

OFFICIAL MINUTES

GOODLETTSVILLE BOARD OF ZONING APPEALS

Date: February 10, 1992
Time: 5:00 PM
Place: City Hall

Cases Heard:
 Case No. 91-11-211
 Case No. 92-1-218
 Case No. 92-2-220

Members Present:

Tommy Jackson
 Fred Chapman
 Owen Sanders
 Tom Mosier

Others Present:

Terry Reeves
 John Warner
 John Gibbs
 Mr. & Mrs. James Fyke
 Sue Honeycutt

Staff Present:

Bill Terry

The meeting was called to order by acting Chairman Chapman. The minutes of the November 1991, December 1991, and January 1992 meetings were approved as written and distributed. It was duly noted that the meeting had been advertised and adjoining property owners notified by mail.

Case No. 92-2-220 - Consideration of a request for a variance in the side yard setback line to construct a carport at 420 Janette Avenue. The applicant is John B. Warner, owner. No one was present for a public hearing on this case.

Staff Analysis - This lot is a corner lot and even though the zoning district has a 10 foot side yard requirement, on a corner lot the front yard setback applies for the other street. Therefore, the setback becomes 30 feet which then prohibits the construction of a carport on the house. Staff noted that this was the only location on the lot to build a carport. Staff showed slides of the area and of the house across the street which had a similar carport in use. Others are also in the area.

Staff also noted that the corner lot provision was not in the previous zoning ordinance that was in effect when this subdivision was built and that corner lots were no larger than any other lot. This provision may create a hardship in these situations to prevent full use and enjoyment of the property.

Discussion - The board questioned Warner and discussed the matter concluding that the provision as applied to older subdivisions with small lots did in fact create a hardship that was not the fault of owners of the property.

Action of the Board - Tom Mosier moved that a sideyard variance be granted to permit the construction of a carport some 20 feet from the end of the house based on the hardship of an existing small lot which cannot meet newly adopted requirements. Second by Tommy Jackson. Motion carried unanimously.

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 necessary variance be granted to legally permit the construction of the carport.

Case No. 92-1-218 - Consideration of a request for review of the decisions of the Director of Planning and Codes as applied to the characteristics of American Environmental Protection, Inc. located at 606 Wade Circle. The applicant is Terry Reeves, owner. No one was present for a public hearing on this case.

Staff Analysis - This item was deferred from last meeting at the request of the applicant. The business is located in a converted house on Wade Circle, an area of older homes which was rezoned to a commercial district during the 70s. The area is now zoned CSL, Commercial Service Limited, which is one of the more restrictive commercial districts in the zoning ordinance. The use of the building as an office for a business is permitted under the terms of the ordinance. However, this type business is classified as construction sales and service which is not permitted. The business also uses a number of trailers for the storage of various types of equipment used in the business. This is not permitted by the ordinance. The zoning ordinance specifically prohibits in Section 11-705(d)(2) "exterior storage of goods, material, or chattel". As administrator, the Director ruled that any storage outside of a permitted building violates that provision. Should the exterior characteristics be removed, the office will be allowed.

Reeves was first notified of this violation in January 1991. After a meeting to discuss the issues, the Director elected to wait on enforcement to observe operations of the business over time. On November 26, 1992 Reeves was again notified of these and other violations, and he subsequently appealed. Both notices and correspondence are noted and are a part of the official record.

Slides of the house and lot were presented.

Discussion - Reeves presented his case for appeal. He discussed how the trailers are used and that he has had various businesses which he ran out of the office in the converted house. He stated that American Environmental Protection had been created in 1990 but that other business names had preceded the current one. He noted that over time trailers had been moved in and out of the lot and therefore, should be protected by some kind of grandfathering situation. He asked that this be taken into account.

The board discussed the facts of the case and questioned Reeves regarding whether any other alternatives were available. All members were in agreement that the appearance of the lot with all of the trailers was not in keeping with the intent of the district nor with the wishes of the city commission in adopting the ordinance. The board asked Reeves to consider the comments and to see if he could come up with an alternative way to operate the business without use of the trailers. The board also asked staff to consider the grandfathering possibilities and to seek an opinion of the city attorney.

Action of the Board - Tommy Jackson moved that this case be deferred for 60 days to obtain the information noted above. Owen Sanders seconded. Motion carried unanimously.

CASE NO. 91-11-211 - Reconsideration of this case which was deferred for 90 days to permit more time to work out solutions to the problems. The case was originally heard in November of 1991.

Staff Analysis - Most of the items discussed at the previous meeting have been corrected. However, three issues remain: 1) the fence is not complete, 2) the parking areas are not paved, and 3) large equipment is still being stored on the lot although not as much as before.

Discussion - During discussion of the issues, Gibbs agreed to pave the front lot as soon as asphalt is available this spring and to complete the fence along the back and down the south side to the point where the gate is located. He asked for relief from paving the back lot for the reasons given before.

Fykes still was not satisfied with the storage of equipment that could be seen above the fence. Gibbs stated that there was just no way to avoid that from time to time. The board agreed with Gibbs that occasionally some equipment could be stored there while repairs were being made which would be seen above the fence.

Action of the Board - Tommy Jackson moved and Tom Mosier seconded that a variance be granted on the paving of the lot behind the house. Motion carried unanimously. It was unanimously stipulated that the fence be completed as noted above and that the front lot be paved.

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;

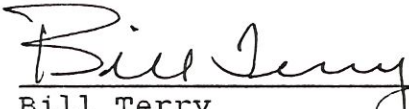
NOW, THEREFORE, BE IT ORDERED, that a variance in the paving of the rear parking lot behind the house be granted,

BE IT FURTHER ORDERED that the fence shall be completed along the back and south side to a point roughly where the gate is located and that the front lot be paved in accordance with the regulations.

The meeting adjourned at 7:00 PM.

Eddie Niebruegge, Chairman

SUBMITTED BY:



Bill Terry
Planning and Codes Director