

CITY OF CLARKSVILLE

BOARD OF ZONING APPEALS

-MINUTES-

DATE: June 2, 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

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 May 5, 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-24-2021:** Application of Finley Home Builder, LLC, property located at 1054 Brightwood Ct., Tax Property Map No. 080-M, Parcel D-014.00, Zoned R-1. Description of the Request: "Applicant is requesting a 1.7 foot variance from the required 25 foot front yard setback in order for the structure to be 23.3 feet from the South property line." The staff is recommending disapproval: request does not meet the requirements of the current zoning ordinance and hardship is considered self-imposed. Kurt Finley was present to speak on behalf of the Request.

Bobby Powers asked what subdivision this was in; Justin Crosby responded it was part of Glenstone Village. Mr. Finley added that he stopped construction as soon as the error was found. Mr. Shakeenab asked what impact this request would have on the neighbors to the left and right; Mr. Finley replied none, the variance is for the front property line and would have no effect on neighboring properties. Mr. Crosby added that the most common variance request is for lots with curved road frontage. Eric Turner spoke in favor of the request, noting he did not know how this request would interfere with neighboring properties. After discussing, Mr. Powers entertained a motion. Joe Shakeenab made a motion to approve the request as presented, seconded by Cindy Greene. The motion passed unanimously.

- B. **Case Number BZA-25-2021:** Application of Heather Vannoy, property located at 3060 Trough Springs Rd., Tax Property Map No. 082, Parcel 012.00, Zoned R-1. Description of the Request: "Applicant is requesting a 15 foot variance from the required 50 foot front yard setback in order for the structure to be 35 feet from the East property line." The staff is recommending approval: request will have no adverse effects on surrounding properties. Heather Vannoy was present to speak on behalf of the Request. Justin Crosby explained the request is for an addition to an existing home. Jeff Tyndall (Director, Regional Planning Commission) indicated this is known to be a busy intersection with anticipated improvements currently being discussed to include the possibility of added pavement; requiring a larger right-of-way being obtained. Mr. Tyndall explained this intersection is comprised of City parcels on one side and Montgomery County parcels on the other. Mr. Powers asked if the necessary right-of-way could be obtained from the Montgomery County side? Mr. Tyndall replied that they do not know yet. Mr. Shakeenab asked how long before they begin; Mr. Tyndall replied nine months to a year out at least. Mrs. Vannoy responded she has given their project consideration and supplied the Board with a document showing an overview of her property along with the intersection. The image showed available space on her parcel if they were to double the current width of the existing road, her addition would not interfere. After discussing, Mr. Powers entertained a motion. Joe Shakeenab made a motion to approve the request as presented, seconded by Micheal Long. The motion passed unanimously.
- C. **Case Number BZA-26-2021:** Application of Mary Smith, Chris Smith, Agent, property located at 110 Edmondson Ferry Rd., Tax Property Map No. 079-F, Parcel J-012.00, Zoned R-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 South property line. Applicant is requesting a 10 foot variance from the required 40 foot front yard setback in order for the structure to be 30 feet from the East property line." The staff is recommending approval of the request as it will have no adverse effect on surround properties. Current setbacks do

not allow for a structure conforming to existing surrounding neighborhood. Chris Smith was present to speak on behalf of the Request. Bobby Powers asked if the proposed structure would fill the building envelope; Mr. Crosby responded yes, the lot is unbuildable as is. Mr. Smith provided the Board with an image of the building that previously stood, but has since been torn down, and was 10 feet off the property line. Mr. Long asked if the proposed building will be one story; Mr. Smith replied yes, and will be roughly 1180 square feet. After discussing, Mr. Powers entertained a motion. Cindy Greene made a motion to approve the request as presented, seconded by Micheal Long. The motion passed unanimously.

D. **Case Number BZA-27-2021:** Application of Mike Arnold, property located at 104 Canyon Dr., Tax Property Map No. 042-I, Parcel D-027.00, Zoned R-1. Description of the Request: "Applicant is requesting a 3.5 foot variance from the required 20 foot side yard setback in order for the structure to be 16.5 feet from the West property line; total of 26.5 feet in side setbacks." The staff is recommending disapproval: request does not meet the requirements of the current zoning ordinance and hardship is considered self-imposed. Mike Arnold was present to speak on behalf of the Request. Bobby Powers clarified that there are already people living in the house; Mr. Arnold replied that yes, there are. Jeff Tyndall added that the building community needs to take great care of items like this. Mr. Powers responded that he wished Mr. Tyndall were in attendance at last month's meeting. Annette Pettus was present to speak in opposition. Mrs. Pettus stated she was confused on this request and did not know what was going on here. Mr. Crosby explained the request and added that this was not required to have a survey so they were not aware of an error until closing. 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-28-2021:** Application of Living Hope Church-Clarksville, property located at 1550 Highway 76, Tax Property Map No. 063, Parcel 064.00, Zoned R-1A. Description of the Request: "Applicant is requesting a Use Permitted on Review in an R-1A zone to allow for a Religious Institution." The staff is recommending approval: request will have no adverse effects on surrounding properties. No one was present to speak on behalf of the Request. Justin Crosby explained the request is for a portion of the existing farmland. Bobby Powers asked if this was near the big development being done by Bill Belew, Mr. Crosby replied that is was. Cindy Greene asked what exactly is being proposed; Mr. Crosby replied that it will be a church with a family life center. John Grine asked how many acres it would be; Jeff Tyndall responded it will be a five acre parcel to host a new church and a family life center and then they will sell the existing church building to the private school (Chapel Hill Christian School). Mr. Grine asked what they were planning to do about anticipated traffic increase; Mr. Crosby replied there will be at least two ways out of

the church parcel. Mr. Tyndall added that there could even be a third exit. Mr. Powers asked if this would be required to go to the Regional Planning Commission; Mr. Tyndall replied yes, that it would be required. After discussing, Mr. Powers entertained a motion. Joe Shakeenab made a motion to approve the request as presented, seconded by Cindy Greene. The motion passed unanimously.

- F. **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. Justin Crosby noted the height variance is based on the height of the primary structure; an accessory structure cannot exceed that height. The shed is currently taller than the main house. Mr. Turner explained that he purchased the 4 feet 4 inches from the adjoining property owner to take care of the side yard request. Mr. Powers asked about a required survey of the property; Mr. Crosby explained he would have been required to provide a survey to the Building & Codes Department but he failed to pull a building permit. Jeff Tyndall asked if he had already applied for a replat; Mr. Crosby replied yes, the property will have to be replated after the new survey is done showing the purchased property. Mr. Tyndall added that the property line has not changed yet. Larry Allison was present to speak in opposition. Mr. Allison stated there are a number of upset neighbors, contrary to what Mr. Turner stated. The color and size of the accessory structure is horrific. Years ago a similar problem arose (1226 Southern Parkway) where the neighbors were in such an uproar that the owner had to tear it down; stated that something must be done. Mr. Turner responded that it would not bother him to repaint the shed to the same color grey as the house but added that you cannot see the structure from the road. Mr. Crosby explained that the Board cannot rule on the color of the structure, only on the height. Mr. Powers asked if they should defer the request for 30 days, Cindy Greene stated she would be willing to approve the height request if he were to paint the structure. Joe Shakeenab stated they should defer the request because he would vote no today. Mr. Powers asked if the structure is truss built; Mr. Crosby replied the he does not know because the Building & Codes Department did not do any inspections, as a permit wasn't pulled. Micheal Long added the Board needs to know the cost Mr. Turner would incur if he had to lower the structure by one foot. After discussing, Bobby Powers made a motion to defer the request for 30 days, 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.