

CITY OF CLARKSVILLE

BOARD OF ZONING APPEALS

-MINUTES-

DATE: August 3, 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
Micheal Long
Don Trotter

STAFF PRESENT

David Smith, Director
Brandon Sather, Senior Building Inspector
Valerie Ogle
Stephanie Rodriguez

OTHERS PRESENT ADDRESSING THE BOARD

Representatives for BOZA applications

IV. ADOPTION OF MINUTES

Bobby Powers entertained a motion to adopt the July 6, 2022 minutes. Cindy Greene made a motion to adopt the minutes as written; Micheal Long seconded the motion. The minutes were adopted.

V. COMMITTEE ACTION REQUIRED

- A. Case Number BZA-39-2022:** Application of Jessie Gillespie, property located at 2237 Sweetbriar Dr., Tax Property Map No. 057A, Parcel D 003.00, Zoned R-1. Description of the Request: "Applicant is requesting a Use Permitted on Review in an R-1 zone to allow for a Family Day Care home as a customary home occupation. Six (6) children allowed." Staff recommendation is for approval; request will have no adverse effects on surrounding properties. Jessie Gillespie was present to speak on behalf of

the request. 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 Cindy Greene. The motion passed unanimously.

- B. Case Number BZA-40-2022:** Application of Trevine Daley, property located at 826 Shelton Cir., Tax Property Map No. 044M, Parcel J 016.00, Zoned R-2. Description of the Request: “Applicant is requesting a Use Permitted on Review in an R-2 zone to allow for a Catering Business as a customary home occupation.” Staff recommendation is for approval; request will have no adverse effects on surrounding properties. Trevine Daley was present to speak on behalf of the request. There was no opposition present. After discussing, Bobby Powers entertained a motion. Don Trotter made a motion to approve the request as presented, seconded by Micheal Long. The motion passed unanimously.
- C. Case Number BZA-41-2022:** Application of Erika Milner, property located at 3708 Misty Way, Tax Property Map No. 017G, Parcel B 073.00, Zoned R-2. Description of the Request: “Applicant is requesting a Use Permitted on Review in an R-2 zone to allow for a Private Music Lesson Studio as a customary home occupation.” Staff recommendation is for approval; request will have no adverse effects on surrounding properties. Daniel Milner was present to speak on behalf of the request. There was no opposition present. After discussing, Bobby Powers entertained a motion. Don Trotter made a motion to approve the request as presented, seconded by Cindy Greene. The motion passed unanimously.
- D. Case Number BZA-42-2022:** Application of Allen Moser, property located at 1163 Gupton Cir., Tax Property Map No. 079L, Parcel B 039.00, Zoned C-2. Description of the Request: “Applicant is requesting a variance to allow parking to back out into a public street.” Staff recommendation is for disapproval; request does not meet the requirements of the current zoning ordinance and hardship is considered self-imposed. David Smith read notes provided by Jeff Tyndall (Regional Planning Commission) stating the Street Department should be given the opportunity to comment on this case. Mr. Smith stated off-street parking prohibits this type of request and there are no topographic challenges on site. Cal Burchett was present to speak on behalf of the request. Mr. Burchett indicated the previous variance approval to move the building closer to the road was approved by the Board. Don Trotter asked how many spaces are proposed; Mr. Burchett responded four spaces are proposed with a 1,500 square foot structure due to topographic need to the rear of the property. Bobby Powers asked how large the lot is; Mr. Burchett replied 5,700 square foot lot size. Mr. Burchett indicated he had already been in touch with the Street Department and they stated they had no problems with the request. Micheal Long asked what type of business is proposed for this location; Mr. Burchett responded there is no tenant

yet, they are building to suite. There was no opposition present. After discussing, Bobby Powers entertained a motion. Don Trotter made a motion to approve the request as presented, seconded by Cindy Greene. The motion passed unanimously.

E. Case Number BZA-43-2022: Application of Valore Residential, property located at 2580 Madison St., Tax Property Map No. 081, Parcel 118.00, Zoned C-5/R-4. Description of the Request: “Applicant is requesting a variance to reduce the parking from 2.2 spaces to 2.0 spaces per unit in a 334 unit apartment development.” Staff recommendation is for disapproval; request does not meet the requirements of the current zoning ordinance and hardship is considered self-imposed. Cal Burchett was present to speak on behalf of the request. David Smith indicated there are notes in the file from Jeff Tyndall (Regional Planning Commission) “The RPC does not necessarily object to this as over parking a use is bad for the environment, however we base the parking for PUDs on types of bedrooms. The current parking requirement is based on a two bedroom unit or in other words, an average of 2 beds for the whole unit. If these apartments have a mix of 1 and 2 and 3 bedroom units our current PUD regulations allow for the following: 1 bed = 1.25 spaces, 2 bed = 1.75 spaces, and 3 bed = 2 spaces. We also require 10% additional to those totals for visitor, maintenance, etc. I would ask for them to do this math which they should be able to do on the floor and see that they are close to meeting that, which they may, but when we approved this site plan we did not get a breakdown of the units and our current R-4 regulations do not allow for this flexible parking like the PUD does.” David Smith stated they are compliant with PUD requirements until they get to the additional 10% required for guests, maintenance, etc. Mr. Smith also indicated that any varying from approved variance would void the BZA approval. Cal Burchett was present to speak on behalf of the request. Mr. Burchett indicated the extensive topographic issues on the property being the reason for this request. Todd Jack (developer) was also present to speak on behalf of the request. Mr. Jack stated urban areas typically show less required parking spaces, they have a standard building plan they use in every city and they are not looking to change that plan if at all possible. Bobby Powers asked how many units would be lost if they were forced to back up to the required parking; Mr. Jack stated 40 out of the 334 proposed units would be lost. Mr. Burchett asked if the Board would be open to the request being amended to 1.9 spaces per unit instead of the proposed 2.0 originally requested. Don Trotter stated reducing the parking down to 2.0 spaces would only eliminate the 10% additional parking required and would not affect the unit parking requirement. Micheal Long made a motion to amend the request from 2.0 spaces down to 1.9 spaces; Cindy Greene seconded the motion. Motion passed unanimously. There was no opposition present. After discussing, Bobby Powers entertained a motion. Cindy Greene made a motion to approve the request as amended, seconded by Micheal Long. The motion passed unanimously.

F. Case Number BZA-44-2022: Application of Millan Holdings LLC, property located at 2200 Wilma Rudolph Blvd., Tax Property Map No. 041K, Parcel A 032.00, Zoned C-5. Description of the Request: “Applicant is requesting a 7.0 foot variance from the required 15 foot side yard setback in order for the structure to be 8.0 feet from the North property line. Applicant is requesting a 16.2 foot variance from the required 25 foot side yard setback in order for the structure to be 8.8 feet from the West property line.” Staff recommendation is for disapproval; request does not meet the requirements of the current zoning ordinance and hardship is considered self-imposed. Riley Keene was present to speak on behalf of the request. Micheal Long asked what happens to the HVAC shown to the rear of the structure where the proposed addition would be going; Mr. Keene stated they will submit full drawings to the Building & Codes Department that will include moving the HVAC. Mr. Long asked if the proposed addition will run the full length of the existing structure; Mr. Keene responded yes, they intend for the proposed addition to be 1,200 square feet. Cal McKay was present to speak on behalf of the request. Mr. McKay indicated the proposed addition will not encroach any further than the corner of the existing structure already sits. Bobby Powers entertained a motion. Micheal Long made a motion to approve the request as presented, seconded by Don Trotter. The motion passed unanimously.

G. Case Number BZA-45-2022: Application of Lazurus Group d/b/a Marlon Placide, Jon Clark, Agent, property located at 805 Howard St., Tax Property Map No. 055N, Parcel C 009.00, Zoned R-4. Description of the Request: “Applicant is requesting a 1.7 foot variance from the required 10 foot side yard setback in order for the structure to be 8.3 feet from the West property line. Applicant is requesting a 9.1 foot variance from the required 40 foot front yard setback in order for the structure to be 30.9 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. David Smith stated the left side of the structure is the addition, work has been done with no building permit pulled, no inspections have been done to date and no survey has been provided to the Building and Codes Department. Mr. Smith also indicated that a stop work order has been issued and that the work that has already been done requires the variance. Jon Clark was present to speak on behalf of the request. Bobby Powers asked if the only thing wrong with the structure was that there is no building permit; Mr. Smith responded that the no inspections have been done, therefore, he could not speak to whether or not there were any current issues but that the footing that is in place would require a third party inspection. Mr. Clark replied that he has been brought on to ensure all requirements are met moving forward and he would ensure proper permits are pulled and inspections are requested. 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 Cindy Greene. The motion passed unanimously.

- H. Case Number BZA-46-2022:** Application of Wildwood Partners, Jimmy Bagwell, Agent, property located at 840 Professional Park Dr., Tax Property Map No. 040G, Parcel A 016.00, Zoned O-1. Description of the Request: “Applicant is requesting a Use Permitted on Review in an O-1 zone to allow for a Child Care Facility.” Staff recommendation is for approval; request will have no adverse effects on surrounding properties.
*** REQUEST WITHDRAWN. ***

VI. **NEW BUSINESS:** N/A

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

ADJOURNMENT

Motion to adjourn made by Micheal Long; seconded by Don Trotter.