

MINUTES OF THE GOODLETTSVILLE
BOARD OF ZONING APPEALS

Date: April 12, 2004

Time: 5:00 PM

Place: Goodlettsville City Hall Conference Room

Members Present: Owen Sanders, Ed Lowe, Glen Garrett, Mike Cunningham

Absent: Tom Mosier

Staff Present: Rick Gregory, Bennie Lane, Vicky Ignatz

Others Present: Timothy Hawkins, Kenneth Lawrence, Bill Riley, William Stamper and Floyd Woods

The meeting was called to order by Owen Sanders. Minutes of the March 8, 2004 Goodlettsville Zoning and Sign Appeals Board were approved as written.

CASE NO. 03-09-453 Consider the request of Tracy Woodard, 5501 Briercliff Road, Knoxville, TN for a variance to permit the use of a duplex structure as a non-conforming triplex on property located at 604 Ellen Drive, Sumner County Tax Map 143-0, Group A, Parcel 12.

Action of the Board - Motion by Cunningham to defer action on this application until the May 10, 2004 meeting of the Goodlettsville Board of Zoning and Sign Appeals based on the absence of representation by the applicant. The Board requested that staff officially notify the applicant of the May 10, 2004 meeting and inform the applicant that action will be taken by the Board at that time. Motion seconded by Garrett. Motion passed unanimously.

CASE NO. 04-465-04 Consider the request of Timothy Hawkins for a variance to permit a commercial vehicle to park within a residential zoning district or upon a residential lot on property located at 128 East Street, Davidson County Tax Map 26-1, Parcel 51.

Analysis - Staff reviewed. Gregory reported that the zoning ordinance prohibits parking of vehicles in excess of eight thousand (8,000) pounds or twenty-two (22) feet in length upon any residential lot. These restrictions are primarily related to safety issues for the neighborhood. Other considerations are increased street maintenance and noise levels. According to the applicant, the vehicle is used for immediate response for emergency situations and service interruptions for a local cable service. Staff cannot justify a variance to the stated requirement of prohibition of permitting the parking of commercial vehicles in a residential zoning district. Lane added that there was a citizen complaint which prompted the letter of violation to be sent to Mr. Hawkins and an adjoining property owner. The adjoining property owner has relocated his vehicle to another site.

Discussion - Timothy Hawkins, applicant, informed the board the service vehicle is a F-450 measuring fifteen thousand (15,000) pounds and twenty (20) feet in length. He stated that his job responsibilities with Comcast include a twenty (20) minutes response time upon receipt of a service call twenty-four (24) hours per day. Some calls are emergency related when downed

lines are across roadways. Hawkins stated has not pursued locating off-site parking pending the outcome of the appeals process. He has concerns regarding vehicle/equipment safety off-site and increased insurance premiums as a result of off-premises parking. Ken Lawrence, adjoining property owner, stated that he had no problem with the commercial vehicle being parked in the residential area.

Sanders stated that no hardship has been presented to establish a precedent to permit commercial vehicles to be parked in residential zoning districts. Garrett and Cunningham recommended that Hawkins be permitted time to investigate off-site parking options for the commercial vehicle.

Action of the Board – Motion by Cunningham to defer action on this variance request to allow the applicant time to pursue an off-site location for the commercial vehicle. Motion seconded by Lowe. Motion passed unanimously.

CASE NO. 04-466-04 Consider the request of Bill Riley for a conditional use permit to allow an outside hotdog cart to be utilized on the premises at Fresh and Fancy Market, 305 South Main Street, Davidson County Tax Map 25-08, Parcel 11.

Analysis – Staff reviewed. Gregory reported this permit is to allow a small, portable cart that would be housed within the existing fenced area on the south side of Fresh and Fancy Market to be easily accessible to store customers. Parking requirements will not be adversely affected. Safety and fire protection standards must be complied with.

Discussion - Bill Riley, applicant, plans to use the hotdog cart during the summer months with future plans for a sandwich shop inside the market. The cart is compliant with Metro Health Dept. regulations, safety conditions and is easily accessible to emergency vehicles.

Action of the Board – Motion by Lowe to grant a conditional use permit to allow an outside hotdog cart to be utilized on the premises at Fresh and Fancy Market, 305 South Main Street, Davidson County Tax Map 25-08, Parcel 11 based on the on-site hotdog cart maintaining all current health, safety and fire regulations. Motion seconded by Cunningham. 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 Chapter 14, Section 14-1409 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, that a conditional use permit to allow an outside hotdog cart to be utilized on the premises at Fresh and Fancy Market, 305 South Main Street, Davidson County Tax Map 25-08, Parcel 11 be granted based on compliance with Chapter 14,

Section 14-1409(c)(d) of the Goodlettsville Zoning Ordinance and all current health, safety and fire regulations.

CASE NO. 04-467-04 Consider the request of William Stamper, P.O. Box 1227, Russellville, KY for a temporary use permit for fireworks sales at 813 Louisville Highway, Sumner County Tax Map 142, Parcel 15.

Analysis – Staff reviewed. Gregory reported this request is for the sale of fireworks from a tent on property previously occupied by Rivergate Auto Auction. A previously existing fire hydrant has been removed. To bring the site into compliance for fireworks sales, a fire hydrant will have to be installed within three hundred (300) feet of the tent sales site.

Discussion - William Stamper, applicant, confirmed he contracted with White House Utility District to install a fire hydrant on-site, within three hundred (300) feet of the sales site prior to the June 20, 2004 start date. Lane noted that the site plan indicates the sales tent located on the public right-of-way of Old Louisville Highway. Stamper was not aware that the roadway was currently utilized as a public street and agreed to move the sales site beyond the public right-of-way.

Action of the Board - Motion by Lowe to grant a temporary use permit for fireworks sales at 813 Louisville Highway, Sumner County Tax Map 142, Parcel 15 based on installation of a operational fire hydrant within three hundred (300) feet of the sales site, placement of sales tent out of the public right-of-way and in accordance with the zoning district front yard setback regulations and compliance with the following established fireworks sales regulations:

1. Any temporary structure shall meet all setback requirements of the zoning district in which it is located. A site plan for the sales location depicting the required building setbacks, location of structures, trailers, parking, signs, electrical source, ingress and egress must be provided;
2. A fireworks sales tent shall be so located that all structures and inventory are no more than 300 feet from an operable fire hydrant and no closer than 200 feet to any source of flammable or combustible liquid or gas;
3. The fireworks sales tent shall have two exists, one at each end of the tent, for emergency egress and such exists and all aisles shall be kept free and clear of obstructions while the tent is occupied by the public;
4. Prior to obtaining a Temporary Building Permit, the operator or owner shall file with the building official of the city a current Flame Resistance Certificate for Tents executed by an acceptable testing laboratory, certifying that the tent, decorative attachments of any kind and tarpaulins meet the requirement for flame resistance prescribed for both the small and large test in NFPA 701 and that such flame resistance is effective for the period of the permit.
5. No fireworks sales tent shall be located under any power line;
6. Electric service must meet electrical codes regulations. Inspection by the State Electrical Inspector is mandatory prior to the on-site inspection by the Goodlettsville Codes Department;

7. Off-street parking requirements shall be observed and such parking shall be so arranged that backing onto a public street will not occur;
8. A Seasonal Retailer Permit for Fireworks Sales issued by the State Fire Marshall for the physical address of the sales site must be presented prior to obtaining a Temporary Building Permit;
9. A Building Permit must be obtained from the Goodlettsville Codes Department and inspection of the on-site construction must occur prior to opening to the public. It is the responsibility of the applicant to schedule the on-site inspection.
10. One 4 x 8 ft. ground mounted promotional sign advertising the event is permitted on site. A Sign Permit must be obtained from the Goodlettsville Codes Department and inspection of the on-site sign must occur;
11. No off-site signage is permitted in Goodlettsville;
12. Temporary living quarters will be permissible on-site during the sales period;
13. Strict adherence to the sales/event period is required.
14. A Transient Vendors License must be obtained from the City of Goodlettsville's Business License Office.

Motion seconded by Cunningham. 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 Chapter 14, Section 11-901(n) 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, that a temporary use permit at 813 Louisville Highway, Sumner County Tax Map 142, Parcel 15 for a fireworks sales tent for B&B Fireworks, Inc. from June 20 – July 5, 2004 is granted, that the condition specified above shall apply and that this order shall constitute such permit.

Meeting adjourned.


Owen Sanders, Vice Chairman


Vicky Ignatz, Recording Secretary