

OFFICIAL MINUTES

GOODLETTSVILLE BOARD OF ZONING APPEALS

Date: May 10, 1999
 Time: 5:00 PM
 Place: City Hall

Members Present:

Tom Mosier
 Owen Sanders
 Glenn Garrett

Cases Heard:

99-5-326
 99-5-327
 99-5-328
 99-5-329
 99-5-330
 99-5-331

Others Present:Staff Present

Bill Terry

William Stamper
 Brenda Bowman
 Robert Knight
 Stan Knight
 Patrick Wilson
 Bruce Graves
 Roy Upton
 James Bush
 A number of people in the Lynn Drive/Park
 Drive neighborhood

The meeting was called to order by Chairman Mosier. It was noted that the meeting had been advertised and adjoining property owners notified. Minutes of the previous meeting were approved as written.

CASE NO. 99-5-326 - Consideration of a request for a temporary use permit to locate fire works sales tents on two adjacent parcels at 977 Louisville Highway between Long Drive and the Waffle House for the 4th of July holiday period. The applicant is William Stamper, B& B Fireworks of Russellville, KY owner of the property.

CASE NO. 99-5-327 - Consideration of a request for a temporary use permit to locate a fireworks sales tent at 933 Louisville Highway for the 4th of July holiday period. The applicant is Brenda Bowman for the owner Nancy Sparkman.

Analysis - These two cases were considered together due their similarity in location and conditions. Each site meets the development standards for temporary fireworks sales and have been used each year in a similar manner. The development standards should be applied.

No one appeared for the public hearing.

Action of the Board - After discussion, Glen Garrett moved that the request for a temporary use permit be granted subject to the development standards for temporary structures. Owen Sanders seconded, and the motion carried unanimously.

Standards:

1. Any temporary structure shall meet all setback requirements of the zoning district in which it is located;
2. The off-street 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;
7. No fireworks tent shall be located under any power line;
8. In addition to a temporary use permit, an operator or owner shall obtain a temporary building permit from the Codes Department as required by the Building Code.

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. 99-5-328

Consideration of a request for a variance in the minimum lot width requirements for a building lot for the purpose of subdividing the existing lot into two lots. The property is located at 807 Lynn. The applicant is Robert Knight, owner.

Analysis - The applicant, Bob Knight, owns lot 31 of Cavalier Estates and also the adjacent reserve

parcel. Together, the lots consist of over 60,000 square feet. He wants to resubdivide the property in order to create two buildable lots, one for his house and one on which to build a new house for a family member. The area is zoned R25 (25,000 square feet minimum lot size), so the proposed lots meet the minimum requirement. However, the minimum lot width at the building setback line is 100 feet, and the proposed lot does not meet this requirement. Therefore, a variance to create a lot with a lot width of approximately 85 feet has been requested.

Discussion - Robert Knight presented his request stating that he could create two lots with adequate square footage for the district. However, due to the placement of his house lot 31 and in order to create a minimum required side yard, the lot width of the proposed new lot did not meet requirements. He noted that a member of his family, his son, wanted to build a new home on the lot. The proposed house would fit the lot and was adequate in size to meet deed restrictions. He also noted that the proposed house would meet all setback requirements, and the garage would be in the rear and not face the street.

Chairman Mosier opened the public hearing and asked if anyone wanted to speak. Floyd Carlton, Jr., resident on Lynn Drive, spoke on behalf of the neighbors and expressed opposition to the variance request. He argued that he was concerned about this request setting a precedent for resubdividing lots in the area. He also presented a petition against the request.

Rick Snyder, resident on Yvonne Court, also spoke against the request.

Action of the Board - After further discussion and questions by the board, Owen Sanders moved that the request be denied due to the fact that no hardship existed except for the location of the house. Second by Glen Garrett, and motion carried unanimously.

CASE NO. 99-5-329 Consideration of a request for a variance in the front and rear setback line at 101 Yvonne Court for the purpose of constructing a swimming pool. The applicant is Patrick J. Wilson, owner.

Analysis - The applicant wants to build a swimming pool in the back yard behind the house. This is not really a problem since an accessory structure can encroach into a rear yard setback. However, the lot is a corner lot which carries a front setback from each street. An accessory structure may not encroach into a front yard. The pool would encroach toward Park Drive by about 8 to 10 feet. During discussion it was noted that the pool may not in fact encroach far enough to violate the required setback line. If this is the case, then no variance would be needed, and the pool could be built as wanted. It was decided that staff and owner would get together to perform detailed measurements and then reevaluate the matter. Owen Sanders moved to defer, Glen Garrett seconded and motion carried unanimously.

CASE NO. 99-5-330 Consideration of a request for a variance in the setback line from Glancy Street to construct a new building for the Pet Emergency Clinic located at the intersection of Glancy Street and Meadowlark Drive. The applicant is Bruce Graves for the clinic.

Analysis - The clinic is now housed in a converted house. The desire is to build a new and larger building behind the existing building and then, demolish the old converted house when the new building is complete. In order to accomplish this, the proposed building will encroach into the required front setback by about 2 to 3 feet at one corner.

Bruce Graves and Roy Upton appeared on behalf of the clinic stated their needs. The board questioned about the kind of building and whether the building could be reduced in order to comply. Due to the shape of the lot and in order to maintain an adequate size facility, the corner will encroach. They pledged to build a building that would be an asset to the area.

One area property owner, James Bush, appeared to support the request in order to get a nicer building in the neighborhood.

Action of the Board - Owen Sanders moved to approve the request due to the shape of the lot. Glen Garrett seconded, and the motion carried unanimously.

ORDER OF THE BOARD

WHEREAS, the board has determined that a hardship exists in the placement of a building for the Pet Emergency Clinic on Meadowlark Drive, and

WHEREAS, the board has determined that the requirements for a variance contained in Section 11-1408 of the Goodlettsville Zoning Ordinance have been met, and

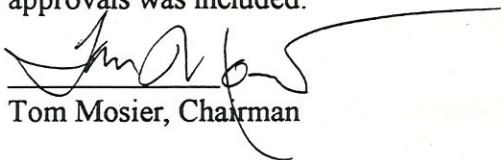
WHEREAS, no adverse impact on other properties will occur,

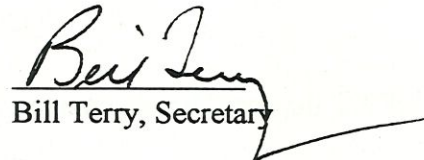
NOW, THEREFORE, BE IT ORDERED, that a variance in the front setback along Glancy Street be granted for the construction of the new building.

Case No. 99-5-331

Request for a Temporary Use Permit to Locate a Fireworks Sales Tent at the Intersection of Long Hollow Pike and Caldwell Drive.

Analysis - Staff inadvertently left this off the agenda for this meeting. The next meeting in June will be too late for the applicant to use the property. Therefore, he and staff ask for special consideration at this meeting. The board agreed to the review due to the fact that this site has been used in the same manner for many years and no operational problems have existed. The permit was approved subject to the application of the adopted fireworks tent standards and a notification to adjoining property owners for comment and with no negative comment. The motion was by Glen Garrett, second by Owen Sanders and carried unanimously. The same order included in the above fireworks tent approvals was included.


Tom Mosier, Chairman


Bill Terry, Secretary