

OFFICIAL MINUTES

GOODLETTSVILLE BOARD OF ZONING APPEALS

Date: November 13, 1995

Time: 5:00 PM

Place: City Hall

Cases Heard:

95-11-269

95-11-270

Members Present:

Tom Mosier

Tommy Jackson

Owen Sanders

Edgar Lowe

Ellie Mead

Others Present:

Guiseppe Santaguida

Mr. & Mrs. Don George

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. 95-10-269 Consideration of a request for a temporary use permit to conduct a turkey shoot at 977 Louisville Highway. The applicant is L. E. Patton, leasor of the property.

Analysis - The applicant runs a business from the building on this property. This is basically an office for himself and storage of equipment. He would like to conduct a turkey shoot around Thanksgiving and has offered ½ of the proceeds to the fire department. However, there is no provision in the zoning ordinance for a turkey shoot. Since there is no provision, the closest comparable procedure is the temporary use permit given to certain seasonal activities. Therefore, the Board of Appeals is the best forum for this proposal.

The location is at the intersection of Long Drive and Louisville Highway behind an existing building. There are open fields and a high bluff behind the area to be used. Staff has not received any negative comments.

Discussion - It was noted that the applicant was not in attendance to present the case. There were also questions of safety and operation of the event that could not be answered.

Action of the Board - Tommy Jackson moved that the request be denied since the applicant did not

appear to answer pertinent questions. Ellie Mead seconded, and motion carried unanimously.

CASE NO. 95-11-270

Consideration of a Request for Variances in Various Zoning Provisions Relating to the Property at 207 Moncrief Avenue. The Applicant is Guiseppe V. Santaguida, owner.

Analysis - This situation has been in existence for many years and is one of those that no one caught or knew about until recently. At one time this lot contained a single family house and a detached garage. A previous owner of the property converted the house into a duplex and the garage into a separate dwelling unit. This was a violation of the zoning ordinance that was in effect at that time. No permits were ever issued.

Staff discovered the situation when a tenant of one of the apartments called the Codes office to file a complaint about conditions in her apartment. An inspection revealed numerous building and sanitation code violations. While on the premises, the occupant in the rear house (converted garage) also complained about the conditions. An inspection of this place revealed conditions that can only be described as despicable. These type violations are being or have been corrected but are not the subject of this appeal.

Research into the issues revealed that converted garage was never permitted with a building permit. It is in violation of the side and rear setback requirements and is also in violation of the provision limiting each parcel to one principal building. Due to the way it was constructed, there is no way it can be brought into compliance with the building code. During this process, the previous owner, a John Hicks, was ordered to demolish the building. He refused and subsequently sold the property to the current owner who was made aware of all of these problems.

The current owner has been working on the main house for several months. Many problems have been corrected, and he has kept his word in making repairs and renovations. However, he did know about the problems and the order to demolish the rear building before he bought the property. He now wants to keep the rear house and renovate it. This will require variances from the ordinance requirements.

Discussion - Santaguida presented his case noting that he had repaired the problems that existed in the main house and had spent a lot of money. He would now like to live in the rear house and fix it up. His argument was that he could live there and exercise more control and supervision over the property and tenants. He further noted that the building had been converted into a residence for many years and the city had not done anything about it until now, therefore, he should be allowed to continue the use.

Chairman Mosier opened the public hearing. Mr. George, a neighbor across the street, spoke against the request. He noted that there had been problems there for many years, and the building was getting run down. Staff noted that one letter of opposition has been received from John Ellis, the next door neighbor. The letter will be placed in the record.

It was noted that no hardship was stated that was related to the property.

Action of the Board - Tommy Jackson moved that the request be denied due to the fact that the building could not meet the building code even if repaired. 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