

**MINUTES OF THE GOODLETTSVILLE
BOARD OF ZONING APPEALS**

Date: August 9, 2004

Time: 5:00 PM

Place: Goodlettsville City Hall Conference Room

Members Present: Tom Mosier, Owen Sanders, Al Jernigan

Absent: Ed Lowe, Glen Garrett

Staff Present: Rick Gregory, Bennie Lane, Vicky Ignatz

Others Present: Charles Corbit, Melva Corbit, Mark Baker, Jewell Hall, Ricky Lanius

The meeting was called to order by Tom Mosier. Minutes of the May 10, 2004 Goodlettsville Zoning and Sign Appeals Board were approved as written.

CASE NO. 08-475-04 – Consider the request of Charles Corbit for a conditional use permit to allow a commercial vehicle to be parked in a residential zoning district at 504 Janette Avenue, Davidson County Tax Map 33-8, Parcel 63.

Analysis – Staff reviewed. Gregory reported this request is to allow parking of a commercial vehicle (limousine) on Janette Avenue. Goodlettsville Municipal Code 15-606 prohibits the parking of commercial vehicles in excess of eight thousand (8,000) pounds and/or in excess of twenty-two (22) feet in length on any street within a residential zoning district or upon any residential lot. Section 14-901(o)(8) of the Goodlettsville Zoning Ordinance prohibits parking of commercial vehicles relating to home based occupations. These restrictions insure proper residential traffic flow and permit emergency vehicle access. There is no deficiency in the size, slope or physical characteristic of the property itself. No justifiable need to grant this request has been demonstrated by the applicant.

Discussion – Charles Corbit stated that his home-based business has been operated from this location for fourteen (14) years and that the limousine has been parked on the premises for the last three (3) years. This is his only means of employment due to physical limitations.

Sanders questioned if there had been any citizen complaints resulting from the parking of the limousine in the residential area. Staff did not indicate that there were any citizen complaints. Mosier asked Corbit what was the length of the vehicle. Corbit responded that the vehicle was twenty-seven (27) feet in length. Mosier acknowledged that the limousine was not in compliance with the restrictions regarding parking of commercial vehicles in residential zoning districts and suggested that Mr. Corbit park his vehicle off-premises in a commercial lot. Corbit stated he was not financially able to pay a rental fee for off-premises parking and that his vehicle would be a target for vandalism.

Action of the Board – Motion by Mosier to deny the request for a conditional use permit to allow a commercial vehicle to be parked in a residential zoning district at 504 Janette Avenue, Davidson County Tax Map 33-8, Parcel 63 based on non-compliance of Section 14-901(o)(8) of the Goodlettsville Zoning Ordinance relating to home occupations and the failure of the applicant to provide an acceptable hardship as required in Section 14-108(c) of the Goodlettsville Zoning Ordinance.

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 Sections 14-108(c) and 14-901(o)(8) 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, a conditional use permit to allow a commercial vehicle to be parked in a residential zoning district at 504 Janette Avenue, Davidson County Tax Map 33-8, Parcel 63 be denied based on non-compliance of Section 14-901(o)(8) of the Goodlettsville Zoning Ordinance relating to home occupations and the failure of the applicant to provide an acceptable hardship as required in Section 14-108(c) of the Goodlettsville Zoning Ordinance.

CASE NO. 08-476-04 Consider the request of Huston E. McQuiston for a front yard setback variance at 936 Louisville Highway, Sumner County Tax Map 141, Parcel 48.

Item deferred by board due to no applicant representation.

CASE NO. 08-447-04 Consider the request of Mark Baker, Civil Resource Consultants, LLC for a front yard setback variance and a driveway isle width variance at Goodlettsville Phillips 66, 219 South Dickerson Road, Davidson County Tax Map 25-4, Parcel 100.

Analysis – Staff reviewed. Gregory reported this request is due to the reconstruction of an existing fuel station on South Main Street. The request is for a three (3) feet variance from the required forty (40) feet front yard to accommodate the existing fuel pump canopy and a two (2) feet variance from the twenty-four (24) feet driveway isle requirement. The property is not deep enough to accommodate the proposed building and existing fuel pump canopy, maintain the required drive isle width and meet the established front and rear setbacks and landscaping requirements. The turning radius for fuel delivery trucks will be maintained. This proposal keeps intact the requirement for landscaping and all other site requirements are met. Usability of the site would not be adversely affected.

Discussion - Mark Baker reiterated the need for a three (3) feet front yard variance and a two (2) feet driveway isle requirement variance. Ricky Lanius, adjoining property owner, questioned how Jones Street would be affected by the redevelopment of the property. He informed the board that Jones Street is his only means of ingress/egress to his business which is located behind the Goodlettsville Phillips 66. Baker responded to Lanius that the proposed development would not encroach into the access easement.

Action of the Board – Motion by Sanders for a three (3) feet variance to the required forty (40) feet front yard requirement and a two (2) feet variance to the required twenty-four (24) driveway isle width requirement at Goodlettsville Phillips 66, 219 South Dickerson Road, Davidson

County Tax Map 25-4, Parcel 100 based on the location of the existing fuel pump canopy and the requirement for foundation landscaping.

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 14-1407(d)(2) 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, a three (3) feet variance to the required forty (40) feet front yard requirement and a two (2) feet variance to the required twenty-four (24) driveway isle width requirement at Goodlettsville Phillips 66, 219 South Dickerson Road, Davidson County Tax Map 25-4, Parcel 100 be granted based on the location of the existing fuel pump canopy and the requirement for foundation landscaping.

CASE NO. 08-478-04 Consider the request of Jewell B. Hall for a conditional use permit to provide a child day care center at 1221 South Dickerson Road, Davidson County Tax Map 33-0, Parcel 31.

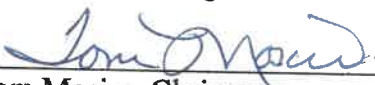
Analysis – Staff reviewed. Gregory reported the proposal is to utilize an existing structure as a child day care center. The building was originally built as a residence. The site plan indicates a fenced outdoor play area totaling approximately five thousand, four hundred and fifty-eight (5458) square feet which meets the requirement of two hundred (200) square feet per child. This outdoor play area will accommodate twenty-seven children. The parking space requirement has been met due to the applicant's plans for having a maximum of thirteen children on-site. Backing movement requirements for vehicles are not met by the site plan and could prove difficult, if not impossible, to meet on this site. There is no stacking lane for child drop off purposes. The ordinance also has a requirement for compatible surroundings and safety to those using such a facility. There is a severe site distance restriction at the driveway entrance to South Dickerson Road.

The parking area and driveway areas present a special problem on the triangular shaped existing site. If the board chooses to permit this requested use on this site, a variance from the vehicle backing movement requirements will be necessary. The site distance restriction is also a problem and merits discussion. If those two items are deemed to be in relative compliance with our regulations, staff can recommend this request.

Discussion – Ms. Jewell Hall stated that she has met with Mr. Gregory on two occasions to obtain the requirements for a day care facility on this site. It is her understanding that the second site plan submitted adequately addressed the parking requirements. She voiced her concern that staff was now stating the parking plan is inadequate. Mosier shared his concern that the parking and drop-off movement are not according to regulations. Ms. Hall stated that parking could be moved to the northern portion of the property to allow vehicles to back up safely.

Mosier suggested that a feasible alternative would be to move the parking spaces to the rear of the building permitting a stacking lane in the front yard. Gregory stated that he is not sure that the front yard would be wide enough to accommodate a circular stacking lane. Mosier offered an alternative traffic flow possibility as extending the circular driveway behind the adjoining business to allow vehicles to exist onto South Dickerson Road from the south side of the property which would offer greater sight distance. Ms. Hall stated that she would attempt to incorporate the backing movement requirements for vehicles and the circular stacking lane on site. Mosier, Sanders and Jernigan stated that they were not comfortable granting a conditional use permit based on the current parking plan. Mosier explained that due to the nature of proposed business, the board is hesitant to approve the parking plan and grant a conditional use permit without reviewing a new site plan that indicates parking spaces that allow for adequate backing movement for vehicles and a circular stacking lane.

Action of the Board - Motion by Mosier to defer the request for a conditional use permit for a child day care facility at 1221 South Dickerson Road, Davidson County Tax Map 33-0, Parcel 31 until which time the board can review a revised conforming parking plan for the site. Motion seconded by Jernigan. Motion passed 3-0.



Tom Mosier, Chairman



Vicky Ignatz, Recording Secretary