

CITY OF CLARKSVILLE

BOARD OF ZONING APPEALS

-MINUTES-

DATE: July 7, 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
Cindy Greene
Stacey Wenzler
Joe Shakeenab
Micheal Long

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 June 2, 2021 minutes. Joe Shakeenab made a motion to adopt the minutes as written; Cindy Greene seconded the motion. The minutes were adopted.

IV. BOARD OF ZONING APPEALS CASES

- A. **Case Number BZA-29-2021:** Application of Eric Turner, property located at 103 Crestmore Dr., Tax Property Map No. 090-A, Parcel C-007.00, Zoned R-1. Description of the Request: "Applicant is requesting a 4.2 foot variance from the required 10 foot side yard setback in order for the structure to be 5.8 feet from the East property line. Applicant is requesting a 1.0 foot height variance from the required 13.7 foot

maximum height of accessory structure in order for the structure to be 14.7 feet in overall height.” The staff is recommending disapproval: request does not meet the requirements of the current zoning ordinance and hardship is considered self-imposed. Eric Turner was present to speak on behalf of the Request. Bobby Powers asked if there had been any changes on the side property line; Justin Crosby responded Mr. Turner has provided documents to satisfy the side variance and plans to amend his request to the Board of Zoning Appeals. Mr. Turner further explained he has the plat showing the recorded parcel with the abandoned lot line and the new lot line where he purchased a portion of land from the neighboring property owner. Mr. Turner added only five neighbors can see the shed from their property and that no others can see it unless they drive by the front of the property. Mr. Powers asked what about Mr. Allison who opposed this request in the previous meeting; where does he live. Mr. Turner said he did not know where Mr. Allison resided. Mr. Powers asked if Mr. Turner had anything else to present; Mr. Turner stated he would like to revise his request to omit the side yard variance request and request the height variance only. Dick Wilkins (neighbor) spoke in support of the request; stated he lives across the street and he did not see any issue with the height of the shed. There was no one present to speak in opposition. After discussing, Bobby Powers entertained a motion. Joe Shakeenab made a motion to approve the request with an amendment to omit the side yard variance and approve the height variance only, seconded by Micheal Long. The motion passed unanimously.

- B. **Case Number BZA-30-2021:** Application of Bruce Griffy, property located at 19 Walker Cir., Tax Property Map No. 054-A, Parcel E-019.00, Zoned R-1. Description of the Request: “Applicant is requesting a Use Permitted on Review in an R-1 zone to allow for a Real Estate Office as a Customary Home Occupation.” The staff is recommending approval: request will have no adverse effects on surrounding properties. Bruce Griffy 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-31-2021:** Application of Bethany Weiss, McKay Burchett, Agent, property located at 691 Meriwether Rd., Tax Property Map No. 017, Parcel 015.00, Zoned R-1. Description of the Request: “Applicant is requesting an 8.5 foot variance from the required 10 foot side yard setback in order for the structure to be 1.5 feet from the West property line. Applicant is requesting an 18.5 foot variance from the required 25 foot rear yard setback in order for the structure to be 6.5 feet from the North property line.” The staff is recommending approval: request will have no adverse effects on surrounding properties. Cal Burchett and Bethany Weiss were present to speak on behalf of the Request. Mr. Crosby explained the request is for two existing structures in order to bring it in to compliance. Mr. Powers asked if the property had

been recently subdivided or had it been there for a while; Mr. Crosby replied the structures must have been there for 8-10 years, maybe older and that this would be considered legal non-conforming because it was in compliance at one point prior to the adoption of the current zoning ordinance. Mr. Burchett added it was built around 1975 and they are subdividing the property now which is the reason for the variance request. Ryan Williams was present to speak in favor of the request; adding they approve of their neighbors request. After discussing, Bobby Powers entertained a motion. Micheal Long made a motion to approve the request as presented, seconded by Stacey Wenzler. The motion passed unanimously.

- D. **Case Number BZA-32-2021:** Application of Vicky Fludd, property located at 1536 Buchanon Dr., Tax Property Map No. 031-H, Parcel A-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 Family Day Care Home as a Customary Home Occupation. Six (6) children allowed.” The staff is recommending approval: request will have no adverse effects on surrounding properties. Vicky Fludd was present to speak on behalf of the 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.
- E. **Case Number BZA-33-2021:** Application of Toni Hillard Walls and Jeanette Howard, property located at 978 Hedge Apple Dr., Tax Property Map No. 031-N, Parcel G-019.00, Zoned R-1A. Description of the Request: “Applicant is requesting a Use Permitted on Review in an R-1A zone to allow for a Business Office as a Customary Home Occupation.” The staff is recommending approval: request will have no adverse effects on surrounding properties. Toni Walls and Jeanette Howard were present to speak on behalf of the Request. Ms. Walls explained she and Ms. Howard live together and intend on running a bounce house business from their home; their request is for storage and a business office. After discussing, Bobby Powers entertained a motion. Cindy Greene made a motion to approve the request as presented, seconded by Micheal Long. The motion passed unanimously.
- F. **Case Number BZA-34-2021:** Application of Regina Jordan, property located at 1575 Autumnwood Blvd., Tax Property Map No. 018-E, Parcel A-011.00, 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: request will have no adverse effects on surrounding properties. There was no one present to speak on behalf of the Request. There was no opposition. After discussing, Bobby Powers entertained a motion. Cindy Greene made a motion to approve the request as presented, seconded by Micheal Long. The motion passed unanimously.

- G. **Case Number BZA-35-2021:** Application of Bizham Ebrahimi, Grayson Smith, Agent, property located at 908 Greenwood Ave., Tax Property Map No. 079-C, Parcel E-011.00, Zoned C-1. Description of the Request: “Applicant is requesting a 15.2 foot variance from the required 40 foot front yard setback in order for the structure to be 24.8 feet from the North property line.” The staff is recommending approval: request will have no adverse effects on surrounding properties and existing structure was built prior to adoption of current zoning ordinance. David Green was present to speak on behalf of the Request. Mr. Crosby explained the request is for an existing building built prior to the adoption of the current zoning ordinance and they intend on dividing the parcel and need to bring it in to compliance before they can do so. Mr. Green added there are multiple buyers; one for the residential portion and one for the commercial property. After discussing, Bobby Powers entertained a motion. Stacey Wenzler made a motion to approve the request as presented, seconded by Micheal Long. The motion passed unanimously.
- H. **Case Number BZA-36-2021:** Application of Hawkins Homes, LLC, property located at 106 Lucerne Ln., Tax Property Map No. 032-F, Parcel I-011.00, Zoned R-2. Description of the Request: “Applicant is requesting a 1.5 foot variance from the required 25 foot front yard setback in order for the structure to be 23.5 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. Dan Dalripple was present to speak on behalf of the Request. Mr. Crosby explained the garage is in the setback by 1.5 feet and that the house is already constructed. Mr. Dalripple added this was his first time needing to request a variance and that he has not made this type of mistake in over eight years; he added it would not be a repeated offence. 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-37-2021:** Application of Jeff Porter, Cal McKay, Agent, property located at 722 Providence Blvd., Tax Property Map No. 054-E, Parcels D-006.00 and 007.00, Zoned C-5. Description of the Request: “Applicant is requesting a 7.5 foot height variance from the required 35 foot maximum height of structure in order for the structure to be 42.5 feet in overall height.” The staff is recommending disapproval: request does not meet the requirements of the current zoning ordinance and hardship is considered self-imposed. Cal McKay and Jeff Porter were present to speak on behalf of the Request. Mr. Crosby explained the two lots will be combined and the applicant is proposing a structure that would exceed the current height allowance. Mr. McKay added this is an expansion for U-Haul and that the topography of the parcel is poor; the proposed structure is in the only buildable area and they are trying to get ample square footage out of the building. Mr. Porter added the warehouse is proposed for their “U-Box” portion of the U-Haul business and they

would be storing individual storage containers inside warehouse. Mr. Powers asked for clarification that the staff recommendation for disapproval was not due to objection to the image of the building, but for the height of the structure; Mr. Crosby replied disapproval was for height request only as the request is considered self-imposed. Mr. Long asked if the structure would be blue; Mr. Porter replied no, he hoped not. After discussing, Bobby Powers entertained a motion. Cindy Greene made a motion to approve the request as presented, seconded by Micheal Long. The motion passed unanimously.

- V. **NEW BUSINESS:** Request for Special Called meeting to be held on Monday, July 19, 2021 at 2:30pm in order to hear proposed case for Bill Mace.

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

ADJOURNMENT

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