

CITY OF CLARKSVILLE

BOARD OF ZONING APPEALS

-MINUTES-

DATE: February 3, 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. PLEDGE OF ALLEGIANCE

III. MEMBERS PRESENT

Bobby Powers
Cindy Greene
Stacey Wenzler

STAFF PRESENT

Justin Crosby, Building Official
David Smith, Director
Valerie Ogle

OTHERS PRESENT ADDRESSING THE BOARD

Representatives for BOZA applications

- IV. MOTION:** Bobby Powers read and entertained a motion. *“In order to comply with the technical aspects of the Governor’s Executive Order regarding holding open meetings in a forum other than in the open and in public, this governing body determines that meeting electronically is necessary to protect the health, safety, and welfare of its citizens due to the COVID-19 outbreak.”* Stacey Wenzler made a motion to adopt; motion seconded by Cindy Greene. Vote was unanimous.

V. ADOPTION OF MINUTES

Bobby Powers entertained a motion to adopt the January 6, 2021 minutes. Cindy Greene made a motion to adopt the minutes as written; Stacey Wenzler seconded the motion. The minutes were adopted.

VI. BOARD OF ZONING APPEALS CASES

- A. **Case Number BZA-01-2021:** Application of RG Brothers, property located at 804 Providence Blvd., Tax Property Map No. 054-E, Parcel D-004.00, Zoned C-2. Description of the Request: “Applicant is requesting a 30 foot variance from the required 40 foot front yard setback in order for the structure to be 10 feet from the East property line.” The staff is recommending approval of the request based on location of the utilities. Mr. Brant was present on the call to speak on behalf of the Request. Mr. Brant explained the reason for the request was due to an 8” sewer line the runs down the middle of the parcel and they wish to build the structure away from it. Mr. Powers asked if any portion of the proposed structure will cover the existing sewer line; Mr. Brant responded that no, the footprint of the building will not go over the sewer line. Mark Riggins added that he is in support of the proposed structure’s revised location and that the applicant shifted the location of the building as requested. After discussing, Mr. Powers entertained a motion. Cindy Greene made a motion to approve the request, seconded by Stacey Wenzler. The motion passed unanimously.
- B. **Case Number BZA-05-2021:** Application of Real Property Holdings, Inc.; Jimmy Bagwell, Agent, property located at Windemere Drive, Tax Property Map No. 063, Parcel 046.03, Zoned C-4. Description of the Request: “Applicant is requesting a 10 foot variance from the required 50 foot front yard setback in order for the structure to be 40 feet from the North property line. Applicant is requesting a 10 foot variance from the required 50 foot front yard setback in order for the structure to be 40 feet from the South property line.” The staff is recommending approval of the request based on topography and existing drainage. Jimmy Bagwell explained they are leaning towards a restaurant type use and will be catering to interstate traffic because of its location at the traffic light. Mr. Bagwell also indicated the reason for the request is due to a sinkhole on the property limiting where the proposed structure can go. Justin Crosby included that a letter was submitted to the Building & Codes Department from Exit 11 Properties (Alan Deloche) in favor of the request. After discussing, Stacey Wenzler made a motion to approve the request as presented, seconded by Cindy Greene. The motion passed unanimously.
- C. **Case Number BZA-06-2021:** Application of Smith Custom Construction, Richard Smith, Agent, property located at 3047 Core Dr., Tax Property Map No. 031-E, Parcel E-035.00, Zoned R-1. Description of the Request: “Applicant is requesting a 1.1 foot variance from the required

30 foot front yard setback in order for the structure to be 28.9 feet from the North property line.” The staff is recommending disapproval of the request; request does not meet the requirements of the current zoning ordinance and hardship is considered self-imposed. Richard Smith was present on the call to speak on behalf of the Request. Mr. Smith stated a mistake was made; they halted construction once realized and they are asking for approval. Mr. Powers recommended that the survey be done before the footing is poured. After discussing, Mr. Powers made a motion to approve the request as presented, seconded by Stacey Wenzler. The motion passed unanimously.

- D. **Case Number BZA-07-2021:** Application of Smith Custom Construction, Richard Smith, Agent, property located at 104 Cotton Ct., Tax Property Map No. 031-E, Parcel E-026.00, Zoned R-1. Description of the Request: “Applicant is requesting a 3.8 foot variance from the required 30 foot front yard setback in order for the structure to be 26.2 feet from the East property line.” The staff is recommending disapproval of the request; request does not meet the requirements of the current zoning ordinance and hardship is considered self-imposed. Richard Smith was present on the call to speak on behalf of the Request. Mr. Smith again noted they halted construction when the error was realized and they are asking for approval. After discussing, Mr. Powers entertained a motion. Cindy Greene made a motion to approve the request as presented, seconded by Stacey Wenzler. The motion passed unanimously.

VII. NEW BUSINESS: N/A

VIII. CITY COUNCIL ACTION REQUIRED: N/A

ADJOURNMENT

Motion to adjourn made by Bobby Powers; seconded by Stacey Wenzler.