

OFFICIAL MINUTES  
GOODLETTSVILLE BOARD OF ZONING APPEALS

Date: May 11, 1998  
Time: 5:00 PM  
Place: City Hall

Cases Heard:

98-4-315  
98-4-316  
98-4-317

Members Present:

Tom Mosier  
Tommy Jackson  
Owen Sanders  
Glenn Garrett

Others Present:

Bill Stamper  
John Shelby  
Greg Mayo  
Woody McGlathory  
Candi Mallory  
David Bockian  
A large number of residents of the Loretto  
Drive area

Staff Present

Bill Terry

The meeting was called to order by Chairman Mosier. The approval of the minutes of the April 1998 meeting was deferred.

**CASE NO. 98-4-315**

Consideration of a request for a conditional use permit to operate a day care center in conjunction with a church to be constructed on property located at 400 Loretto Drive. The applicant is the Goodlettsville Church of the Nazarene by Reverend Woody McGlathory.

This discussion and public hearing on this case was continued from the previous month. The case was summarized by staff again. Chairman Mosier opened the meeting for comments.

Discussion - Candy Mallory and David Bockian, with Design Constructors, Inc., presented the request on behalf of the church. A survey of the total number of day care facilities in the city was presented, and demand for additional space was discussed. Woody McGlathory, pastor, described the type of facility and program the church would conduct. David Pitzer and Ricky Robinson spoke in favor of the request, and a petition in favor signed by representatives of 52 households in the area was presented.

Jimmy Lawless, Donnie Runyon, Reba Huffine and Martha Jones spoke against the request arguing

that traffic and speeding on Loretto Drive would be aggravated, and one suggested that the day care facility was incompatible with the area.

Of the people in attendance on this issue, 13 were in favor, and 5 were against.

Action of the Board - Owen Sanders moved that the request be granted with a variance granted that the required outdoor play area amount to 13,400 square feet in multiple areas. Second by Glen Garrett. Motion carried 3 to 1 with Jackson voting no.

### ORDER OF THE BOARD

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

**WHEREAS,** the Board has determined that a special exception to permit a day care center is required; and

**WHEREAS;** the Board has determined that the requirements of Section 11-1409(d) have been met, and

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

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

**CASE NO. 98-5-316**      Consideration of a request for a temporary use permit to operate a fire works sales tent on property located at the intersection of Louisville Highway and Long Drive for the 4th of July sales period. The applicant is William Stamper, owner of the property.

Analysis - This area has been used as a tent sales site for the last three years, and the site meets the standards for fireworks tents as established by the board. No complaints have been received.

Discussion - It was noted that an additional issue surfaced last year involving the use of a semi-trailer on an adjoining site to block the view of this site. Stamper noted that it wasn't too much of a problem although it was there.

There was further discussion relative to the standards previously adopted by the board to apply to fireworks tents. Stamper noted he had no problems with the standards.

Action - Owen Sanders moved that the temporary use permit be granted subject to the application of the following standards, compliance with the sign ordinance and that any semi-trailers used for

storage or any large vehicle be located behind the building:

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.

Second by Tommy Jackson, and motion carried 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. 98-5-317** - Consideration of a request for variance in the permanent open space requirement along the side line of two lots at 833 and 831 Wren Road for the purpose of paving a common driveway

between the lots. The applicants are John Shelby and Greg Mayo, owners of the two lots.

Analysis - Both lots have existing structures. One is used for Shelby's insurance business and has a gravel drive. The other lot is owned by Mayo, and the house is now being converted into an office. An additional building is being constructed on the lot for two more offices. This lot has an approved site plan for development.

The zoning ordinance side setback in this district is 15 feet. No more than ½ or 7.5 feet can be used for driveways or parking thus leaving 7.5 feet on each lot (for a total of 15) for landscaping. The lots are narrow but driveways can be constructed that meet the requirements if the drive is next to the building. The owners would like a variance to pave to the property line for a short distance in order to move the drives farther from the buildings.

Discussion - Mayo and Shelby described how moving the driveways to a point to join together would improve traffic flow on the lots, move the driveways away from the buildings a sufficient distance and provide a safety factor for the buildings.

Action of the Board - Tommy Jackson moved that since both owners are in accord, due the narrowness of the lots and the proximity of the buildings to the side lines and with the condition that the area left between the driveways as they near the street be landscaped that the variance request be approved. Second by Owen Sanders and carried unanimously.

### ORDER OF THE BOARD

**WHEREAS**, the board has determined that a hardship exists in the location of two driveways at 831 and 833 Wren Road, 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 be granted to allow the driveways to be paved up to the property line in the area between the two buildings.

  
Tom Mosier, Chairman

  
Bill Terry, Secretary