

**City of Goodlettsville  
Board of Zoning and Sign Appeals  
MEETING AGENDA**

***Tuesday March 5, 2024***

**5:00 PM**

GOODLETTSVILLE CITY HALL - MASSIE CHAMBERS

Approval of November 1, 2022 Meeting Minutes

***Chairman and Vice Chairman Elections***

**(PUBLIC HEARING)**

Item#1 Ryan Munding and Jill Gardner, Property Owners: Request a variance to permit a two (2) lot subdivision of the 3.05-acre property at 120 Connor Drive with property access provided an easement. The property contains a one family detached dwelling. The proposal is to subdivide the property for an additional lot and the construction of a one family detached dwelling unit. The property is zoned R25, Low Density Residential and is referenced as Davidson County Tax Map/Parcel# 02512001000. Zoning Ordinance Section 14-208 (1)(h)

*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 – 615-851-2202*

[www.goodlettsville.gov](http://www.goodlettsville.gov)

**OFFICIAL MINUTES OF THE MEETING**

**GOODLETTSVILLE BOARD OF ZONING AND SIGN APPEALS**

November 1, 2022

Goodlettsville City Hall

5:00 p.m.

Massie Chambers-Auditorium

**Present:** Chairman, Cisco Gilmore, Jimmy D. Anderson, Stuart Huffman, Brian Rager

**Absent:** Mark Writesman

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

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

Staff discussed the other two (2) items previously were withdrawn including sign along I-65 and Hasty Drive detached garage. Staff discussed the Hasty Drive request was withdrawn since owner requested to do an attached garage instead. Staff discussed working with owners on bridge design and have not seen revised site layout yet for building location and drainage and City's Storm Water provisions if over 10,000 sq.ft. of site alteration would apply with house and lot clearing construction.

**Approval of October 4, 2022 Meeting Minutes:** Huffman made a motion to approve the minutes of the October 4, 2022 meeting, Rager seconded the motion. Motion was approved.

**AGENDA**

**Item #1 Richard C. Sheppard, Property Owner:** Request an administrative appeal of the Planning Director's Zoning Ordinance violation notice about a transient use recreation vehicle parking area in a residential zoning district. The eight (8) acre property located at 1032 Williamson Road zoned Agricultural and is referenced as Sumner County Tax Map/Parcel# 141 006.00.

**Staff Discussion:**

- The owner submitted an administrative appeal on September 20<sup>th</sup>.
- The appeal is from the Zoning Ordinance violation notice sent the week of September 12<sup>th</sup>.
- The violation notice incorrectly includes a date of May 2<sup>nd</sup>.
- The City received a complaint about RVs parking on the front of the property near Williamson Road.
- The owner discussed he allows RVs to park at the property but does not charge any fees or provide any services like electrical or sanitary connection for RVs. He discussed the property is listed on the Boondockers RV site that includes a nationwide subscription service and map of areas to park RVs.
- The owner discussed that since he doesn't charge a fee and provides no services the use would be similar to allowing friends to park an RV at your property. He said the daily average of RVs parking on the Williamson Road property is two (2).
- Staff discussed the City's zoning enforcement and recent ordinance amendments addressing short term rentals and this use would be similar with allowing people to come onto property in a transient nature even if no fees are charged.
- Staff would recommend denial of the administrative appeal based on the violation notice and the transient use of the property

**Applicant: Richard Sheppard – 1034 Williamson Road**

- States he finds himself in a violation of a zoning ordinance with the City of Goodlettsville.
- Currently the property is zoned Agricultural.
- States he was not aware he needed to have it changed to operate this non-profit camping area for seniors and retirees.
- States he is a member of the Boondockers organization listed in the US and Canada.
- States they provide no facilities, and no exchange of money.
- States it is a privilege he has to provide a place for people to spend the night when they are on the road and in need of a safe place to stay.
- States he wants to be in accordance with the City of Goodlettsville and zoning regulations therefore, requests Map/Parcel # 141 006.00 zoned Agricultural be zoned Small Commercial.

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

**Public Hearing Closed**

**Board Discussion:**

- McCormick states this is an administrative appeal of the Zoning Ordinance violation notice. Mr. Sheppard mentioned property re-zoning, the request would go before the Planning Commission and City Commission.
- McCormick states tonight we are reviewing if the violation notice is correct based on Mr. Sheppard's presentation tonight.
- Rager asked if it is just overnight parking?
- McCormick responded that is his understanding because there are no services provided, no sewer or electricity and has not seen the same RVS for multiple days.
- Rager questioned they park on the property rather than pull into a gas station, Wal-mart parking lot or campground?
- Freeman states this clearly falls under the "Transient" occupancy of an Agricultural residential zoned area and cannot be allowed for less than thirty (30) days.
- Freeman discussed if they are parking on the grass that is a violation of the City Ordinance.
- McCormick responded the last time he checked they are parking in the grass on the front portion of the property.
- Freeman discussed the "Transient" use of the property and consideration of parking on the property and how consideration is measured.
- Gilmore discussed "Transient" use and short-term rentals.
- McCormick responded short term rentals are not allowed in a residential district and a bed and breakfast use is limited in residential areas but the use of the property would be different since not associated with a dwelling unit
- McCormick discussed this is functioning as a Transient and not short-term rental because no building facilities.
- McCormick discussed the zoning violation notice based on Transient use of the property.
- Gilmore stated this Board cannot change the zoning.
- Freeman discussed "Transient" occupancy and use of property
- McCormick referenced Zoning Ordinance 14-201 (3) (kkkk) "Transient" any person who exercises occupancy or is entitled to occupancy of any rooms, lodgings or accommodations for a period of less than thirty (30) continuous days.
- Huffman states it is clearly a violation and would need to go through the process to re-zone.

**Motion:** Huffman made a motion to deny the appeal, seconded by Anderson. The motion passed unanimously.

McCormick mentioned he sent the members an email regarding the annual training for the Planning Commission and Board of Zoning and Appeals will be virtual training on November 18<sup>th</sup>, 2022.

With no further business, Anderson made the motion to adjourn, seconded by Rager

**The meeting adjourned at 5:15 pm.**

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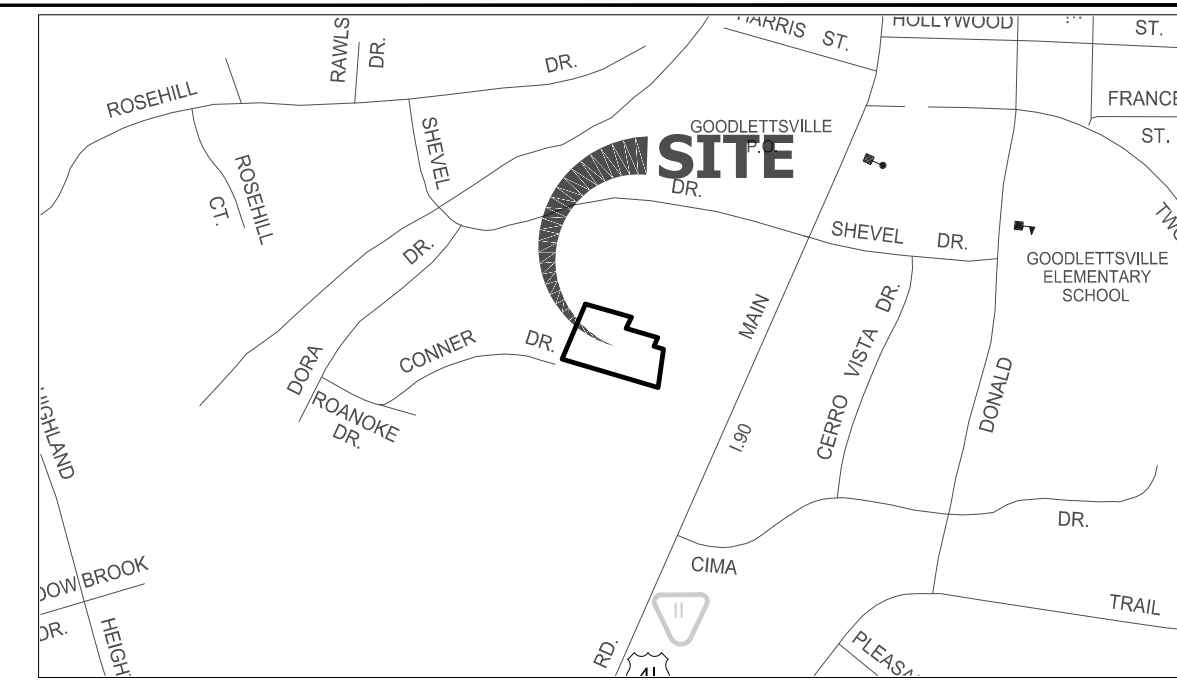
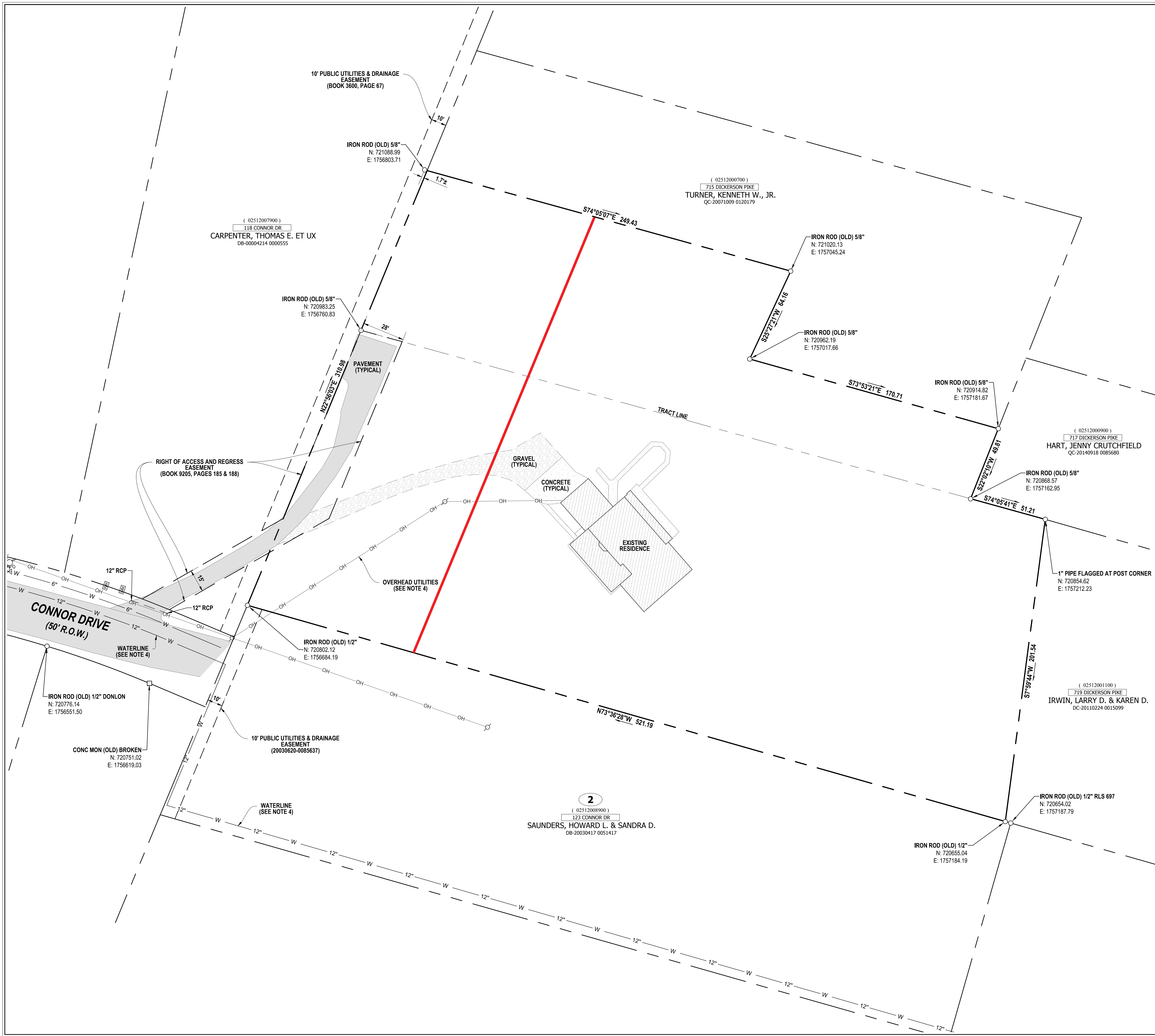
Cisco Gilmore, Chairman

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Sharon Reed, Planning Assistant

DRAFT

PLOT DATE: 4/2/2021 5:09:35 PM  
 G:\My Drive\Elliott\_active\_jobs\Connor Dr 120 - Survey.dwg



**VICINITY MAP**  
 1" = 1000'

**TOTAL LOT AREA**  
 134,354 SF OR 3.084 ACRES±

**MAP REFERENCE**  
 Parcel ID for subject property is ( 02512001000 ) on Davidson County Property Map.

**DEED REFERENCE**  
 Owner : MUNDING, RYAN & GARDNER JILL M, as of record in DB-20200102 0000108 Registers Office, Davidson County, Tennessee.

**PLAT REFERENCE**  
 Being parts of Lot Nos. 7, 8, 9, & 10 on the plan of Lily Bell Farm in Goodlettsville, Tennessee, not of record.

**SURVEYOR'S NOTES**

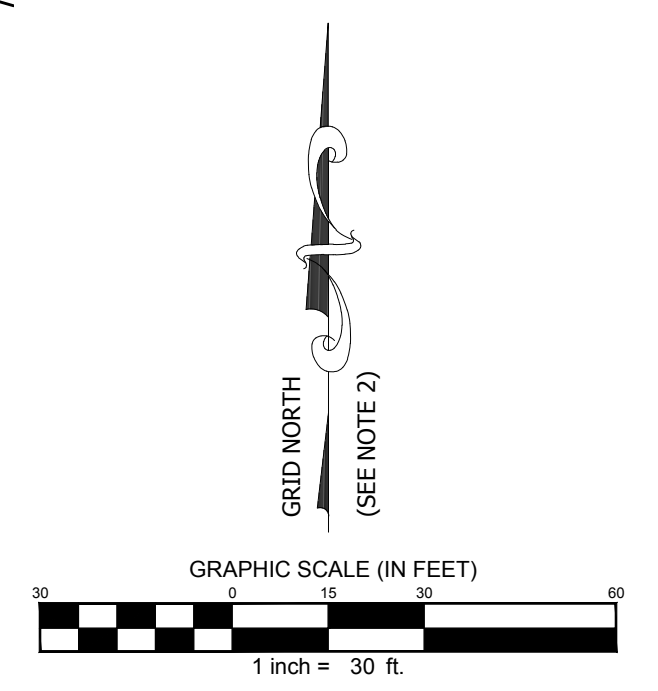
- This Property is located in the 10th Council District of Davidson County Tennessee.
- Bearings, Elevations and Coordinates shown are based on Tennessee State Plane NAD83 (NAVDS83)
- The property is located in areas designated as "Zone X" (areas determined to be outside the 0.2 % annual chance floodplain) as noted on the current FEMA Firm Community Panel # 47037C03137H, effective on 4-5-2017.
- Utilities shown hereon were taken from visible structures and other sources available to me at this time. Verification of existence, size, location and depth should be confirmed with the appropriate utility sources.
- A Title Report was not provided for the preparation of this survey, Therefore this survey is subject to the findings of an accurate title search.
- No Stream determinations were provided to this surveyor, therefore this survey does not address the existence or non-existence of any water of the state, jurisdictional stream buffers or wetlands.
- This survey does not address the owner of any fence nor address any adverse claim of ownership of any adjoining property. Removal of any property line fence should be coordinated with adjacent owner.
- Property is currently Zoned R25. Setbacks per current zoning. Verify with City of Goodlettsville Zoning Ordinance.  
 Front Building Setback = 40' Minimum  
 Rear Building Setback = 30' Minimum  
 Side Building Setback = 15' Minimum
- This survey was prepared for the exclusive use of the persons or entities named on the certification hereon. Said certificate does not extend to any unnamed person or entity without an express re-certification by the surveyor.

**GPS NOTES**

- The (TDOT) Tennessee Geodetic Reference Network was used for this survey
- GPS locations used for this survey were established using a VRS network consisting of multiple reference stations
- GPS data was collected with a Spectra Precision 80 receiver.
- This survey was prepared without the use of a scale factor. Except in the instance of initial survey control, all distances or coordinates were derived from measurements taken by a total station. Coordinates used for the initial survey control were generated with the use of GPS observations and used as the basis for the coordinate system used for this survey.
- The date of this survey is: 3/11/2021.

**SURVEYOR'S CERTIFICATE**  
 To: Ryan Munding  
 I hereby certify that this survey was actually made on the ground under my direct supervision, using the latest recorded deeds, and other information, that there are no encroachments or projections other than those shown; and that this survey exceeds the minimum requirements for a Category 1 Urban Land Survey pursuant to Chapter 0820-3, Section .05 of the Department of Insurance Standards of Practice for Land Surveyors; and that this survey is true and correct to the best of my knowledge and belief.  
 Jason A. Garrett, TN RLS # 2861

ALWAYS CALL 811 BEFORE YOU DIG!  
 IT'S FREE, IT'S EASY, AND IT'S THE LAW!  
 DIG - DRILL - BLAST - BORE  
 CALL 811, OR (800) 351-1111  
 (615) 367-1110  
 TENNESSEE - ONE CALL CENTER



**Symbol Legend**

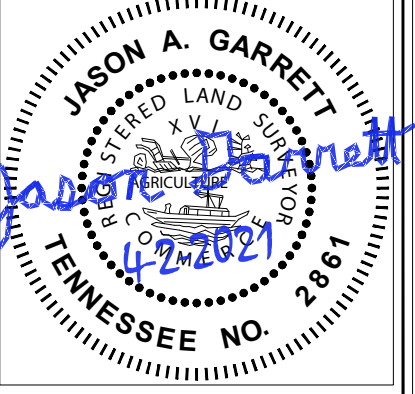
Symbol	Denotes
(Iron Rod)	IRON ROD (OLD)
(Benchmark)	BENCHMARK
(Catch Basin)	CATCH BASIN
(Fire Hydrant)	FIRE HYDRANT
(Sewer Manhole)	SEWER MANHOLE
(Water Valve)	WATER VALVE
(Water Meter)	WATER METER
(Iron Rod (New))	IRON ROD (NEW)
(Utility Pole)	UTILITY POLE
(Concrete)	CONCRETE
(Asphalt)	ASPHALT
(Gravel)	GRAVEL

P.O. Box 351875  
 Nashville, TN 37203  
 clintelliotts@survey.com  
 (615) 490-3236

**CLINT ELLIOTT SURVEY**

**Boundary Survey**  
 120 Connor Drive  
 Goodlettsville, Davidson County, Tennessee 37072

Rev.	Date	Revision Description



Issue Date:  
 Project ID:  
 Drafted By:  
 Field Crew:  
 Checked By:  
 Sheet Title:  
**Boundary Survey**  
 Sheet No.  
**V-1.00**

PREPARED BY:  
Thomas E. Carpenter  
118 Connor Dr.  
Goodlettsville, TN 37072

Right-of-Way Agreement  
Page 1 of 2

BOOK 9205 PAGE 188

RIGHT-OF-WAY AGREEMENT

Thomas E. Carpenter and wife, Mildred R. Carpenter, are the owners of a tract of land located at 118 Connor Drive in the City of Goodlettsville Davidson County, Tennessee which is designated as Lot 21 & Lot 21A in Phase 2 of Ranchwood Estates, said property being registered and recorded on the records of Davidson County, Tennessee in Book 4214 Page 555.

William E. Rion and wife, Teresa C. Rion, are owners of an adjacent tract of land conveyed to them by William C. Rion, Jr. and wife, Shirley D. Rion on September 18, 1986. Deed to said tract of land is recorded and described on the records of Davidson County in Book 7004 Page 641 as Tract I and II according to a survey by Tommy E. Walker, dated 12/20/85, as follows:

Tract I: Beginning at a point in the common line of Lots 10 and 11, in a fence, said point being North 77 degrees 40' West 351.2 feet, more or less, from the Westerly margin of Dickerson Road; thence with the line between Lots 10 and 11, North 77 degrees 40" West 521 feet to a point; then North 19 degrees East 200 feet to a corner of Lots 8 and 9; thence with the line between said lots, South 77 degrees 40' East, 467.6 feet to a point in said line and in a fence line; thence along said fence line, Southerly 201 feet to the point of beginning.

Tract II: Beginning at an iron pin in an old fence line, said pin being the SW corner of herein described tract and being the NW corner of William C. Rion property of record in Book 4228, page 249, Register's Office for Davidson County, Tennessee; thence with the east line of Carpenter (Book 4214, page 555) N 25 degrees 34' 04" E 114.24" to an iron pin in said fence line; thence leaving the line of Carpenter S 70 degrees 37' 52" E. 251.09' to an iron pin; thence S 28 degrees 51' 38" W 64.12' to an iron pin; thence S 70 degrees 30' 12" W 49.98' to an iron pin, said pin being Crutchfield's SW corner and being in the north line of W. C. Rion (Book 3768, page 235); thence with the line of Crutchfield S 25 degrees 33' 21" W 49.98" to an iron pin, said pin being Crutchfield's SW corner and being in the north line of W. C. Rion (Book 4228, page 249); thence with the Rion's north line N. 70 degrees 40' 00" 418.05' to the point of beginning containing .843 acres more or less.

Since said property does not have access to Connor Drive and the owners William E. Rion and wife, Teresa C. Rion, wish to have access to Connor Drive, therefore the parties agree to enter into this RIGHT-OF-WAY AGREEMENT for their mutual benefit.

Therefore, Thomas E. Carpenter and wife, Mildred R. Carpenter and their successors and assigns forever, do this day grant to William E. Rion and wife, Teresa C. Rion, their successors and assigns forever, a 15 foot drive-way access across the southeast corner of Lot 21 A

entering the property owned by William E. Rion and wife, Teresa C. Rion approximately 49 feet from the Northern boundary of Connor Drive. By this same agreement, William E. Rion and wife, Teresa C. Rion, do grant to Thomas E. Carpenter and wife, Mildred R. Carpenter, the right to use the same driveway and also grant a right-of way for extending a branch driveway to their house approximately 28 feet wide 125 ft. along the western border of the Rion property, said right-of-way will provide the Carpenters a driveway access to their property along its eastern border extending to a point approximately 215 feet from Connor Drive.

This agreement granting right of access and regress shall become a part of the property deeds of both parties and shall be binding upon the successors and assigns of both parties in perpetuity.

IN WITNESS THEREOF, we have subscribed our names on this 22nd day of December, 1993.

Thomas E. Carpenter  
 Thomas E. Carpenter  
Mildred R. Carpenter  
 Mildred R. Carpenter

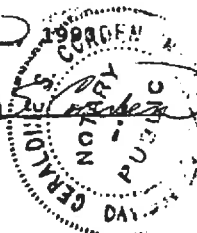
William E. Rion  
 William E. Rion  
Teresa C. Rion  
 Teresa C. Rion

STATE OF TENNESSEE  
 COUNTY OF DAVIDSON

On the 23rd day of December, 1992, personally appeared Thomas E. Carpenter, Mildred R. Carpenter, William E. Rion, and Teresa C. Rion, to be known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

Witness my hand at office this 23rd day of December, 1992

Richard G. ...  
 Notary Public



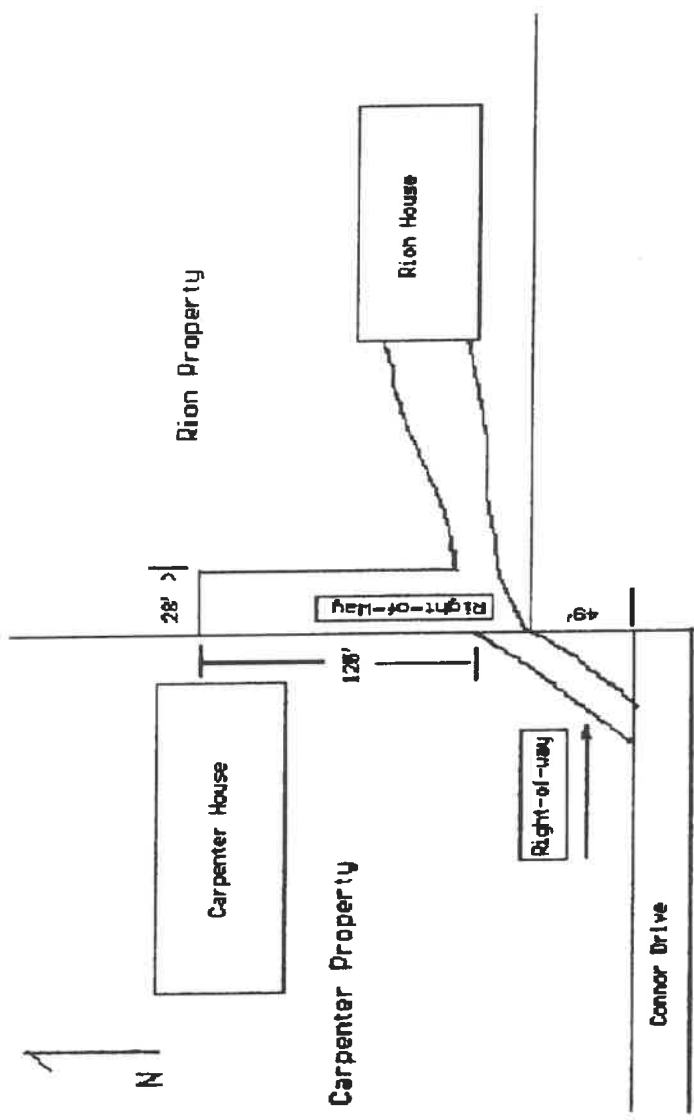
My Commission Expires: 5-24-1997

0297 12/30 0101 03CHECK 12.00

STATE OF TENNESSEE  
 COUNTY OF DAVIDSON  
 THE ACTUAL CONSIDERATION OR TRUE VALUE,  
 WHICHEVER IS GREATER, FOR THIS TRANSFER IS  
 \$ William E. Rion  
 AFFIRANT  
 SUBSCRIBED AND SWORN TO BEFORE ME, THIS  
 THE 30th DAY OF December, 1993  
J. Chambers  
 Deputy Notary

02498  
IDENTIFICATION REFERENCE

93 DEC 30 PM 2:23  
FELIX REGISTER  
DAVID REGISTER



RECORDERS MEMO  
LEGIBILITY OF WRITING, TYPING OR PRINTING IN  
THIS DOCUMENT UNSATISFACTORY WHEN RECEIVED

PREPARED BY  
THOMAS E. CARPENTER  
118 CONNOR DR.  
GOODLETTSVILLE, TN 37072

Right-of-Way Agreement  
Page 1 of 2

BOOK 9205 PAGE 185

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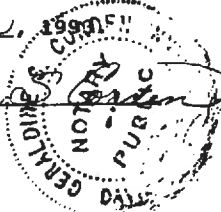
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Seraldine G. Gordon  
Notary Public  


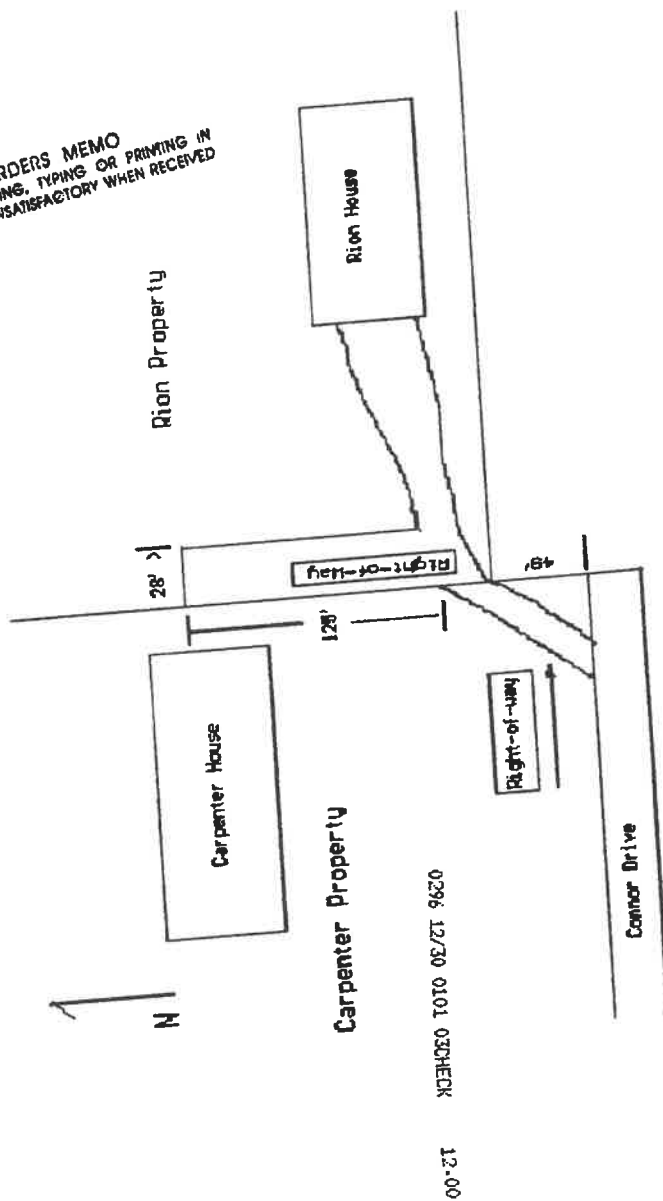
My Commission Expires: 5-24-1997

STATE OF TENNESSEE  
COUNTY OF DAVIDSON  
THE ACTUAL CONSIDERATION OR TRUE VALUE,  
WHICHEVER IS GREATER, FOR THIS TRANSFER IS  
William E. Rion  
AFFIANT  
SUBSCRIBED AND SWORN TO BEFORE ME, THIS  
THE 30th DAY OF December 1993  
J. Chambliss  
Deputy Registrar

RECORDERS MEMO  
LEGIBILITY OF WRITING, TYPING OR PRINTING IN  
THIS DOCUMENT UNSATISFACTORY WHEN RECEIVED

021,97  
IDENTIF. REFERENCE

93 DEC 30 PM 2:22  
REGISTER  
FURNISHED TO COUNTY



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Board of Zoning and Sign Appeals  
MEETING AGENDA**

***Tuesday March 5, 2024***

**5:00 PM**

GOODLETTSVILLE CITY HALL - MASSIE CHAMBERS

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**City of Goodlettsville**  
**Board of Zoning and Sign Appeals**  
**STAFF REPORT**  
*Tuesday March 5, 2024*

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**APPLICANT REQUEST: (Copied from Application)**

*We are writing to request a variance that would allow us to subdivide our lot into two lots. My wife and I had our mother-in-law move in with us in order to help her live comfortably in her retirement after being widowed. This way, she has family on-site for both care and support. We did our best to convert our walk-out basement into a furnished living space but, at the end of the day, she is still living in a basement.*

*We want to do better than that for her. We want to build her an independent dwelling on our land.*

*Previously, we pursued building a Detached Additional Dwelling Unit, but Goodlettsville does not permit them. Now, we are trying to subdivide so that we can build her something.*

*We have three acres of land but we are tucked into a unique location at the end of a dead end street. We have zero road frontage, and we use an easement to access our land via our neighbor's frontage. (The easement also grants our neighbor the ability to have their driveway reach their own house via our land).*

*To accomplish our goal, we would need a variance that lets us overcome A.) the minimum road frontage requirement per lot and B.) the restriction that limits any easement to accessing only a single property.*

*We have drawn an unofficial lot line on our most recent survey to show what the subdivided lot could look like.*

## **STAFF NOTES:**

The City's Zoning Ordinance permits one residential lot to be created with access provided by a fifty (50') feet access easement. The City's Zoning Ordinance requires lots to have a minimum of fifty (50') feet of public roadway frontage or private street frontage. The City requires public and private streets to be constructed to City Standards to provide a quality street foundation and service for resident access, emergency services, and utility services like trash pick-up. The ordinance section to permit one lot to gain access by a fifty (50') feet access easement is to provide for a limited residential use and construction to prevent the number of residential lots and residential homes not accessed by a public or private constructed to city standards to reduce the potential for emergency and utilities services access issues. The City's Subdivision Regulations include the same regulation so a Subdivision Regulation variance request will also be reviewed by the Planning Commission at their Monday March 4, 2024 meeting.

The applicant is requesting to subdivide the existing 3.05-acre property. The property is zoned R25, Low Density Residential. The minimum lot size in the R-25 zoning district is 25,000 /0.57 acres. The applicant's proposed lot dimension would be roughly 120 feet lot width with 35,000 square feet lot area. The proposed lot dimension would meet the Zoning Ordinance lot width and size requirements of the R25 zoning district. The property deed references the right of way agreement/access easement through the adjacent property at 118 Connor Drive. If the variance request is approved, the right of way agreement/access easement would need to be altered by both property owners and recorded to include a reference to the new lot and three (3) possible future property owners.

The Board of Zoning and Sign Appeals reviewed a similar request at the November 2020 meeting. The minutes section included below are to reference the Board's review process. All Board of Zoning and Appeals agenda items are to be reviewed based on specific property dimensions, location, etc.

The Zoning Ordinance includes review criteria for variances. Any motion to approve or deny the request will need to include the variance review criteria used as the basis for the motion.

## **MOTION OPTIONS:**

1. Motion to approve the variance request to permit the subdivision of the property based on the request meeting the Zoning Ordinance variance criteria due to the lot size and location of property and the variance permitting a reasonable use of the property per the R25 zoning district requirements or other variance criteria determined by the Board during the meeting
2. Motion to deny the variance request based on the request not meeting the Zoning Ordinance variance criteria as determined by the Board during the meeting
3. Motion to defer the request for the applicant to provide additional information as determined by the Board during the meeting

**\*Staff recommendation to be provided during meeting**

## Referenced Zoning Ordinance Sections:

### 14-208 (1)(h)

**(h) Structures to have access.** No building shall be erected on a lot which does not abut at least one (1) public street for at least fifty feet (50'). This section shall not apply to properties abutting a cul-de-sac, which shall abut the street for at least forty feet (40'); ***or to properties whose access is provided by a private easement;*** provided, however, that when a permanent easement to a public street is used as access to a lot or tract of land having been or being separated by deed or plat from other property, ***such easement shall be at least fifty feet (50') in width from and after the time of adoption of this ordinance and shall not be used to provide access to more than one (1) lot or tract of land.*** This section shall not be construed to prohibit the development of buildings on lots or tracts with permanent access provided by private streets provided such development is in the form of condominium ownership of such private improvements which has been approved by the Goodlettsville Municipal/Regional Planning Commission and will be in private ownership and control in perpetuity.

**(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

## **November 2020 Board of Zoning and Sign Appeals Meeting Minutes-**

**Zoning Variance** to permit the subdivision of the 2.26-acre property into two (2) total lots provided access by a fifty (50') feet access easement to Hitt Lane. The property is referenced as Davidson County Tax Map/Parcel# 02503000100 and is zoned R25, Low Density Residential – Zoning Ordinance Section 14-208(1)(h)

### **Representative: Property Owner**

#### **Staff Discussion Items:**

- Staff discussed request and Zoning Ordinance section requiring with new subdivisions a residential lot requires fifty (50') feet of roadway frontage or one lot can gain access to the property with a fifty (50') feet access easement
- Proposal is to subdivide the existing 2.26-acre property into two (2) lots
- Property zoning is R-25 Low Density Residential which permits the subdivision except for the second lot on the existing access easement
- Planning Commission approved a Subdivision Regulation Variance on the same regulation but in the Subdivision Regulations.
- Planning Commission determined the property was suitable for subdivision due to limited visibility on second house from Hitt and Moncrief with stipulation for staff to ensure fire department access
- Staff presented the variance procedures from the Zoning Ordinance
- Staff discussed the recommendation to deny the request based on staff report but also referenced the Planning Commission approval and consistency with decisions can be reviewed and staff honoring the Planning Commission's decision on a subdivision issue
- Staff discussed the Planning Commission was presented that no additional easement was possible to be acquired for a second lot to include a separate dedicated easement even with a shared driveway
- Staff discussed the driveway is currently under construction
  - Property owner discussed that he could not acquire another easement due to eighteen (18) family members over the ownership will not authorize an additional easement
  - Writesman discussed a second driveway would be limited by topography
  - Gilmore discussed the Planning Commission approval and slope limitation
  - Writesman discussed one of the Planning Commissioners property is the area of their property and was ok with proposal

#### **Public Hearing:**

##### **Adjacent Property Owner- Moncrief Drive**

- Purchased old Beatty Property including utility easement for property in question
- Asked if utility easement would support two (2) houses as proposed
- Easement in driveway area and concern about damage

- Owner discussed the utility easement is fifteen (15') in width and for three (3) house water and sewer utility services any damage with utility service construction would have to be repaired
- Staff asked about timing of construction
- Owner stated estimated twelve (12) months for house construction to begin and electric service already installed from Hitt Lane
- Writesman discussed the proposal and limitations of property as discussed above including slopes and no additional access easement available

**-Broadwell closed the public hearing**

**Motion:** Gilmore made a motion to approve the variance, seconded by Writesman. No further discussion. The motion passed unanimously

**PUBLIC HEARING/NOTICE INFO:**

- Nine (9) adjacent property owner letters sent 2-14-2024
- Public hearing sign placed on property 2-19-2024