

CITY OF CLARKSVILLE

BOARD OF ZONING APPEALS

-MINUTES-

Scheduled for adoption February 5, 2020

DATE: January 8, 2020

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	Stacey Wenzler
Cindy Greene	

STAFF PRESENT

Justin Crosby, Building Official
Valerie Ogle

OTHERS PRESENT ADDRESSING THE BOARD

Representatives for BOZA applications

III. ADOPTION OF MINUTES

Mark Kelly entertained a motion to adopt the November 6, 2019 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-43-2019:** Application of Allen Moser, property located at 1155 Main Street, Tax Property Map No. 066-E, Parcel B-025.00, Zoned M-2. Description of the Request: “Applicant is requesting a 25 foot variance from the required 40 foot front yard setback in order for the structure to be 15 feet from the East property line. Applicant is requesting a 37.6 foot variance from the required 40 foot front yard setback in order for the structure to be 2.4 feet from the North property line. Applicant is requesting a 40 foot variance from the required 40 foot

front yard setback in order for the structure to be 0 feet from the South property line. Applicant is requesting a 50 foot variance from the required 50 foot side yard setback in order for the structure to be 0 feet from the West property line.” The staff is recommending approval of the request as it will have no adverse effect on surround properties. Allen Moser was present to speak on behalf of the Request. Mr. Moser stated the request was for an existing building. Carl Mosley was present to speak in opposition. Mr. Mosley stated the neighborhood is heavily residentially zoned and that allowing the request could negatively impact the quality of life. Bobby Powers asked if he was a neighbor; Mr. Mosley confirmed that he has lived there since the 1940’s. Mark Kelly asked if they had changed the zoning of the property; Justin Crosby replied that they had not and that it was still zoned M-2. Mr. Kelly noted that the M-2 zoning would mean that the property can be used as Light Industrial District. Mr. Mosley expressed concern that the address given isn’t an existing address. Allen Moser replied that there had been an addressing conflict, which has been resolved by Ruth at the Regional Planning Commission. Thomas Moore expressed concern that Mr. Moser would be building on his property. Mr. Moser responded the tax assessor had two parcels addressed as 1155 Franklin Street but Mr. Mores parcel is B-22, not the parcel in question. Jeff Tyndall further explained that the Regional Planning Commission has fixed the addresses to 1155 and 1145 Franklin Street. The confusion stemmed from there being three buildings on one lot and each building having a different address. Mr. Tyndall also explained that per section 10.4 under Non-Conforming Structures, 13.7.208 TCA means the building is protected and doesn’t necessarily need a variance. Furthermore, surface parking doesn’t need a variance either; parking is allowed up to the property line along with possible landscaping. A variance would be for a speculative structure. Mark Kelly noted that the applicant had said the request was for a speculative structure. Allen Moser confirmed that it was in fact speculative. Carl Mosley asked what he proposed for the future building. Mr. Moser said he didn’t know but that he did not intend to rezone in the future; building could be a possible contractor’s office or drop yard or a micro-brewery. Tracy Knight noted they should not allow a variance request without a plan submitted. After discussing, Mr. Kelly entertained a motion. Cindy Greene made a motion to approve the request as presented, seconded by Bobby Powers. The motion passed unanimously.

- B. **Case Number BZA-44-2019:** Application of Allen Moser, property located at 1153 Main Street, Tax Property Map No. 066-E, Parcel B-024.00, Zoned M-2. Description of the Request: “Applicant is requesting a 40 foot variance from the required 40 foot front yard setback in order for the structure to be 0 feet from the South property line. Applicant is requesting a 37.6 foot variance from the required 40 foot front yard setback in order for the structure to be 2.4 feet from the North property line. Applicant is requesting a 50 foot variance from the required 50 foot side yard setback in order for the structure to be 0 feet from the East

property line. Applicant is requesting a 50 foot variance from the required 50 foot side yard setback in order for the structure to be 0 feet from the West property line.” The staff is recommending approval of the request as it will have no adverse effect on surround properties. Allen Moser was present to speak on behalf of the Request. Mr. Moser stated he intended to use the vacant lot, along with the adjoining vacant lot, as an asphalt parking lot for the business at 0 Main Street building. He might possibly build a parking garage due to the significant elevation change between Main Street and Franklin Street. Carl Moseley and Thomas More were present to speak in opposition. After discussing, Mr. Kelly entertained a motion. Bobby Powers made a motion to disapprove the request as presented, seconded by Tracy Knight. The motion to disapprove passed unanimously.

- C. **Case Number BZA-45-2019:** Application of Allen Moser, property located at 0 Main Street, Tax Property Map No. 066-E, Parcel B-023.00, Zoned M-2. Description of the Request: “Applicant is requesting a 40 foot variance from the required 40 foot front yard setback in order for the structure to be 0 feet from the South property line. Applicant is requesting a 37.6 foot variance from the required 40 foot front yard setback in order for the structure to be 2.4 feet from the North property line. Applicant is requesting a 50 foot variance from the required 50 foot side yard setback in order for the structure to be 0 feet from the East property line. Applicant is requesting a 40 foot variance from the required 50 foot side yard setback in order for the structure to be 10 feet from the West property line.” The staff is recommending approval of the request as it will have no adverse effect on surround properties. Allen Moser was present to speak on behalf of the Request. Carl Moseley and Thomas More were present to speak in opposition. After discussing, Mr. Kelly entertained a motion. Cindy Greene made a motion to disapprove the request as presented, seconded by Stacey Wenzler. The motion to disapprove passed unanimously.
- D. **Case Number BZA-46-2019:** Application of Allen Moser, property located at 901 Greenwood Avenue, Tax Property Map No. 079-D, Parcel L-001.00, Zoned C-1. Description of the Request: “Applicant is requesting a 40 foot variance from the required 40 foot front yard setback in order for the structure to be 0 feet from the West property line. Applicant is requesting a 30 foot variance from the required 40 foot front yard setback in order for the structure to be 10 feet from the North property line. Applicant is requesting a 22.8 foot variance from the required 25 foot side yard setback in order for the structure to be 2.2 feet from the East property line.” The staff is recommending approval of the request as it will have no adverse effect on surround properties. Allen Moser was present to speak on behalf of the Request. Margaret West (with Chris Williams) was to speak in opposition. Bobby Powers asked if this location was “Five Points.” Justin Crosby confirmed that it was and used to be a laundry mat. Bobby Powers asked what the lot width was;

Mr. Moser replied 75 feet at the top, 26.5 feet at the bottom and 83 feet at the center. Bobby Powers asked if he planned for the existing building to remain; Mr. Moser confirmed that was his intention. Ms. West asked if Mr. Moser intended to demolish the existing building, if he would clean up the property and cut the grass. Mr. Moser responded that he planned to keep property maintained; that a property management company was hired to cut the grass and the homeless have already been evicted. Chris Williams clarified to Ms. West that if this request is approved that Mr. Moser could build up to the property line. Ms. West stated she did not mind, so long as her property is not disturbed. After discussing, Mr. Kelly entertained a motion. Bobby Powers made a motion to approve the request as presented, seconded by Tracy Knight. The motion passed unanimously.

V. NEW BUSINESS: N/A

VI. CITY COUNCIL ACTION REQUIRED: N/A

ADJOURNMENT

Motion to adjourn made by Mark Kelly; seconded by Stacey Wenzler.