

MINUTES OF THE MEETING
GOODLETTSVILLE BOARD OF ZONING AND SIGN APPEALS

Date: November 13, 2006

Time: 5:00 PM

Place: Goodlettsville City Hall, Massie Auditorium

Members Present: Tom Mosier, Owen Sanders, Glen Garrett, Al Jernigan

Also Present: Rick Gregory, Bennie Lane, Vicky Ignatz, Beverly Cobb, Duke Sutherland, Robert Crowder, Gladys Koonce, Jerry Oliver, Jamie Thomas, Jim Thomas and others

Item #1 – Consideration of approval of minutes of the August 3, 2006 Special Called Meeting and the September 18, 2006 Regular Scheduled meeting of the Goodlettsville Board of Zoning and Sign Appeals is deferred.

Item #2 – CASE NO. 06-11-516 – Consider the request for a Conditional Use Permit to establish a group childcare facility at 515 Monica Avenue, Goodlettsville, TN. The applicant is Beverly Cobb, 515 Monica Avenue, Goodlettsville, TN 37072.

Analysis – Staff reviewed. Gregory reported the Goodlettsville Zoning Ordinance provides for two types of day care facilities within the city – Day Care Home and Day Care Center. This request is for a day care home which is defined as a daycare facility operated within an occupied home functions as a home occupation, caring for not more than eight (8) children, including children living in the home. Two parts of this request exceed the requirements listed above – (1) Based on Department of Human Services standards, the applicant is equipped and has a large enough home for eleven (11) children. (2) The applicant currently employs one full-time caregiver. This facility will need to meet the requirements of Chapter 9, Section 14-901(o) Requirements for Home Occupations and Chapter 14, Section 14-1409(e)(2) Special Conditions for Personal and Group Care Facilities (Day Care). Goodlettsville limits home based childcare facilities to not more than eight (8) children. More than eight (8) children constitute a Day Care Center, a commercial operation which is not permitted in residential areas. The request for an additional employee not a member of the family residing on the premises is clearly prohibited by the zoning ordinance relating to home occupations. Physical requirements (lot size, fenced play area) for the property appear to be met.

Discussion - Beverly Cobb, applicant and resident of 515 Monica Avenue, stated that her intent is to be fully licensed daycare, subject to state and county inspections and provide a safe, secure environment for children. The hours of operation for the daycare are 6:00 AM – 5:30 PM, Monday thru Friday, serving eight (8) children only and employing one full-time person. The home is in compliance with square footage requirement for recreational use per child, fenced playground area and low traffic impact for the neighborhood. However, to comply with the Goodlettsville's Home Occupation prohibiting non-residential employees and the Tennessee Department of Human Services' requirement of allowing only five (5) children in the home for each caregiver, Ms. Cobb agrees to limit the number of children on premises to no more than five (5). She stated that a part-time employee is required in her absence when attending required meetings by DHS and for her personal appointments. She further explained that permitting for the daycare requires scheduled inspections by the Office of the State Fire Marshall, Metro Health & Environmental Conservation Department and TN Department of Human Services. Permits and records of inspection are available to the public for review. Mr. Duke Sutherland, property owner and leasing agent, stipulated that there have been no complaints or calls from adjoining property owners until receipt of the public notice regarding the proposed daycare.

Robert Crowder, Gladys Koonce, Jerry Oliver, Jamie Thomas and other homeowners stated their concerns with proper monitoring of proper compliance with daycare regulations, the increase in

vehicular traffic on the street, adjoining property owners liability for the safety of any child traversing their property, concern for the safety of the children based on recent canine attacks on neighbors and the actual need for a home based daycare in this neighborhood.

Gregory explained that Ms. Cobb has the right to utilize her home for an approved home based business. She must meet the requirements stated in the Goodlettsville Zoning Ordinance and must comply with the TN Department of Human Services for permitting purposes. Mosier responded that Mrs. Cobb has agreed to limit the number of children in the home to five (5) and will be subject to State and Metro government inspections. The requirement for a part-time non-resident employee to watch the children in her required absences is a reasonable request. Garrett acknowledged that a parent has the choice of placing their children in a private or commercial daycare situation.

Action of the Board – Motion by Garrett to grant a Conditional Use Permit for a Day Care Home at 515 Monica Avenue, Davidson County Tax 33-8, Parcel 58 with the condition that no more than five (5) non-residential children are permitted on premises and that a full-time non-resident employee is not permitted on premises. A part-time non-resident employee is permitted on premises as required by the TN Department of Human Services. Motion seconded by Sanders. Motion passed unanimously, 3-0.

ACTION OF THE BOARD

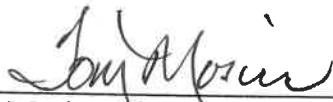
WHEREAS; the public and adjoining property owners have been adequately notified, and

WHEREAS; the Board has determined that the requirements of Chapter 9, Section 14-901(o) Requirements for Home Occupations and Chapter 14, Section 14-1409(e)(2) Special Conditions for Personal and Group Care Facilities (Day Care) have been met, and

WHEREAS, the Board has determined that no adverse impact will occur,

NOW, THEREFORE, BE IT ORDERED, a Conditional Use Permit for a Day Care Home is granted for 515 Monica Avenue, Davidson County Tax Map 33-8, Parcel 58 with the conditions that no more than five (5) non-residential children are permitted on premises and that no full-time non-resident employee is permitted on premises. A part-time non-resident employee is permitted on premises as required by the TN Department of Human Services.

Motion by Sanders to approve minutes of the August 3, 2006 Special Called Meeting and the September 18, 2006 Regular Scheduled Meeting of the Goodlettsville Board of Zoning and Sign Appeals as written. Motion seconded by Jernigan. Motion approved unanimously, 3-0.



Tom Mosier, Chairperson



Vicky Ignatz, Recording Secretary