

## OFFICIAL MINUTES OF THE MEETING

### GOODLETTSVILLE BOARD OF ZONING AND SIGN APPEALS

October 4, 2022

Goodlettsville City Hall

5:00 p.m.

Massie Chambers-Auditorium

**Present:** Brian Rager, Vice-Chairman, Jimmy D. Anderson, Stuart Huffman, Mark Writesman

**Absent:** Cisco Gilmore

**Also Present:** Tim Ellis-City Manager, Russell Freeman-City Attorney, Sharon Reed (Staff), and Alex West (Staff)

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

**Approval of September 6, 2022 Meeting Minutes:** Writesman made a motion to approve the minutes of the September 6, 2022 meeting, Huffman seconded the motion. Motion was approved.

## **AGENDA**

**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 Discussion:**

- 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 with a 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 would recommend approval due to the unique limited application request and property conditions with steep grades, 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.

### **Applicant: Duncan Rowe - 905 Mansfield Street - Property Owner**

- Purchased property to build home and be close to grandchild. Son-in-law owns the other twenty (20) acres.
- Two reasons they are requesting the variance. The main reason is his wife has MS and their current home is

two (2) stories with fourteen steps and this is an opportunity to build a one (1) story house and be next door to their grandchild.

-Second reason because of the grade with it being attached the cost of a retaining wall would be seventy to eighty thousand dollars more. The detached option is less expensive, and his wife will be able to get up there due to fewer steps.

#### **Public Hearing Opened:**

##### **-George Hager – 204 Hasty Drive**

-Lived at 204 Hasty Drive since 1972.

-Retired registered professional engineer.

-Retired engineer from Metro Government in Nashville involved in the Environmental Health Program.

-Discussed the type of soils present on the two (2) tracts

-Discussed developer Mr. Hasty deleting lots because of poor soil percolation, increase lot size, and larger septic fields due to percolation rate.

-Discussed rapid run-off, swelling, sinking of the soils into the drainage ditches is caused by poor percolation rates of the soils.

-Discussed overflow from neighborhood failed septic systems, putrid odors and health hazards before public sewer.

-Discussed the proposed development as rapid run-off water flows from farm animals is more of a concern than it would be with a normal development and acreage this size.

-Discussed the request for a detached garage, engineer report, application, and the City stormwater Coordinator review, bank buffers, erosion control to prevent mud or silt washing into the adjacent residential properties.

-Referenced the December 1, 2020 minutes of the Board of Zoning and Sign Appeals.

-Referenced the February 2, 2021, engineering plan addressing comments 9, 10, and 11 has the engineering plan been reviewed by the City's Planning Commission in a public meeting and if so, when?

-Discussed erosion note in minutes that said to prevent increased drainage of storm water onto adjacent properties.

-Discussed neighbors need readable copies of what is proposed and request this be deferred until the engineers plan report of the construction drains plan has been completed and approved by the board.

##### **-Joan Hager – 204 Hasty Drive**

-Discussed only three (3) out of six (6) neighbors received letters in the mail regarding the meeting.

-Request all approvals be put on hold until all neighbors get copies of all documents explaining what has been approved and what is asked to be approved in writing including maps, and all conditions.

-Stated should not be discussing a detached garage when more important things should be decided and approved, water, sewerage, disposal, animal smells, driveway layout, dimensions for buildings, two-story, or one-story.

-Discussed marking the driveway on Hasty and the location of the driveway on a dead-end street.

-Discussed the neighbors bridge and adjacent property needing to mark the property for a bridge

-Discussed better access to property from Tabor Drive

-Stated in the February 2, 2021, owner agreed better access from Tabor Drive but have since changed their mind probably because it's cheaper to build one driveway and take another one off of it up a hill than to build one on Tabor Drive and one on Hasty. Does not matter if it helps the neighbors, just cheaper.

-Discussed when she and her husband found out the property was going to be sold, they considered buying it to build on it.

-Stated she wants to have a meeting, sit down and give the facts and let them hear what is going on out there,

see their property and see what they are saying.

-Stated everybody can't be at the five (5) o'clock meetings.

-Stated what was named Solitude acres will become a nightmare.

-Stated most are older people with equity in the homes and a list of people with what they have paid out for repairs on their houses due to water and Goodlettsville did not pay for it. It will just get worse and not fair to the fifty-year residents there.

**-David Mabee-Property Owner- 806 Lischey Avenue**

-States he owns the twenty (20) acres next to the four (4) acres Duncan is building so he will benefit from the mentioned bridge

-States detached verses attached garage that the house will be in the woods and not sure anyone will notice it is detached and supports the request.

-Discussed animals and trucks coming in and out, they do not plan on farming, they have one (1) horse and do not own a horse trailer so can't imagine a horse trailer there more than one (1) or two (2) times a year.

**-Duncan Rowe-Applicant-Response**

-States he does not have any animals, but two (2) dogs. He and his wife are separate from the twenty (20) acres of his son-in-law and daughters so the farming is not relevant to this.

-States this is a hearing for the detached garage and nothing to do with the bridge.

-States he has done everything he has been asked to do with the City of Goodlettsville.

-States he bought the property and just trying to build his house.

**-Joan Hager-204 Hasty Drive-Response**

-States it was approved for six (6) horses, two (2) cows, and fifteen (15) chickens on twenty (20) acres.

-States trailers are going to be going in and out on a driveway somewhere.

-States she does not understand how they will get any driveway without damaging property on left hand side.

-Asked if they can, will they please come and put some stakes down for driveway. They are at 204 Hasty Drive and would be glad to help them with the stakes.

**-Edrienne Smith-103 Hasty Drive**

-Asked the question if you are going to have six (6) horses on the twenty (20) acres where is the entrance for your horse trailer?

-Agrees they need to see a stake out because it is different when you see a picture compared to actual formation.

-Wants to know when this will occur so she can be there as a witness.

**Public Hearing Closed**

**Board Discussion:**

-Huffman asked Rowe if there is an attachment from garage to residence?

-Rowe responded in the original plan there is an overhang approved by Addam McCormick.

-Huffman clarified there would have been an attachment but now you are asking not to attach to the residence.

-Rowe responded correct and want the option to move it where it will not cost a ton of money and the elevation will be right to where they do not have a lot of stairs to get up to the house.

-Huffman discussed the location of the house and asked how many feet from the house to Hasty?

-Rowe responded the bridge is forty (40) feet, and eighty (80) feet to corner of house, total of one hundred twenty (120) feet.

-Huffman asked about a corridor and the amount of brush/trees between the residence and the creek.

- Rowe responded sixty (60) feet and will keep as many trees as they can.
- Huffman asked the square footage of the garage?
- Rowe responded eight hundred (800) sq. ft.
- Freeman asked if they are going the full seventy (70%) percent?
- Rowe asked for clarification
- Freeman stated the detached garage would be limited to Seventy (70%) percent of the primary building (house) square footage.
- Rowe responded the house is approximately nineteen hundred (1900) so about fifty (50%) percent.
- Ellis discussed that on the site plan the stream buffer both at thirty (30) feet and sixty (60) feet are called out and the sixty (60) feet cannot be crossed over.
- Rowe discussed the thirty (30) and sixty (60) foot buffer from the creek.
- Huffman asked why was it originally attached?
- Rowe discussed they met with civil engineers and could not come up with a place where the grade is not so high with few steps up and the ordinance states it has to be attached.
- Huffman asked what the variance would be if the residence was attached to the garage?
- Rowe responded approximately fifteen (15) or twenty (20) feet.
- Huffman asked what it will be if detached?
- Rowe responded not an exact place because they have to meet with the civil engineer to find where they can put it to accomplish their goals but it will be out of the thirty (30) and sixty (60) buffer.
- Huffman asked if it is detached the difference in the grade from the house to the garage will be less?
- Rowe responded correct.

**Motion:** Huffman made a motion to defer the request until next meeting with the stipulation to set up a neighbor-hood meeting with the owner, neighbors, community development and planning to address concerns, seconded by Anderson. The motion passed unanimously.

**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 Discussion:**

- 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 14<sup>th</sup>.
- 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 4<sup>th</sup> 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 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 and September meetings, the original 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 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.

**Applicant: Mike Galbreath, 207 West Cedar Street**

- Galbreath stated he did get an application for a permit from Rhonda, she highlighted homeowner and told him the requirements, he completed it brought back to office and was never contacted by anybody from the City.
- Galbreath stated all the contact information was on the application, phone, email and never heard from anybody, Addam mentioned he reached out to someone at the Barn Store.
- Ellis stated they did reach out and talked with them at the barn store because they were doing the work and apologized that it may have created an issue.
- Galbreath stated he was curious as to why they would not reach out to the homeowner since it was a homeowner permit and Barn Store subbed it out to a company in Kentucky.
- Ellis stated they did reach out to the Barn Store and Mr. Galbreath is right he is the one that completed the permit but was not the contractor that was going to do the work.
- Galbreath stated his second(2<sup>nd</sup>) item the rules based on West Cedar Street are not concurrent with the neighborhood and some establishments are on the property line.
- Galbreath stated third (3<sup>rd</sup>) item is it is just his neighbor and himself affected by this and they are not interested in anymore construction.
- Galbreath stated Addam suggested we add on to the house which is a minimal connection to the carport that is the two (2) foot variance he is asking for.

-Galbreath stated if it is not allowed, he could add on to the house but major construction and financially he could do it but not really interested in adding on to the house.

**Public Hearing Opened:** No one requested to speak.

**Public Hearing Closed**

**Board Discussion:**

- Anderson commented last meeting was his first meeting on the board and dealing with this issue.
- Anderson discussed he drove by Galbreath's house to see what it looks like and the appearance from the street.
- Anderson stated Galbreath has lived here all his life and if he did it wrong, it is already up, do we want to cost someone more money or grant this and learn a lesson from it?
- Anderson stated he does not see a problem in approving the request.
- Rager asked if he had a motion?
- Anderson responded yes.

**Motion: Anderson made a motion to approve the request, seconded by Huffman.**

-Freeman stated for matter of record we need to read the basis for the standard of the variance 14-213.(8)(c)(i)(vii)

**Motion: Anderson made a motion to amend the motion, motion to approve the setback variance of eight (8) feet, based on City of Goodlettsville municipal code 14-213.(c)(i)(vii), seconded by Huffman. Writesman voted no. The motion passed 3-1.**

**The meeting adjourned at 5:50 pm.**

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**Brian Rager, Vice-Chairman**

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**Sharon Reed, Planning Assistant**