

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

Tuesday May 7, 2024

5:00 PM

GOODLETTSVILLE CITY HALL - MASSIE CHAMBERS

Approval of April 2, 2024 Meeting Minutes

(PUBLIC HEARING)

Item#1 Josh and Melody Barnes, Property Owners: Request a variance for the location of an accessory building at 1060 Madison Creek Road. The 1.03-acre property is zoned R-40, Low Density Residential. The property is referenced as Sumner County Tax Map/Parcel# 140N A 46.00. Zoning Ordinance Section 14-208 (1)(C)(E)

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as we strive to enhance the quality of life for the community we serve.*

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OFFICIAL MINUTES OF THE MEETING

GOODLETTSVILLE BOARD OF ZONING AND SIGN APPEALS

April 2, 2024

Goodlettsville City Hall

5:00 p.m.

Massie Chambers-Auditorium

Present: Stuart Huffman, Larry Jones, and Mark Writesman.

Absent: Jimmy D. Anderson, Brian Rager

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

Vice-Chair Mark Writesman called the meeting to order at 5:00 pm and declared a quorum.

Approval of March 5, 2024 Meeting Minutes: Huffman made a motion to approve the minutes of the March 5, 2024 meeting, Jones seconded the motion. Motion was approved.

AGENDA

Item #1 Ronnie and Sumer Yates, 615 Event Center: Requests conditional use approval for an entertainment and amusement services use (event center) at 458 Moss Trail. The 0.67-acre property is located at the corner of Moss Trail and Rivergate Parkway and is zoned CSL, Commercial Services Limited/ CCO, Commercial Code Overlay. The City is currently reviewing the removal of the INT, Interchange Overlay zoning district. The property is referenced as Davidson County Tax Map/Parcel# 02609003800. Property Owner- Jessy James

Staff Discussion:

- The Board of Zoning and Sign Appeals review is subject to the Goodlettsville City Commission on April 11, 2024 approving the second and final reading of a requested property rezoning removing the INT, Interchange Overlay from the property.
- Any motion to approve will need to be subject to the City Commission rezoning approval.
- If the conditional use application is approved by the Appeals Board but the rezoning is not approved by the City Commission, then the Appeals Board approval will be void.
- The INT overlay removal from the property would permit the uses defined by the CSL, Commercial Services
- The Zoning Ordinance defines uses permitted in the zoning districts and the uses only permitted by conditional use review through the City's Board of Zoning and Sign Appeals.
- The City's Zoning Ordinance Conditional Use section includes both general and specific review criteria.
- The defined specific conditional use review criteria would not apply based on the Zoning Ordinance section due to the proposed use in the CSL, Commercial Services Limited zoning district not being a batting cage/golf driving range.
- 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 and ensure compatibility with surrounding properties.
- Due to the available on-site parking including forty-two (42) spaces per prior parking lot striping, the Zoning Ordinance would permit a building occupancy of 105.
- The possible impacts on the adjacent area would primarily be any on-street or off-site overflow parking and noise associated with nighttime events due to the adjacent residential apartment and hotel use currently under construction.
- The Board would need to define any restrictions to the conditional use application with the meeting motion.
- Any proposed beer service with an event would require review and approval by the City's Beer Board.
- Staff presented the Zoning Ordinance Sections: 14-202 (7)(i), 14-213 (9)(c), 14-213 (9)(f)(iii), and 14-208 (2)(d).

- Stipulation-Approval motion would be subject to City Commission April 11, 2024 approval of property rezoning removing INT, Interchange Overlay.
- Stipulation- Building occupancy to be limited to 105 occupants by the Zoning Ordinance minimum parking requirement of forty (40%) percent occupancy based on forty-two (42) available on-site parking spaces. The occupancy limitation does not alter any building occupancy limits or building alteration requirements determined by the City's Fire Marshal based on available building exits or fire protection systems.
- Stipulation-Parking spaces to re-striped or other approved parking lot layout.
- Stipulation-Due to limited parking available on-site, no exterior events permitted.
- Motion Option-To approve the conditional use request including staff stipulations and any additional stipulations meeting the conditional use general review criteria as determined by the Board during the meeting.
- Motion Option-To deny the conditional use request based on the request not meeting the Zoning Ordinance conditional use general review criteria as determined by the Board during the meeting.
- Motion Option-To defer the request for the applicant to provide additional information as determined by the Board during the meeting.

Applicant: Ronnie and Sumer Yates

- Yates commented that they were fine with the limit of 100 occupants based on fire protection system proposed including building not to be fire sprinkled and forty-two (42) on-site parking spaces.
- Yates discussed the limited on-site parking spaces and how they plan to manage parking.
- Yates discussed her and her husband's background and experience in event planning services, construction, and interior design.
- Yates discussed living in the area and wanting to contribute something positive and make the space attractive.

Public Hearing Opened: No one requested to speak.

Public Hearing Closed

Board Discussion:

- Huffman discussed a wedding with maximum 100 occupants would be considered small.
- Yates responded her desire to open this event center was after her wedding in 2022 and not being able to find an affordable space for small events.
- Yates discussed the event center will not be just for weddings, can be for baby showers, bridal parties, rehearsal dinners etc.
- Yates discussed the kitchen area and catering.
- Huffman asked McCormick about the parking stipulations.
- McCormick responded yes, you would have parking stipulations.
- Yates discussed the hours for the event center.
- Huffman asked if a manager will be on site at the event center?
- Yates responded they will be on site at the event center until they are fully functioning and can afford staff for management and cleaning.
- Huffman asked McCormick if midnight would be a problem for the area.
- McCormick responded he did not think so since it is on a commercial roadway.

Motion: Huffman made a motion to approve the request with the four (4) staff stipulations with staff stipulation #2 being limited to 100 occupants, seconded by Jones. The motion passed.

Item #2 UNIQUE OMEGA, LLC, Property Owner and Arnold Consulting Engineering Services, Inc: Requests an amendment to the March 5, 2019 front building setback variance granted for the property located at 320 Cartwright Street. The variance is to amend the front setback variance on East Cedar Street from twenty (20')

feet to fifteen (15') feet. The 2.14-acre property is located at the corner of East Cedar Street and Cartwright Street and is zoned CS, Commercial Services. The property is referenced as Davidson County Tax Map/Parcel# 01913010300.

Variance Request Application:

Unique Omega is requesting a 5' Variance from the previously approved twenty (20') foot setback from East Cedar Street. This is a thirty-five (35') foot deviation from the fifty (50') foot setback required by the zoning ordinance. We are also requesting a six (6') foot reduction of the required ten (10') foot street yard to allow parking closer to the street. The variance requests are due to the required stream flood plain buffer zone that encroaches on the site.

Staff Discussion:

- The Board of Zoning and Sign Appeals at the March 5, 2019, meeting approved a setback variance to reduce the front setbacks along Cartwright Street and East Cedar from fifty (50') feet to twenty (20') feet.
- The revised variance request is due to site layout issues created incorporating the proposed hotel and parking spaces on the property with the FEMA (Federal Emergency Management Agency) designated floodway and floodplain and the TDEC, Tennessee Department of Environment and Conservation and the City's Storm Water Ordinance stream buffer requirements.
- Per the site plan layout, a corner of the building would be within the current twenty (20') feet front building setback per the March 5, 2019 variance.
- The reduced street yard area (between perimeter of parking lot and property line) is shown on the site plan with five (5') feet on the majority of site.
- A section of street yard along the eight (8) parking spaces fronting East Cedar contains the most limited street yard planting area.
- Staff presented Zoning Ordinance Sections: Appendix A, Table III, 14-208 (1)(j), 14-208 (5)(h)(iii), and 14-213 (8)(c)
- Stipulation-All landscaping in the proposed reduced front parking street yard to be installed on private property and off the public right of way.
- Motion Option-To approve the revised variance request with staff stipulation based on the request meeting the variance review criteria providing a reasonable use of the property due to the property limitations of the property being a corner lot with two (2) front building setbacks, stream buffer and FEMA flood way/flood plains determined by the Board during the meeting.
- Motion Option-To deny the variance request based on the request not meeting the Zoning Ordinance variance
- Motion Option-To defer the request for the applicant to provide additional information as determined by the Board during the meeting.

Applicant: Karan Patel

Public Hearing Opened: No one requested to speak.

Public Hearing Closed

Board Discussion:

- Huffman asked McCormick if there would be a problem with the variance on East Cedar.
- McCormick responded with the way the property is set up in the corner he did not foresee it being a problem.
- McCormick discussed the site design.
- Attorney Freeman discussed motion process to be referenced

Motion: Huffman made a motion to approve the revised variance request based on Zoning Ordinance Section 14-213 (8) (c) (i) to provide a reasonable use of property with staff stipulation the additional five (5') feet setback variance on East Cedar and landscape open area is only for a hundred (100) room hotel proposal and any future changes to the proposed use and design to be reviewed by the board again, seconded by Jones. The motion passed.

With no further business, Huffman made the motion to adjourn, seconded by Jones.

The meeting adjourned at 5:31 pm.

Mark Writesman, Vice-Chair

Sharon Reed, Planning Assistant

DRAFT

City of Goodlettsville
Board of Zoning and Sign Appeals Meeting
STAFF REPORT
Tuesday May 7, 2024
5:00 PM

Approval of April 2, 2024 Meeting Minutes

STAFF NOTES: N/A

MOTION OPTIONS:

1. Approved as listed

2. Approve with minute amendments as determined by the Appeals Board

STAFF NOTES: N/A

Item#1 **Josh and Melody Barnes, Property Owners:** Request a variance for the location of an accessory building at 1060 Madison Creek Road. The 1.03-acre property is zoned R-40, Low Density Residential. The property is referenced as Sumner County Tax Map/Parcel# 140N A 46.00. Zoning Ordinance Section 14-208 (1)(C)(E)

STAFF NOTES:

Applicant's Request (Per On-Line Application)

We are asking for a variance to build a garage in an area that is in front of our house. The garage size would be approximately 30 x40. We do not have road frontage and the placement of the garage would be at a lower elevation than our house.



MOTION OPTIONS:

1. Motion to approve the variance request with staff stipulation based on the request meeting the variance review criteria providing a reasonable use of the property due to the property conditions of the property location and dimensions without adjoining public roadway frontage
2. Motion to deny the variance request based on the request not meeting the Zoning Ordinance variance review 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

14-201 (3)

(eee) "Yard, front." Extending along the full length of a front lot line. In the case of a corner lot, a yard of at least full depth required for a front yard in these regulations, and extending along the full length of a street line shall also be established. Each lot shall have a designated front yard. (fff) "Yard, rear." An open space, except for permitted accessory structures, extending for the full length of a rear lot line. (ggg) "Yard, side." An open unoccupied space extending along a side lot line from the required front yard to the required rear yard. In the case of a corner lot,

any yard which abuts a street line and which is not designated a front yard shall be considered a side yard and shall meet the same requirements as a front yard. In the case of a through lot, side yards shall extend between the required front yards, except when such corner lots are required by these regulations specifically to have more than one (1) front yard.

14-208 (1) (e)

(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 70 percent 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 18 feet 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

Public Notice Information:

Eleven (11) adjacent property owner letters sent April 9, 2024

Tennessee Ledger Nashville Edition advertisement April 12, 2024

Public hearing sign installed on property April 22, 2024

