

CITY OF CLARKSVILLE

BOARD OF ZONING APPEALS

-MINUTES-

DATE: May 5, 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
Stacey Wenzler
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 April 7, 2021 minutes. Cindy Greene made a motion to adopt the minutes as written; Joe Shakeenab seconded the motion. The minutes were adopted.

IV. BOARD OF ZONING APPEALS CASES

- A. **Case Number BZA-18-2021:** 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 10.2 foot variance from the required 90 foot lot width in order for the lot to be 79.8 feet wide at the building setback line." 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 asked if he

currently had a certificate of occupancy; Mr. Arnold responded that he does have a CO. Bobby Powers asked how he obtained a CO with this issued unresolved. Justin Crosby responded there is nothing requiring a survey for this job; a survey would have been required, if necessary, when the lots were platted. Mr. Powers asked if there are currently people living in the houses. Mr. Arnold responded yes, there are currently people living in both houses. Mr. Crosby noted that this is to grant him the minimum lot width approval only and that the minor plat will be done at the Regional Planning Commission. 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-19-2021:** Application of Mike Arnold, property located at 105 Canyon Dr., Tax Property Map No. 042-I, Parcel D-028.00, Zoned R-1. Description of the Request: “Applicant is requesting a 5 foot variance from the required 15 foot side yard setback in order for the structure to be 10 feet from the North property line. Applicant is requesting a 23.8 foot variance from the required 90 foot lot width in order for the lot to be 66.2 feet wide at the building setback line.” 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 asked if there is currently someone living in the second house as well. Mr. Arnold responded yes, there are currently people living in this house. After discussing, Mr. Powers entertained a motion. Stacey Wenzler made a motion to approve the request as presented, seconded by Joe Shakeenab. The motion passed unanimously.
- C. **Case Number BZA-21-2021:** Application of Allen B. Bragg Jr., property located at 1027 Orchard Hills Dr., Tax Property Map No. 079-G, Parcel A-034.00, 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 of the request as it will have no adverse effect on surround properties. Allen Bragg Jr. was present to speak on behalf of the Request. Mr. Bragg stated this request is for individual firearms training and dealing. Bobby Powers asked if he would be repairing firearms as well; Mr. Bragg responded that only minor repairs such as sights would be done and nothing major. After discussing, Mr. Powers entertained a motion. Cindy Greene made a motion to approve the request as presented, seconded by Joe Shakeenab. The motion passed unanimously.
- D. **Case Number BZA-22-2021:** Application of Providence Builders LLC, Cal Burchett, Agent, property located at Whitfield Rd., Tax Property Map No. 042, Parcel 008.00, Zoned R-2. Description of the Request: “Applicant is requesting a variance to allow three (3) lots on a single shared driveway.” The staff is recommending approval of the request as it will have no adverse effect on surround properties. Bryce Powers was

present to speak on behalf of the Request. Bryce Powers stated there is a conflict between the current zoning ordinance and the subdivision regulations; the zoning ordinance allows two driveways and the subdivision regulations allow three driveways. Bryce Powers also stated based on the slope of the road it would be safer for the occupants to utilize the location of the proposed driveway. After discussing, Bobby Powers entertained a motion. Stacey Wenzler made a motion to approve the request as presented, seconded by Joe Shakeenab. Bobby Powers abstained from the vote. The motion passed.

- E. **Case Number BZA-23-2021:** Application of Huneycutt LLC, McKay, Burchett & Company, Agent, property located at 40 W. High St., Tax Property Map No. 066-O, Parcel B-001.00, Zoned C-2. Description of the Request: “Applicant is requesting a 35 foot variance from the required 40 foot front yard setback in order for the structure to be 5 feet from the South property line.” The staff is recommending approval: request will have no adverse effects on surrounding properties based on topography and the existing buildable area being small and odd shaped. Cal Burchett was present to speak on behalf of the Request. Mr. Burchett stated the request is being made due to a 30 foot fall between Crossland Avenue and High Street. After discussing, Mr. 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:** Board appointments

- A motion was made by Cindy Greene to nominate Bobby Powers as Chairman; seconded by Stacey Wenzler. Bobby Powers abstained from the vote. The motion passed.
- A motion was made by Bobby Powers to nominate Cindy Greene as Vice Chairman; seconded by Joe Shakeenab. The motion passed.

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

ADJOURNMENT

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