidson County
Batch# 774815 PLAT-4-G
12/16/2021 10:27:51 AM 1 pg
Fees: \$15.00 Taxes: \$0.00



20211216-0166282



PARCEL ID: 02500001800
SALE INSTRUMENT: 20171006-0102809
THOMAS EVANS

PARCEL ID: 02500001300
SALE INSTRUMENT: 20190716-0089562
ELLEN DAVIS

TENNESSEE STATE PLANE
COORDINATE SYSTEM - NAD 1983

PARCEL ID: 02500001800
SALE INSTRUMENT: 20171006-0102809
THOMAS EVANS

C1 CURVE DATA
RADIUS = 1239.41'
DELTA = 2°18'45"
LENGTH = 50.02'
BRG = N 04°32'49" E
CHORD = 50.02'

C2 CURVE DATA
RADIUS = 1239.41'
DELTA = 2°49'07"
LENGTH = 60.97'
BRG = N 01°59'37" E
CHORD = 60.97'

41 SOLITUDE ACRES
PART 2, SECTION 2
BK 4300 - PG 138
ARTHUR ETHRIDGE

42 SOLITUDE ACRES
PART 2, SECTION 2
BK 4300 - PG 138
LESLIE DOUGLAS

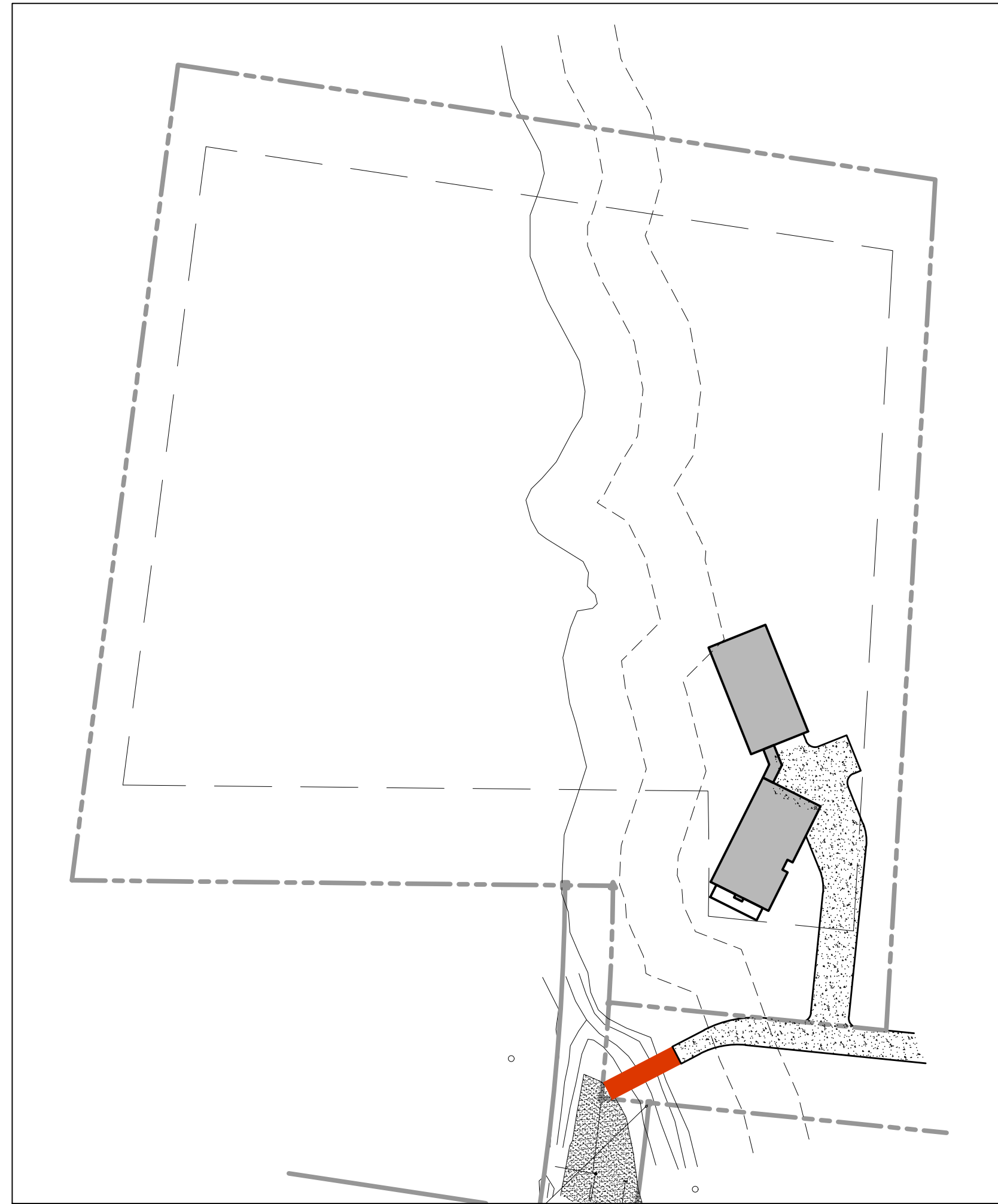
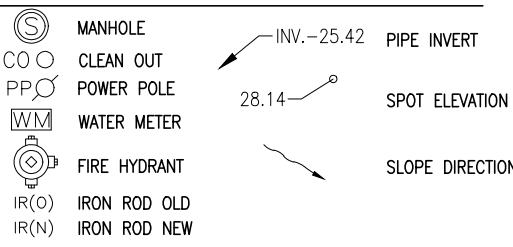
ACCESS and UTILITY EASEMENT DETAIL

EASEMENT AT THE NORTH END OF HASTY DRIVE IS TO BE A SHARED ACCESS AND UTILITY EASEMENT FOR TRACTS 1 AND 2 AS SHOWN HEREON. THIS EASEMENT IS NOT FOR THE USE OF SOLITUDE ACRES SUBDIVISION, SPECIFICALLY LOTS 41 AND 42

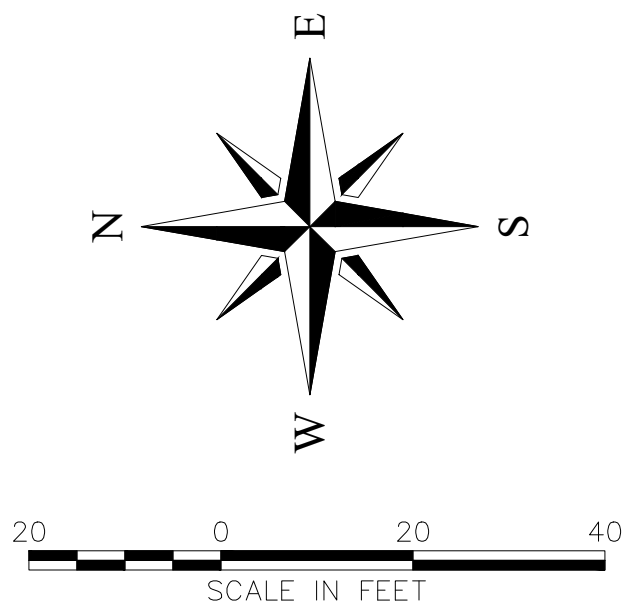
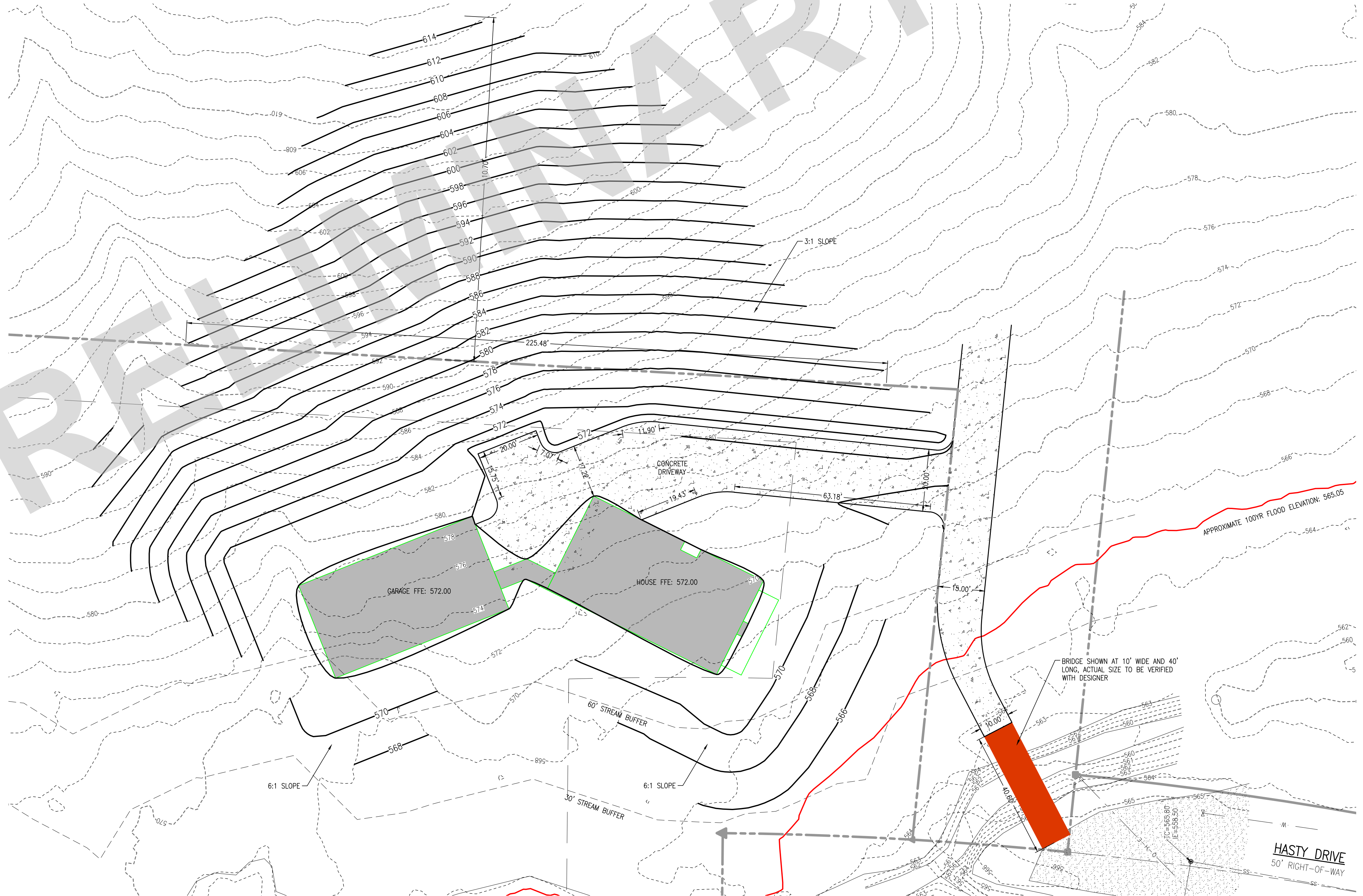
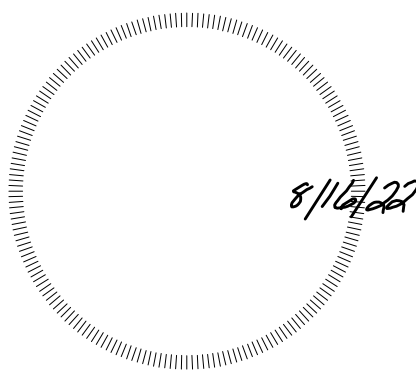
811 CALL
811
NATIONWIDE

**Know what's below.
Call before you dig.**

IT IS THE CONTRACTORS RESPONSIBILITY TO CONTACT US COMPANIES PRIOR TO ANY CONSTRUCTION. THE LOCATION UTILITIES SHOWN ON THESE PLANS ARE APPROXIMATE. POSSIBLY INCOMPLETE. THEREFORE CERTIFICATION TO LOCATION OF ALL UNDERGROUND UTILITIES IS WITHIN



SITE LOCATION MAP

[illegible]

NOT FOR
CONSTRUCTION

ROWE RESIDENTIAL

209 HASTY DR.
GOODLETTSVILLE, TN
DAVIDSON COUNTY

DRAWN BY:	
CHECKED BY:	JML
PROJECT NO.:	C03222

SITE LAYOUT

SHEET NUMBER

C1.02

REPRODUCTION OF THESE DRAWINGS OR ANY PART THEREOF IS PROHIBITED WITHOUT WRITTEN APPROVAL OF KLOBER ENGINEERING SERVICES. THESE DRAWINGS ARE PROTECTED BY U.S. COPYRIGHT LAWS AND VIOLATORS ARE SUBJECT TO LEGAL RECOURSE.

City of Goodlettsville
Board of Zoning and Sign Appeals
STAFF RECOMMENDATION REPORT
Tuesday October 4, 2022

5:00 PM

Item#1	Duncan and Jeannie Rowe, Property Owners: Requests a variance to permit a detached two (2) car garage instead of an attached two (2) car garage with a proposed one family detached dwelling on 4.02 acres at 214 Hasty Drive. Property referenced as Davidson County Tax Map/Parcel# 02500022300 and is zoned R-40, Low Density Residential. Zoning Ordinance Section 14-205 (4)(g)
---------------	---

STAFF NOTES:

The request is to permit a detached two (2) car garage instead of the Zoning Ordinance requirement for an attached two (2) car garage with a new house proposal in the R40 Low Density Residential zoning district. The 4.02-acre property contains a creek that will be crossed by an engineer designed bridge. The City's engineer consultant is currently reviewing revised engineering design plans addressing previous bridge design review comments. The request is unique since the applicant is not requesting to be exempt from a minimum requirement or an increased or decreased building dimension requirement but an alternative application of the requirement for a detached versus attached two (2) car garage. The applicant provided a preliminary property layout plan showing the house and garage location on the property including separation from creek and sixty (60') feet storm water creek buffer and the slopes on the property. The detached garage would be limited to seventy (70%) percent of the primary building (house) square footage.

STAFF RECOMMENDATION:

Approval due to the unique limited application request and property conditions with Steep grades and creek and the proposed setting of the house in close proximity to the proposed detached garage. The request including the limited dimension between the proposed buildings provides a reasonable use of the property due to the property dimension of 4.02 acres in relation to the minimum R-40 lot dimension of 40,000 square feet/ 0.91 acres.

Referenced Zoning Ordinance Sections:

14-205 (4)(g)

(g) Minimum lot area coverage. Within the residential districts, the principal building shall meet the minimum lot area coverage as indicated: R40 1,500 square feet; 1,100 square feet for 1st floor of 2 story **plus 2 car attached garage**

14-213. (8)(c)

c) Standards for Variances. The board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

- (i) The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out must be stated;
- (ii) The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district;
- (iii) The variance will not authorize activities in a zone district other than those permitted by this ordinance;
- (iv) Financial returns only shall not be considered as a basis for granting a variance;
- (v) The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this ordinance;
- (vi) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same districts;
- (vii) The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;
- (viii) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located; and
- (ix) The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

(d) Non-conformity does not constitute grounds for granting of a variance. No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(e) Prohibition of use variances. Under no circumstances shall the board of appeals grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

(f) Conditions and restrictions by the board. The board may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to comply with the provisions set out in § 14-213(8)(c) above to reduce or minimize the injurious effect to such

variation upon surrounding property and better carry out the general intent of this ordinance. The board may establish expiration dates as a condition or as a part of the variances

Item#2 **Mike Galbreath, Property Owner:** Requests a rear building setback variance to permit an accessory carport to be attached to the house at 207 West Cedar Street. Property referenced as Davidson County Tax Map/Parcel#. 02504001600 Zoning Ordinance Section 14-208 (1)(e)(vii).

STAFF NOTES:

After the September meeting, the City received a building permit application for the 720 square feet carport and 253 square feet roof line connection between the carport and house. The building application was denied on September 14th. The carport is a violation of the maximum size of permitted accessory buildings. Per discussion at the September meeting the variance request will be reviewed at the October 4th meeting. As discussed at the August and September meetings, the request has been revised to a rear building setback variance request to attach the accessory building/structure carport to the primary building/structure house with an attached roof line including a section of steps. The carport is roughly ten (10') feet from the rear property line. The property is zoned R-10, Medium Density Residential. The Zoning Ordinance R-10 district section require a twenty (20') feet rear setback for primary buildings/structures. The Zoning Ordinance permits accessory buildings when there are no designated easements to be five (5') feet from the back and side property lines. The proposal to connect the carport to the house would change the classification of the building /structure from an accessory to primary building/structure. The revised request is a variance to reduce the rear building (primary building/structure) setback from twenty (20') feet to ten (10') feet. The Zoning Ordinance permits a total building square footage of 5,576 on the 0.32-acre property (13,939 square feet) based on the maximum permitted forty (40%) percent lot coverage for all buildings/structures including both primary and accessory. The existing garage and recently constructed carport are both 720 square feet (1,440 square feet) and the house is 1,390 square feet. The total building area is 2,830 square feet or twenty (20%) building lot coverage. The four (4') feet width proposed roof line connection would be an estimated 260 square feet. The total square feet of building area including existing and proposed roof line connection would be 3,090 square feet or twenty-two (22%) percent of building lot coverage.

Any motion to approve or deny the variance request will need to include the basis for the motion per these review standards.

As discussed at the August and September meetings, the original appeal and variance request to keep the carport without an attachment including staff's denial recommendation was based on a Zoning Ordinance violation notice. The revised request for a setback variance is a different request. The conditions of the property including property slopes, shared driveway, and conditions of the property per the Zoning Ordinance Standards for Variance review section would need to be reviewed with the rear building setback variance request.

STAFF RECOMMENDATION: Approval based on the slope of property at the rear of the primary building/structure house and the level of shared driveway alteration that would be required to relocate the existing carport or construct an addition to the house for the same purpose of the carport. The carport location is in an area of an existing established vehicle driveway and parking area. The recommendation is based on Zoning Ordinance Section 14-213 (8)(c) Standards of Variance review items (i) and (vii)

If the variance is approved, the currently denied building permit would be required to be obtained.

Referenced Zoning Ordinance Sections:

14-201 (3)

(hh) "**Floor area.**" The total of the gross horizontal areas of all floors, including usable basements and cellars, **below the roof and within the outer surface of the main walls of principal or accessory buildings** or the center lines of party walls separating such buildings or portions thereof, or within lines drawn parallel to and two feet (2') within the roof line of any building or portion thereof without walls, but excluding the following:

- (i) Areas used for off-street parking spaces or loading berths and driveways and maneuvering aisles relating thereto where required in this title; and
- (ii) In the case of non-residential facilities: arcades, porticoes, and similar open areas which are located at or near street level, which are accessible to the general public, and which are not designed or used as sales, display, storage, service, or production areas

(j) "**Building.**" **A structure permanently affixed to the ground, with a roof**, and intended for the shelter or enclosure of persons or property. Where roofed structures are separated from each other by party walls having no openings for passage, each portion so separated shall be considered a separate building.

(yyy) "**Structure.**" An object constructed or installed by man, including but not limited to buildings, signs, towers, smokestacks, and overhead transmission lines.

14-208 (1)(d)

(d) Residential limited connection addition. No limited connection building or structure shall be erected between a front lot line and a front wall of the principal building or structure. In addition, limited connection addition buildings or structure shall:

- (i) Be customarily incidental to the principal building or structure.
- (ii) Be subordinate to and serve such principal use.
- (iii) Be subordinate in area, intent and purpose to such principal use and shall not exceed seventy percent (70%) of the primary building square footage.

- (iv) Contribute to the comfort, convenience, or necessity of users of such principal use.
- (v) Not exceed the height of the principal building or structure.
- (vi) Be constructed on a concrete foundation with solid floor system with the foundation, floor system, and roof system connected to the principal building or structure.

14-208 (1)(e)(vii)

e) Accessory buildings. No accessory building or structure shall be erected between a front lot line and a front wall of the principal building or structure. In addition, accessory buildings or structures shall:

- (i) Be customarily incidental to the principal use established on the same lot.
- (ii) Be subordinate to and serve such principal use.
- (iii) Be subordinate in area, intent, and purpose to such principal use.
- (iv) Contribute to the comfort, convenience, or necessity of users of such principal use.
- (v) Building or structure shall not exceed the height of the principal structure.
- (vi) No accessory use or building and structure shall be constructed or established on any lot prior to the time of construction of the principal structure to which it is accessory. This section shall not be construed to govern the sequencing or phasing of a construction project in which both the principal and accessory structures are to be built simultaneously.
- (vii) In residential districts, total area of accessory building(s) or structure(s) with a roof shall not exceed seventy percent (70%) of the area of the principal building. The maximum square footage for accessory and principal buildings are also subject to the defined maximum building lot coverage requirements and maximum floor area ratios defined by the ordinance.
- (viii) In residential districts, the building or structure shall not exceed the height of the principal building or structure and in no case exceed eighteen feet (18') in height from the highest point of the building or structure to the finished floor.

14-213. (8)(c)

c) Standards for Variances. The board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

- (i) The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out must be stated;
- (ii) The conditions upon which the petition for a variance

is based would not be applicable, generally, to other property within the same district;

(iii) The variance will not authorize activities in a zone district other than those permitted by this ordinance;

(iv) Financial returns only shall not be considered as a basis for granting a variance;

(v) The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this ordinance;

(vi) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same districts;

(vii) The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;

(viii) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located; and

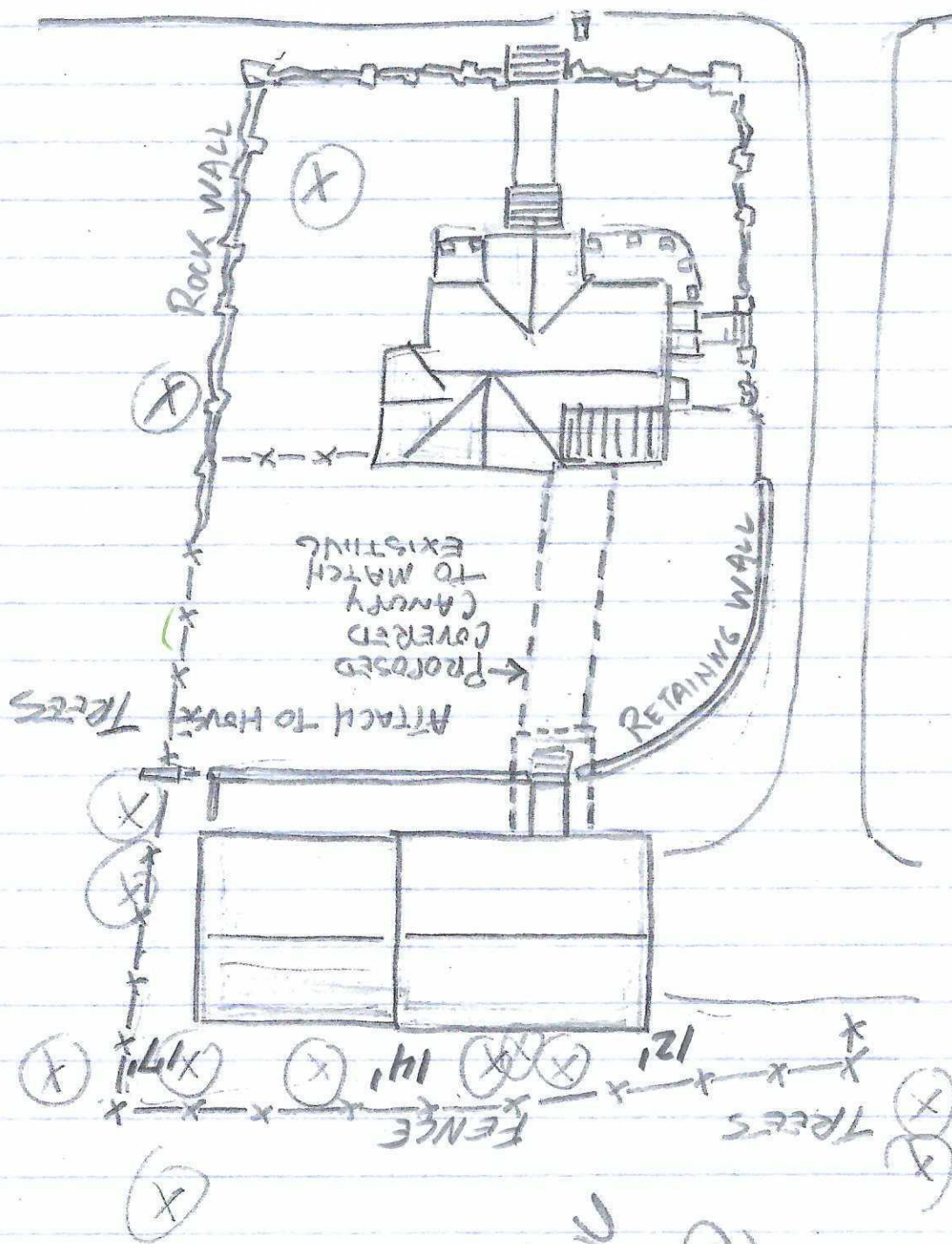
(ix) The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

(d) Non-conformity does not constitute grounds for granting of a variance. No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(e) Prohibition of use variances. Under no circumstances shall the board of appeals grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

(f) Conditions and restrictions by the board. The board may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to comply with the provisions set out in § 14-213(8)(c) above to reduce or minimize the injurious effect to such variation upon surrounding property and better carry out the general intent of this ordinance. The board may establish expiration dates as a condition or as a part of the variances



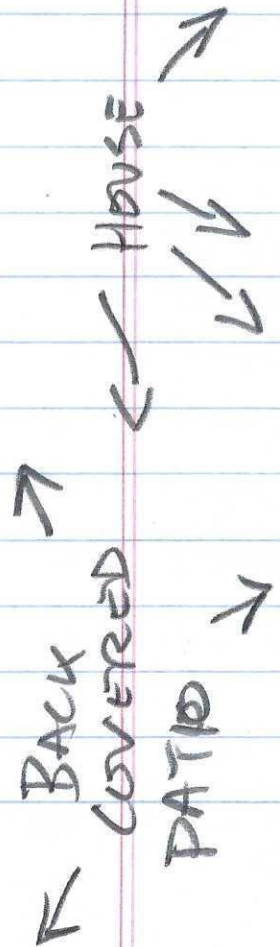
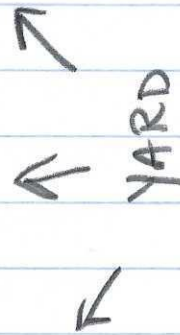
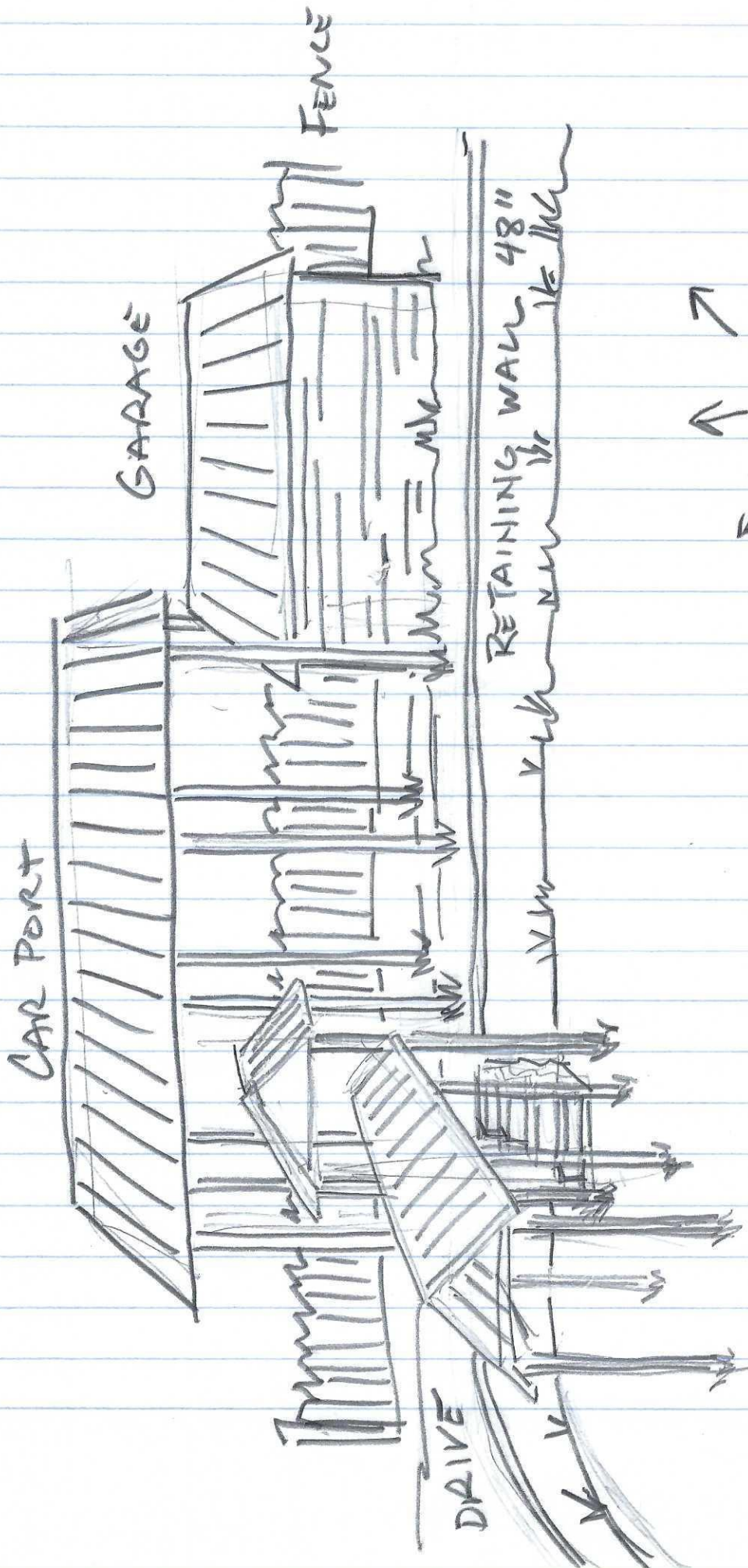


METAL ROOF
TO MATCH ALL
OTHER ROOFING

CHANGE ROOF @
EXISTING HOUSE
TO MATCH

PROPOSAL =

WILL THIS ATTACHMENT TO HOUSE COMPLY WITH ZONING
WELL BELOW SQFT FOR LOT CALCULATIONS -



207 W. CEDAR ST.

FROM DETACHED
STRUCTURE

6x6

TO COVERED
REAR PATIO

exit

PATIO

48"

RETAINING WALL
STEP DOWN.

DETACHED STRUCTURE
ATTACHMENT PROPOSAL
207 W. CEDAR ST.

CITY OF GOODLETTSVILLE
BOARD OF ZONING AND SIGN APPEALS
GOODLETTSVILLE CITY HALL – 105 SOUTH MAIN STREET
GOODLETTSVILLE, TENNESSEE 37072

MEETING APPLICATION

Applicant MIKE GALBREATH Date 6-27-2022
Owner MIKE GALBREATH Map No. 25-4
Address 207 W. CEDAR ST. Parcel No. 16

Application Type: (Check Types that apply)

Conditional Use ☐

Variance ☒

Administrative Appeal ☐

Temporary Use ☐

Request Summary:

VARIANCE FOR CARPORT
EXCEEDS CITY SIZE PER ZONING

at (physical address) _____

The undersigned agrees to appear at the public hearing for the request and shall furnish all required plans and data.

Owner Signature (if Different from Applicant) _____

Applicant (Signature) _____

207 W CEDAR ST.
Address

GOODLETTSVILLE

City ST Zip

TN. 37072

Phone (Daytime)

615-594-2579

E-Mail Address

1. REQUIRED APPLICATION FEE \$200.00.

MIKEGALB@COMCAST.NET

2. ATTACH ALL REQUIRED PLANS AND SUPPORTING DOCUMENTS.

ACTION TAKEN: _____ DATE: _____

Variance

To Mike Galbreath <mikegalb@comcast.net>

Goodlettsville Board of Zoning and Appeals

Variance request:

Asking to keep a built carport without any further changes
Exceeds zoning equation

Per equation:

[added with an out building]

1/3 of carport is in compliance, which would be useless

vs.

...a frivolous addition to an existing 1930s style bungalow
would also bring carport in compliance.

The gray area between these two options in my opinion is
very impractical and makes little common sense.

In addition

My family has lived and worked in Goodlettsville since the 1920s

WW2 era. I would be 4th generation

This is my second home in Goodlettsville.

Not only do I take obsessive compulsive pride in my home and assets
but also in my community and surrounding areas.

It urks me to see shotty craftsmanship and poorly thought out additions or hack jobs to
the community homes or businesses.

I defiantly dont think that is anything Ive done here.

I wanted to build something more than a temporary tacky structure I see too often in other areas.

[for example; my neighbors unattractive, Walmart looking, unlevel, temporary free standing metal, wobbly,
structure.

A person has to duck to get out from under it.

...picking on my neighbor here]

Their carport was an inspiration to build something nice
and aesthetically pleasing.

Also, a solid permanent structure that would add to the value and integrity of my property and
and the city's appealing attraction and charm.

As you can see from my added progressive pics I have done nothing but constant consistent improvements
to my home and its exterior.

... above and beyond, with great pride, for about 5 plus years now,
and will continue to do so as long as I reside here in Goodlettsville.

epic landscaping, rockwork, paving driveway, new clean fencerow, manicured law looks like a park

All of this would be compromised adding a ridiculous frivolous addition to my small cute house.

The custom unique 1930s exterior would be impossible to match.

also would minimize my lawn Id rather keep as much of as possible.

I parted ways with a prior 3000 sq ft home, downsized to this to live well below my means so
detailed aspects like all of these could be achievable.

An addition also would put me out of my means again and add an unnecessary hurdle to overcome
in my goal to paying this house off soon, adding on would be more unwanted debt and burden.

A carport however had a lot of practical sensible purposes;

1. [my biggest reason] Hackberry trees, aphids ruining any nice costly vehicles
2. obviously no rain, snow or weather
3. Looks very nice [in my opinion] in what was just open boring driveway area
4. adds shade in the summer

5. it has kept my upper driveway from washing away in heavy rains
6. its hardly visible to anyone [3 neighbors maybe affected]
only one has a full view of it, she says it looks nice. My neighbor behind me in fact has been inspired, and says hes glad to see homeowners in the area making improvements to their properties.

It doesnt bother or affect anyone in any way, nor is it dangerous or harmful.
I dont think its unattractive or visually displeasing in any way.
[far less than some of the stuff I see in other areas of our community]

Additions and remodeling are time consuming, expensive, and added unwanted stress.
they are an impact on the community, and I also share a driveway with my neighbor
who would be very directly affected by construction of an addition.

Anyway,
In conclusion:
I hope the benefits outweigh the equation
and Ive made a convincing argument.
I hope I can get the boards blessings to keep my carport.

Sincerely
Mike Galbreath

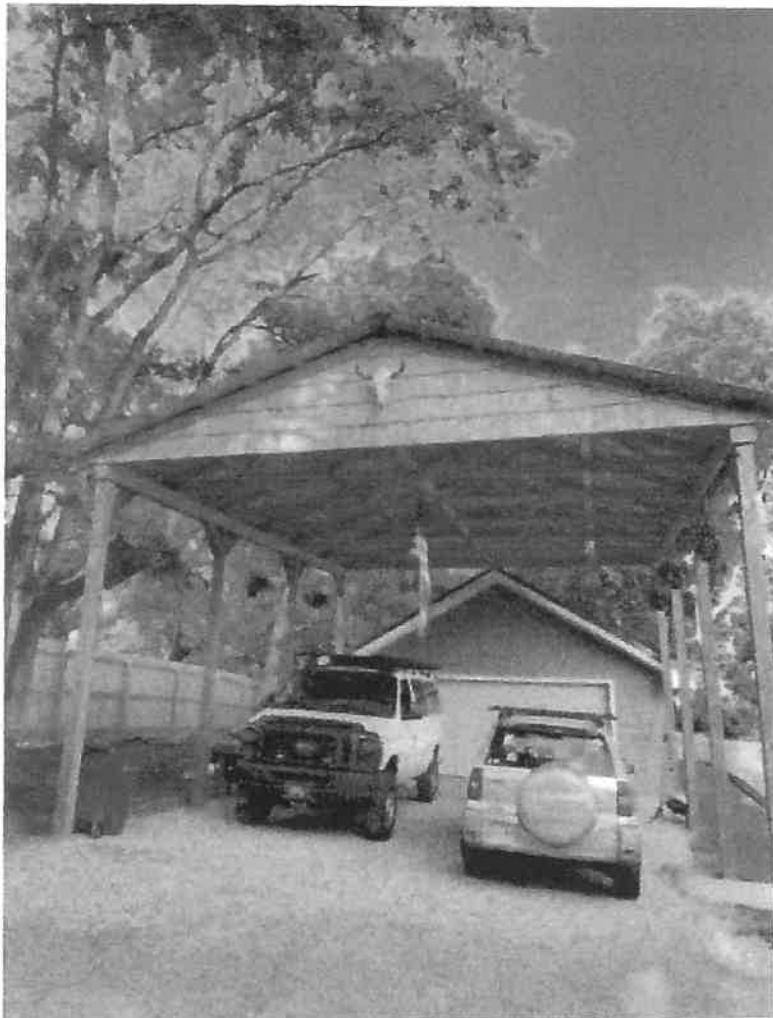
Galbreath Plumbing
100 yr
4th gen residents and going

Thank you



CARPORT

REQUESTING
VARIANCE



NICE
PERMANENT
STRUCTURE.



VISIBILITY OF
CARPORT FROM
ROAD.

LEFT SIDE OF
PROPERTY.

ONLY VISIBLE
LOCATION.





VISIBILITY OF CARPORT
FROM ROAD.

RIGHT SIDE OF PROPERTY



GARAGE

CARPORT NOT VISIBLE

RIGHT OF HOUSE TODAY



LEFT AND REAR OF HOUSE TODAY



EXISTING
GARAGE.

WASTED
DRIVEWAY
SPACE



PRIOR IMPROVEMENTS



REAR ...

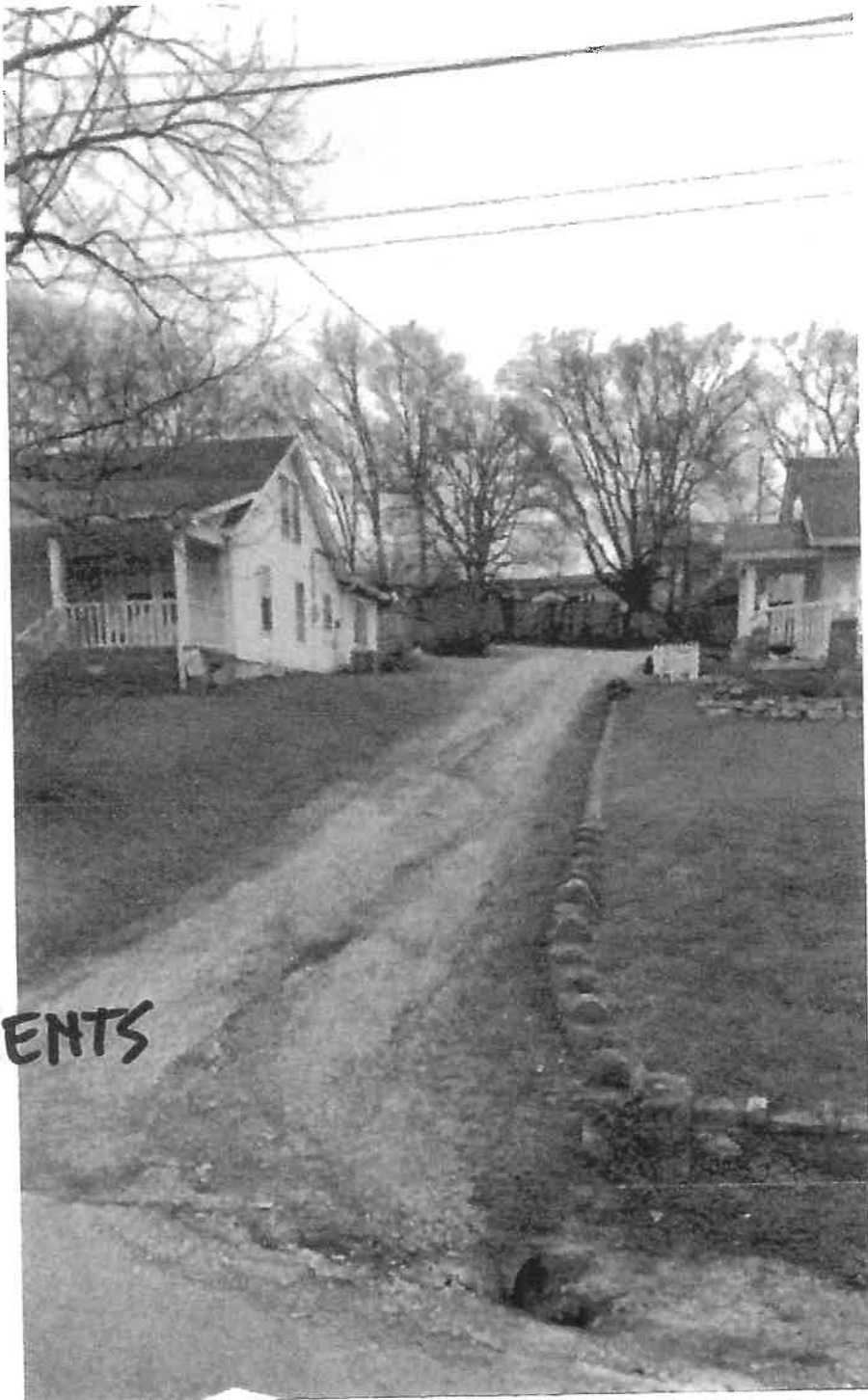


FRONT ...

PRIOR
IMPROVEMENTS

PAST
PICTURES

PRIOR
IMPROVEMENTS





FRONT...

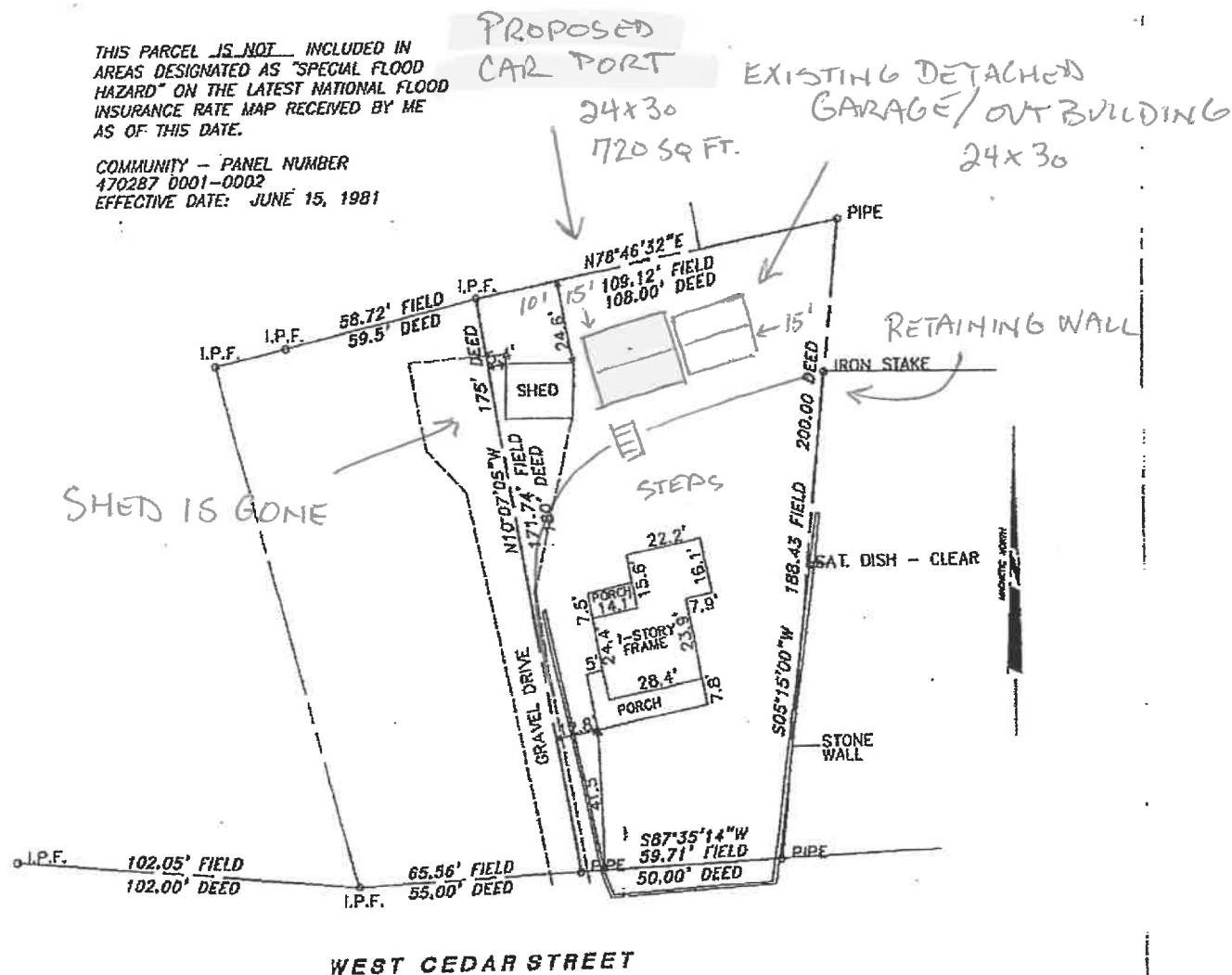


REAR...

PRIOR
IMPROVEMENTS

THIS PARCEL IS NOT INCLUDED IN AREAS DESIGNATED AS "SPECIAL FLOOD HAZARD" ON THE LATEST NATIONAL FLOOD INSURANCE RATE MAP RECEIVED BY ME AS OF THIS DATE.

COMMUNITY - PANEL NUMBER
470287 0001-0002
EFFECTIVE DATE: JUNE 15, 1981



LOT SURVEY

I HEREBY CERTIFY THAT THIS IS A CATEGORY 1 SURVEY AND THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE CURRENT STANDARDS OF PRACTICE FOR SURVEYORS IN TENNESSEE UNDER THE AUTHORITY OF TCA 62-18-126, AND THE UNADJUSTED CLOSURE IS AT LEAST 1:10,000.

BY: David P. Brackman 3-20-00
DAVID P. BRACKMAN R.L.S.# 1684



OWNER: VIRGAL L. AND ANNIE C. PALMER

PROPERTY LOCATED: 207 WEST CEDAR STREET

GOODLETTSVILLE, DAVIDSON CO., TN

PROPERTY: MAP 25-4 PARCEL 16

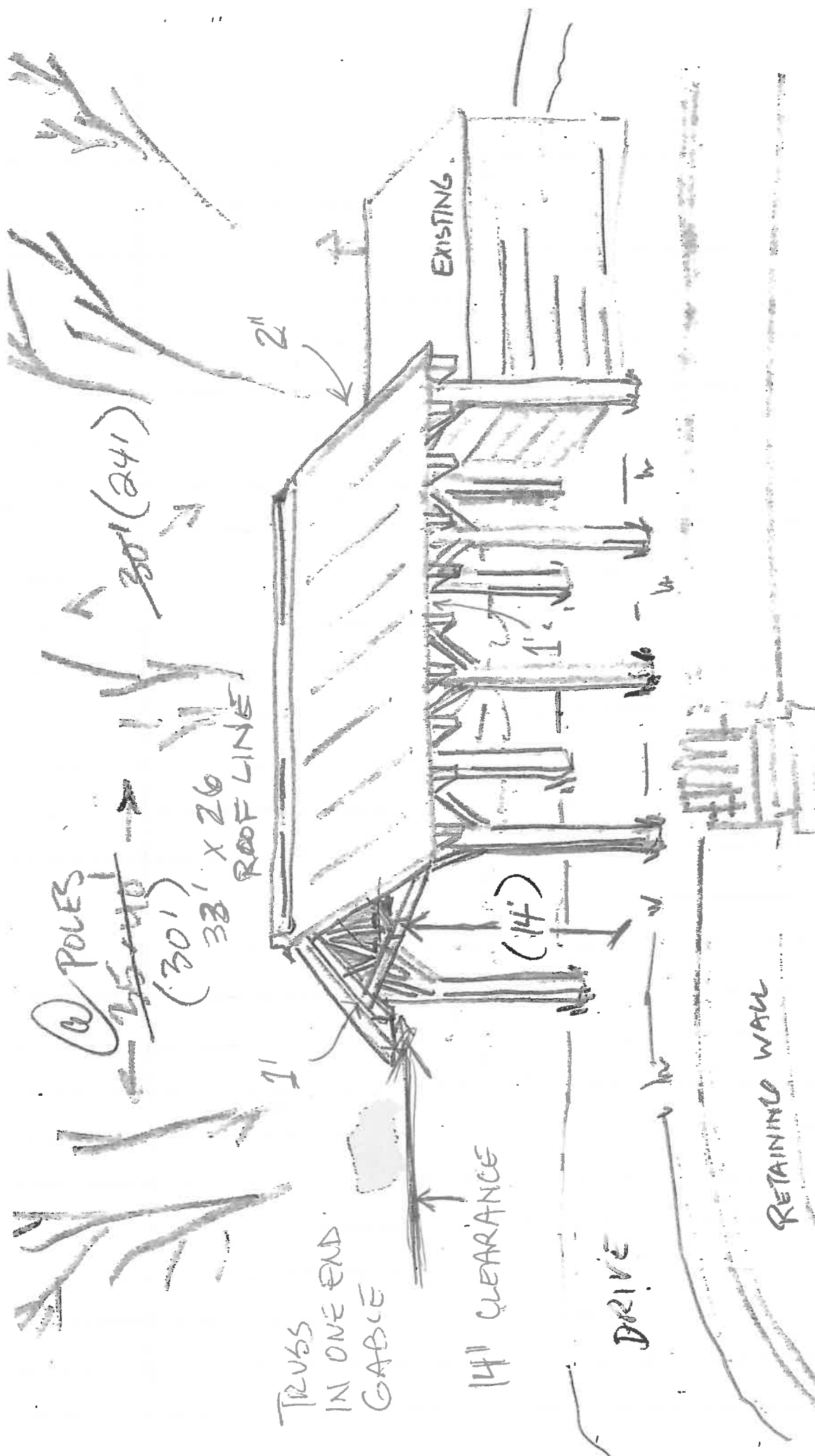
RECORDED: BOOK 1281, PAGE 399

SCALE: 1" = 40'

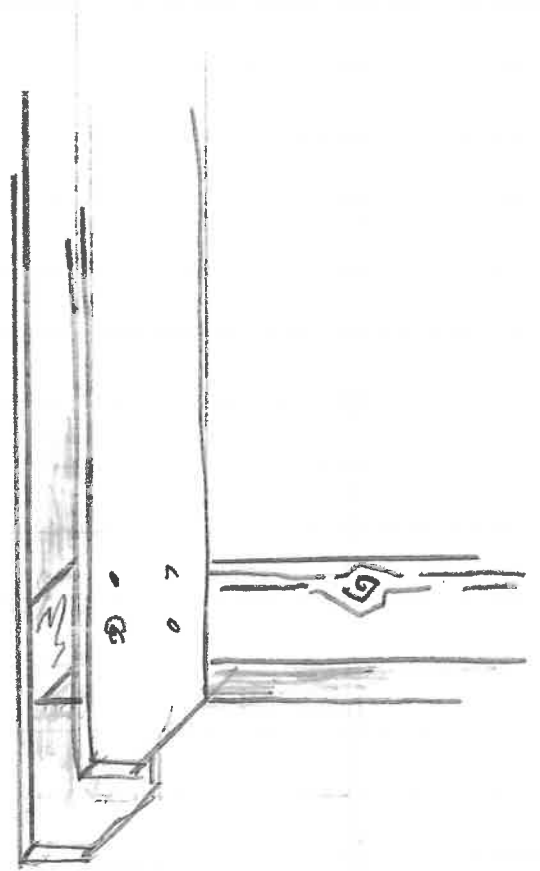
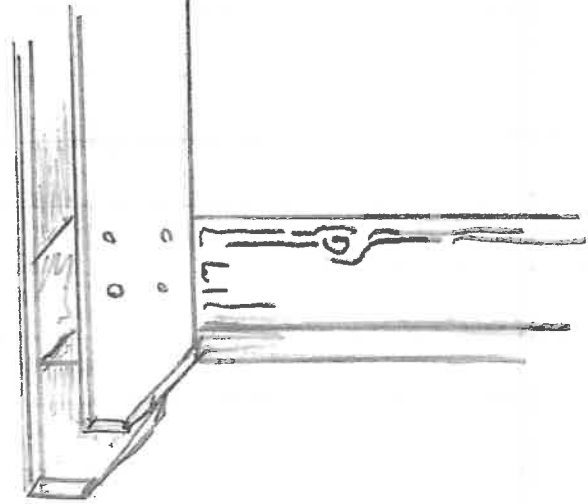
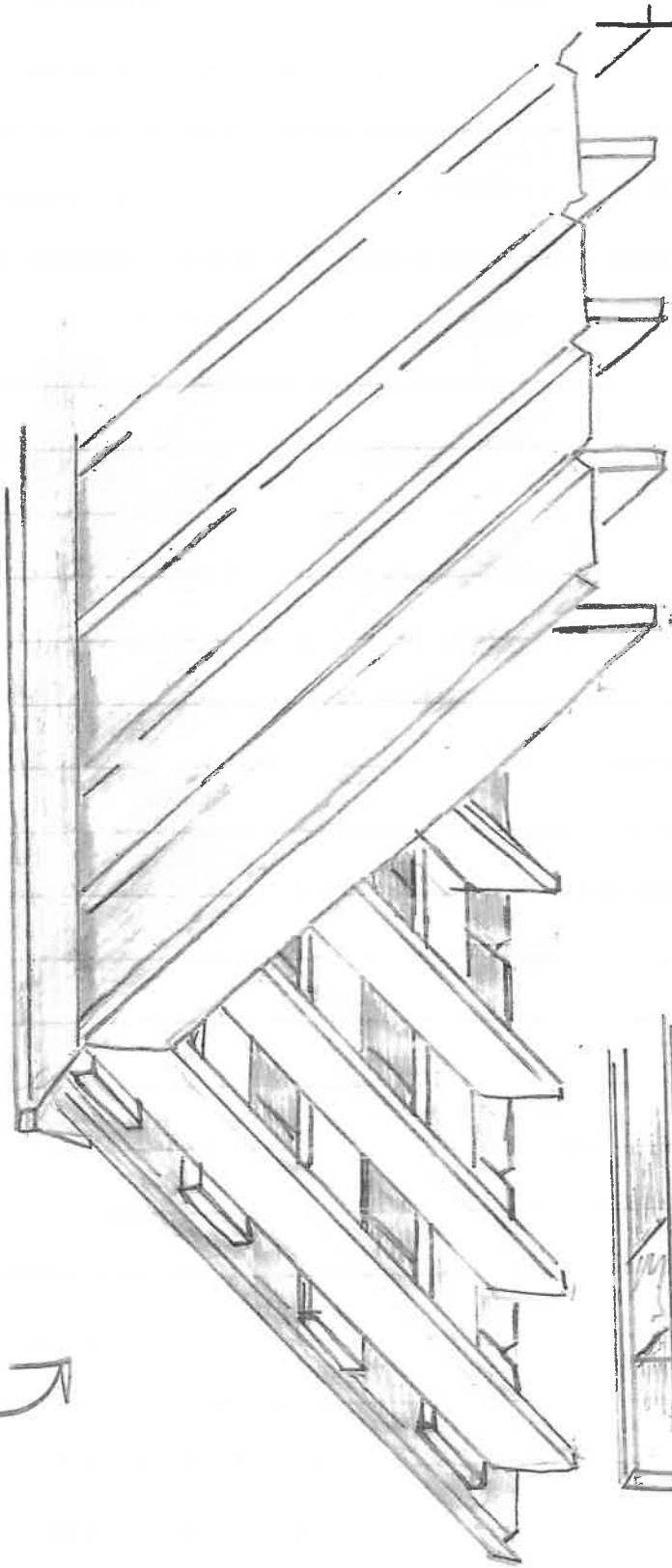
DATE: MARCH 20, 2000

VOLUNTEER SURVEYING
609 WEST IRIS DRIVE
NASHVILLE, TENN. 37204
PHONE 385-5588
FAX 385-0840

FILE NO. 00025



BARN ROOF TRADITIONAL OVERHANG



City of Goodlettsville
Board of Zoning and Sign Appeals
STAFF RECOMMENDATION REPORT
Tuesday October 4, 2022

5:00 PM

Item#1	Duncan and Jeannie Rowe, Property Owners: Requests a variance to permit a detached two (2) car garage instead of an attached two (2) car garage with a proposed one family detached dwelling on 4.02 acres at 214 Hasty Drive. Property referenced as Davidson County Tax Map/Parcel# 02500022300 and is zoned R-40, Low Density Residential. Zoning Ordinance Section 14-205 (4)(g)
---------------	---

STAFF NOTES:

The request is to permit a detached two (2) car garage instead of the Zoning Ordinance requirement for an attached two (2) car garage with a new house proposal in the R40 Low Density Residential zoning district. The 4.02-acre property contains a creek that will be crossed by an engineer designed bridge. The City's engineer consultant is currently reviewing revised engineering design plans addressing previous bridge design review comments. The request is unique since the applicant is not requesting to be exempt from a minimum requirement or an increased or decreased building dimension requirement but an alternative application of the requirement for a detached versus attached two (2) car garage. The applicant provided a preliminary property layout plan showing the house and garage location on the property including separation from creek and sixty (60') feet storm water creek buffer and the slopes on the property. The detached garage would be limited to seventy (70%) percent of the primary building (house) square footage.

STAFF RECOMMENDATION:

Approval due to the unique limited application request and property conditions with Steep grades and creek and the proposed setting of the house in close proximity to the proposed detached garage. The request including the limited dimension between the proposed buildings provides a reasonable use of the property due to the property dimension of 4.02 acres in relation to the minimum R-40 lot dimension of 40,000 square feet/ 0.91 acres.

Referenced Zoning Ordinance Sections:

14-205 (4)(g)

(g) Minimum lot area coverage. Within the residential districts, the principal building shall meet the minimum lot area coverage as indicated: R40 1,500 square feet; 1,100 square feet for 1st floor of 2 story **plus 2 car attached garage**

14-213. (8)(c)

c) Standards for Variances. The board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

(i) The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out must be stated;

(ii) The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district;

(iii) The variance will not authorize activities in a zone district other than those permitted by this ordinance;

(iv) Financial returns only shall not be considered as a basis for granting a variance;

(v) The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this ordinance;

(vi) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same districts;

(vii) The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;

(viii) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located; and

(ix) The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

(d) Non-conformity does not constitute grounds for granting of a variance. No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(e) Prohibition of use variances. Under no circumstances shall the board of appeals grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

(f) Conditions and restrictions by the board. The board may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to comply with the provisions set out in § 14-213(8)(c) above to reduce or minimize the injurious effect to such

variation upon surrounding property and better carry out the general intent of this ordinance. The board may establish expiration dates as a condition or as a part of the variances

Item#2 **Mike Galbreath, Property Owner:** Requests a rear building setback variance to permit an accessory carport to be attached to the house at 207 West Cedar Street. Property referenced as Davidson County Tax Map/Parcel#. 02504001600 Zoning Ordinance Section 14-208 (1)(e)(vii).

STAFF NOTES:

After the September meeting, the City received a building permit application for the 720 square feet carport and 253 square feet roof line connection between the carport and house. The building application was denied on September 14th. The carport is a violation of the maximum size of permitted accessory buildings. Per discussion at the September meeting the variance request will be reviewed at the October 4th meeting. As discussed at the August and September meetings, the request has been revised to a rear building setback variance request to attach the accessory building/structure carport to the primary building/structure house with an attached roof line including a section of steps. The carport is roughly ten (10') feet from the rear property line. The property is zoned R-10, Medium Density Residential. The Zoning Ordinance R-10 district section require a twenty (20') feet rear setback for primary buildings/structures. The Zoning Ordinance permits accessory buildings when there are no designated easements to be five (5') feet from the back and side property lines. The proposal to connect the carport to the house would change the classification of the building /structure from an accessory to primary building/structure. The revised request is a variance to reduce the rear building (primary building/structure) setback from twenty (20') feet to ten (10') feet. The Zoning Ordinance permits a total building square footage of 5,576 on the 0.32-acre property (13,939 square feet) based on the maximum permitted forty (40%) percent lot coverage for all buildings/structures including both primary and accessory. The existing garage and recently constructed carport are both 720 square feet (1,440 square feet) and the house is 1,390 square feet. The total building area is 2,830 square feet or twenty (20%) building lot coverage. The four (4') feet width proposed roof line connection would be an estimated 260 square feet. The total square feet of building area including existing and proposed roof line connection would be 3,090 square feet or twenty-two (22%) percent of building lot coverage.

Any motion to approve or deny the variance request will need to include the basis for the motion per these review standards.

As discussed at the August and September meetings, the original appeal and variance request to keep the carport without an attachment including staff's denial recommendation was based on a Zoning Ordinance violation notice. The revised request for a setback variance is a different request. The conditions of the property including property slopes, shared driveway, and conditions of the property per the Zoning Ordinance Standards for Variance review section would need to be reviewed with the rear building setback variance request.

STAFF RECOMMENDATION: Approval based on the slope of property at the rear of the primary building/structure house and the level of shared driveway alteration that would be required to relocate the existing carport or construct an addition to the house for the same purpose of the carport. The carport location is in an area of an existing established vehicle driveway and parking area. The recommendation is based on Zoning Ordinance Section 14-213 (8)(c) Standards of Variance review items (i) and (vii)

If the variance is approved, the currently denied building permit would be required to be obtained.

Referenced Zoning Ordinance Sections:

14-201 (3)

(hh) "**Floor area.**" The total of the gross horizontal areas of all floors, including usable basements and cellars, **below the roof and within the outer surface of the main walls of principal or accessory buildings** or the center lines of party walls separating such buildings or portions thereof, or within lines drawn parallel to and two feet (2') within the roof line of any building or portion thereof without walls, but excluding the following:

- (i) Areas used for off-street parking spaces or loading berths and driveways and maneuvering aisles relating thereto where required in this title; and
- (ii) In the case of non-residential facilities: arcades, porticoes, and similar open areas which are located at or near street level, which are accessible to the general public, and which are not designed or used as sales, display, storage, service, or production areas

(j) "**Building.**" **A structure permanently affixed to the ground, with a roof**, and intended for the shelter or enclosure of persons or property. Where roofed structures are separated from each other by party walls having no openings for passage, each portion so separated shall be considered a separate building.

(yyy) "**Structure.**" An object constructed or installed by man, including but not limited to buildings, signs, towers, smokestacks, and overhead transmission lines.

14-208 (1)(d)

(d) Residential limited connection addition. No limited connection building or structure shall be erected between a front lot line and a front wall of the principal building or structure. In addition, limited connection addition buildings or structure shall:

- (i) Be customarily incidental to the principal building or structure.
- (ii) Be subordinate to and serve such principal use.
- (iii) Be subordinate in area, intent and purpose to such principal use and shall not exceed seventy percent (70%) of the primary building square footage.

- (iv) Contribute to the comfort, convenience, or necessity of users of such principal use.
- (v) Not exceed the height of the principal building or structure.
- (vi) Be constructed on a concrete foundation with solid floor system with the foundation, floor system, and roof system connected to the principal building or structure.

14-208 (1)(e)(vii)

e) Accessory buildings. No accessory building or structure shall be erected between a front lot line and a front wall of the principal building or structure. In addition, accessory buildings or structures shall:

- (i) Be customarily incidental to the principal use established on the same lot.
- (ii) Be subordinate to and serve such principal use.
- (iii) Be subordinate in area, intent, and purpose to such principal use.
- (iv) Contribute to the comfort, convenience, or necessity of users of such principal use.
- (v) Building or structure shall not exceed the height of the principal structure.
- (vi) No accessory use or building and structure shall be constructed or established on any lot prior to the time of construction of the principal structure to which it is accessory. This section shall not be construed to govern the sequencing or phasing of a construction project in which both the principal and accessory structures are to be built simultaneously.
- (vii) In residential districts, total area of accessory building(s) or structure(s) with a roof shall not exceed seventy percent (70%) of the area of the principal building. The maximum square footage for accessory and principal buildings are also subject to the defined maximum building lot coverage requirements and maximum floor area ratios defined by the ordinance.
- (viii) In residential districts, the building or structure shall not exceed the height of the principal building or structure and in no case exceed eighteen feet (18') in height from the highest point of the building or structure to the finished floor.

14-213. (8)(c)

c) Standards for Variances. The board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

- (i) The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out must be stated;
- (ii) The conditions upon which the petition for a variance

is based would not be applicable, generally, to other property within the same district;

(iii) The variance will not authorize activities in a zone district other than those permitted by this ordinance;

(iv) Financial returns only shall not be considered as a basis for granting a variance;

(v) The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this ordinance;

(vi) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same districts;

(vii) The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;

(viii) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located; and

(ix) The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

(d) Non-conformity does not constitute grounds for granting of a variance. No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(e) Prohibition of use variances. Under no circumstances shall the board of appeals grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

(f) Conditions and restrictions by the board. The board may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to comply with the provisions set out in § 14-213(8)(c) above to reduce or minimize the injurious effect to such variation upon surrounding property and better carry out the general intent of this ordinance. The board may establish expiration dates as a condition or as a part of the variances

