

CITY OF CLARKSVILLE

BOARD OF ZONING APPEALS

-MINUTES-

DATE: December 7, 2016

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. MEMBERS PRESENT

Mark Kelly
Tracy Knight
Bobby Powers

STAFF PRESENT

Adam Lewis, Plans Examiner
Valerie Ogle

OTHERS PRESENT ADDRESSING THE BOARD

Representatives for BOZA applications

III. ADOPTION OF MINUTES

Mark Kelly entertained a motion for adoption of the minutes from the November 2nd meeting. Tracy Knight made a motion for approval, second was made by Bobby Powers. The minutes were adopted.

IV. BOARD OF ZONING APPEALS CASES

- A. **Number BZA-40-2016:** Application of Chrishawna Clark, property located at 1745 Autumnwood Blvd., Tax Property Map No. 18-E, Parcel A-8, Zoned R-2. Description of the Request: "Applicant is requesting a Use Permitted on Review in an R-2 zone to allow for a Furniture Restoration Business as a customary home occupation." The staff is recommending approval of the Request. There was no one was present to speak on behalf of the Request. Mark Kelly made a motion to defer the Request for 30 days, second was made by Bobby Powers. Motion for deferral was unanimous.

- B. **Number BZA-41-2016:** Application of Yvette Bordo, property located at 830 Iris Ln., Tax Property Map No. 6-K, Parcel G-10, Zoned R-2. Description of the Request: “Applicant is requesting a Use Permitted on Review in an R-2 zone to allow for a Dog Grooming Business as a customary home occupation.” The staff is recommending approval of the Request. Yvette Bordo was present to speak on behalf of the Request. There was no one present to speak in opposition. Bobby Powers made a motion to approve the Request as presented, second was made by Tracy Knight. Motion for approval was unanimous.
- C. **Number BZA-42-2016:** Application of John Peterson, property located at 1435 Cobra Ln., Tax Property Map No. 7-G, Parcel B-63, Zoned R-2. Description of the Request: “Applicant is requesting a Use Permitted on Review in an R-2 zone to allow for a Guest house.” The staff is recommending approval of the Request. John Peterson was present to speak on behalf of the Request. He stated that the structure is already built and is a detached, two-story garage with the second story residence for his mother-in-law. There was no one present to speak in opposition. Tracy Knight made a motion to approve the Request as presented, second was made by Mark Kelly. Motion for approval was unanimous.
- D. **Number BZA-43-2016:** Application of Kelly Kellett, property located at 2478 Shadowood Rd., Tax Property Map No. 88-A, Parcel C-11, Zoned R-1. Description of the Request: “Applicant is requesting a Use Permitted on Review in an R-1 zone to allow for a Real Estate Office as a customary home occupation.” The staff is recommending approval of the Request. Kelly Kellett was present to speak on behalf of the Request. Mrs. Kellett stated there would be no property management, only real estate sales with no clients coming to the house. Bobby Powers asked if she was allowed employees with the customary home occupation. Adam Lewis noted that in home occupations restrict you to working alone or employing only people who reside at the house. Mrs. Kellett said she must let her current staff know she cannot employ them if running business from house. There was no one present to speak in opposition. Bobby Powers made a motion to approve the Request as presented, second was made by Tracy Knight. Motion for approval was unanimous.
- E. **Number BZA-44-2016:** Application of Shannon Keen, property located at 701 S. Riverside Dr., Tax Property Map No. 66-O, Parcel A-6.01, Zoned C-2. Description of the Request: “Applicant is requesting a 20 foot variance from the required 60 foot front yard setback in order for the structure to be 40 feet from the North property line.” The staff is recommending approval of the Request. Billy Ray Suiter, Agent, was present to speak on behalf of the Request. Jake Gordon was present to speak in opposition. Mr. Suiter stated they intended to demolish the existing car wash and build an automatic car wash in its place. Mr.

Gordon (adjoining property owner) expressed concern with the existing cinder block wall remaining. Mr. Suiter explained that if the wall is not on their property then it will not be touched. Bobby Powers asked if they have done a survey of the property yet. Mr. Suiter replied that they had not done so at this time. Mr. Gordon continued to express concern for the wall based on a verbal agreement made with the property owner years prior. Tracy Knight addressed his concern noting that if the wall is on his property, it cannot be touched. If a “promise” was made years ago then there’s nothing stopping them from removing it but that a survey must be done prior to construction. Bobby Powers made a motion to approve the Request as presented, second was made by Tracy Knight. Motion for approval was unanimous.

- F. **Number BZA-45-2016:** Application of Montgomery County Government, property located at 1213 Highway Dr., Tax Property Map No. 66-M, Parcel D-16, Zoned M-2. Description of the Request: “Applicant is requesting a 13 foot variance from the required 40 foot front yard setback in order for the structure to be 27 feet from the West property line. Applicant is requesting an 18 foot variance from the required 50 foot side yard setback in order for the structure to be 32 feet from the East property line.” The staff is recommending approval of the Request. Doug Jones, Mont. Co. Engineer, was present to speak on behalf of the Request. There was no one present to speak in opposition. Mr. Jones stated the existing building will be demolished to make way for the new construction but that the access drive to the transit system will remain. Bobby Powers made a motion to approve the Request as presented, second was made by Tracy Knight. Motion for approval was unanimous.
- G. **Number BZA-46-2016:** Application of Rick Reda, property located at 2572 Village Ct., Tax Property Map No. 81-N, Parcel E-34, Zoned R-2. Description of the Request: “Applicant is requesting a 15 foot variance from the required 40 foot front yard setback in order for the structure to be 25 feet from the North property line.” The staff is recommending approval of the Request. Rick Reda was present to speak on behalf of the Request. There was no one present to speak in opposition. Mr. Reda stated the Request is due to a topographical hardship. Bobby Powers made a motion to approve the Request as presented, second was made by Tracy Knight. Motion for approval was unanimous.
- H. **Number BZA-47-2016:** Application of The Bridge Church of Clarksville, Chad Rowland, Agent, property located at 112 Edmondson Ferry Rd., Tax Property Map No. 79-F, Parcel J-19, Zoned R-2. Description of the Request: “Applicant is requesting a 6 foot variance from the required 40 foot front yard setback in order for the structure to be 34 feet from the North property line.” The staff is recommending approval of the Request. Chad Rowland was present to speak on behalf of the Request. Reverend Jo Fletcher and William Jenkins (adjoining property owner) were present to speak in opposition. Mr. Rowland stated they intended to build a house as a permanent structure for their church assistance in the neighborhood.

Reverend Fletcher expressed his concern that he believes the stakes are over the property line. David Kimberling responded that the church is required to submit a site plan to the Regional Planning Commission for review and approval and that a survey is required in order to create the site plan. Tracy Knight made a motion to approve the Request as presented, second was made by Mark Kelly. Bobby Powers abstained from the vote. Motion for approval was passed.

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

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

ADJOURNMENT

Motion to adjourn made by Mark Kelly, seconded by Bobby Powers.