

**OFFICIAL MINUTES OF THE GOODLETTSVILLE
BOARD OF ZONING AND SIGN APPEALS**

Date: January 3, 2017

Time: 5:00 P.M.

Place: Massie Chambers- Goodlettsville City Hall

Members Present: Chairman Tom Mosier, Owen Sanders, Edgar Lowe

Absent: Commissioner Zach Young, William Carter

Also Present: Addam McCormick, Tim Ellis, Mike Bauer, and others.

Correction from February 7, 2017 Meeting: Board approved for Tom Mosier, Chairman and Owen Sanders, Vice-Chairman to remain in current position for 2017.

Chairman Tom Mosier called the meeting to order and announced that all three (3) agenda items are Public Hearings. He asked that everyone speaking on a request should state their name for the record.

Vice Chairman Owen Sanders made a motion to approve the minutes of the December 5, 2016 Board of Zoning and Sign Appeals meeting as written. Edgar Lowe seconded the motion. The motion passed unanimously 3-0.

Item #1 {PUBLIC HEARING}

BUSFORSALE.COM LLC: Requests a zoning variance from the off-street parking and loading surfacing requirements for a gravel vehicle storage area in an IR, Industrial Restrictive Zoning District adjacent to 813 Louisville Highway. Property is referenced as Sumner County Tax Map 142 Parcel 15 containing approximately 16.50 acres. BCR Holdings LLC, Property Owner.

(17-1-614)

Staff reviewed. Addam McCormick stated this request is for a variance from the Zoning Ordinance Sections 14-208. Supplementary district regulations, (2) Off-street parking and loading requirements and (4) Site and architectural design standards to permit a gravel vehicle parking storage area instead of either asphalt or concrete vehicle parking storage areas. regarding paving asphalt/concrete requirements for parking lots. The property is located at 813 Louisville Highway and zoned IR, Industrial Restrictive Zoning. This property includes a current business consisting of a RV/motor coach sales and service facility and an auto parking storage lot. The property contains both pavement and gravel storage areas. He showed the property on the map and stated it contains FEMA regulated flood plain and floodway. He stated the owner, Mr. Spellings is proposing to use the gravel area for vehicle storage. Mr. McCormick discussed the provisions for reviewing the proposed request for a variance. He stated the Zoning

Ordinance requires parking areas to be hard surface (concrete, asphalt) and dust free. Staff recommended approval due to the topographic condition of the FEMA floodplain and floodway designation on the property and since the request is for vehicle storage and parking only. Mr. McCormick stated some measure would need to be put in for dust control, and since it is in the flood plain, a plan would need to be in place showing that no fill or grading would be changed. Property owner John Spellings represented this request. He stated Mr. McCormick explained very well what the proposal is for this property. He stated it is a low impact area that would be used to store recreational vehicles such as campers, boats, and RV's. He stated no trucks or semi-trucks would be stored, just recreational vehicles only. He stated there is a need for storage of recreational equipment. Mr. Spellings stated that in the future he may develop the property into something else, but for now, this could generate some income.

Edgar Lowe asked if the property would be for storage only, or if someone could live in the RV's or campers. Mr. Spellings clarified that it is only for storage of the equipment, and not an RV/camper park for living space. Chairman Tom Mosier asked how many recreational vehicles/equipment would be stored on the property, and what type of fire access is required. Mr. Spellings stated there would be space for 40 vehicles, and there would be no neighbors to impact as far as dust or noise. Addam McCormick stated it would need to keep clear width for fire truck access. He suggested a surveyor do a layout showing a clear aisle width and verify that elevations don't change.

Edgar Lowe asked if any of the lot would be paved. Mr. Spellings stated the only hard surface area would be a concrete entrance pad onto the lot of twenty (20) to thirty (30) ft. and the remaining area would be crushed rock. Mr. Spellings also stated no daily traffic is foreseen with this type of storage facility. He explained that most of the vehicles are there for storage and rarely move, causing no concern for daily traffic or damage to the lot.

Chairman Mosier stated he did not see that a hardship was created by the owner/applicant and it wouldn't confer any special privilege. He then opened the floor for questions or concerns. With no comments, Mr. Owen Sanders made a motion to approve the variance based on it meeting the variance provisions and with the following stipulations:

1. Plan showing clear aisle for fire/emergency access
2. No fill in the flood plain

Mr. Edgar Lowe seconded the motion. The motion passed unanimously 3-0 to grant the variance with the conditions listed.

Item #2 {PUBLIC HEARING}

MILLER PROPERTY OWNERS: Request zoning variances from the minimum lot size requirement and building setbacks for existing buildings in an IR, Industrial Restrictive Zoning District. Property referenced as 200 Connell Street and Davidson County Map/ Parcel 01913006200 containing 1.07 acres. Johnathan, Thomas, Joseph, and WM Miller, Property Owners. (17-2-615)

Mr. Addam McCormick reviewed the Staff report. The request includes variances from Zoning Ordinance Sections 14-207 Industrial District Regulations, Item (4) Bulk, lot, and open space requirements and Table IV to permit the existing industrial zoned to be less than minimum 25,000 sq. ft. lot and building setbacks for existing buildings to be less than minimum required, and for maximum lot coverage to exceed the forty (40) percentage maximum permitted. The property is located at 200 Connell Street and zoned IR, Industrial Restrictive zoning. Mr. McCormick explained that in 2008 the property was originally two parcels and consisted of about 1 acre. In August 2008, the Planning Commission approved a subdivision plat combining the two (2) lot/properties into one. Due to ownership issues, they are now requesting to vacate that plat and go back to two (2) lots. Mr. McCormick discussed options reviewed with the City Attorney to administer this request due to the recent history. The issue is once the one lot was created, the minimum size requirements for IR, Industrial Restrictive at 25,000 sq. ft was met. One of the proposed lots is 23,000 and the other around 23,500, which is just shy of the required 25,000 sq. ft. minimum. He showed an aerial view of the properties. He explained how the lot on the corner showed two (2) buildings on the property. Mr. McCormick stated the buildings are existing before the two (2) lots were created into one and had existing set back issues. He stated they also requested the property line to be down the middle, which would result in putting it right on the building. He stated he had received a revised plat showing a two (2) ft. separation, so it would not become a party wall. He reviewed again the variance request:

1. Lots would be less than the 25,000 sq. ft. minimum, with the lots being just under the minimum requirement at 23,000 sq. ft. and the other at 23,500 sq. ft.
2. Setback variance for the existing building on the corner lot because of the twenty (20) ft. minimum side setback, and even with the revised plat, it is only two (2) ft.
3. Maximum Lot coverage. The Maximum lot coverage is forty (40%) in the IR, Industrial Restrictive Zoning. The proposed western corner "lot/Property" which with the proposed 23,500 sq. ft. lot would be forty-seven.

Staff recommended approval since the lots would not be inconsistent with the surrounding area and it is going back to the original previous 2008 approval. He stated one stipulation, being, the one lot line being moved over five (5) ft. from the existing building to reduce the setback required.

Mr. Edgar Lowe asked what the hardship was for this request. Mr. McCormick stated, no hardship by the owner, but the owner would like to sell the lots separately and it will require a variance.

Mr. Edgar Lowe made a motion to approve the variance and separate this into two (2) lots that they were previous with the following stipulation:

1. The line be moved over five (5) ft. to reduce the amount of variance and it not being a party wall on the lot line.

Mr. Owen Sanders seconded the motion. Motion passed unanimously, 3-0.

This item will move forward to the Planning and Zoning Commission, February 9, 2017.

Item #3 {PUBLIC HEARING}

LAURIE GREEN: Request an administrative appeal of a zoning violation notice regarding tents being used for residential use in a CSL, Commercial Services Limited commercial zoning district. Property is referenced as 124 Glancy Street and Davidson County Map/Parcel 03401006700 containing 0.25 acres. SAFFAW, Property Owner. (17-3-616)

Staff reviewed. Mr. McCormick provided a summary of the request of the Administrative Appeal process. He stated the Planning/Codes office received a complaint in early December about tents being used as temporary residential behind the property located at 124 Glancy Street. He showed the map and general area with surrounding properties. The property is zoned CSL, Commercial Services Limited. Mr. McCormick showed pictures of the tents on the property and stated the department verified that the tents were not just a onetime event. On December 5, 2016 a zoning violation letter was sent to the owner. The owner requested an appeal of Staff's interpretation of the zoning ordinance sections and prepared zoning violation notice. Mr. McCormick reviewed the Administrative Appeal process, and the reason for the zoning violation. After reading the Zoning Ordinance, Mr. McCormick stated he did not see a provision that would allow tents for residential use because it does not meet the definition of a dwelling unit.

Mr. Edgar Lowe asked who was living in the tents, and if they had electricity or plumbing. City Manager, Tim Ellis stated that one of the property owners at this location has offered a place in that area for the homeless to stay and in their terms, "for religious purposes." Mr. Ellis explained that nothing in our code would permit that, and he felt that Mr. McCormick had applied the right terms in regards to this matter. Mr. McCormick stated the tents had no electricity or plumbing. Chairman Tom Mosier reviewed and stated he did not see anything that indicated Mr. McCormick erred in his judgement or interpretation of this order. Mr. Edgar Lowe agreed with Chairman Mosier.

Chairman Mosier opened the floor for comments.

**Dr. Steven Duensing/ Duensing Chiropractic, 110 Glancy St. Suite 102* spoke in opposition of the tents being used for housing the homeless in this area. He stated he is concerned with property values, safety, and police activity from this area.

**Dr. Marie Kelly, OD, 110 Glancy St. Suite 208* spoke in opposition of the tents being used for housing the homeless in this area. She stated she is concerned with safety for herself and her patients.

**Dr. James Bush, /Bush Dentistry, Meadowlark and Glancy,* spoke in opposition of the tents being used for housing the homeless. He asked the Board to uphold the existing commercial zoning restrictions to help protect the safety of the area, the surrounding businesses, and the value of their property.

Mr. Edgar Lowe stated he felt Mr. McCormick made the proper interpretation and he made a motion to deny the appeal. Mr. Owen Sanders seconded the motion. The motion passed unanimously to deny the appeal, 3-0.

No one was present to speak on behalf of the request.

The meeting adjourned at 5:38 P.M.

Tom Mosier, Chairman

Rhonda Carson, ECD Assistant