

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

Date: November 8, 1999

Time: 5:00 PM

Place: City Hall Conference Room

Members Present: Tom Mosier, Owen Sanders, Glen Garrett, Edgar Lowe, Tommy Jackson

Staff Present: Bill Terry, Vicky Ignatz

Others Present: Mr. & Mrs. William Stamper, Mr. & Mrs. Don Brown, Steve Brown,
Rob Porter, Steve Brewster

Cases Heard: 99-8-339

99-11-340

99-11-341

99-11-342

The meeting was called to order by Tom Mosier, Chairperson. It was noted that the meeting had been advertised and adjoining and other property owners notified by direct mail. Motion by Jackson to approve the minutes of the September, 1999 Board of Zoning Appeals as written. Motion seconded by Lowe. Motion passed unanimously.

CASE NO. 99-9-337

Consideration of a request for a temporary use permit to establish a Christmas tree sales lot on a portion of the Goodlettsville Plaza Shopping Center. The applicant is Vernon Hunt of Hunt Tree Co.

Analysis - This item was deferred during the September, 1999 Board of Zoning Appeals meeting in order for the applicant and adjoining property owners to develop an agreeable plan regarding site location of the large tent and inflatable snowman. The site meets all other requirements.

Discussion - Terry presented the Board members with a manually prepared plan indicating the location of the tent and inflatable snowman. He reported this plan was suitable to the applicant and the adjoining property owners.

Action of the Board - Motion by Sanders to approve the request for a temporary use permit to Vernon Hunt of Hunt Tree Co. based on the approved site plan by all interested parties. Motion seconded by Jackson. Terry will notify the applicant.

OFFICIAL 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 11-901(n) have been met, and

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

NOW, THEREFORE, BE IT ORDERED, that the temporary use permit is approved, that the conditions specified above shall apply, and that this order shall constitute such permit.

CASE NO. 99-11-339

Consideration of a request for a temporary use permit to establish a fireworks sales tent at 977 Louisville Highway for the Christmas holiday sales period. The applicant is William Stamper, owner.

Analysis - This is the usual request for a fireworks tent at the same location on Louisville Highway. The site meets the adopted standards for temporary sales tents. Staff repeated the standards to be applied. These are:

1. Any temporary structure shall meet all setback requirements of the zoning district in which it is located;
2. The off-set parking requirements shall be observed, and such parking shall be so arranged that backing onto a public street will not occur;
3. A fireworks tent shall have two exits, one at each end of the tent, for emergency egress, and such exits and all aisles shall be kept free and clear of obstructions while the tent is occupied by the public;
4. The electrical code shall apply;
5. Prior to obtaining a temporary permit, the operator or owner shall file with the building official of the city a certificate executed by an acceptable testing laboratory, certifying that the tent, decorative attachments of any kind and tarpaulins meet the requirements for flame resistance prescribed for both the small and large scale tests in NFPA 701, and that such flame resistance is effective for the period of the permit.
6. A fireworks 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 a flammable or combustible liquid or gas.

Discussion - Terry reported the adjoining property owners were notified of the request. There have been no comments or complaints to date.

Action of the Board - Motion by Garrett to approve a temporary use permit to erect a fireworks tent at 977 Louisville Highway for the Christmas holiday sales period. Motion seconded by Jackson. Motion passed unanimously.

OFFICIAL 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 11-901(n) have been met, and

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

NOW, THEREFORE, BE IT ORDERED, that the temporary use permit is approved, that the conditions specified above shall apply, and that this order shall constitute such permit.

CASE NO. 99-11-340

Consideration of a request for a temporary use permit to establish a fireworks sales tent at the intersection of Long Hollow Pike and Caldwell Drive. The applicant is Roger Loyd, owner.

Analysis - This is the usual request for a fireworks tent at the same location at the intersection of Long Hollow Pike and Caldwell Drive. The site meets the adopted standards for fireworks tents. Staff repeated the standards to be applied. These are:

1. Any temporary structure shall meet all setback requirements of the zoning district in which it is located;
2. The off-set parking requirements shall be observed, and such parking shall be so arranged that backing onto a public street will not occur;
3. A fireworks tent shall have two exits, one at each end of the tent, for emergency egress, and such exits and all aisles shall be kept free and clear of obstructions while the tent is occupied by the public;
4. The electrical code shall apply;
5. Prior to obtaining a temporary permit, the operator or owner shall file with the building official of the city a certificate executed by an acceptable testing laboratory, certifying that the tent, decorative attachments of any kind and tarpaulins meet the requirements for flame resistance prescribed for both the small and large scale tests in NFPA 701, and that such flame resistance is effective for the period of the permit.
6. A fireworks 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 a flammable or combustible liquid or gas.

Discussion - Terry reported the adjoining property owners were notified of the request. There have been no comments or complaints to date.

Action of the Board - Motion by Lowe to approve the request for a temporary use permit for a fireworks tent at the intersection of Long Hollow Pike and Caldwell Drive for the Christmas holiday sales period. Motion seconded by Sanders. Motion passed unanimously.

OFFICIAL 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 11-901(n) have been met, and

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

NOW, THEREFORE, BE IT ORDERED, that the temporary use permit is approved, that the conditions specified above shall apply, and that this order shall constitute such permit.

STAFF RECOMMENDATION - Terry stated the temporary use permit for fireworks was a semi-annual request by several applicants. He asked the board to consider giving the staff authority to issue the permit. The permit would be issued without the applicant appearing before the Board under the conditions that there are no changes to the original request and all of the standards for tents will be met.

Action of the Board - Motion by Sanders to give the staff authority to issue temporary use permits for fireworks under the conditions listed above. Motion seconded by Jackson. Motion passed unanimously.

CASE NO. 99-11-341 **Consideration of a request for a variance in the side yard setback requirements to screen and roof an existing deck for the property at 308 Issac Drive. The applicant is Donald Brown, owner.**

Analysis - The existing deck on this house encroaches into the required side yard setback. The required side yard is ten (10) feet. The deck is about seven (7) feet from the line. Therefore, the variance request is for three (3) feet. The owner now wants to roof over the deck and screen in the deck.

Discussion - A variance is required for a building permit to be issued. The existing privacy fence will remain. Adjoining property owners have been notified of request.

Motion of the Board - Motion by Lowe to approved a request for variance with the condition the extension cannot be converted into living space in the future. Motion seconded by Jackson. Motion passed unanimously.

OFFICIAL ORDER OF THE BOARD

WHEREAS; the public and adjoining property owners have been adequately notified, and the Board has determined that a hardship exists in the side yard setback at 308 Issac Drive, and

WHEREAS; the Board has determined that the requirements of Section 11-1408 have been met, and

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

NOW, THEREFORE, BE IT ORDERED, that a three (3) foot variance in the side yard setback be granted to permit the construction of a roof and the screening of the existing deck.

CASE 99-11-342

Consider a request for a variance in the landscape requirements as applied to the Rivergate Auto Auction located at 813 Louisville Highway. The applicant is Steve Brown, engineer, acting as agent for the owner.

Analysis - The proposal is to extend the building 50 ft. X 50 ft. or approximately 1/3 of its existing floor space. The newly adopted landscape ordinance requires that an existing business expanding beyond 1/3 of its floor space must comply with all aspects of the zoning ordinance. This action would result in the owner having to dig up much of the existing asphalt and install landscaping which would result in an extreme hardship on the business.

Discussion - Ordinance would require entire frontage of property to be landscaped 10 ft. in depth. Also, twenty-five tree islands would be required. This would eliminate needed parking/storage and auction display areas.

Action of the Board - Motion by Garrett to approve request for variance based on the type of business which is auto storage, the extent of existing asphalt, and the compliance of landscaping requirements would create a hardship for the owner. Motion seconded by Sanders. Motion passed unanimously.

OFFICIAL ORDER OF THE BOARD

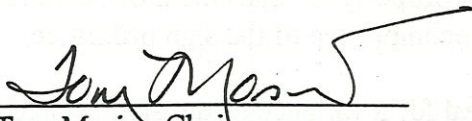
WHEREAS; the public and adjoining property owners have been adequately notified, and the Board has determined that a hardship exists due to the large expanse of existing asphalt at 813 Louisville Highway.

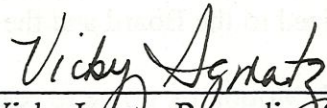
WHEREAS; the Board has determined that the requirements of Section 11-904 have been met.
and

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

NOW, THEREFORE, BE IT ORDERED, that a variance which waives the landscape requirements be granted to permit the construction of a 50' x 50' expansion of the existing building.

The meeting adjourned at 5:50 PM.


Tom Mosier, Chairperson


Vicky Ignatz, Recording Secretary