

MINUTES OF THE MEETING
GOODLETTSVILLE BOARD OF ZONING AND SIGNAPPEALS

Date: December 12, 2005

Time: 5:00 PM

Place: City Hall Conference Room

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

Staff Present: Rick Gregory, Bennie Lane, Vicky Ignatz

Also Present: Melissa Jones and Tim Zuniga

The meeting was called to order by Tom Mosier, Chairman. Minutes for the October 10, 2005 Goodlettsville Board of Zoning and Sign Appeals meeting were accepted as written.

CASE NO. 05-12-500 – Consider the request for a Conditional Use Permit to allow a Group Day Care Facility at 102 Garrett Drive, Davidson County Tax Map 33-4, Parcel 1. The co-applicants are Goodlettsville Pentecostal Church, 1004 S. Dickerson Road, Goodlettsville, TN and Melissa Jones, 2636 Queen Ann Court, Springfield, TN 37172.

Staff reviewed. Gregory reported the applicant is seeking to use the residence for a group day care facility. Only one type of Group Care Facility is permitted in any residential zone - a Day Care Home. Day Care Homes are limited to eight (8) children including children living in the home. This proposal is submitted as a stand-alone day care operation for twelve (12) children plus three (3) school-age children - almost double the number allowed. It is noted in the letter from the State of Tennessee that Mrs. Jones will not be living in the home. That, along with the number of children served, is key to this request. The Goodlettsville Zoning Ordinance states: Day Care Homes are permitted only as conditional uses in any residential zone (this property is zoned R-25); a maximum of eight (8) children including children living in the home may be permitted in any Day Care Home operation; and, Day Care Homes may only operate in "occupied residences".

Tim Zuniga, Pastor of Goodlettsville Pentecostal Church, stated the purpose of the day care home is to serve the membership and the community. Zuniga stated that the State of Tennessee has approved the permitted number of children at twelve (12) to fifteen (15). The church staff is willing to work within the guidelines and comply with all the city's requirements. A family from the congregation can reside in the home; however, a variance to permit twelve (12) children to be enrolled in the day care is requested. Garrett questioned staff as to whether the board has the authority to permit a variance outside the perimeters of the Zoning Ordinance. Gregory confirmed this board doesn't have the authority to grant a variance contradictory to the Goodlettsville Zoning Ordinance. Lowe shared his concern regarding how eight (8) children could be managed in the limited square footage of this occupied residence. Gregory stated that parking requirements and playground fencing requirements would be somewhat difficult to accomplish for the site.

Mosier stated that a day care home at this location is not suitable and the applicant cannot meet the requirements at this time. The board can't grant a variance to permit more than eight (8) children in the day care home. He recommended the applicants meet with the church's staff to reconsider the day

care home guidelines regarding an occupied residence, limit of children permitted on-site, parking and playground fencing.

Motion by Sanders to indefinitely defer the request for a Conditional Use Permit to allow a Group Day Care Facility at 102 Garrett Drive, Davidson County Tax Map 33-4, Parcel 1. Motion seconded by Garrett. Motion passed unanimously, 5-0.

ORDER OF THE BOARD

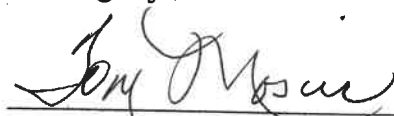
WHEREAS; the public and adjoining property owners have been adequately notified, and

WHEREAS; the Board has determined that the requirements of Section 14-1409(e)(2)(a) of the Goodlettsville Zoning Ordinance have not been met, and

WHEREAS, the Board has determined that adverse impact will occur,

NOW, THEREFORE, BE IT ORDERED, that a request for a Conditional Use Permit to allow a Group Day Care Facility at 102 Garrett Drive, Davidson County Tax Map 33-4, Parcel 1 be indefinitely deferred.

Meeting adjourned.



Tom Mosier, Chairman



Vicky Ignatz, Recording Secretary