

Board of Zoning Adjustments

September 14, 2021

5:30 PM

VICE CHAIR BRANDON WHITE, PRESIDING

The meeting was called to order at 5:30 p.m. Vice Chair Brandon White asked the Secretary to call the roll.

Members Present:

Johnny Keene
Brandon White
Barry Holder Jr.
Mitch Buchanan
Margaret Townsley

Also Present:

Edwin Logan, Attorney
Ben Judah, Franklin County Planning Supervisor

The first item of business was approval of the minutes of the August 10, 2021 meeting. Mr. Holder suggested the following corrections: 1. The end of the second sentence on the first item of business should be sell not sale 2. Amend the end of the third sentence to sell instead of sale. Mr. Buchanan made a motion to approve the minutes as amended. The motion was seconded by Mr. Keene and all were in favor.

Vice Chair White asked the Secretary to call the next item of business.

In accordance with Articles 4 and 15 of the Franklin County Zoning Ordinance, The Journey Early Education Center is requesting approval of a Conditional Use Permit to allow the operation of a day care facility for up to 70 children on the property located at 2842 Leestown Road. The property is more specifically described as Property Valuation Administrator map ID #104-00-00-025.00.

Ben Judah, Franklin County Planning Supervisor was present and stated this property is located in the General Commercial District not far from the county line.

Mr. Judah explained that the request meets the requirement of Article 15 but because it abuts residential property and they proposing a daycare for more than 35 children, they are required to get a conditional use permit.

Mr. Judah stated that the request meets all the requirements for interior space as well as outdoor and indoor play areas. Staff recommended approval with the conditions outlined in the staff report.

Ms. Townsley stated that Article 15.014 states that the approval of this request will have no adverse effects on the surrounding properties, but mentioned that Board received a letter from an adjoining property owner that had several complaints related to noise, traffic and trash and asked if he considered that in his request.

Mr. Logan asked if the letter would change his recommendation and Mr. Judah replied no. Mr. Logan asked what other items he reviewed to make this recommendation. Mr. Judah replied that the proposed play area is on the opposite side of the property and away from the residential area.

Ms. Townsley asked if a buffer was required and Mr. Judah replied a buffer is not required because it is not new construction.

Mr. Buchanan asked if there was a noise ordinance in the county and Mr. Logan replied that there is not.

Ms. Newby who wrote the letter stated that she has talked with the church on other issues and they have worked with her to mitigate the problems.

The applicant Marcia Brown was present and stated that they are asking permission to operate a day care center on the property.

Mr. Buchanan asked how often they have services. Ms. Brown replied that they have Sunday morning service at 10:00 a.m., the youth meets on Sunday evenings from 5:30 p.m. to 8:00 p.m., and they have bible study groups on Mondays and Wednesdays.

Mr. Buchanan asked about outdoor events and Ms. Brown replied that they have been there for five years and only do a couple outdoor events per year.

Mr. Buchanan mentioned the play area and asked what would prevent the children from using a larger area. Ms. Brown replied that for licensing purposes they have to have a dedicated fenced in play area. She replied that she would be fine with adding a condition that the play ground would be used in shifts with no more than 15 children per time.

Sharon Newby sent the letter to Planning and Zoning outlining her concerns with noise, people using her driveway to access the church and the negative affect having a daycare next to her will have on her property value. Ms. Newby stated that some of her questions were answered at the hearing tonight.

Mr. Buchanan asked if Ms. Newby if she could place a sign on her property to avert the traffic and she said she could do that. Ms. Brown stated that she was not aware that Ms. Newby's drive was being used to access the church and asked how often it happens. Ms. Newby replied that it happens every couple of services. Ms. Brown stated that she would make the security team aware of the issue and they would try to keep that from happening anymore.

Based on the positive findings in the staff report, Mr. Buchanan made a motion in accordance with Articles 4 and 15 of the Franklin County Zoning Ordinance, to approve the request from The Journey Early Education Center for a Conditional Use Permit to allow the operation of a day care facility for up to 70 children on the property located at 2842 Leestown Road with the following conditions:

1. The conditional use is granted to The Journey Early Education Center to allow the use of the property as a daycare facility for up to 70 children.

2. The conditional use is permitted only at 2842 U.S. Highway 421 (Leestown Road).
3. The conditional use is not transferable and any change in use or ownership will make this approval null and void.
4. There shall be no more than 15 children in the play area at one time.

The motion was seconded by Mr. Holder and passed unanimously.

There being no further business, Ms. Townsley made a motion to adjourn. The motion was seconded by Mr. Holder and passed unanimously. The meeting adjourned at 6:08 p.m.