

CITY OF CLARKSVILLE

BOARD OF ZONING APPEALS

-MINUTES-

DATE: April 1, 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. PLEDGE OF ALLEGIANCE

III. MEMBERS PRESENT

Mark Kelly
Stacey Wenzler
Cindy Greene

STAFF PRESENT

Justin Crosby, Building Official
Valerie Ogle

OTHERS PRESENT ADDRESSING THE BOARD

Representatives for BOZA applications

- IV. MOTION:** Mark Kelly read and entertained a motion. *“In order to comply with the technical aspects of the Governor’s Executive Order regarding holding open meetings in a forum other than in the open and in public, this governing body determines that meeting electronically is necessary to protect the health, safety, and welfare of its citizens due to the COBID-19 outbreak.”* Stacey Wenzler made a motion to adopt; motion seconded by Cindy Greene. Vote was unanimous.

V. ADOPTION OF MINUTES

Mark Kelly entertained a motion to adopt the February 5, 2020 minutes. Cindy Greene made a motion to adopt the minutes as written; Stacey Wenzler seconded the motion. The minutes were adopted unanimously.

VI. BOARD OF ZONING APPEALS CASES

- A. **Case Number BZA-02-2020:** Application of Bill Mace, property located at 2370 Danbury Drive, Tax Property Map No. 007-L, Parcel A-008.00, Zoned R-2. Description of the Request: “Applicant is requesting a 1.4 foot variance from the required 30 foot front yard setback in order for the structure to be 28.6 feet from the North property line.” The staff is recommending approval of the request as it will have no adverse effect on surround properties. Applicant’s request is for an existing structure. Bill Mace was on the call to speak on behalf of the Request. After discussing, Mr. Kelly entertained a motion. Cindy Greene made a motion to approve the request as presented, seconded by Stacey Wenzler. The motion passed unanimously.

- B. **Case Number BZA-03-2020:** Application of Nicholas Construction LLC, property located at 1216 Franklin Street, Tax Property Map No. 066-E, Parcel C-012.00, Zoned M-2. Applicant is requesting to defer for 30 days. Mark Kelly made a motion to defer the request for 30 days; seconded by Stacey Wenzler. The motion passed unanimously.

- C. **Case Number BZA-04-2020:** Application of Charles Smith, property located at 123 Maplemere Drive, Tax Property Map No. 066-L, Parcel C-013.00, Zoned R-1. Description of the Request: “Applicant is requesting a 9 foot variance from the required 10 foot side yard setback in order for the structure to be 1 foot from the South property line.” The staff recommendation is for disapproval; the request does not meet the requirements of the current zoning ordinance and hardship is considered self-imposed. Justin Crosby noted that the Codes office drove through the neighborhood, noticing several homes and accessory structures built close to the lot lines and that this request is not out of character for the neighborhood. Additionally, there have been a few BZA cases dating back to the 1980’s where variations of side and rear setbacks were granted, however, given the information and training the Board members received last year related to granting variances for setbacks, the staff cannot recommend approval. Charles Smith was on the call to speak on behalf of the Request. C. David Elliott (adjoining property owner at 115 Maplemere Dr.) spoke in favor of the request. Judge Smith asked Benny Weakley to speak as he was the surveyor of the property. Benny Weakley

noted some properties were built before the current zoning but this request would be conforming with surrounding properties. Judge Smith noted that the original plans labeled the proposed structure as a shed; however, this structure is intended to be a detached garage. After discussing, Mark Kelly made a motion to approve the request as presented, seconded by Stacey Wenzler. The motion passed unanimously.

D. **Case Number BZA-05-2020:** Application of Benny Weakley, property located at 703 Elder Street, Tax Property Map No. 066-K, Parcel J-019.00, Zoned R-2. Description of the Request: “Applicant is requesting a 15 foot variance from the required 25 foot side yard setback in order for the structure to be 10 feet from the North property line. Applicant is requesting a 15 foot variance from the required 25 foot side yard setback in order for the structure to be 10 feet from the East property line.” The staff is recommending approval of the request as it will have no adverse effect on surround properties. There is topographical need for the applicant’s request due to the slope of the lot. Benny Weakley was on the call to speak on behalf of the Request. Rachel Tracy was on the call to speak in opposition. Ms. Tracy asked the intended development use and proposed start date. Mr. Weakley stated it would be for residential, multi-family use and they do not have a start date yet. Ms. Tracy asked if the lot would be paved; Mr. Weakley stated it would be. Ms. Tracy asked if the construction would affect the trees; Mr. Weakley noted that the trees are on her property; therefore, they would not be affected. Ms. Tracy asked if the front of the proposed structure face Elder Street? Mr. Weakley responded that the driveway would be off Elder Street but the slope of the lot would likely have the proposed structure facing Crossland Avenue. Rachel Tracy concluded that she does not oppose the construction. After discussing, Mr. Kelly entertained a motion. Stacey Wenzler made a motion to approve the request as presented, seconded by Cindy Greene. The motion passed unanimously.

VII. NEW BUSINESS: N/A

VIII. CITY COUNCIL ACTION REQUIRED: N/A

ADJOURNMENT

Motion to adjourn made by Cindy Greene; seconded by Stacey Wenzler.