

CITY OF CLARKSVILLE

BOARD OF ZONING APPEALS

-MINUTES-

DATE: July 6, 2022

LOCATION: 100 South Spring Street

I. CALL TO ORDER/ QUORUM CHECK

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
Micheal Long

STAFF PRESENT

Justin Crosby, Building Official
David Smith, Director
Brandon Sather, Senior Building Inspector
Valerie Ogle

OTHERS PRESENT ADDRESSING THE BOARD

Representatives for BOZA applications

IV. ADOPTION OF MINUTES

Bobby Powers entertained a motion to adopt the June 1, 2022 minutes. Micheal Long made a motion to adopt the minutes as written; Stacey Wenzler seconded the motion. The minutes were adopted.

V. COMMITTEE ACTION REQUIRED

COMMITTEE REPORT: David Smith

Growth in BZA applications rising amongst volume builders because of setback encroachments. Board needs to consider the number of variances granted related to setbacks. Will speak with the City Attorney and the HBA as to the possibility of requiring a survey and an as built to help alleviate this type of request and will report to the Board with the findings.

A. **Case Number BZA-30-2022:** Application of Bill Mace, property located at 1109 Cardinal Creek Dr., Tax Property Map No. 018N, Parcel G 004.00, Zoned R-1. Description of the Request: “Applicant is requesting a 3.2 foot variance from the required 20 foot rear yard setback in order for the structure to be 16.8 feet from the North property line.” Staff recommendation is for disapproval; request does not meet the requirements of the current zoning ordinance and hardship is considered self-imposed. Justin Crosby indicated the front and rear are both over the setback line and the front received a variance already. Micheal Long asked if the rear stairs were moved and the roof line over the porch removed would it be in compliance; Mr. Crosby responded that if the stairs met building code it could get them out of the setback. Bill Mace was present to speak on behalf of the request. Mr. Mace asked if the porch was not covered then he would not require a variance; Mr. Crosby responded that is potentially correct. Mr. Mace stated he was under the impression that if it did not have a footer then it did not require a variance request. Mr. Mace stated the landscape buffer gives the appearance that it isn’t within the setback. Mr. Powers asked if the property line is the dark line on the survey; Mr. Crosby stated yes, it is. Mr. Powers stated he would go back to the Planning Commission to find a different resolution. Cindy Greene asked if anyone is currently living in the house; Mr. Mace responded yes, he thinks so. Bobby Powers made a motion to disapprove the request, seconded by Stacey Wenzler. The motion passed unanimously.

Cindy Greene made a motion to reconsider case number BZA-30-2022; seconded by Stacey Wenzler. The motion passed.

Bill Mace asked to withdraw the following cases:
BZA-30-2022, BZA-31-2022, BZA-32-2022 and BZA-33-2022.

B. **Case Number BZA-31-2022:** Application of Bill Mace, property located at 1108 Cardinal Creek Dr., Tax Property Map No. 018N, Parcel G 011.00, Zoned R-1. Description of the Request: “Applicant is requesting an 8.4 foot variance from the required 20 foot rear yard setback in order for the structure to be 11.6 feet from the South property line.” Staff recommendation is for disapproval; request does not meet the requirements of the current zoning ordinance and hardship is considered self-imposed. *** REQUEST WITHDRAWN. ***

C. **Case Number BZA-32-2022:** Application of Bill Mace, property located at 1104 Cardinal Creek Dr., Tax Property Map No. 018N, Parcel G 012.00, Zoned R-1. Description of the Request: “Applicant is requesting a 14.8 foot variance from the required 20 foot rear yard setback in order for the structure to be 5.2 feet from the South property line.” Staff recommendation is for disapproval; request does not meet the requirements of the current zoning ordinance and hardship is considered self-imposed. *** REQUEST WITHDRAWN. ***

- D. **Case Number BZA-33-2022:** Application of Bill Mace, property located at 1100 Cardinal Creek Dr., Tax Property Map No. 018N, Parcel G 013.00, Zoned R-1. Description of the Request: “Applicant is requesting a 6.1 foot variance from the required 20 foot rear yard setback in order for the structure to be 13.9 feet from the South property line.” Staff recommendation is for disapproval; request does not meet the requirements of the current zoning ordinance and hardship is considered self-imposed. *** REQUEST WITHDRAWN. ***
- E. **Case Number BZA-34-2022:** Application of Ernestine Kennedy, property located at 1550 Cherry Tree Dr., Tax Property Map No. 043H, Parcel D 029.00, Zoned R-2. Description of the Request: “Applicant is requesting a Use Permitted on Review in an R-2 zone to allow for a Beauty Salon (one chair) as a customary home occupation.” The staff recommendation is for approval; request will have no adverse effects on surrounding properties. Ernestine Kennedy was present to speak on behalf of the request. There was no opposition present. 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-35-2022:** Application of McBee’s Coffee N Carwash, LLC, Ashley Smith, Agent, property located at 255 Tiny Town Rd., Tax Property Map No. 006I, Parcel E 001.11, Zoned C-5. Description of the Request: “Applicant is requesting a 10.0 foot variance from the required 50 foot front yard setback in order for the structure to be 40.0 feet from the North property line.” Staff recommendation is for disapproval; request does not meet the requirements of the current zoning ordinance and hardship is considered self-imposed. Ashley Smith was present to speak on behalf of the request. Ms. Smith indicated the request is for an addition of an enclosed dog wash station; the station originally proposed as a detached, open-air kiosk of sorts and they decided it would be safer for patrons and their dogs if the room were enclosed. Ms. Smith further explained that the structure is only 8 feet into the setback and the additional 2 feet is for the attached awning. Mr. Powers asked is this request critical to their plans going forward; Ms. Smith responded yes, it is; the narrow lot and flow of traffic doesn’t allow for this room to be attached and enclosed without patrons crossing the flow of traffic. Mr. Crosby indicated the list of exemptions in the zoning ordinance includes awnings; therefore, Ms. Smith could amend her request to 8 feet if needed. Mr. Powers asked if this request consistent with surrounding structures; Mr. Crosby replied yes, the curve of the road gives the illusion it would be in line with surroundings. Ms. Smith stated she would like to amend her request to the following: “Applicant is requesting an 8.0 foot variance from the required 50 foot front yard setback in order for the structure to be 42.0 feet from the North property line.” Bobby Powers entertained a motion. Cindy Greene made a motion to approve the amended request, seconded by Stacey Wenzler. The motion passed unanimously.

G. Case Number BZA-36-2022: Application of David Whitset, property located at 250 Caldwell Ln., Tax Property Map No. 079K, Parcel A 003.00, Zoned R-2. Description of the Request: “Applicant is requesting an 11.8 foot variance from the required 40 foot front yard setback in order for the structure to be 28.2 feet from the East property line.” The staff recommendation is for approval; request will have no adverse effects on surrounding properties. Tanika Patterson was present to speak on behalf of the request. Mr. Powers asked if this was a modular home; Mr. Crosby stated it is a double wide which is treated the same as a stick built house and will be on a permanent foundation. There was no opposition present. 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.

H. Case Number BZA-37-2022: Application of Rodger Gilreath, property located at 2864 Trelawny Dr., Tax Property Map No. 081E, Parcel D 032.00, Zoned R-1. Description of the Request: “Applicant is requesting a Use Permitted on Review in an R-1 zone to allow for a Guest House / Pool House.” The staff recommendation is for approval; request will have no adverse effects on surrounding properties. Thomas Durham was present to speak on behalf of the request. There was no opposition present. 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.

I. Case Number BZA-38-2022: Application of Oladosu Bode, property located at 612 Madison St. Unit 23, Tax Property Map No. 066K, Parcel N 012.00, Zoned CBD. Description of the Request: “Applicant is requesting a Use Permitted on Review in a CBD zone to allow for a Home Care business office as a customary home occupation.” The staff recommendation is for approval; request will have no adverse effects on surrounding properties. *** REQUEST WITHDRAWN. ***

VI. NEW BUSINESS: Brandon Sather will be taking over for Justin Crosby for the BZA meetings.

VII. CITY COUNCIL ACTION REQUIRED: N/A

ADJOURNMENT

Motion to adjourn made by Stacey Wenzler; seconded by Micheal Long.