

CITY OF CLARKSVILLE

BOARD OF ZONING APPEALS

-MINUTES-

DATE: December 1, 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
Micheal Long
Cindy Greene

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 November 3, 2021 minutes. Stacey Wenzler 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-56-2021:** Application of Terrin Tsefrekas and Mary Moran, property located at 941 Ridgewood Dr., Tax Property Map No. 063-H, Parcel B-001200, Zoned R-1. Description of the Request: "Applicant is requesting a Use Permitted on Review in an R-1 zone to allow for a Colon Hydrotherapy Business as a customary home occupation." The staff recommendation is for approval; request will have no adverse effects on surrounding properties. Terrin Tsefrekas and Mary Moran were present to speak on behalf of the request. Ms. Moran

indicated she is already certified and that Terrin will also become certified if their request is approved. Cindy Greene asked if they are already operating their business elsewhere; Ms. Moran responded no. Stacey Wenzler asked how many people would they have at the residence; Ms. Moran responded they intend to have one customer at a time and by appointment only as she does also have a full time job. Bobby Powers asked if this is primarily for cancer treatment; Ms. Moran replied no, it is not. Ms. Greene asked what the benefits are; Ms. Moran explained it is good for the skin, heart and body movement. Additionally, Ms. Moran added that she is able to work full time because of this treatment. Rachel Hall was present to speak in opposition. Mrs. Hall indicated they live in a family neighborhood, that she tried to get an answer from Building & Codes on what Title 11, Section 5.2.7 was but was unable to reach anyone and that they share a driveway with four properties, therefore, the shared expense that is normally split between the four neighbors to fix any damages to the driveway should be raised for the neighbors at 941 Ridgewood Drive due to the anticipated increase in traffic. Mr. Powers asked Mrs. Hall if her main objection was to the parking; Mrs. Hall replied yes, and not having a business in the house where there is a septic system in place as she does not want it flooding her yard. Mr. Powers asked Mr. Crosby if he could speak to the driveway issue; Mr. Crosby explained it is shared by an easement and that he viewed ample parking with room enough to turn around and drive back out with no issue. Mr. Crosby also explained that they would be limited to one client at a time. Roland Hall (neighbor) included that there have been four to five cars in the driveway before. Dr. Philip Madaelic (neighbor – 921 Ridgewood Dr.) was present to speak in opposition. Dr. Madaelic indicated he did not receive a letter of notification but that a lot of kids play in the street, he would prefer to keep it a residence only, there is no documented evidence that this type of therapy is beneficial and that there is the possibility to damage the driveway. Ms. Greene indicated the concern with the shared driveway and the possible effect on other people. Mr. Crosby explained each of the properties has road frontage and, therefore, have the ability to put in their own driveways. Mr. Powers called on Cal Burchett to explain if it is possible that and how an easement might have been written in; Mr. Burchett indicated reviewing the deed would be most efficient. Mrs. Hall offered to supply a copy of the deed. Bobby Powers made a motion to defer the request for 30 days, seconded by Micheal Long. The motion to defer passed unanimously.

- B. **Case Number BZA-57-2021:** Application of Andrew Lang, property located at 1030-A Progress Dr., Tax Property Map No. 033-J, Parcel A-006.00, Zoned M-1. Description of the Request: “Applicant is requesting a Use Permitted on Review in an M-1 zone to allow for a Micro Distillery with tasting room.” The staff recommendation is for approval; request will have no adverse effects on surrounding properties. Andrew Lang was present to speak on behalf of the request. Mr. Crosby explained current regulations he is required to comply with have been added to the file with

a square footage ratio of 75% production and 25% tasting room/storage use. Mr. Lang indicated there was a vote recently to reword the definition of Micro Brewery and he would like the same for a Micro Distillery; Mr. Powers indicated he was making his request to the wrong body. 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.

- C. **Case Number BZA-58-2021:** Application of LBS Overwatch LLC, Cal McKay, Agent, property located at 909 McClardy Rd., Tax Property Map No. 030-M, Parcel C008.00, Zoned C-5. Description of the Request: “Applicant is requesting a 1.1 foot variance from the required 15 foot side yard setback in order for the structure to be 13.9 feet from the East property line.” The staff recommendation is for approval; addition lines up with existing building and request will have no adverse effects on surrounding properties. Cal Burchett was present to speak on behalf of the request. Mr. Burchett explained the request is for the right side of the structure to come into compliance and asking for relief for the proposed addition. Mr. Burchett added the existing business has a major need to expand their square footage. 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:** N/A

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

ADJOURNMENT

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