

CITY OF CLARKSVILLE

BOARD OF ZONING APPEALS

-MINUTES-

DATE: August 7, 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 July 3rd minutes. Bobby Powers made a motion to adopt the minutes as written; Tracy Knight seconded the motion. The minutes were adopted.

IV. **BOARD OF ZONING APPEALS CASES**

- A. **Case Number BZA-33-2019:** Application of Marvin Pitts, Clint Head, Agent, property located at 125 Kraft Street, Tax Property Map No. 055-M, Parcel B-016.00, Zoned M-2. Description of the Request: "Applicant is requesting a 49.5 foot variance from the required 50 foot side yard setback in order for the structure to be 0.5 feet from the West property line. Applicant is requesting a 37 foot variance from the required 50 foot side yard setback in order for the structure to be 13 feet from the East property

line.” The staff is recommending approval of the Request. Clint Head (Yount Hobbs & Assoc.) was present to speak on behalf of the Request. Mr. Head stated the Request is to rebuild an existing building that was blown down during a storm; they will be utilizing the same foundation. Building is going back exactly where it was and will be used for storage and the original building was built long before the current zoning ordinance was adopted. 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.

- B. **Case Number BZA-34-2019:** Application of Johnny Piper, property located at 2084-2096 Tynewood Drive, Tax Property Map No. 030-G, Parcel K-013.00, Zoned R-4. 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 East property line.” The staff is recommending approval of the Request. Johnny Piper 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 Bobby Powers. The motion was approved unanimously.
- C. **Case Number BZA-35-2019:** Application of Courtney Caudill, John Towell, Agent, property located at 318 Fairway Drive, Tax Property Map No. 064-I, Parcel A-020.01, Zoned E-1. Description of the Request: “Applicant is requesting a 10 foot variance from the required 40 foot front yard setback in order for the structure to be 30 feet from the Northeast property line.” The staff is recommending disapproval of the Request as it does not meet the requirements of the current zoning ordinance and hardship is considered to be self-imposed. Cal Burchett, Courtney Caudill and John Towell were present to speak on behalf of the Request. Adam Lewis noted the lots were platted and approved in 2016, under the current zoning ordinance, and the owners were satisfied with the existing golf course easement at that time. Ms. Caudill stated she is intending to build a one story, single family house between the two lots at 318 & 320 Fairway Drive. Bobby Powers asked if Mr. Towell intended to use his two lots to build one house as well; John Towell responded that he would suppose he would build one house. Ms. Caudill noted they are trying to prevent encroaching on the golf course easement and that it would cost the golf course \$45-60 thousand dollars to move the existing green. Mr. Towell included that they are attempting to minimize their impact on the country club infrastructure. Tracy Knight asked if it was in writing somewhere that the country club intended to move the green; Mr. Towell responded that he did not believe so but that it might be in the minutes of a meeting somewhere. 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 passed unanimously.

D. **Case Number BZA-36-2019:** Application of Courtney Caudill, John Towell, Agent, property located at 320 Fairway Drive, Tax Property Map No. 064-I, Parcel A-020.02, Zoned E-1. Description of the Request: “Applicant is requesting a 10 foot variance from the required 40 foot front yard setback in order for the structure to be 30 feet from the Northeast property line.” The staff is recommending disapproval of the Request as it does not meet the requirements of the current zoning ordinance and hardship is considered to be self-imposed. Cal Burchett, Courtney Caudill and John Towell were present to speak on behalf of the Request. Adam Lewis noted the lots were platted and approved in 2016, under the current zoning ordinance, and the owners were satisfied with the existing golf course easement at that time. Ms. Caudill stated she is intending to build a one story, single family house between the two lots at 318 & 320 Fairway Drive. Bobby Powers asked if Mr. Towell intended to use his two lots to build one house as well; John Towell responded that he would suppose he would build one house. Ms. Caudill noted they are trying to prevent encroaching on the golf course easement and that it would cost the golf course \$45-60 thousand dollars to move the existing green. Mr. Towell included that they are attempting to minimize their impact on the country club infrastructure. Tracy Knight asked if it was in writing somewhere that the country club intended to move the green; Mr. Towell responded that he did not believe so but that it might be in the minutes of a meeting somewhere. 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 Tracy Knight. The motion was passed unanimously.

E. **Case Number BZA-37-2019:** Application of John Towell, property located at 322 Fairway Drive, Tax Property Map No. 064-I, Parcel A-020.03, Zoned E-1. Description of the Request: “Applicant is requesting a 10 foot variance from the required 40 foot front yard setback in order for the structure to be 30 feet from the Northeast property line.” The staff is recommending disapproval of the Request as it does not meet the requirements of the current zoning ordinance and hardship is considered to be self-imposed. Cal Burchett, Courtney Caudill and John Towell were present to speak on behalf of the Request. Adam Lewis noted the lots were platted and approved in 2016, under the current zoning ordinance, and the owners were satisfied with the existing golf course easement at that time. Ms. Caudill stated she is intending to build a one story, single family house between the two lots at 318 & 320 Fairway Drive. Bobby Powers asked if Mr. Towell intended to use his two lots to build one house as well; John Towell responded that he would suppose he would build one house. Ms. Caudill noted they are trying to prevent encroaching on the golf course easement and that it would cost the golf course \$45-60 thousand dollars to move the existing green. Mr. Towell included that they are attempting to minimize their impact on the country club

infrastructure. Tracy Knight asked if it was in writing somewhere that the country club intended to move the green; Mr. Towell responded that he did not believe so but that it might be in the minutes of a meeting somewhere. 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 passed unanimously.

- F. **Case Number BZA-38-2019:** Application of John Towell, property located at 324 Fairway Drive, Tax Property Map No. 064-I, Parcel A-020.04, Zoned E-1. Description of the Request: “Applicant is requesting a 10 foot variance from the required 40 foot front yard setback in order for the structure to be 30 feet from the Northeast property line.” The staff is recommending disapproval of the Request as it does not meet the requirements of the current zoning ordinance and hardship is considered to be self-imposed. Cal Burchett, Courtney Caudill and John Towell were present to speak on behalf of the Request. Adam Lewis noted the lots were platted and approved in 2016, under the current zoning ordinance, and the owners were satisfied with the existing golf course easement at that time. Ms. Caudill stated she is intending to build a one story, single family house between the two lots at 318 & 320 Fairway Drive. Bobby Powers asked if Mr. Towell intended to use his two lots to build one house as well; John Towell responded that he would suppose he would build one house. Ms. Caudill noted they are trying to prevent encroaching on the golf course easement and that it would cost the golf course \$45-60 thousand dollars to move the existing green. Mr. Towell included that they are attempting to minimize their impact on the country club infrastructure. Tracy Knight asked if it was in writing somewhere that the country club intended to move the green; Mr. Towell responded that he did not believe so but that it might be in the minutes of a meeting somewhere. 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 passed unanimously.

V. **NEW BUSINESS:**

- BZA continuing education annual training will be held on Wednesday, August 14th from 8:30AM-12:30PM in the Civic Hall building; will break for lunch, followed by a 2-hour employee training.
- Mark Kelly asked for clarification on case BZA-23-2019, Request of Mr. Hopkins: approved 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 disapproved Request for a 13.9 foot variance from the East

property line. Mr. Kelly stated he is trying to find a way to readdress this case but can't find a way because it is his understanding that Mr. Hopkins has 11 months before he can bring his Request back before the Board of Zoning Appeals and then only if circumstances have materially changed. Mr. Tyndall stated we should reach out to the City attorney and ask can one of the Board members reconsider an action through Robert's Rules.

VI. CITY COUNCIL ACTION REQUIRED: N/A

ADJOURNMENT

Motion to adjourn made by Bobby Powers; seconded by Cindy Greene.