

OFFICIAL MINUTES

GOODLETTSVILLE BOARD OF ZONING APPEALS

Date: December 9, 1996

Time: 5:00 PM

Place: City Hall

Cases Heard:

96-12-287

96-12-288

96-12-289

96-12-290

Members Present:

Tom Mosier

Tommy Jackson

Owen Sanders

Ellie Mead

Others Present:

Brenda Hood

Felicia Hood

D. Van Ford

Troy Ford

Ricky Ray

Michael Davis

Myrtle Freeman

Kathryn Hunt

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.

Case No. 96-12-287 Request for a Variance in the Site Plan Requirements for Parking Lots for an Conversion of an Existing House into a Business.

The applicant, Mary Leath, has withdrawn the request.

Case No. 96-12-288 Consideration of a Variance Request to Conduct a Home Occupation in an Accessory Structure at 207 Moncrief Avenue

Analysis - This lot contains a house which has been converted into a duplex and another structure which was formerly a garage. The garage was at one time turned into an apartment. All of this occurred without any building permits and without inspections. Staff had ordered a previous owner to demolish the accessory structure or turn it back into a garage. The current owner wants to build another garage onto the front of the structure and then conduct what might be termed a home occupation or business in that structure.

Two letters in opposition have been received.

Discussion - Mrs. D. Van Ford and Troy Ford, owners, presented their case stating that they do art work on lamp shades and other materials and then take them to places of business where they are

sold. The operation is small and involves only the family. On question from the board, staff noted that the ordinance specifically prohibits the use of an accessory structure for any kind of home occupation.

Action of the Board - After further discussion, Tommy Jackson moved that the variance request be denied based on the specific prohibition in the ordinance and the fact that such a variance may in fact constitute an amendment to the ordinance. Owen Sanders seconded, and the motion carried unanimously.

Case No. 96-12-289 Consideration of a Request for a Conditional Use Permit to Operate a Day Care Center in an Existing Building at 502 North Main Street.

Analysis - This building located at the corner of Brick Church Pike and North Main Street has been used as a residence and an office. The applicant wants to convert it into a day care center. The property is zoned CSL, and a day care center is permitted by conditional use permit. However, the site may not meet all requirements of the zoning ordinance. Specifically, it may be difficult for the site to meet off-street parking requirements, driveway separation standards and the outdoor play area standards. If the board thinks the site is suitable for the day care use, a detailed parking lot and driveway design will be required that will determine if the site can be used in this way and how the playground can be done.

Discussion - There were questions relating to driveway locations and parking lot design as well as the probability of cars entering and leaving the property safely. The site distance from the top of the hill on Dickerson Road to the exits and the turning movements from Brick Church Pike were discussed. The amount of space and location of the outdoor play area was also questioned.

Action of the Board - Owen Sanders moved that the request be deferred pending the submission of more information on site distance, playground space and driveway connections was submitted. Ellie Mead seconded, and the motion carried unanimously.

Case No. 96-12-290 Consideration of a Request for a Variance in the Front Setback Requirements for a Lot at 610 N. Main Street (known as Ray's Depot).

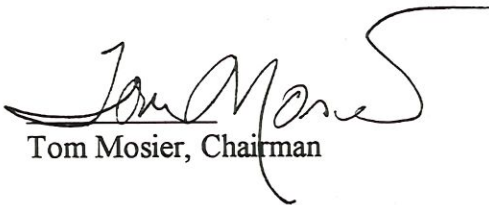
Analysis - The applicant, Ricky Ray, operates a bar-b-q restaurant on the site with outdoor cookers as well as other sales activities. There is an existing concrete pad on the site in front of the building which was used at one time by a previous business. The request is to grant a variance to construct a glassed-in enclosure at the front of the building on the concrete pad. The issues relate to whether the existing pad is an encroachment in the setback and whether an additional structure represents an increase in the degree of encroachment. Further, there is the issue of mandatory fire separation for the outdoor cookers and for the LPG storage and filling station. The cookers must be a minimum of 10 feet from any combustible materials and the LPG station 25 feet.

Discussion - Michael Davis, attorney representing Ricky Ray, presented Ray's request stating that the enclosure would extend to the edge of the concrete pad which is elevated two to three feet above

the elevation of the parking lot. The parking lot is existing and will not be affected in any way. The board noted that this did constitute an encroachment into the front setback by about eight feet but that the elevated pad represented an existing encroachment as well.

Action of the Board - Ellie Mead moved that the request be granted to construct a glass enclosure onto the front of the existing building to the edge of the existing concrete pad based on the fact that the elevated pad was a setback encroachment and the parking lot would be unaffected and further, that all fire separation requirements must be observed. Owen Sanders seconded, and the motion carried by majority vote with Tommy Jackson abstaining.

There being no further business, the meeting was adjourned.



Tom Mosier, Chairman

Submitted by:



Bill Terry, Planning Director