

OFFICIAL MINUTES

GOODLETTSVILLE BOARD OF ZONING APPEALS

Date: March 11, 1996

Time: 5:00 PM

Place: City Hall

Cases Heard:

96-3-274

96-3-275

96-3-276

Members Present:

Tom Mosier

Tommy Jackson

Owen Sanders

Edgar Lowe

Ellie Mead

Others Present:

Bill Stamper

Tommy Sanders

Lynn Klaetsch

Joyce Dunn

Andy & Cecilia Hutchinson

Wayne Richards

Staff Present

Bill Terry

The meeting was called to order by Chairman Mosier. The minutes of the previous meeting were approved as submitted. It was further noted that the meeting had been properly advertised and adjoining property owners notified. Chairman Mosier stated to the interested parties in attendance that the meeting was a public hearing, and those wanting to speak would be given the opportunity.

CASE NO. 96-3-274

Consideration of a Request for a Conditional Use Permit to Operate a Game and Billiard Room in a Portion of Goodlettsville Plaza Shopping Center.

This case was withdrawn prior to the meeting.

CASE NO. 96-3-275

Consideration of a request for a Temporary Use Permit to Operate Fireworks Sales Tents at 949 Louisville Highway and at 847 Springfield Highway.

Analysis - The applicant for these two sites is Bill Stamper from Russellville, KY who operates as B & B Fireworks Co. He has operated these sites before. Last year there were some problems associated with his operations. He obtained the required business license but did not make application for a temporary use permit. Two lots away from his location on Louisville Hwy. another tent was permitted by this board. When he started to erect his tents, a stop work order was placed on each site. This order was ignored, and the tents erected. Each day that the tents remained, Mr. Stamper was served with misdemeanor citations until his attorney obtained a restraining order against the city. After the 4th of July, the order was dropped, and he paid his fines.

Discussion - Stamper presented his case and stated that he had been selling fireworks from those locations for several years. He further stated that he misunderstood the procedure last year when he was issued a vendors license and then failed to apply for a temporary use permit. Since he had already bought stock, he felt compelled to proceed with the legal action.

The board discussed the situation from last year and expressed displeasure with the failure to abide by the city's regulations. The board also discussed some standards for operation of temporary fireworks sales tents that could be applied to all such applications. The standards included the following:

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.

There was then discussion relative to whether the two sites requested could meet the standards. Both were discussed in detail.

Public comment was announced. Tommy Sanders, owner of the adjoining Mansker Center, said that he was not necessarily against the fireworks tents but that the tents accompanied by all other fireworks operations around the area made it all look really tacky. He stated that he would like to see the appearance of the area improved to be equal to other interchange areas.

Action of the Board - Owen Sanders moved that the request for 847 Springfield Highway be denied and that the request for 949 Louisville Highway be granted subject to the application of the standards except that the distance from a source of flammable liquid or gas shall be 150 feet. Second by Edgar Lowe, and motion carried unanimously.

CASE NO. 96-3-276

Consideration of a Request for a Variance in Zoning Requirements Which Prohibit a Triplex in R-25 Districts

Analysis - The applicant, Lynn Klaetsch, is a new owner of the house at 205 Engle Avenue and has asked that the board grant a variance in the number of dwelling units permitted on a lot. The house is now a duplex with a large bedroom and bathroom over the garage. The applicant would like to add a kitchen, close off the garage rooms from the other part of the house and rent it out. This would make the house a triplex.

The property is zoned R-25, a single-family zoning district. The existing house is a duplex, and this is non-conforming in R-25. A triplex or three family dwelling is only permitted as an apartment in a multi-family zone. There is no provision in the ordinance for triplexes, and the district permits only single-family homes.

Discussion - The applicant presented her request and stated that she bought the property with the intent to be able to rent out the other unit and that the real estate agent told her she should be able to do that. However, she didn't know to check the zoning on the property. She also stated that she was suffering a financial hardship since she had made her plans based on being able to have income from two rental units.

The public comment period was announced. There were three other households in the area represented. These included Joyce Dunn at 203 Engle, Andy & Cecilia Hutchinson at 204 Engle and Wayne Richards at 507 Utley. All spoke in opposition to the request.

Edgar Lowe moved that the request be denied based on the fact that the zoning ordinance does not permit a triplex type dwelling and further, that the character of neighborhood would be altered in an adverse manner. Owen Sanders seconded, and motion carried unanimously.

There being no further business, the meeting was adjourned.


Tom Mosier, Chairman

Submitted by:


Bill Terry, Planning Director