

CITY OF CLARKSVILLE

BOARD OF ZONING APPEALS

-MINUTES-

DATE: January 4, 2023

LOCATION: 100 South Spring Street

I. CALL TO ORDER/ QUORUM CHECK

Cindy Greene called the Board of Zoning Appeals meeting to order at 2:30 P.M. Ms. Greene stated for the record that a quorum was present.

II. PLEDGE OF ALLEGIANCE

III. MEMBERS PRESENT

Cindy Greene
Stacey Wenzler
Micheal Long

STAFF PRESENT

Mat Smiley
David Kimberling
Valerie Ogle

OTHERS PRESENT ADDRESSING THE BOARD

Representatives for BOZA applications

IV. ADOPTION OF MINUTES

Cindy Greene entertained a motion to adopt the December 7, 2022 minutes. Stacey Wenzler 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-01-2023:** Application of Benton James Miller, property located at 2964 Core Dr., Tax Property Map No. 031E, Parcel C 019.00, Zoned R-2. Description of the Request: "Applicant is requesting a Use Permitted on Review in an R-2 zone to allow for a Business Home Office as a customary home occupation." Staff recommendation is for approval; request will have no adverse effects on surrounding properties. There was no opposition present. Benton Miller was present to speak on behalf of the request. Mr. Benton explained he would be doing laser engraving at the house and would produce a very low volume of noise. After discussing, Cindy Greene entertained a motion. Micheal Long made

a motion to approve the request as presented, seconded by Stacey Wenzler. The motion passed unanimously.

- B. Case Number BZA-02-2023:** Application of Michael Connerth, property located at 2303 Woodmeadow Dr., Tax Property Map No. 064G, Parcel B 001.00, Zoned R-1. Description of the Request: “Applicant is requesting a 17 foot variance from the required 40 foot front yard setback in order for the structure to be 23 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. Michael Connerth was present to speak on behalf of the request. Mr. Connerth explained the current subdivision restrictions and existing topographical issues create difficulty building within the building envelope. Mr. Connerth stated he considered a replat but wanted to attempt a variance request first. Cindy Greene asked if groundwater had come out yet and Mr. Connerth responded, no. JR Miller spoke on behalf of the request. Mr. Miller stated there are no sidewalk requirements, therefore, no sidewalk variance would be needed and the builder could replat down to a 30 foot variance; he had no opposition to this request. David Kanervo was present to speak in opposition of the request. Mr. Kanervo stated the building might require stilts due to the grading and that the lot did not perk years ago when the subdivision was originally constructed. Mr. Kanervo added a sinkhole inside the floodplain within the parcel would create a danger not only to the structure but to the future owners. He suggested a study take place and assurance be provided that the sinkhole will not collapse and indicated metal pilings might be needed under the house. Lastly, Mr. Kanervo indicated the covenant in Rudolphtown on structures currently undertaken has not been followed by Mr. Connerth. Eric Burgen was present to speak in opposition. Mr. Burgen stated he is against the request because it violates the current HOA restrictions; requirement states builders must follow setbacks currently in place within the subdivision and they are restricted to 2 ½ floors and a minimum of a 2 car garage. Alexis Moss spoke in opposition of the request. Ms. Moss stated the builder is developing substandard to the current surrounding structures. Stacey Wenzler indicated a conflict of interest and would abstain from voting. After discussing, Cindy Greene entertained a motion. Micheal Long made a motion to defer the request for 30 days, seconded by Cindy Greene. The motion passed.
- C. Case Number BZA-03-2023:** Application of Wendell Breeden property located at 1403 S. Shadowlawn Ct., Tax Property Map No. 090H, Parcel C 034.00, Zoned R-1. Description of the Request: “Applicant is requesting a 3.3 foot variance from the required 10 foot side yard setback in order for the structure to be 6.7 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. Wendell Breeden was present to speak on behalf of the request. Mr. Breeden explained the carport has already been installed and is not connected to the house. JR Miller spoke in favor of the request and asked if it is not a permanent structure why is it required to obtain a variance request; David Kimberling responded the carport is required to be bolted down, therefore, it

would be considered permanent and requires a variance. There was no opposition present. After discussing, Cindy Greene entertained a motion. Micheal Long made a motion to approve the request as presented, seconded by Stacey Wenzler. The motion passed unanimously.

- D. Case Number BZA-04-2023:** Application of Brett Joy, property located at 504 Wingfield Ct., Tax Property Map No. 057H, Parcel E 022.00, Zoned R-1A. Description of the Request: “Applicant is requesting a Use Permitted on Review in an R-1A zone to allow for a Federal Firearms License as a customary home occupation.” Staff recommendation is for approval; request will have no adverse effects on surrounding properties. Brett Joy was present to speak on behalf of the request. Mr. Joy explained he intends to have online sales and gun show sales only, there will be no foot traffic at the residence and a safe and cameras have already been installed. There was no opposition present. After discussing, Cindy Greene entertained a motion. Stacey Wenzler made a motion to approve the request as presented, seconded by Micheal Long. The motion passed unanimously.
- E. Case Number BZA-05-2023:** Application of John Carl Taylor Jr., property located at 1156 Ishee Dr., Tax Property Map No. 030E, Parcel C 040.00, Zoned R-2. Description of the Request: “Applicant is requesting a Use Permitted on Review in an R-2 zone to allow for a Guest House.” Staff recommendation is for approval; request will have no adverse effects on surrounding properties. John Carl Jr. was present to speak on behalf of the request. Micheal Long asked if he is converting the existing attached garage into the guest house; Mr. Carl responded yes. Zach Williams stated he is an adjoining property owner and he has no issues with the request. There was no opposition present. After discussing, Cindy Greene entertained a motion. Micheal Long made a motion to approve the request as presented, seconded by Stacey Wenzler. The motion passed unanimously.
- F. Case Number BZA-06-2023:** Application of James Myers, property located at 1716 Merrywood Dr., Tax Property Map No. 065F, Parcel C 016.00, Zoned E-1. Description of the Request: “Applicant is requesting a Use Permitted on Review in an E-1 zone to allow for a Guest House.” Staff recommendation is for approval; request will have no adverse effects on surrounding properties. JR Miller was present to speak on behalf of the request. Micheal Long asked if a guest house or accessory structure is permitted in an E-1 zone; Mr. Miller replied the poolhouse is existing and was built in the 1970’s and that he didn’t care if the existing shed remained in place. Mr. Miller further explained the guest house request is due to the fact that the accessory structure will have all of the trades installed (electrical, plumbing and mechanical), therefore, requiring him to obtain approval from the Board. There was no opposition present. After discussing, Cindy Greene entertained a motion. Stacey Wenzler made a motion to approve the request as presented, seconded by Micheal Long. The motion passed unanimously.

G. Case Number BZA-07-2023: Application of Fulmer Lucas Engineering, property located at South Gateway Blvd., Tax Property Map No. 063, Parcel 067.09, Zoned C-5. Description of the Request: “Applicant is requesting a 49.9 foot variance from the required 70 foot front yard setback in order for the structure to be 20.1 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. Jay Fulmer and Charles Watkins were present to speak on behalf of the request. Mr. Fulmer stated the retention pond takes up the far right portion of the parcel making it challenging to build and that there are currently three 70 foot front yard setbacks on this parcel. There was no opposition present. After discussing, Cindy Greene entertained a motion. Micheal Long made a motion to approve the request as presented, seconded by Stacey Wenzler. The motion passed unanimously.

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

VII. **CITY COUNCIL ACTION REQUIRED:** NONE

ADJOURNMENT

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