

OFFICIAL MINUTES

GOODLETTSVILLE BOARD OF ZONING APPEALS

Date: December 11, 1995

Time: 5:00 PM

Place: City Hall

Cases Heard:

95-12-271

95-12-272

95-12-273

Members Present:

Tom Mosier

Tommy Jackson

Owen Sanders

Edgar Lowe

Others Present:

Ricky Ray

Roger Loyd

Rocky Montoya

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.

CASE NO. 95-12-271

Consider a request for variances in the use of required yard areas provisions, parking requirements and interpretations of the enforcing officer as applied to Ray's Depot. The applicant is Ricky Ray, leasor.

Analysis - This business is known as Ray's Depot. The operator of the business, Mr. Ray, has been advised of several violations of the zoning ordinance and has chosen to appeal them. However, in the time since the appeal was filed some violations have been corrected. The appeal now involves the use of the required side yard setback and the storage and display of items for sale in required parking areas.

The zoning ordinance has established yard areas as permanent open space that may not be used for any purpose. These areas are to be open from the "ground to the sky" with the exception that a driveway may cross the yard and up to ½ of the yard may be used for parking. There are materials for sale stored and displayed in the required 10' side yard including portable buildings, plant materials, firewood, etc. Staff interprets the ordinance to prohibit the use of the required yard for such purposes.

The ordinance provides that all uses must provide for off-street parking on-site. Currently, some of the parking spaces are being used for storage. Usually, three spaces are kept open for the use of customers. Staff has calculated that five spaces are needed for this business based upon an assumed amount of square footage. This may also be modified, however, due to the fact that Ray is also going to be operating another business on the adjoining lot, and off-site parking is permitted if certain conditions are met.

Apparently, most of the violations cited can be eliminated with relocations on the property.

Discussion - Ray argued that since businesses had operated on these lots previously, the parking and other requirements should be "grandfathered" so that new standards did not apply. He also stated that he was about to open another business on the adjoining lot.

The board queried about how the two businesses would be operated and what kind of physical arrangements would be made. Ray had not yet determined such arrangement.

Action of the Board - Edgar Lowe moved to defer any action pending the submission of a schematic layout of parking, buildings and display space to give the board more information. Owen Sanders seconded, and the motion carried unanimously.

CASE NO. 95-12-272 **Consideration of a request for a temporary use permit to operate a fireworks sales tent during holiday periods. The applicant is Roger Loyd, owner.**

Analysis - This request is for the corner at Caldwell and Long Hollow Pike. No problems were encountered last year. Loyd is requesting two time periods--the upcoming holiday period and the '96 4th of July. Changes are being considered for these temporary use permits which may be enacted early next year. Therefore, any approvals should be just for this Christmas/New Year's holiday.

Action of the Board - Tommy Jackson moved that the request be granted for the new year's eve and Christmas holiday period. Sanders seconded, and motion carried unanimously.

CASE NO. 95-12-273 **Consideration of a request for a variance in the rear yard setback for a home on Lot 8, Ashlin Downs Subdivision. The applicant is Rocky Montoya, agent for the owner.**

Analysis - This house is complete and occupied. It was built encroaching in the rear yard setback. The reason for the error was that this is a corner lot, and at the time it was platted a rear setback was shown since the developer did not know which way the house would face. When the house was built and a survey done to set the footing, the absence of a rear yard was not noticed, so a violation was created.

Discussion - Montoya described the situation and noted that to add any additional area to the lot would destroy another lot and thereby render it useless. All parties had agreed to a settlement if the variance is granted. This would also clear up any future title problems. A 4.3 foot variance is needed in the rear yard requirement.

Edgar Lowe moved that a 4.3 foot variance be granted based on the fact that replatting or demolition would constitute a hardship. Second by Jackson, and motion carried unanimously.

There being no further business, the meeting was adjourned.


Tom Mosier, Chairman

Submitted by:


Bill Terry, Planning Director