

CITY OF CLARKSVILLE

BOARD OF ZONING APPEALS

-MINUTES-

DATE: August 4, 2021

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	Micheal Long
Cindy Greene	Joe Shakeenab
Stacey Wenzler	

STAFF PRESENT

Justin Crosby, Building Official
Valerie Ogle

OTHERS PRESENT ADDRESSING THE BOARD

Representatives for BOZA applications

III. ADOPTION OF MINUTES

Bobby Powers entertained a motion to adopt the July 19, 2021 Special Called minutes. Joe Shakeenab made a motion to adopt the minutes as written; Stacey Wenzler seconded the motion. The minutes were adopted.

IV. BOARD OF ZONING APPEALS CASES

- A. **Case Number BZA-39-2021:** Application of Ana Call, property located at 926 Tiny Town Rd., Tax Property Map No. 006-N, Parcel B-012.00, Zoned R-2. Description of the Request: "Applicant is requesting a Use Permitted on Review in an R-2 zone to allow for a One (1) Chair Beauty Salon as a Customary Home Occupation." The staff is recommending approval. No one was present to speak on behalf of the Request. After discussing, Bobby Powers entertained a motion. Joe Shakeenab made a motion to defer the request for 30 days, seconded by Cindy Greene. The motion passed unanimously.

- B. **Case Number BZA-40-2021:** Application of Danielle Rose, property located at 535 Gale Dr., Tax Property Map No. 032-P, Parcel B-040.00, Zoned R-1. Description of the Request: “Applicant is requesting a Use Permitted on Review in an R-2 zone to allow for a One (1) Chair Beauty Salon as a Customary Home Occupation.” The staff is recommending approval. Danielle Rose was present to speak on behalf of the Request. After discussing, Bobby Powers entertained a motion. Cindy Greene made a motion to approve the request as presented, seconded by Joe Shakeenab. The motion passed unanimously.
- C. **Case Number BZA-41-2021:** Application of Robert Alleman, property located at 743 Pollard Rd., Tax Property Map No. 042-J, Parcel A-009.00, Zoned R-1. Description of the Request: “Applicant is requesting a Use Permitted on Review in an R-1 zone to allow for a Federal Firearms License as a Customary Home Occupation.” The staff is recommending approval. Robert Alleman was present to speak on behalf of the Request. Mr. Alleman explained he intends to use approval mainly for online sales and gun shows with very limited foot traffic at the house. Mr. Shakeenab asked how he uses this type of license; Mr. Alleman responded that it is used to transfer firearms for people coming to Tennessee or moving away and they must receive an approved background check. Michael Long asked if he were to purchase a gun in Kentucky, would they ship the gun to him (Mr. Alleman)? Mr. Alleman replied that yes, if the customer had a proper license. Bobby Powers asked what type of proper license and Mr. Alleman replied that it would have to be a government issued Tennessee state license. After discussing, Bobby Powers entertained a motion. Michael Long made a motion to approve the request as presented, seconded by Stacey Wenzler. The motion passed unanimously.
- D. **Case Number BZA-42-2021:** Application of Faye Rennell Hobson, property located at 1948 Whirlaway Cir., Tax Property Map No. 017-A, Parcel C-026.00, Zoned R-2. Description of the Request: “Applicant is requesting a Use Permitted on Review in an R-2 zone to allow for a Business Office as a Customary Home Occupation.” The staff is recommending approval. Faye Rennell Hobson was present to speak on behalf of the Request. Mrs. Hobson explained that she is not a licensed attorney, she is a freelance paralegal and notary. She further explained that she does not give legal advice but assists with drafting documents to appear professional. After discussing, Bobby Powers entertained a motion. Joe Shakeenab made a motion to approve the request as presented, seconded by Michael Long. The motion passed unanimously.
- E. **Case Number BZA-43-2021:** Application of Michael Johns, property located at 536-D Patriot Park Ct., Tax Property Map No. 019-J, Parcel C-014.00, Zoned R-4. Description of the Request: “Applicant is requesting a

Use Permitted on Review in an R-4 zone to allow for a Real Estate Office as a Customary Home Occupation.” The staff is recommending approval. No one was present to speak on behalf of the Request. After discussing, Bobby Powers entertained a motion. Cindy Greene made a motion to defer the request for 30 days, seconded by Joe Shakeenab. The motion passed unanimously.

- F. **Case Number BZA-44-2021:** Application of Power & Grace Prep. Academy, property located at 475 Ringgold Rd., Tax Property Map No. 030, Parcel 030.00, 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.” The staff is recommending approval. Katobwa Stallworth was present to speak on behalf of the Request. Mrs. Stallworth explained that her husband is a minister and that the academy would be for K-5th grade. Bobby Powers asked if they had already purchased the property; Mrs. Stallworth responded no, they need the approval from the Board first. Mr. Long asked if the school is currently operational at another location; Mrs. Stallworth replied yes, on Dunbar Cave Road. 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.
- G. **Case Number BZA-45-2021:** Application of Matthew Marty, property located at 1086 Jon Dr., Tax Property Map No. 040-O, Parcel D-042.00, Zoned R-1. Description of the Request: “Applicant is requesting a 5.0 foot variance from the required 10 foot side yard setback in order for the structure to be 5.0 feet from the East property line.” The staff is recommending disapproval; request does not meet the requirements of the current zoning ordinance and hardship is considered self-imposed. Matthew Marty and Justin Vegas were present to speak on behalf of the Request. Cindy Smith asked if the house was to the left of the proposed structure, Justin Crosby answer that yes, it is. Mr. Marty explained he is making the request for a detached garage in order to allow it to be a direct line from the road to the garage door opening. Mr. Powers asked if he were able to resize and move the proposed garage; Mr. Marty said if he were to move the structure in further it would eliminate any remaining yard for his kids to play. Mr. Powers asked if the proposed structure was in an easement; Mr. Crosby replied that it would not be. Mr. Powers asked what the other buildings shown on the survey; Mr. Marty explained it is an existing deck and pool with a current shed to be demolished. Justin Vegas stated he resides at the house to the left and he has no opposition to this request. After discussing, Bobby Powers entertained a motion. Joe Shakeenab made a motion to approve the request as presented, seconded by Micheal Long. The motion passed unanimously.

H. **Case Number BZA-46-2021:** Application of William Beach, property located at 2861 Wimbledon Ct., Tax Property Map No. 058-P, Parcel A-020.00, Zoned R-1. Description of the Request: “Applicant is requesting a Use Permitted on Review in an R-1 zone to allow for a two-story garage building.” The staff is recommending disapproval; request does not meet the requirements of the current zoning ordinance and hardship is considered self-imposed. Section 3.4.12 of the Use Tables indicates storage sheds are only permitted as an accessory structure. William Beach was present to speak on behalf of the Request. Mr. Powers asked if the height of the structure mattered; Mr. Crosby responded yes, but he has not asked for a height variance. William Beach stated he needs a place to store his tractor and intends to build a 30’ x 30’ two-story garage; will not be a metal building. Ms. Greene asked if the only structure on the lot would be the garage; Mr. Beach replied yes. Mr. Crosby further explained that if a house were on the parcel then a garage would be an approved use. 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.

I. **Case Number BZA-47-2021:** Application of COCO General Partnership, McKay Burchett & Company, Agent, property located at 518 Madison St., Tax Property Map No. 066-K, Parcel C-001.00, Zoned CBD. Description of the Request: “Applicant is requesting a parking stall size variance from the required 9’ x 18’ minimum size in order for the parking stall to be 7.5’ x 15’ each.” The staff is recommending approval. Cal Burchett was present to speak on behalf of the Request. Mr. Powers asked what was meant by the term parking stall; Mr. Crosby explained the zoning ordinance calls it a stall but it is a parking space. Mr. Burchett added the site plan was approved with the larger parking spaces, however, the size reduction would allow for eight more spaces. The CBD does not require parking for tenants but this request would provide one space per unit available for the 57 unit building. After discussing, Bobby Powers entertained a motion. Joe Shakeenab made a motion to approve the request as presented, seconded by Cindy Greene. The motion passed unanimously.

***** Joe Shakeenab made a motion to revisit BZA-39-2021, seconded by Stacey Wenzler. The motion passed unanimously.

Case Number BZA-39-2021: Application of Ana Call, property located at 926 Tiny Town Rd., Tax Property Map No. 006-N, Parcel B-012.00, Zoned R-2. Description of the Request: “Applicant is requesting a Use Permitted on Review in an R-2 zone to allow for a One (1) Chair Beauty Salon as a Customary Home Occupation.” The staff is recommending approval. Ana Call was present to speak on behalf of the Request. After

discussing, Bobby Powers entertained a motion. Cindy Greene made a motion to approve the request as presented, seconded by Joe Shakeenab. The motion passed unanimously.

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

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

ADJOURNMENT

Motion to adjourn made by Joe Shakeenab; seconded by Cindy Greene.