

MINUTES OF THE GOODLETTSVILLE
BOARD OF ZONING APPEALS

Date: April 11, 2005

Time: 5:00 PM

Place: City Hall Conference Room

Members Present: Tom Mosier, Owen Sanders, Al Jernigan, *Ed Lowe* *unw* *7/22/05*

Members Absent: Glen Garrett

Staff Present: Rick Gregory, Bennie Lane, Vicky Ignatz

Also Present: Jeff Kirby, William Stamper, Jim Brown, Larry Gann, Kenny Bryant and Ron Groves

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

CASE NO. 05-04-487 Consider the request of Jeff Kirby for a variance to the side yard setback requirements at 401 Mason Lane, Sumner County Tax Map 143, Parcel 5.

Staff reviewed. Gregory reported that 401 Mason Lane, Barnett Rolling Acres Subdivision, was recorded in July, 1966 in Sumner County with a 25 feet side yard setback from what was eventually expected to be a public street extension. Subsequent to that, the property was annexed into the City of Goodlettsville and zoned R-25 which requires a fifteen feet side yard setback. The property to the rear (south) was eventually developed as Northcreek Business Park, an office/limited retail development; whereby, the extension of the proposed property for the public street was not seen as needed and was not incorporated into the development. Staff supports the change of reducing the side yard setback to fifteen feet by the owner presenting an amended final plat to the Planning Board indicating the setback changing from twenty-five (25) feet to fifteen (15) feet.

Motion by Sanders to grant a ten (10) feet side yard variance from the existing twenty-five (25) feet to fifteen (15) feet at 401 Mason Lane, Barnett Rolling Acres, Sumner County Tax Map 143, Parcel 5 based on current zoning requirements allowing a minimum of 15 feet side yard setback. Motion seconded by Jernigan. Motion passed unanimously.

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 14-1408 (c) have been met, and

WHEREAS, the Board has determined that adverse impact will not occur,

NOW, THEREFORE, BE IT ORDERED, ORDER OF THE BOARD to grant a ten (10) feet side yard variance from twenty-five (25) feet to fifteen (15) feet at 401 Mason Lane, Barnett Rolling Acres, Sumner County Tax Map 143, Parcel 5 based on current zoning requirements allowing a minimum of a fifteen (15) feet side yard setback

CASE NO. 05-04-488 Consider the request of William Stamper, B&B Fireworks, for a conditional use permit to allow permanent firework sales at 977 Louisville Highway, Sumner County Tax Map 141, Parcel 49.

Staff reviewed. Gregory reported this request is to approve a permanent retail fireworks business/building in the Commercial General (CG) district. It may be possible to locate a retail fireworks business within the CG district if it is considered an Extensive Impact facility. This district permits "Extensive Impact Facilities" as a conditional use for "activities that have a high degree of impact upon surrounding land use due to their hazards or nuisance characteristics ...". Language found in Chapter 14-1202(g)(1) and 14-1202(g)(2)(a), (b) and (c) of the Goodlettsville Zoning Ordinance defines and limits the storage and utilization of detonable materials in excess of five (5) pounds to the Industrial General (IG) district, in accord with state and local regulations. It further states "The storage of such materials in all other districts is prohibited." Language found in Chapter 14-1409(e)(8) as Special Conditions for Intermediate and Extensive Impact facilities at part (c) requires that "the proposed facility shall provide a basic community function or essential service necessary for a convenient and functional living environment in order to be located on the proposed site..".

While mention of the permanent sales of fireworks appears to be silent within the Zoning Ordinance, it may be reasonable to infer that since no mention of permanent retail fireworks sales is found, that they were not anticipated. A reasonable argument could be made that since storage of fireworks is limited to the IG district, retail sales may be, also. It appears clear that this requested use could be considered as "Extensive Impact Facility". If so, it is equally clear that the special condition of this type facility apply and proposals for those uses are required to meet the conditions set out in Chapter 14-1409(e)(8). The ordinance language is in conflict when referring to denotable materials. The threshold for storage is limited to five (5) pounds in the CG district; however, it permits Extensive Impact facilities by conditional use permit. All denotable materials above five (5) pounds are to be located in the Industrial General (IG) zoning district. Information regarding stored materials, sprinkler requirements, storage requirements, state regulations concerning this type use and the proximity to occupied structures and use of those structures should be considered by the board.

Sanders questioned Lane about safety requirements. Lane stated that the majority of the safety requirements are handled at the state level. Stamper added that retail fireworks sales are identified as Class C explosives, fireworks displays are Class B explosives and fireworks manufacturers are Class A explosives. Stamper explained that all electrical outlets are to be covered, an electrical disconnect is required on the outside of the

building, dust proof lighting and, due to the size of the building, a sprinkler system will probably be required. Gregory stipulated that the sprinkler system will be required due to the materials stored. Also, the Fire Dept. may have specific safety requirements regarding water volume and flow.

Motion by Sanders to grant the conditional use permit for a retail fireworks sales building at 977 Louisville Highway, Sumner County Tax Map 141, Parcel 49 based on compliance with Chapter 14-1409(e)(8) of Special Conditions for Intermediate and Extensive Impact facilities in the Commercial General zoning district, as well as additional city, state and State Fire Marshall retail fireworks sales requirements. Motion seconded by Jernigan. Motion passed unanimously.

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)(8) of the Goodlettsville Zoning Ordinance have been met, and

WHEREAS, the Board has determined that adverse impact will not occur,

NOW, THEREFORE, BE IT ORDERED, the conditional use permit for a permanent retail fireworks sales building at 977 Louisville Highway, Sumner County Tax Map 141, Parcel 49 be granted based on compliance with Chapter 14-1409(e)(8) of Special Conditions for Intermediate and Extensive Impact facilities in the Commercial General zoning district, as well as additional city, state and State Fire Marshall retail fireworks sales requirements.

CASE NO. 05-04-043 Consider the request of Miller Mott Technical College for a variance to the Goodlettsville Sign Ordinance regarding display area for a free standing pole mounted sign at Space Park North, South Cartwright Street, Davidson County Tax Map 26, Parcel 86.

Staff reviewed. Gregory reported this request is to approve a ten (10) feet by sixteen (16) feet illuminated pole mounted sign for Miller-Mott Technical College. The property is located in the city sign zone which limits pole mounted signs to fifty (50) square feet maximum size and thirty (30) feet maximum height. Commercial complexes are permitted one additional sign of one hundred (100) square feet maximum size when there is more than two-hundred fifty (250) feet of road frontage. Identification of this proposed use has merit. It is necessary to prove hardship for this board to request a variance to the Goodlettsville Sign Ordinance. The interstate sign zone is currently being revised, which has a larger permissible sign size (175 square feet), and will most probably include the stated property. However, this application is not available at this time.

Kenny Bryant, Miller-Mott Technical College, explained that the student population will draw from the middle Tennessee and southern Kentucky regions. The new school site location will need to be easily identifiable on I-65 by interstate signage. The proposed sign will be compatible with all interstate sign requirements. A request for state permitted signage will be made to identify the school's location at the interstate exchange of South Cartwright and Long Hollow Pike.

Mosier and Sanders acknowledged their concerns with setting a precedent to allow interstate signage outside the interstate sign zone. Lane and Gregory suggested a temporary sign permit until which time the interstate sign zone is redistributed to include the proposed site.

Motion by Jernigan to grant a variance to the Goodlettsville Sign Ordinance to permit a temporary sign be erected in the interstate sign zone for Miller-Mott Technical School, Space Park North, South Cartwright Street, Davidson County Tax Map 26, Parcel 86 until which time the current Goodlettsville Sign Ordinance is revised and adopted to include this specific location in the interstate time zone. The temporary pole mounted sign is subject to compliance with current interstate sign zone designation. Motion seconded by Sanders. Motion passed unanimously.

ORDER OF THE BOARD

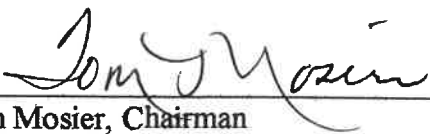
WHEREAS; the public and adjoining property owners have been adequately notified, and

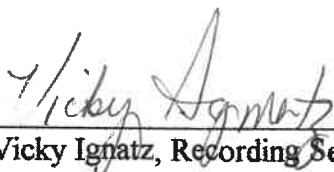
WHEREAS; the Board has determined that the requirements of Section 14-306 and 14-305, Section 5.2 of the Goodlettsville Sign Ordinance have been met, and

WHEREAS, the Board has determined that adverse impact will not occur,

NOW, THEREFORE, BE IT ORDERED, the variance to the Goodlettsville Sign Ordinance to permit a temporary sign in the interstate sign zone for Miller-Mott Technical School, Space Park North, South Cartwright Street, Davidson County Tax Map 26, Parcel 86 is granted until which time the current Goodlettsville Sign Ordinance is revised and adopted to include this specific location in the interstate sign zone. The temporary pole mounted sign is subject to compliance with current interstate sign zone designation.

The meeting adjourned.


Tom Mosier, Chairman


Vicky Ignatz, Recording Secretary