

OFFICIAL MINUTES

GOODLETTSVILLE BOARD OF ZONING APPEALS

Date: November 14, 1994
Time: 5:00 PM
Place: City Hall

Cases Heard:

94-11-257

Members Present:

Tom Mosier
Tommy Jackson
Owen Sanders
Ellie Mead

Others Present:

Kevin Spain
Steve Geery

Staff Present

Bill Terry

The meeting was called to order by Chairman Mosier. It was noted that the previous meeting contained an error in the attendance record. They should show that Edgar Lowe and Owen Sanders were absent. With that correction, the minutes were approved as submitted. It was further noted that the meeting had been properly advertised and adjoining property owners notified. No one was in attendance to speak.

Case No. 94-11-257 Consideration of a request for a variance in the zoning requirements which prevent storing a commercial vehicle at 151 Hardaway Drive in a residential zone for a home occupation. The applicant is Kevin Spain, owner.

Analysis - The owner of this property, Kevin Spain, was operating a business about two years ago from this address. Upon receipt of a complaint from a neighbor, a violation notice was sent. A meeting with him on the lot confirmed the activity, and he was told that it would have to stop. Within the last three to four months, it was discovered that trucks were still in use at the address. Another violation notice was sent and later an order to cease and desist. No response was made, so the owner was cited into city court.

After that, it was discovered that the house had been leased to Steve Geery and that he was now operating the business. He then generated the appeal, and the citation was delayed.

The zoning ordinance permits home occupations subject to several restrictions. (These provisions are attached.) One of these prohibits the use of commercial vehicles in the home occupation. This business, a driveway sealing operation, uses a commercial truck with a large tank on the back. There is evidence that at some times this tank has been emptied or flushed on this site. The tenant is asking to be able to keep the truck at the house.

Discussion - Kevin Spain explained that he had operated the business for over two years and had now moved out and rented the house and business to Steve Geery. The only aspect of the business that was noticeable was the use of the truck and they had no place to keep it. They also noted that the truck was not used in the winter.

The chairman noted that the truck was an obvious violation of the zoning ordinance and that he was reluctant to grant relief. The purpose of the residential zoning was discussed and why certain activities were excluded.

Action of the Board - Owen Sanders moved that the request be denied based on the fact that Sections 11-901(o) (h) & (i) of the requirements for home occupations were being violated and that the requirements for a variance were not met, further that the appellants have until March 1, 1995 to relocate the truck. Tommy Jackson seconded, and the motion carried unanimously.



Tom Mosier, Chairman

Submitted By:



Bill Terry, Planning Director