

OFFICIAL MINUTES

GOODLETTSVILLE BOARD OF ZONING APPEALS

Date: January 16, 1995
 Time: 5:00 PM
 Place: City Hall

Cases Heard:

95-1-260

Members Present:

Tom Mosier
 Tommy Jackson
 Owen Sanders
 Edgar Lowe

Staff Present

Bill Terry

Others Present:

Bobby Henson
 Donald Speakman
 Susan Speakman
 Clayborn Roberts
 Dillard & Edna Scott
 James Kinsolving

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. Interested people were advised when their opportunity to speak would be.

Case No. 95-1-260

Consideration of a request for an interpretation of the administrator's decision relating to the use of a house for an office for purposes of applying the non-conforming use provisions of the zoning ordinance.

Analysis - Bobby Henson, the applicant, is the owner of one of four houses located between Loretto Drive and Northcreek Business Park on Long Hollow Pike. The houses have been zoned commercial for a number of years but are still used residentially. When the current zoning ordinance was adopted, these houses were placed in the CPUDL-Commercial Planned Unit Development Limited District. This district contains a provision that prevents converting a residence into an office the purpose being to encourage new construction. Thus far, this has not occurred.

Bobby Henson appeared before the planning board last month to request a zoning amendment to remove this provision or to rezone the property. That request was denied.

At one time Henson ran a real estate office from one of the houses. About two years ago, he rented the house to a family as a residence. For licensing purposes with the Real Estate Licensing Board, he continued to use that address as the location of his office even though the house was used as a rental house. His position is that since the address was used as an office previously, he should be able to use it for an office again when the current lease expires. The zoning ordinance also contains a

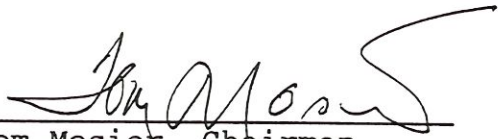
provision that states that if a use has been discontinued for a period of one year, the nonconforming use provisions no longer apply.

The planning and codes director has determined that the office use has been discontinued for more than one year, therefore, a nonconforming office cannot be re-established. This is the basis for the appeal.

Discussion - Bobby Henson presented his case to the board and confirmed the above facts. He further argued that he should have a legal right to use the house as an office building since the city changed the zoning on the property from a commercial classification to the CPUDL class.

Chairman Mosier asked if anyone in the audience wanted to make a statement. Donald and Susan Speakman spoke against the request. James Kinsolving spoke in favor.

Action of the Board - Edgar Lowe noted that a business had not been conducted out of the house for three years and that this constituted discontinuance of the use. Based on that conclusion, he moved that the request be denied. Tommy Jackson seconded, and the motion carried unanimously.



Tom Mosier, Chairman

Submitted by:



Bill Terry, Planning Director