

OFFICIAL MINUTES

GOODLETTSVILLE BOARD OF ZONING APPEALS

Date: November 11, 1991
Time: 5:00 PM
Place: City Hall

Cases Heard:

Case No. 91-11-210
 Case No. 91-11-211

Members Present:

Owen Sanders
 Tom Mosier
 Tommy Jackson
 Eddie Niebruegge
 Fred Chapman

Others Present:

John Gibbs
 John Gibbs, Jr.
 Mr. & Mrs. James Fyke
 Mrs. Sue Honeycutt

Staff Present:

Bill Terry

The meeting was called to order by Chairman Niegruegge. The minutes of the previous meeting were approved as written. It was duly noted that this meeting had been advertised as required and adjoining property owners notified.

CASE NO. 91-11-210 - Consideration of a request for a temporary use permit for a Christmas tree sales lot at the corner of Long Hollow Pike and Dickerson Pike. Requested by Rusty Tinnon.

Staff Analysis - Tinnon sold trees on this lot last year and has in other years. Ample parking is available, and the requirements of the zoning ordinance for a temporary use permit have been met. No adverse impact is anticipated.

Discussion - No one was present for the public hearing. The board noted and agreed with the staff analysis.

Board Action - Tommy Jackson moved and Tom Mosier seconded that the request be approved. Motion carried unanimously.

ORDER OF THE BOARD

WHEREAS, the public and adjoining property owners have been 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. 91-11-211 - Consideration of a request for a review of the decisions of the Director of Planning and Codes in the enforcement of zoning regulations on the property located at 1034 Louisville Highway. Request by John Gibbs DBA G & G Construction Co.

Staff Analysis - Staff gave a brief history of the development of this lot. Gibbs had acquired the lot and house in early 1991 and had asked if he could add to the house and set up an office for the construction company. Staff advised that this was permissible but that heavy equipment storage was not. Gibbs applied for a building permit and submitted a site plan for the lot which was approved. At least two verbal communications between staff and Mr. Gibbs took place whereby the development of the lot and the storage of heavy equipment were discussed. Then, on July 3, 1991 a "notice of violation" was sent addressing various issues about the property. The notice was presented to the board. Due to the fact that no response was received from the notice, on October 4, 1991, an "administrative order" was sent to the company directing that certain corrective actions take place by October 11. Said order was presented to the board. On October 11, 1991, this appeal was filed requesting review of the Director's order and decisions and asking for relief. The order directed Gibbs to complete the following:

1. Begin the completion of both parking areas to pave the front parking lot and tar and chip the rear;
2. Remove all bulldozers, backhoes, dump trucks, and flat bed trailers;
3. Complete the planting of trees for screening and grass on the lot;
4. Remove all trash and junk;
5. Install the required 18" drain pipe at the rear of the lot.

Discussion - Chairman Niebruegge asked Mr. Gibbs to present his case. Gibbs stated that the house served as the office of the business and that the garage building in the rear was used for maintenance and repairs on engines and equipment. He stated further that it was his understanding that small equipment could be stored on the site. He also asked to have more time to pave the front parking lot and to leave the rear parking lot gravel. He then stated that he could not operate the business without being able to move equipment in and out of the lot for repairs.

Staff countered that Gibbs was told prior to buying the lot that heavy equipment could not be stored on the lot. Staff also suggested that there may be some difference of opinion as to what was "small".

Chairman Niebruegge then asked if anyone was present to comment on the problems. The property owners on either side, Mr. & Mrs. Fyke and Mrs. Honeycutt, were present and all spoke against the operation and appearance of the business. It was their opinion

that their property had been damaged.

After more discussion between all parties, Gibbs agreed to erect a seven to eight foot privacy fence around the back and down the north side lines and to install the 18" drain pipe. In the spring, very few pieces of equipment would remain on the lot and the arrangement on the lot would be changed by replacing the fuel tanks and the storage trailer. The D6 dozer, the grader and roller will be moved. The loader will be moved. He asked for 60 to 90 days more time to work with the site and the neighbors. The neighbors agreed to work with Gibbs to achieve a solution.

BOARD ACTION - Fred Chapman moved and Owen Sanders seconded that Gibbs be given a 90 day delay. Motion carried. Also, Chapman moved and Tom Mosier seconded that the administrative order issued by the Department of Planning and Codes be stayed pending final review and action of the Board.

The meeting of the board adjourned at 6:15 PM.

Eddie Niebruegge, Chairman

Submitted by:



Bill Terry, Planning Director