

**CITY OF CLARKSVILLE**

**BOARD OF ZONING APPEALS**

**-MINUTES-**

DATE: July 3, 2019

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  
Bobby Powers  
Cindy Greene  
Tracy Knight  
Stacey Wenzler

**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 to adopt the June 5<sup>th</sup> minutes. Tracy Knight made a motion to adopt the minutes as written; the motion was seconded by Bobby Powers. The minutes were adopted.

IV. **BOARD OF ZONING APPEALS CASES**

- A. **Case Number BZA-21-2019:** Application of Bert Singletary, property located at 117 Roanoke Station Circle, Tax Property Map No. 040-I, Parcel F-015.00, Zoned R-2. Description of the Request: "Applicant is requesting a 2.1 foot variance from the required 30 foot front yard setback in order for the structure to be 27.9 feet from the South property line." The staff is recommending approval of the Request. Bert Singletary was present to speak on behalf of the Request. Mr. Singletary stated the

Request is for an existing, new construction house. Christopher Watson was present to speak in opposition. Mr. Watson noted that prior to Mr. Singletary beginning construction the water runoff ran down the property line, now it's pooling in his backyard. The Board explained the issue he raised does not pertain to a zoning request and he would need to speak with Mr. Singletary following the meeting. After discussing, Mr. Kelly entertained a motion. Bobby Powers made a motion to approve the Request as presented, second was made by Tracy Knight. The motion was approved unanimously.

- B. **Case Number BZA-22-2019:** Application of Thom Spigner, property located at 635 Frosty Morn Drive, Tax Property Map No. 055-M, Parcel B-009.00, Zoned M-2/O-1. Description of the Request: "Applicant is requesting a 26.1 foot variance from the required 40 foot front yard setback in order for the structure to be 13.9 feet from the West property line." The staff is recommending approval of the Request. Cal Burchett was present to speak on behalf of the Request. Mr. Burchett stated the Request is to bring an existing building into conformity. There was no opposition present. Jeff Tyndall (Director, Regional Planning Commission) asked the Board if the Request would run with the existing building or with the property. Adam Lewis answered that the Request would follow the property itself. Mr. Tyndall asked if there were a way to restrict it to the existing building; Mr. Lewis responded that it was not an option. After discussing, Mr. Kelly entertained a motion. Bobby Powers made a motion to approve the Request as presented, second was made by Tracy Knight. The motion was approved unanimously.
- C. **Case Number BZA-23-2019:** Application of Michael James Hopkins, Cal Burchett, Agent, property located at 95 & 97 Beaumont Street, Tax Property Map No. 066-B, Parcel B-034.00 & 035.00, Zoned M-1. Description of the Request: "Applicant is requesting a 12.6 foot variance from the required 40 foot front yard setback in order for the structure to be 27.4 feet from the South property line. Applicant is requesting a 13.9 foot variance from the required 40 foot front yard setback in order for the structure to be 26.1 feet from the East property line." The staff is recommending disapproval of the Request. Cal Burchett and Mike Hopkins were present to speak on behalf of the Request. There was no opposition present. Adam Lewis explained the Request is to bring two existing buildings in to conformity but that the building on the East property line was constructed without a permit being pulled at the Building & Codes Department. Mike Hopkins explained that it is not a permanent building; that it is more like a carport that has been boxed in. Mark Kelly asked if the building is able to be moved and, if so, how long it would take to move it. Mr. Hopkins responded that it is able to be moved and would take approximately one month to do so. Bobby Powers asked how large the building is; Mr. Hopkins replied that it is 30 ft. x 40 ft. and is used for storage. Mark Kelly asked if the building were moved if it could still be used for its existing purpose; Mr. Hopkins replied that it

could. After discussing, Mr. Kelly made a motion for approval of the Request for a 12.6 foot variance from the required 40 foot front yard setback in order that the structure to be 27.4 feet from the South property line and motioned for disapproval of the Request for a 13.9 foot variance from the East property line; second was made by Stacey Wenzler. The motion was passed unanimously.

- D. **Case Number BZA-24-2019:** Application of SDRA Holdings, Allen Moser, Agent, property located at 902 E. Happy Hollow Drive, Tax Property Map No. 080-H, Parcel C-001.00, Zoned R-3. 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 West property line. 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 North property line. 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 3 foot variance from the required 5 foot side yard setback in order for the structure to be 2 feet from the South property line.” The staff is recommending disapproval of the Request. Allen Moser was present to speak on behalf of the Request. Mr. Moser stated that requests 24 thru 32 are nine connected parcels where he is intending to build single family, duplex and triplex buildings. He noted that the 5 foot side yard setbacks on these parcels are for utility easements and they should be waved because there are already utilities run under the roadways so there is no need for additional utilities. Tonya Mims spoke in support of Mr. Moser’s plans, siting it would be great for the community. There was no opposition present. After discussing, Mr. Kelly made a motion to approve the Request as presented, second was made by Bobby Powers. The motion was approved unanimously.
- E. **Case Number BZA-25-2019:** Application of SDRA Holdings, Allen Moser, Agent, property located at 906 E. Happy Hollow Drive, Tax Property Map No. 080-H, Parcel C-002.00, Zoned R-3. Description of the Request: “Applicant is requesting a 5 foot variance from the required 20 foot front yard setback in order for the structure to be 15 feet from the East property line.” The staff is recommending approval of the Request. Allen Moser was present to speak on behalf of the Request. There was no opposition present. After discussing, Mr. Kelly entertained a motion. Bobby Powers made a motion to approve the Request as presented, second was made by Tracy Knight. The motion was approved unanimously.
- F. **Case Number BZA-26-2019:** Application of SDRA Holdings, Allen Moser, Agent, property located at 918 E. Happy Hollow Drive, Tax Property Map No. 080-H, Parcel C-004.00, Zoned R-3. Description of the Request: “Applicant is requesting a 5 foot variance from the required 20 foot front yard setback in order for the structure to be 15 feet from the East property line.” The staff is recommending approval of the Request. Allen

Moser was present to speak on behalf of the Request. There was no opposition present. After discussing, Mr. Kelly entertained a motion. Cindy Greene made a motion to approve the Request as presented, second was made by Stacey Wenzler. The motion was approved unanimously.

- G. **Case Number BZA-27-2019:** Application of SDR Holdings, Allen Moser, Agent, property located at 924 E. Happy Hollow Drive, Tax Property Map No. 080-H, Parcel C-005.00, Zoned R-3. Description of the Request: “Applicant is requesting a 5 foot variance from the required 20 foot front yard setback in order for the structure to be 15 feet from the East property line.” The staff is recommending approval of the Request. Allen Moser was present to speak on behalf of the Request. There was no opposition present. After discussing, Mr. Kelly entertained a motion. Tracy Knight made a motion to approve the Request as presented, second was made by Stacey Wenzler. The motion was approved unanimously.
- H. **Case Number BZA-28-2019:** Application of SDR Holdings, Allen Moser, Agent, property located at 930 E. Happy Hollow Drive, Tax Property Map No. 080-H, Parcel C-006.00, Zoned R-3. Description of the Request: “Applicant is requesting a 5 foot variance from the required 20 foot front yard setback in order for the structure to be 15 feet from the East property line. Applicant is requesting a 3 foot variance from the required 5 foot side yard setback in order for the structure to be 2 feet from the South property line.” The staff is recommending disapproval of the Request. Allen Moser was present to speak on behalf of the Request. Mr. Moser stated that requests 24 thru 32 are nine connected parcels where he is intending to build single family, duplex and triplex buildings. He noted that the 5 foot side yard setbacks on these parcels are for utility easements and they should be waved because there are already utilities run under the roadways so there is no need for additional utilities. There was no opposition present. After discussing, Mr. Kelly entertained a motion. Bobby Powers made a motion to approve the Request as presented, second was made by Stacey Wenzler. The motion was approved unanimously.
- I. **Case Number BZA-29-2019:** Application of SDR Holdings, Allen Moser, Agent, property located at 907 Woody Hills Drive, Tax Property Map No. 080-H, Parcel C-032.00, Zoned R-3. 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 West property line. Applicant is requesting a 12 foot variance from the required 20 foot rear yard setback in order for the structure to be 8 feet from the East property line. Applicant is requesting a 3 foot variance from the required 5 foot side yard setback in order for the structure to be 2 feet from the North property line. Applicant is requesting a 3 foot variance from the required 5 foot side yard setback in order for the structure to be 2 feet from the South property line.” The staff is recommending disapproval of the Request. Allen Moser was present to speak on behalf of the Request. Mr. Moser stated that requests 24 thru 32 are nine connected parcels

where he is intending to build single family, duplex and triplex buildings. He noted that the 5 foot side yard setbacks on these parcels are for utility easements and they should be waved because there are already utilities run under the roadways so there is no need for additional utilities. There was no opposition present. After discussing, Mr. Kelly entertained a motion. Cindy Greene made a motion to approve the Request as presented, second was made by Stacey Wenzler. The motion was approved unanimously.

- J. **Case Number BZA-30-2019:** Application of SDR Holdings, Allen Moser, Agent, property located at 913 Woody Hills Drive, Tax Property Map No. 080-H, Parcel C-031.00, Zoned R-3. 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 West property line. Applicant is requesting a 12 foot variance from the required 20 foot rear yard setback in order for the structure to be 8 feet from the East property line. Applicant is requesting a 3 foot variance from the required 5 foot side yard setback in order for the structure to be 2 feet from the South property line. Applicant is requesting a 3 foot variance from the required 5 foot side yard setback in order for the structure to be 2 feet from the North property line.” The staff is recommending disapproval of the Request. Allen Moser was present to speak on behalf of the Request. Mr. Moser stated that requests 24 thru 32 are nine connected parcels where he is intending to build single family, duplex and triplex buildings. He noted that the 5 foot side yard setbacks on these parcels are for utility easements and they should be waved because there are already utilities run under the roadways so there is no need for additional utilities. There was no opposition present. After discussing, Mr. Kelly entertained a motion. Stacey Wenzler made a motion to approve the Request as presented, second was made by Tracy Knight. The motion was approved unanimously.
- K. **Case Number BZA-31-2019:** Application of SDR Holdings, Allen Moser, Agent, property located at 919 Woody Hills Drive, Tax Property Map No. 080-H, Parcel C-030.00, Zoned R-3. 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 West property line. Applicant is requesting a 10 foot variance from the required 20 foot rear yard setback in order for the structure to be 10 feet from the East property line.” The staff is recommending approval of the Request. Allen Moser was present to speak on behalf of the Request. There was no opposition present. After discussing, Mr. Kelly entertained a motion. Stacey Wenzler made a motion to approve the Request as presented, second was made by Cindy Greene. The motion was approved unanimously.
- L. **Case Number BZA-32-2019:** Application of SDR Holdings, Allen Moser, Agent, property located at 925 Woody Hills Drive, Tax Property Map No. 080-H, Parcel C-029.00, Zoned R-3. 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 West property line. Applicant is requesting a 10 foot variance from the required 20 foot rear yard setback in order for the structure to be 10 feet from the East property line.” The staff is recommending approval of the Request. Allen Moser was present to speak on behalf of the Request. There was no opposition present. After discussing, Mr. Kelly entertained a motion. Tracy Knight made a motion to approve the Request as presented, second was made by Stacey Wenzler. The motion was approved unanimously.

**V. NEW BUSINESS:**

- BZA continuing education annual training will be held on Wednesday, August 14<sup>th</sup> from 8:30AM-12:30PM in the Civic Hall building; will break for lunch, followed by a 2-hour employee training.

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

**ADJOURNMENT**

Motion to adjourn made by Mark Kelly; seconded by Cindy Greene.