

CITY OF CLARKSVILLE

BOARD OF ZONING APPEALS

-MINUTES-

DATE: January 5, 2022

LOCATION: 100 South Spring Street

I. CALL TO ORDER/ QUORUM CHECK/ PLEDGE OF ALLEGIANCE

Bobby Powers called the Board of Zoning Appeals meeting to order at 2:30 P.M. Mr. Powers stated for the record that a quorum was present.

II. MEMBERS PRESENT

Bobby Powers
Stacey Wenzler
Micheal Long
Cindy Greene
Joe Shakeenab

STAFF PRESENT

Justin Crosby, Building Official

OTHERS PRESENT ADDRESSING THE BOARD

Representatives for BOZA applications

III. ADOPTION OF MINUTES

Bobby Powers entertained a motion to adopt the December 1, 2021 minutes. Joe Shakeenab made a motion to adopt the minutes as written; Micheal Long seconded the motion. The minutes were adopted.

IV. BOARD OF ZONING APPEALS CASES

- A. **Case Number BZA-56-2021:** Application of Terrin Tsefrekas and Mary Moran, property located at 941 Ridgewood Dr., Tax Property Map No. 063-H, Parcel B-001200, Zoned R-1. Description of the Request: "Applicant is requesting a Use Permitted on Review in an R-1 zone to allow for a Colon Hydrotherapy Business as a customary home occupation." The staff recommendation is for approval; request will have no adverse effects on surrounding properties. Terrin Tsefrekas and Mary Moran were present to speak on behalf of the request. Mr. Crosby

explained this case was deferred from last month, multiple neighbors have expressed opposition in writing and provided copy of their deed, however, the Board does not enforce deeds; deed shows a shared access driveway. Mr. Powers asked for clarification on whether there is a time limit for speaking, Mr. Crosby indicated he intended to speak to that at the end of the meeting as there have been correspondence with the City Attorney but that he did not see issue with the Chairman of the Board setting a limit on the floor. Mr. Powers expressed a three-minute time limit on comments. Ms. Moran explained they had a discussion with the neighbors present at last month's meeting and assured them they would be very respectful and offered to possibly utilize a golf cart to transport clients. Mr. Crosby explained the customary home occupation ensures a residence will continue to remain and appearance as residence. Marla Harrington (951 Ridgewood Dr.) spoke in opposition. Mrs. Harrington explained she shares the driveway and has herself gotten stuck when they utilized a moving truck. She further explained they share expenses of maintaining the driveway and that if the Board approves this request it would be a taking of her property rights and her fundamental right to exclude others, the public, from use of the property. Mr. Powers explained when they purchased the property and accepted the easement they agreed to jointly own it. Mrs. Harrington continued that the easement is only between the neighbors and that by approving this request sets a precedent. Mr. Powers explained Mr. Crosby has the authority to shut down the business if it violates requirements. Mrs. Harrington explained this is a taking of her property; Mr. Powers explained that it doesn't take from her property. Mrs. Harrington stated she provided a copy of easement and case information to Mr. Crosby; Mr. Crosby stated he does not agree with the documents she provided. Mr. Powers explained he believes she is confusing this with legalism and that the Board has to operate under specific guidelines and rules. Mrs. Harrington stated approval of this request would be taking of her land; Mr. Powers indicated the easement is not her property. Mr. Long asked the applicants to approach the podium and asked what the anticipated client number is per week/month. Ms. Moran responded maybe two a day, if that. There would be no clients would be seen on Sundays, possibly on Saturdays, no later than 7:00 pm and no earlier than 10:00 am but that she holds a full time job already. Mr. Long stated it runs a possibility that the traffic they would generate may not even be seen by neighbors because they're in a working community anyways. Rachel Hall spoke in opposition. Mrs. Hall stated she works midnight and the traffic would limit her sleep time and that the dogs are already barking in the area. Bobby Powers entertained a motion. Joe Shakeenab made a motion to approve the request as presented, seconded by Micheal Long. The motion passed unanimously.

- B. **Case Number BZA-01-2022:** Application of Providence Builders, Bryce Powers, Agent, property located at 46 Union St., Tax Property Map No. 066-J, Parcel E-001.00, Zoned CBD. Description of the Request:

“Applicant is requesting a variance to allow existing parking to remain gravel.” The staff recommendation is for approval; structure is an unmanned storage building. Request will have no adverse effects on surrounding properties. Cal Burchett was present to speak on behalf of the request. Mr. Crosby explained the request is to allow existing gravel to remain when they building proposed additional buildings. Mr. Burchett explained the site plan has already been submitted to the Regional Planning Commission but the ordinance requires paved parking which is why the variance request is being made. Mr. Powers abstained from vote. After discussing, Micheal Long made a motion to approve the request as presented, seconded by Stacey Wenzler. The motion passed.

- C. **Case Number BZA-02-2022:** Application of Power & Grace Preparatory Academy, property located at 337 Peterson Ln., Tax Property Map No. 055, Parcel 016.00, Zoned R-1. Description of the Request: “Applicant is requesting a Use Permitted on Review in an R-1 zone to allow for a Religious Institution / Private Elementary Christian School.” The staff recommendation is for approval; request will have no adverse effects on surrounding properties. Katabwa Stallworth was present to speak on behalf of the request. Mrs. Stallworth explained they’ve outgrown existing building off Dunbar Cave Rd. Mr. Powers asked how many children do they currently have; Mrs. Stallworth responded 80 children with a goal of 100 children due to the type of teaching they do; this allows them to retain national accreditation. Mr. Powers asked if it is a religious based school; Mrs. Stallworth replied yes, this has always been her goal and her calling. Andrew Bueler Jr. spoke in opposition. Mr. Bueler indicated his mother lives in adjoining property and wanted to ensure the utility easement would not be disrupted and has concern with runoff. Mr. Bueler asked what the anticipated building plan is and indicated a possible sinkhole on property. Jon Clark spoke as agent for applicant. Anticipating a one-story building but that there is not concrete plan at this point. Mr. Clark added there would be playground equipment and walking trail but they do intend to leave the buffer to the North and will stay away from the sinkhole; will not put in sports fields and lighting and utility easements will be retained. Mr. Powers asked if they’ve made any provisions for relocating utilities; Mr. Clark explained he doesn’t know yet but will deal with them after topographical survey has been obtained. Asked if existing house and pool will remain, Mrs. Stallworth stated yes, it will remain. Mr. Clark explained it will be used for staffing and as a parish house of sorts. Councilperson Reynolds explained that APSU was concerned with drainage and asked that they reach out to them. Mr. Clark explained they won’t see any adverse effects in drainage because they’re so far away and the sinkhole drains predominately. After discussing, Bobby Powers entertained a motion. Micheal Long made a motion to approve the request as presented, seconded by Cindy Greene. The motion passed unanimously.

D. **Case Number BZA-03-2022:** Application of Judy Pham, property located at 1090 Princeton Ct., Tax Property Map No. 006-N, Parcel A-007.00, Zoned R-2. Description of the Request: “Applicant is requesting a Use Permitted on Review in an R-2 zone to allow for a Beauty Salon (one chair) as a customary home occupation.” The staff recommendation is for approval; request will have no adverse effects on surrounding properties. Judy Pham was present to speak on behalf of the request. Ms. Pham explained it would be by appointment only. There was no opposition. After discussing, Bobby Powers entertained a motion. Joe Shakeenab made a motion to approve the request as presented, seconded by Stacey Wenzler. The motion passed unanimously.

E. **Case Number BZA-04-2022:** Application of Karl Brightman, Daniel Morris, Agent, property located at 625 Kennedy Ln., Tax Property Map No. 033-H, Parcel B-005.01, Zoned C-4. Description of the Request: “Applicant is requesting a variance to reduce required parking from 37 spaces to 35 spaces in order to allow for angled parking along the North property line.” The staff recommendation is for approval; request will have no adverse effects on surrounding properties. There was no one present to speak on behalf of the request. After discussing, Bobby Powers entertained a motion. Cindy Greene made a motion to defer the request, seconded by Micheal Long. The motion to defer passed unanimously.

V. **NEW BUSINESS:** N/A

VI. **CITY COUNCIL ACTION REQUIRED:** N/A

ADJOURNMENT

Motion to adjourn made by Stacey Wenzler; seconded by Joe Shakeenab.