

CITY OF CLARKSVILLE

BOARD OF ZONING APPEALS

-MINUTES-

DATE: August 5, 2020

LOCATION: 100 South Spring Street

I. CALL TO ORDER/ QUORUM CHECK/ PLEDGE OF ALLEGIANCE

Mark Kelly called the Board of Zoning Appeals meeting to order at 2:30 P.M.

Mr. Kelly stated for the record that a quorum was present.

II. PLEDGE OF ALLEGIANCE

III. MEMBERS PRESENT

Mark Kelly	Bobby Powers
Stacey Wenzler	Tracy Knight
Cindy Greene	

STAFF PRESENT

Justin Crosby, Building Official
Valerie Ogle

OTHERS PRESENT ADDRESSING THE BOARD

Representatives for BOZA applications

- IV. MOTION:** Mark Kelly 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 COBID-19 outbreak.”* Mark Kelly made a motion to adopt; motion seconded by Bobby Powers. Vote was unanimous.

V. ADOPTION OF MINUTES

Mark Kelly entertained a motion to adopt the July 1, 2020 minutes. Bobby Powers made a motion to adopt the minutes as written; Cindy Greene seconded the motion. The minutes were adopted.

VI. BOARD OF ZONING APPEALS CASES

- A. **Case Number BZA-10-2020:** Application of Dapp Investments, Billy Ray Suiter, Agent, property located at 165 Waterwheel Circle, Tax Property Map No. 030-F, Parcel G-033.00, Zoned R-6. Description of the Request: “Applicant is requesting a 5.4 foot variance from the required 20 foot rear yard setback in order for the structure to be 14.6 feet from the West property line.” The staff is recommending approval of the request. Billy Ray Suiter was on the call to speak on behalf of the Request. Mark Kelly asked if the house is occupied and Mr. Suiter responded no, neither of the lots (30 or 31) in the Requests are occupied. After discussing, Mr. Kelly entertained a motion. Bobby Powers abstained from the vote. Tracy Knight made a motion to approve the request as presented, seconded by Stacey Wenzler. The motion passed.
- B. **Case Number BZA-11-2020:** Application of Dapp Investments, Billy Ray Suiter, Agent, property located at 125 Waterwheel Circle, Tax Property Map No. 030-F, Parcel G-030.00, Zoned R-6. Description of the Request: “Applicant is requesting a 5.3 foot variance from the required 20 foot rear yard setback in order for the structure to be 14.7 feet from the East property line.” The staff is recommending approval of the request as it will have no adverse effect on surround properties. Billy Ray Suiter was on the call to speak on behalf of the Request. After discussing, Mr. Kelly entertained a motion. Bobby Powers abstained from the vote. Cindy Greene made a motion to approve the request as presented, seconded by Tracy Knight. The motion passed.
- C. **Case Number BZA-12-2020:** Application of Steve Olson, property located at 2587 Elkmont Drive, Tax Property Map No. 031-N, Parcel A-029.00, Zoned R-1A. Description of the Request: “Applicant is requesting a Use Permitted on Review in an R-1A zone to allow for a Professional Home Office as a customary home occupation.” The staff is recommending approval of the request as it will have no adverse effect on surround properties. Steve Olson was on the call to speak on behalf of the Request. Mark Kelly asked what type of business is to be conducted from the home office. Justin Crosby responded a plumbing company with one work vehicle kept on site. Steve Olson added there is to be no foot traffic at the house, only an office on site to answer calls and keep files. Justin Crosby noted that all customary home occupations are to be operated by the homeowner only, no employees are permitted. After discussing, Mr. Kelly entertained a motion. Bobby Powers made a motion to approve the request as presented, seconded by Stacey Wenzler. The motion passed unanimously.

- D. **Case Number BZA-13-2020:** Application of Laurence McMillan Jr., property located at 112 Maplemere Drive, Tax Property Map No. 066-L, Parcel D-020.00, Zoned R-1. Description of the Request: “Applicant is requesting a 5 foot variance from the required 10 foot side yard setback in order for the structure to be 5 feet from the North property line.” The staff is recommending disapproval of the request as it does not meet the requirements of the current zoning ordinance and hardship is considered self-imposed. Larry McMillan Jr. was on the call to speak on behalf of the Request. Mark Kelly asked if the proposed garage was the minimum garage available; Mr. McMillan replied yes, that it is a two-car garage; he thought about a three-car garage but it would not fit. After discussing, Mark Kelly made a motion to approve the request as presented, seconded by Cindy Greene. Tracy Knight abstained from the vote. The motion passed.
- E. **Case Number BZA-14-2020:** Application of Sisi Moala, property located at 577 Brady Drive, Tax Property Map No. 054-A, Parcel H-017.00, Zoned R-1A. Description of the Request: “Applicant is requesting a Use Permitted on Review in an R-1A zone to allow for a Professional Home Office as a customary home occupation.” The staff is recommending approval of the request as it will have no adverse effect on surround properties; customary home occupations shall only be conducted by the property owner(s) residing on the premises and conducted entirely within the dwelling. Sisi Moala was on the call to speak on behalf of the Request. Mr. Moala indicated he and his wife will be running an in-home care business and will be using the home office for calls and files. Mark Kelly noted that the business can only be operated by him and his wife; Mr. Moala responded that yes, he does understand. After discussing, Mr. Kelly entertained a motion. Stacey Wenzler made a motion to approve the request as presented, seconded by Tracy Knight. The motion passed unanimously.
- F. **Case Number BZA-15-2020:** Application of Eric Butler, property located at 729 Forrest Cove Court, Tax Property Map No. 017-M, Parcel C-042.00, Zoned R-2. Description of the Request: “Applicant is requesting a Use Permitted on Review in an R-2 zone to allow for a 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. Eric Butler was on the call to speak on behalf of the Request. Mark Kelly asked if the back yard is fenced; Justin Crosby responded that yes, it is. Mr. Butler added that he is a trained gunsmith wishing to obtain his FFL for firearm sales. After discussing, Mr. Kelly entertained a motion. Cindy Greene made a motion to approve the request as presented, seconded by Tracy Knight. The motion passed unanimously.

- G. **Case Number BZA-16-2020:** Application of APEX Investments, property located at 841 Professional Park Drive, Tax Property Map No. 040-G, Parcel C-018.01, Zoned R-4. Description of the Request: “Applicant is requesting a 4.2 foot variance from the required 25 foot rear yard setback in order for the structure to be 20.8 feet from the North property line.” The staff is recommending disapproval of the request as it does not meet the requirements of the current zoning ordinance and hardship is considered self-imposed. Jon Clark was on the call to speak on behalf of the Request. Justin Crosby added that a buffer is required between their property and the adjoining residential properties. Bobby Powers asked if lots would be forfeited if they withdraw this request; Mr. Clark responded yes, that would be the case. Mr. Powers asked how wide are the units; Mr. Clark responded they are about 20 feet wide. After discussing, Mr. Kelly entertained a motion. Cindy Greene made a motion to approve the request as presented, seconded by Stacey Wenzler. Tracy Knight abstained from the vote. The motion passed.
- H. **Case Number BZA-17-2020:** Application of Linda Johnson, Jason Ruger, Agent, property located at 1056 Castlerock Drive, Tax Property Map No. 030-E, Parcel A-047.00, Zoned R-2. Description of the Request: “Applicant is requesting a Use Permitted on Review in an R-2 zone to allow for a Federal Firearms License as a customary home occupation.” The staff is recommending approval of the request as it will have no adverse effect on surrounding properties. Jason Ruger was on the call to speak on behalf of the Request. Cindy Greene asked if the same restrictions apply to an FFL request as the other home occupations? Justin Crosby replied that the applicant making the request must reside on the premises and cannot have employees that live outside the home. Jason Ruger added he will have a home office, he currently has a fenced yard and dogs for security and there will be no foot traffic in the home. Mark Kelly asked if that meant no customer traffic at the house; Mr. Ruger responded that was correct, customers will be required to go to another FFL and he is responsible for doing the back ground checks. After discussing, Mr. Kelly entertained a motion. Bobby Powers made a motion to approve the request as presented, seconded by Stacey Wenzler. The motion passed unanimously.
- I. **Case Number BZA-18-2020:** Application of Wesley Bradford, property located at 1153 Gupton Lane, Tax Property Map No. 079-L, Parcel B-030.01, Zoned C-2. Description of the Request: “Applicant is requesting a 23 foot variance from the required 40 foot front yard setback in order for the structure to be 17 feet from the North property line.” The staff is recommending disapproval of the request as it does not meet the requirements of the current zoning ordinance and hardship is considered self-imposed. Wes Bradford was on the call to speak on behalf of the Request. Mark Kelly asked if the current setback is indicated by the

yellow line to the South on the PowerPoint; Justin Crosby replied yes. Mr. Kelly asked where the proposed building is going; Mr. Crosby indicated where the concrete drive is to the left of the existing building. Bobby Powers asked if the entire proposed building is in the setback; Mr. Crosby responded that yes, it is. Mark Kelly asked if the existing cinder block wall runs the North property line, Mr. Crosby indicated that is correct. Mark Kelly asked if the wall was outside the setback; Mr. Crosby replied there is no variance required for the wall. Cindy Greene asked if the wall would be removed if the proposed building were constructed; Mr. Bradford replied that it will remain and the proposed building would be 12 feet away from the wall. After discussing, Mr. Kelly entertained a motion. Bobby Powers made a motion to disapprove the request, seconded by Tracy Knight. Stacey Wenzler abstained from the vote. The motion for disapproval passed.

- J. **Case Number BZA-19-2020:** Application of Bill Mace, property located at Racker Drive, Tax Property Map No. 080, Parcel 008.00, Zoned R-1. Description of the Request: “Applicant is requesting a variance from the required minimum of ten (10) lots to allow a minimum of two (2) lots in order to make application for plat approval of a Residential Cluster Development.” The staff is recommending approval of the request as it will have no adverse effect on surrounding properties. Houston Smith was on the call to speak on behalf of the Request. Houston Smith noted the request is to add two additional lots to an existing plat. After discussing, Mr. Kelly entertained a motion. Bobby Powers 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.