



BOARD OF ZONING APPEALS

MEETING MINUTES

April 19, 2024

The duly advertised meeting of the Board of Zoning Appeals was held on April 19th, 2024, at 10:00 a.m. in conference room 1A of the Development Resource Center Building. Chair Scott McColpin called the meeting to order at 10:01 AM. Nia York swore in all those who would be addressing the Committee.

Members Present: Ray Adkins, Paul Betbeze, Joe Manuel, Scott McColpin, Rudolph Foster, Alan Richelson, Susan Gilmore, Lee Brock

Members Absent: J.T. McDaniel

Staff Members Present: Presenter Levi Witt, Admin Support Specialists Shelby Ogle and Christina Stonesifer, City Attorney Andrew Trundle, Landscape Inspector Kurt Martig, Transportation Review Specialist Caleb Fisher

Swearing In: Nia York swore in people addressing the Committee.

Applicant(s) Present: Donna Shepherd, Mike Price, Rachel Tranel

Rules and Regulations: Chair Scott McColpin explained the rules and procedures and announced the meeting is being recorded.

Approve Minutes: No minutes to vote on.

Voting Majority: 7 members present - 4 is the majority.

OLD BUSINESS

No old business to discuss.

NEW BUSINESS

- BOZA-24-1 - 1580 S. Watkins St. (D-9) - Parking Variance

Staff/Applicant Presentation: Levi Witt presented the case to the Board. Applicant Donna Shepherd of ADU Engineering at 537 Market St. #202 presents that they are requesting to be allowed to have parking in the front of the building along the roadway. Applicant states that the parking would be elevated 5ft above the street and they can plant evergreen trees to screen the parking from the street. Landscape Inspector Kurt Martig states that would be an effective way to screen the parking.

Community Response: No response.

Board Motion and Vote:

- Alan Richelson made a motion to **APPROVE** case #: BOZA-24-1 - 1580 S. Watkins St.. Ray Adkins seconded the motion.

6 in favor - Rudolph Foster opposed. The motion carries 6-1.

Paul Betbeze arrived at the meeting around 10:22 a.m

Voting Majority Update: 8 members present - 5 is the majority.

- **BOZA-24-13&14 - 2316 & 2317 E. 17th St. (D-9) - Interpretation of Regulation, Landscape Variance**

Staff/Applicant Presentation: Levi Witt presented the case to the Board. Chair Scott McColpin broke the case down into 3 parts, A): Streetside Setback Reduction; B): Rear Side Yard Setback Reduction; C): Landscape Variance. Applicant Donna Shepherd of ADU Engineering at 537 Market St. #202 presents that they are requesting setback reductions to allow for 4 single-family homes to be built on two lots that will be combined into one lot and also have 4 smaller single-family homes behind each larger home. Applicant stated that before the C-3 15A code was rescinded, they were granted special variances and that the property was rezoned under those standards before it was rescinded. The Board and Applicant spent a lengthy amount of time going back and forth with questions and concerns.

Community Response: No response.

Board Motion and Vote:

- Lee Brock made a motion to **APPROVE** case #: BOZA-24-13&14: A): Streetside Setback Reduction - 2316 & 2317 E. 17th St.. Susan Gilmore seconded the motion.

5 in favor - Jim Manuel, Scott McColpin, & Rudolph Foster opposed. The motion carries 5-3.

- Lee Brock made a motion to **APPROVE** case #: BOZA-24-13&14: B): Rear Side Yard Setback Reduction - 2316 & 2317 E. 17th St.. Susan Gilmore seconded the motion.

Lee Brock and Susan Gilmore withdraw their motions to approve.

Chair Scott McColpin suggested to move the case to the bottom of the agenda so that Applicant can decide how they would like to proceed. **No objections from the Board.**

- **BOZA-24-15 - 510 Dodson Ave. (D-8) - Special Permit**

Staff/Applicant Presentation: Levi Witt presented the case to the Board. Applicant Donna Shepherd of ADU Engineering at 537 Market St. #202 presents that they are requesting special permission to put a duplex on a Lot of Record and also requesting a parking variance to allow parking in the front yard. Per the code, the Board and City Attorney agree that the Board does not have the authority to rule on the parking variance. That variance request will need to go before the City Council. Applicant requests to defer the case 30 days to the June meeting.

- Lee Brock made a motion to **APPROVE DEFERRAL** of case #: BOZA-24-15 - 510 Dodson Ave.. Paul Betbeze seconded the motion.

All in favor. The motion carries 8-0.

- **BOZA-24-16 - 5208 Hunter Rd. (D-6) - Landscape Variance**

Staff/Applicant Presentation: Levi Witt presented the case to the Board. Applicant Mike Price of 7380 Applegate Ln., presents to the Board that they are needing to add a couple retaining walls to the property they are developing and in adding those walls; there would not be enough room to house the required trees where they are supposed to be. Applicant states that they plan to plant those trees on another section of the property, so the number of trees on the property will be the required number.

Community Response: No response.

Board Motion and Vote:

- Alan Richelson made a motion to **APPROVE** case #: BOZA-24-16 - 5208 Hunter Rd. per the amended site plan with the following condition:
 - Replant 9 trees to another part of the property.Ray Adkins seconded the motion.

All in favor. The motion carries 8-0.

- **BOZA-24-17 - 7671 Goodwin Rd. (D-4) - Landscape Variance**

Staff/Applicant Presentation: Levi Witt presented the case to the Board. Applicant Mike Price of 7380 Applegate Ln., presents to the Board that they are needing relief from the street yard requirement in the code. Applicant states that there is not enough room for the trees to thrive where they are required to be planted and would plant the same number of trees elsewhere on the property.

Community Response: No response.

Board Motion and Vote:

- Scott McColpin made a motion to **APPROVE** case #: BOZA-24-17 - 7671 Goodwin Rd. per the site plan with the following condition:
 - Submit documentation to the Landscape Department showing where the trees will be planted.Paul Betbeze seconded the motion.

6 in favor - Joe Manuel and Susan Gilmore opposed. The motion carries 6-2.

- **BOZA-24-18 - 7514 Standifer Gap Rd. (D-4) - Landscape Variance**

Staff/Applicant Presentation: Levi Witt presented the case to the Board. Applicant Mike Price of 7380 Applegate Ln., presents to the Board that they are needing a reduction in the landscape buffer width along the adjoining property from 30ft to 10ft and also need relief from the screening requirements. Applicant states the property is an odd shape so they have to work around features of the property. Applicant wants to plant the trees on another part of the property.

Community Response: Dennis Tweed of 2419 Daughery Ln speaking for his father, Hugh Gardner of 7466 Twinbrook Dr, states that they are concerned that if approved, this could set a precedent and they can come back to make adjustments that would affect them and their property later down the road.

Board Motion and Vote:

- Scott McColpin made a motion to **APPROVE** case #: BOZA-24-18 - 7514 Standifer Gap Rd. with the following conditions:
 - Approval for the EAST side of the property only.
 - Must replant trees elsewhere on the property.Alan Richelson seconded the motion.

All in favor. The motion carries 8-0.

- **BOZA-24-19 - 1006 E. 14th St. (D-8) - Interpretation of the Regulation**

Staff/Applicant Presentation: Levi Witt presented the case to the Board. Applicant Donna Shepherd of ADU Engineering at 537 Market St. #202 presents that they are needing the Board to interpret the code and decide if the Landscape Hardship Code applies to the Urban General Commercial zone. If the Landscape Code applies, then Staff can review certain cases and they don't need to come before the Board.

Community Response: No response.

Board Motion and Vote:

- Scott McColpin made a motion to **APPROVE INTERPRETATION** of case #: BOZA-24-19 - 1006 E. 14th St. Alan Richelson seconded the motion.

All in favor. The motion carries 8-0.

Applicant then states they would like to withdraw the second half of the case in regards to the variance requests.

- Lee Brock made a motion to **APPROVE VARIANCE WITHDRAWAL** of Case #: BOZA-24-13 - 1000 E. 14th St.. Joe Manuel seconded the motion.

7 in favor - Paul Betbeze opposed. The motion carries 7-1.

- **BOZA-24-27 - 7415 Ziegler Rd. (D-4) - Setback Variance**

Susan Gilmore recused herself from this case.

Voting Majority Update: 8 members present - 1 recused - 7 voting - 4 is the majority.

Staff/Applicant Presentation: Levi Witt presented the case to the Board. Application representatives Rachel Tranel of 201 Cherokee Blvd, Brian Kopet of 1700 Edgewood Ln, and Robby Robinson of 110 Robinhood Trl present to the Board they are requesting a setback variance of 25ft to 20ft for new construction that has already been built. Board would argue that there is no hardship present to be granted a variance.

Community Response: Chair forgot to ask if there was any Community response at this time.

Board Motion and Vote:

- Scott McColpin made a motion to **DENY** of case #: BOZA-24-27 - 7415 Ziegler Rd.. Joe Manuel seconded the motion.

Applicants request to defer 30 days to the June meeting.

Scott McColpin and Joe Manuel withdraw their motions to deny.

- Scott McColpin made a motion to **APPROVE DEFERRAL** of case #: BOZA-24-27 - 7415 Ziegler Rd.. Joe Manuel seconded the motion.

6 in favor - Susan Gilmore recused. Alan Richelson opposed. The motion carries 6-1.

Community Response: Chair greatly apologizes for not opening the floor for community comments on this case. There are 3 members of the community who wished to speak in opposition to this case: Lynn Wilkins Crabtree, Lisa Wilkins Felker, and Anne Wilkins of 1730 and 1726 Gunbarrel Rd and 1721 Joiner Rd. They stated they would be present at the June meeting to speak on the case.

Joe Manuel made a motion to adjourn. Paul Betbeze seconded the motion.

**4 in favor - Ray Adkins, Alan Richelson, Lee Brock, and Scott McColpin opposed.
The motion fails 4-4.**

Joe Manuel and Paul Betbeze leave the meeting at 2:10 pm.

Voting Majority Update: 6 members present - 4 is the majority.

- **BOZA-24-13&14 - 2316 & 2317 E. 17th St. (D-9) - Interpretation of Regulation, Landscape Variance**

Staff/Applicant Presentation: Reconvening on these cases that were deferred to the end of the agenda - will be voting on the remaining parts of the cases B): Rear Side Yard Setback Reduction & C): Landscape Variance. Applicant Donna Shepherd states that they will be willing to plant a single row of shrubs along the back of the property for the screening instead of a fence or just leaving the space open.

Community Response: No response.

Board Motion and Vote:

- Lee Brock made a motion to **APPROVE** case #: BOZA-24-13&14: B): Rear Side Yard Setback Reduction - 2316 & 2317 E. 17th St.. Alan Richelson seconded the motion.

4 in favor - Scott McColpin & Rudolph Foster opposed. The motion carries 4-2.

- Lee Brock made a motion to **APPROVE** case #: BOZA-24-13&14: C): Landscape Variance - 2316 & 2317 E. 17th St. with the following conditions:

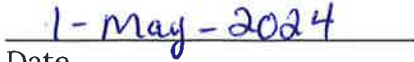
- must plant a single row of shrubs staggered at 7 ft.
Ray Adkins seconded the motion.

4 in favor - Scott McColpin & Rudolph Foster opposed. The motion carries 4-2.

Scott McColpin adjourned the meeting at 2:19 pm.



Scott McColpin, Chair



Date



Shelby Ogle, Admin



Date

