

OFFICIAL MINUTES

GOODLETTSVILLE BOARD OF ZONING APPEALS

Date: January 13, 1992
Time: 5:00 PM
Place: City Hall

Cases Heard:

Case No. 91-12-215
Case No. 91-12-216
Case No. 92-01-217
Case No. 92-01-218
Case No. 92-01-219

Members Present:

Eddie Niebruegge
Tommy Jackson
Fred Chapman
Owen Sanders
Tom Mosier

Others Present:

David Sircy
Lisa Beck

Staff Present:

Bill Terry

The meeting was called to order by Chairman Niebruegge. The approval of the previous minutes was deferred. It was duly noted that the meeting had been advertised and adjoining property owners notified by mail and that no one from the general public was present to support or oppose any case.

CASE NOS. 91-12-215 and 91-12-216 - These cases were considered at the December meeting but were not advertised in the newspaper as is the normal practice. Therefore, they were advertised for this meeting. No one from the general public had called concerning the cases, and no one was present for a public hearing. Fred Chapman moved and Owen Sanders seconded that the actions taken at the December meeting be affirmed. Motion carried with Tommy Jackson abstaining on Case No. 91-12-216.

CASE NO. 92-1-217 - Consideration of a request for a side yard and rear yard setback variance to construct a storage building at 206 Jackson Street. The applicant is David Sircy.

Staff Analysis - The lot and the area is zoned IR Industrial Restricted. The lot is an existing noncomplying lot of record having been recorded for many years. The size of the lot prohibits enforcing the current zoning setbacks. The applicant wants to build a small building for storage of materials used in his roof and gutter business. The lot is now used for outside storage and many times is unsightly. There is also a 20 foot sewer easement running through the lot which forces any building to the other side of the lot since nothing can be built on the easement. The board is empowered to grant variances to permit the reasonable use of the property.

Discussion - Sircy presented his case and upon questioning, stated that no activities would be carried on in the building which would produce noise. He also responded that the building would permit him to keep the materials inside thereby cleaning up the lot.

Action of the Board - Fred Chapman moved that the variances be granted to permit the construction of a 24 x 50 foot building to within five feet of the west side line and 15 feet of the rear line based on the fact that the lot is a small noncomplying lot of record and the existence of the 20 foot easement running along the east side of the lot. Jackson seconded, and the motion carried unanimously.

ORDER OF THE BOARD

WHEREAS, the board has determined that a hardship exists in the placement of a building at 206 Jackson Street, and

WHEREAS, the board has determined that the requirements for a variance contained in Section 11-1408 of the Goodlettsville Zoning Ordinance have been met, and

WHEREAS, the variance will make possible the reasonable use of the property,

NOW, THEREFORE, BE IT ORDERED, that variances be granted to permit the construction of a 24 x 50 building as noted in the minutes.

CASE NO. 92-1-218 - The applicant requested through staff that this matter be deferred for one month due to surgery. The case was deferred by the board.

CASE NO. 92-1-219 - Consideration of a request for a conditional use permit to establish a day care center at Gateway Elementary School. The applicant is the East Nashville YMCA.

Staff Analysis - The day care center is open and operating with the applicant having obtained permission from the principal, Metro Board of Education, and the State Dept. of Human Services. A permit had been applied for from the Metro Board of Zoning Appeals and then the Y was advised that it was under the zoning of Goodlettsville. The hearing is therefore after the fact.

The zoning ordinance defines two kinds of day care - day care homes and day care centers. Day care homes are permitted in residential areas whereas day care centers are not. However, the intent of the zoning regulations was to prohibit freestanding day care centers from residential neighborhoods. Schools, classified as community education, are permitted in residential zones. The school has been in the area for many years, and the operation of an extended school program in an existing room will have no additional impact. Such a program meets a very real need for working parents. The board might permit this as an extension of the community education use of

the property.

Discussion - Lisa Beck, YMCA, presented the case for the Y. She stated that the program was in an existing building on the property and was limited to an "extended day" for school age children who attend that school.

Action of the Board - Owen Sanders moved that the conditional use permit be granted based on the board finding that use is an extension of the community education function permitted on the property as a part of the elementary school.

ORDER OF THE BOARD

WHEREAS, the Board finds that an extended day care program for school age children is a vital and an essential community need, and

WHEREAS, the Board finds that Community Education is a permitted conditional use in this zoning district and that an extended day program is an extension of that activity, and

WHEREAS, the Board finds that no adverse impact will occur,

NOW, THEREFORE, BE IT ORDERED, that the East Nashville YMCA be granted a conditional use permit to operate the extended care facility in a building of the Gateway Elementary School and that this order shall constitute such permit.

The meeting adjourned at 6:00 PM.

Eddie Niebruegge, Chairman

SUBMITTED BY:



Bill Terry
Planning and Codes Director