

OFFICIAL MINUTES

GOODLETTSVILLE BOARD OF ZONING APPEALS

Date: November 9, 1992
 Time: 5:00 PM
 Place: City Hall

Cases Heard:

92-11-226
 92-11-227
 92-11-228

Members Present:

Eddie Niebruegge
 Owen Sanders
 Tommy Jackson
 Tom Mosier
 Edgar Lowe

Others Present:

Bob Ingram

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. The minutes of the August 8, 1992 were approved as written.

Case No. 92-11-226 and 92-11-227 - Consideration of two requests for temporary use permits to establish a Christmas tree sales lots at two locations: one at Goodlettsville Plaza Center and the other at Long Hollow Pike and Dickerson Road. The applicants are C. V. Hunt and Rusty Tinnon.

Analysis - Both of these sites have been used for such use for several years. Parking is ample, and there is adequate space for the uses on the respective properties. No objections have been raised, and no complaints have been received.

Action of the Board - Jackson moved that the requests be granted. Lowe 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 11-901(n) has been met, and

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

NOW, THEREFORE, BE IT ORDERED, that the temporary use permits be approved.

CASE NO. 92-11-228 - CONSIDER REQUEST OF FIRST BAPTIST CHURCH FOR VARIANCES AND INTERPRETATIONS FOR A NEW FAMILY LIFE CENTER ADDITION. THE APPLICANT IS THE CHURCH REPRESENTED BY BOB INGRAM.

Analysis - The church is desirous of building a multi-use family life center on a portion of its property. There are three zoning requirements which the project does not meet. These are: a side setback at the rear corner of the building, the use of property across Shevel Drive as a parking lot, and the front setback line for the parking lot.

Side Setback Line - The required setback is 15 feet. The building as proposed encroaches 2 or 3 feet at the rear corner. There is no other way to construct the building to fit in with the other part of the church buildings without moving the entire structure to another location on the lot. The church is attempting to acquire some additional property from the adjoining apartment development which, if accomplished, will eliminate the need for a variance. The closest buildings on the adjoining lot are about 50 feet from the line. However, if this is not successful, a variance is needed in order to build the building as planned.

Parking Lot - The church owns the lot across Shevel Drive from the remainder of the church property. In order to replace parking places to be lost by the building construction without extending the existing parking area into the play area, they desire to build a parking area on the lot. The lot is zoned residential while the church is zoned commercial. The ordinance prohibits "off-site" parking in a residential district. The intent of this type requirement is to keep commercial uses and lots from intruding into residential areas. A church is a permitted use in a residential district subject to the board granting a conditional use permit. The issue of off-site parking for churches is not addressed.

If the board elects to allow usage of the lot for parking, a variance is required in order to accommodate their plans. The ordinance requires a 25-foot setback from the street in residential districts as opposed to 10-feet in other districts for landscaping and open space. The lot is 65-feet back from Dickerson Road and if the board considers that as the front, then other provisions could be applied to the side facing Shevel Drive. The lot also slopes steeply toward the west boundary, and they would like to stay off that slope.

Discussion - Mr. Ingram presented the case for the church and affirmed the facts as presented. He also noted that the church needed additional parking without considering the loss of the parking for the building and that approval of the lot should eliminate on-street parking as now exists thus helping improve traffic safety. He stated that an eight foot separation between

the existing wall of the church and the new addition needed to be maintained for fire prevention purposes and that this prohibited the building from being moved farther from the side line.

Action of the Board - Mosier moved that the variances be granted based on the slope of both lots, the need for building separation, the hardship that would be created to attempt to relocate the building, the need for additional parking, and the need to get on-street parking reduced. He further moved that the church be given approval to use the property across Shevel Street as a parking lot based on the interpretation that a church is a permitted use in a residential district, therefore, parking for a church is also permitted. Second by Sanders. Motion carried unanimously.

OFFICIAL ORDER OF THE BOARD

WHEREAS, a church is a permitted use in a residential district, and

WHEREAS, the lot proposed for a parking lot contains some steep topography that should be left undisturbed, and

WHEREAS, additional parking is needed to replace area to be lost and to meet current needs of the church, and

WHEREAS, providing additional parking will reduce a traffic hazard, and

WHEREAS, the addition to the church will provide benefit to the community as well as the church membership, and

WHEREAS, there is a need for building separation between the existing and the new building and relocation of the building would cause undue hardship, and

WHEREAS, there is adequate space between the north property line and the next closest building to provide for safe building separation, and

WHEREAS, the board has determined that the requirements of Section 11-1408 of the Ordinance have been met,

NOW, THEREFORE, BE IT ORDERED that a parking lot may be established on the lot owned by the church across Shevel Street,

BE IT FURTHER ORDERED that a 15-foot variance be granted in the required open space between the street right-of-way and the edge of the pavement,

BE IT FURTHER ORDERED that a variance not to exceed 5 feet be granted for the northwest corner of the proposed building to encroach into the required side yard setback.

The meeting adjourned at 5:30 PM.

Submitted By:

Eddie Niebruegge, Chairman

Bill Terry, Planning Director