

## OFFICIAL MINUTES

## GOODLETTSVILLE BOARD OF ZONING APPEALS

Date: June 21, 1993  
 Time: 5:00 PM  
 Place: City Hall

Cases Heard:

93-6-234  
 93-6-235  
 93-6-236  
 93-6-237  
 93-6-238  
 93-6-239

Members Present:

Eddie Niebruegge  
 Owen Sanders  
 Tommy Jackson  
 Tom Mosier  
 Edgar Lowe

Others Present:

Richard Uselton  
 Lynn Rollins  
 Joyce Hood  
 William Tubbs  
 George Drury  
 Billy Joe Erwin  
 Lloyd Gragg  
 Paul Holloway  
 Nancy Carr  
 Bill Hoffman

Staff Present:

Bill Terry

The meeting was called to order by Chairman Niebruegge. It was duly noted that the meeting had been properly advertised and adjoining property owners notified. A public hearing on all issues was announced.

Case No. 93-6-234 - Consideration of a request for a variance in the parking lot setback and design standards for an expansion of the parking lot of the New Bethel Baptist Church. The applicant is Paul Holloway, trustee.

Analysis - Several months ago the church started expansion of the parking lot and after notice by Terry, had a site plan approved. However, when the lot was finished, Terry notified the church that the lot did not conform to the plan. Holloway speaking for the church said that there was no way the church could comply with all the requirements and still have the parking lot due to the distance between the right-of-way and the steep bank of the lot. He, therefore, asked for the variance from the setback requirement from Old Dickerson Road and in the 24 foot required aisleway width.

Action of the Board - Jackson moved that the request be granted by reason of the narrowness and slope of the lot.93. Mosier seconded

and the motion carried unanimously.

The following order was issued:

OFFICIAL ORDER OF THE BOARD

WHEREAS; the public has been adequately notified, and

WHEREAS; the Board has determined that the requirements of Section 11-1408 have been met, and

WHEREAS; the Board has determined that no adverse impact will occur; and

NOW, THEREFORE, BE IT ORDERED, that the variance be approved.

Case No. 93-6-235 - Consideration of a request for a variance in the side setback line from Drake Street for an expansion of the existing building of the Cumberland Presbyterian Church. The applicant is Bill Hoffman, trustee.

Analysis - The church building now sits about 20 feet from Drake Street, and the expansion will take that wall straight back to a point that would "square off" an offset in the building. This was permitted when the church was built but the new zoning ordinance requires that corner lots have a larger setback on the side street. Hoffman noted that it would cause the church a great hardship to have to build in that manner thus resulting in another offset in the building.

Action of the Board - Edgar Lowe moved that the request be granted since the ordinance did not apply to the original building and since the degree of nonconformity would not increase by extending the existing wall. Mosier seconded and the motion carried unanimously.

The following order was issued:

OFFICIAL ORDER OF THE BOARD

WHEREAS; the public and adjoining property owners have been adequately notified, and

WHEREAS; the Board has determined that the requirements of Section 11-1408 have been met, and

WHEREAS; the Board has determined that no adverse impact will occur;

NOW, THEREFORE, BE IT ORDERED, that the variance be approved.

Case No. 93-6-236 - Consideration of a request for a temporary use permit to operate temporary fireworks sales tents at two locations, one on Springfield Highway and one on Louisville Highway. The

applicant is Bill Stamps of B & B Fireworks.

Analysis - This is a continuation of sales at these locations as in years past. Parking is adequate, and no particular problems have been observed.

Action of the Board - Mosier moved that the permit be granted. Jackson seconded and motion carried unanimously.

The following order was issued:

#### OFFICIAL ORDER OF THE BOARD

WHEREAS; the public and adjoining property owners have been adequately notified, and

WHEREAS; the Board has determined that the requirements of Section 11-901(n) have been met, and

WHEREAS; the Board has determined that no adverse impact will occur;

NOW, THEREFORE, BE IT ORDERED, that the temporary use permit is approved and that this order shall constitute such permit.

Case No. 93-6-237 - Consideration of a request for a special exception to the percentage of floor area that can be devoted to storage of goods sold at retail from the premises. The applicant is Lloyd Gragg, architect and spokesman for B. F. Myers.

Analysis - B. F. Myers owns and operates a furniture store on one parcel and owns another parcel directly across McCain Street from the store. Part of the store is retail and part furniture storage. More space is needed for storage so a new building is proposed. Ordinance requirements limit storage in a retail facility to 49 percent of the total floor area. The request is utilize all of the existing building as retail and all of the proposed building as storage.

Discussion - Lloyd Gragg presented the case for B. F. Myers and discussed in detail how all aspects of the ordinance had been met on design and layout. The building is to be an attractive design not block or metal. He showed a rendering of the appearance along French and McCain Streets. Gragg also noted that in the event the property was sold at any time in the future, it was understood that the exception would terminate.

Chairman Niebruegge noted that members of the public were in attendance and had an interest. The floor was open for public comment. Four area residents spoke expressing concern about truck traffic and about trash disposal. These issues were addressed during further discussion with assurances by Gragg that they would be handled properly.

Action of the Board - Mosier moved that a special exception be granted subject to conditions as specified in the official order. Motion seconded by Jackson and carried unanimously.

The following order was issued:

#### OFFICIAL ORDER OF THE BOARD

WHEREAS; the public and adjoining property owners have been adequately notified, and

WHEREAS; the Board is authorized by state law to grant special exceptions, and

WHEREAS; the Board has determined that no adverse impact will occur;

NOW, THEREFORE, BE IT ORDERED, that a special exception is approved subject to the following conditions specified below and that this order shall authorize the issuance of a building permit:

1. trash shall be handled in such a way that it will not be seen from the street and will not be permitted to blow;
2. the existing lot of B. F. Myers shall be encumbered by a permanent easement for the purpose of truck turn-around if such maneuvering space is needed;
3. the special exception shall be limited to the exclusive use and benefit of B. F. Myers Furniture Co. as long as the first store is operated as their retail sales outlet and both lots are their ownership;
4. the exterior appearance shall be maintained as a retail store;
5. the exterior appearance, design and materials shall be as presented to the board and public.

Case No. 93-6-238 - Consideration of a request for a variance in the front setback line on Lot 1, Franklin Heights Subdivision, Section II, Phase I. The applicant is Richard Uselton.

Analysis - This lot is encumbered by a 30 foot sewer easement on one side, a 10 drainage easement on another and is a triangular shape. These factors together create a situation that makes the lot unbuildable without the front setback variance.

Action of the Board - Jackson moved that a 15 foot variance be granted due the shape of the lot and the encumbering aspects of the easements which cannot be encroached upon. Sanders seconded and motion carried unanimously.

The following order was issued:

# OFFICIAL ORDER OF THE BOARD

WHEREAS; the public and adjoining property owners have been adequately notified, and

WHEREAS; the Board has determined that the requirements of Section 11-1408 have been met, and

WHEREAS; the Board has determined that no adverse impact will occur;

NOW, THEREFORE, BE IT ORDERED, that the variance is approved.

Case No. 93-6-239 - Consideration of a request for a conditional use permit to operate a day care center at 853 Wren Road. The applicant is Nancy Carr.

Analysis - The property is zoned CSL and a day care center is permitted by conditional use permit. The building was formerly a hobby shop and the fenced area in back will have to be converted into a playground. It has been inspected by Human Services and the Metro Fire Marshall. All other zoning standards spelled out in the ordinance have been met.

Action of the Board - Mosier moved and Sanders seconded that the conditional use be granted subject to final inspection by the city. Motion carried unanimously.

The following order was issued:

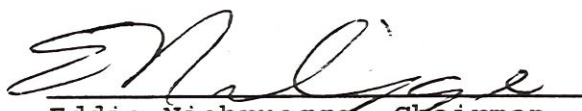
# OFFICIAL ORDER OF THE BOARD

WHEREAS; the public and adjoining property owners have been adequately notified, and

WHEREAS; the Board has determined that the requirements of Section 11-1409 have been met, and

WHEREAS; the Board has determined that no adverse impact will occur;

NOW, THEREFORE, BE IT ORDERED, that the conditional use permit is approved and that this order shall constitute such permit.

  
Eddie Niebruegge, Chairman

Submitted By:

