

OFFICIAL MINUTES
GOODLETTSVILLE BOARD OF ZONING APPEALS

Date: April 20, 1998
Time: 5:00 PM
Place: City Hall

Cases Heard:

98-4-313
98-4-314
98-4-315

Members Present:

Tom Mosier
Tommy Jackson
Owen Sanders
Glenn Garrett
Edgar Lowe

Others Present:

Roger Loyd
Mr. & Mrs. Frank Duncan
John & Anita Cook
Joyce Cline
Woody McGlathory
Candi Mallory
David Bockian
15 residents of Loretto Drive area

Staff Present

Bill Terry

The meeting was called to order by Chairman Mosier. It was noted that the meeting had been advertised and adjoining and other affected property owners notified by direct mail. The approval of the minutes of the March 1998 meeting were approved.

CASE NO. 98-4-313

Consideration of a request for a temporary use permit to operate a fire works sales tent on property located at the intersection of Caldwell Drive and Long Hollow Pike for the 4th of July sales period. The applicant is Roger Loyd, owner of the property.

Analysis - This is a long time use of the lot at Caldwell Drive, 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 has surfaced involving the use of a semi-trailer for storage on site. Normally, the city does not allow the use of semi-trailers for outside storage, however, in these instances the users have no other place to have secure storage. Loyd requested that the site be permitted to have such a trailer on site for lockable storage and for use by employees in the event of a storm. Staff noted that sufficient space was available such that a trailer could be located behind the tent and away from the parking area. The board agreed to the use of the trailer.

There was further discussion relative to the standards previously adopted by the board to apply to fireworks tents. Loyd 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 and compliance with the sign ordinance and that the semi-trailer be authorized for storage.:

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 Edgar Lowe, 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. 98-4-314

Consideration of a request for a variance in the maximum height requirements for a house proposed to be constructed on property at

3057 Patton Branch Road. The maximum permitted height is 35 feet, and the owner is requesting a 5 foot variance due to the architectural style of the house. The applicant is Frank Duncan, owner of the property.

Analysis - Mr. Duncan owns a 78 acre tract of land on Patton Branch Road, and he wishes to build a large, architecturally designed house on the property. The style of the house and pitch of the roof results in the maximum permitted height being exceeded by about 5 feet. The house plan cannot be altered to make it comply since the roof system would have to be completely redesigned, and such an alteration would completely change the appearance of the house. The house is to be located roughly in the middle of the tract several hundred feet back from the road.

Discussion - Since public interest had been expressed in this case, Chairman Mosier opened the public hearing. John & Anita Cook, 3046 Patton Branch Road spoke against the request noting that the house was too large and out of scale with other homes in the area. Joyce Cline, adjacent property owner, opposed the requested based her objection to being able to see a large house from her house. Woody McGlathory, Patton Branch Road resident, spoke in favor of the request.

Duncan responded to the board that the house was in the middle of 78 acres and that changing the height of the roof of the 8,000 square foot house would cause major design changes in the total house and render the plan as drawn useless. He further noted that the design was unique and that the roof pitch was an integral part of it.

There was discussion amongst the members relative to the fact that the house could be seen if the variance was not granted, reasons for a maximum height and the estate type character of the tract of land. It was also noted that there would be no adverse impact on adjoining property.

Action - Edgar Lowe moved that the variance request be granted due to the size of the tract of land and because reducing the height would change all the slopes of roof structure. Sanders seconded, and the motion carried with 4 ayes and Chairman Mosier abstaining.

ORDER OF THE BOARD

WHEREAS, the board has determined that a hardship exists in the design of a house proposed for 3057 Patton Branch Road which makes application of the maximum height unworkable, 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 five foot variance in the maximum height of building be granted.

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.

Analysis - The church purchased this property and obtained a conditional use permit for the site for a church building and use about two years ago. At that time the permit did not include a day care center. Now that construction of the church is imminent, a day care center is desired to be built in conjunction with the church. The size of the property is 20 acres which is zoned agricultural.

Day care centers are elements in many churches, and a safe, adequately staffed operation is essential for many families in which both parents work or in the case of a single parent. The zoning ordinance does not contemplate day care centers in residential zones, however, that type intent was for a free-standing, privately owned day care center which is considered to belong in a commercial district. Therefore, the board may consider a church-owned day care center which will be located in the church buildings in a different way. Such a center is really a community facility serving the needs of the nearby neighborhood.

The ordinance contains several conditions and standards that must be met. With regard to the standards, the only one that is not met is the one dealing with a fenced outdoor play area. The church is proposing a 2,000 square foot play area while the ordinance requires 200 square feet per child. This translates into 8,000 square feet for the church which may be a little excessive. This item should be discussed relative to the needs of such a center.

Discussion - Candy Mallory and David Bockian, with Design Constructors, Inc., presented the request on behalf of the church stating that the church believed there was a need for day care facilities in the area and that the church could fulfill the need. The Mallory stated that 40 to 50 children could be accommodated when the building is complete with a potential total of up to 75. David Pitzer of 716 Rachel Drive and a member of the church made a statement in support. Donnie Runyon of 606 Loretto Drive questioned the need for a day care center and was opposed. Timmy Lawless of 501 Emily Drive expressed opposition because of increased traffic that would be generated. Woody McGlathory, pastor of the church, made a statement in support of the center and related it to the ministry of the church. He also stated that such a facility was needed in the area. Martha Jones of 503 Emily Drive raised a drainage issue; however, her property was upstream from the site. Rick Salvey of 416 Mason Lane stated that he supported the day care center.

The board discussed the issue after reviewing the minutes of the 1994 meeting when the permit for the church itself was approved. The traffic problem on Loretto Drive was noted. Tommy Jackson stated that he objected to the church coming back to request the day care center at this time when they didn't mention it when the 1994 permit was requested. Therefore, he moved that the request be denied. The motion failed for lack of a second. Owen Sanders then moved to defer action until the next meeting. Edgar Lowe seconded, and the motion carried unanimously.



Tom Mosier, Chairman



Bill Terry, Secretary