



BOARD OF ZONING APPEALS

MEETING MINUTES

April 2nd, 2025

The duly advertised meeting of the Board of Zoning Appeals was held on April 2nd, 2025, at 10:00 a.m. in conference room 1A of the Development Resource Center Building.

Chairman Scott McColpin called the meeting to order at 10:01 a.m..

Board Attendance:

- ☒ Ray Adkins
- ☒ Alan Richelson
- ☐ Susan Gilmore
- ☒ Scott McColpin
- ☒ Paul Betbeze
- ☒ Rudolph Foster
- ☒ Joe Manuel
- ☒ Lee Brock
- ☒ J.T. McDaniel

Staff Attendance:

- ☒ Presenter: Levi Witt
- ☒ Admin: Shelby Ogle
- ☐ Admin: Karen Murphy-Cannon
- ☒ Zoning Code Inspector: Zachary Wiley
- ☒ Transportation: Caleb Fisher
- ☒ Court Reporter: Lori Roberson
- ☒ Landscape: Karna Levitt
- ☒ City Attorney: Andrew Trundle
- ☐ City Attorney: Phil Noblett

Swearing In: Court Reporter Lori Roberson swore in people addressing the Committee.

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

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

Approve Minutes: Minutes were not ready to approve.

Chairman Announcements: Next meeting will be May 7th, 2025.

- **BOZA-24-105: 316 Glendale Dr., 37405: Setback Reduction Variance**
 - *Chair Scott McColpin* made a motion to withdraw the case without prejudice.
Joe Manuel seconded the motion.

Voice Vote: All in Favor.

The motion carries 8-0

OLD BUSINESS

- **BZA-25-9: 210 Brookfield Ave., 37411: Setback Reduction Variance**

District: 6

Zone: RN-1-6 (Residential Neighborhood)

Variance Request: Reduction in side setback from 5 feet to 2 feet for new construction of an addition/garage.

Alan Richelson recused himself.

Staff/Applicant Presentation and Discussion: Levi Witt presented the case to the Board.

Applicants John and Hannah Griggs were present at the meeting to answer questions from the Board. The Board then asked the Applicant what they believe their hardship is for the request. The Applicants stated that they believe that there is a precedent within the neighborhood already and they believe that there are a lot of older homes that need to be expanded to be functional for families. The Board then stated that there is space at the back of the home that they could expand into and the Applicant responded by stating that it would be financially hindering to add on to the back of the house as opposed to the side of the house. The Board then asked the City Attorney to read the hardship portion of the code into the record. They then asked the Applicant some questions about the topography of the lot and if adjustments could be made to the size of the addition.

Community Response: None

Board Motion and Vote:

- *Chair Scott McColpin* made a motion to **DENY** case #: BZA-25-9: 210 Brookfield Ave., for a reduction in the right side setback from 5 ft to 2 ft due to no hardship.

Joe Manuel seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Alan Richelson: Recused

Scott McColpin: Yes

Paul Betbeze: Yes

Rudolph Foster: Yes

Joe Manuel: Yes

Lee Brock: Yes

J.T. McDaniel: Yes

NEW BUSINESS

- BZA-25-20: 3003 Dodds Ave, 37406 (District 7) - Setback Reduction Variance

District: 7

Zone: I-H Heavy Industrial

Variance Request: Reduction in front setback from 20 feet to 10 feet and a reduction in corner side setback from 25 feet to 10 feet for new construction.

Staff/Applicant Presentation and Discussion: Levi Witt presented the case to the Board.

Applicant Mark Litchburg on behalf of the property owners presented to the Board that there is a small existing building and the owner is wanting to build a new building for their printing company. He presented that there is a storm sewer line that runs through the property and it has been there for a while. He stated that given the slight slope of the lot, that they have to tap into the sewer at the street and not at the back of the property. Due to this, they made the request for the setback reduction to have the building where they can tap into the sewer. They then presented that they are wanting to have a buffer at the back of the property for their neighbor who has a residential property. The Board then asked the Applicant some questions about the use of the building and the request. They asked the Applicant about the location of the building and the surrounding area.

Community Response: None

Board Motion and Vote:

- *Paul Betbeze* made a motion to **APPROVE** case #: BZA-25-20: 3003 Dodds Ave., reduction in front setback from 20 ft to 10 ft and side corner setback from 25 ft to 10 ft, based on the site plan that has been submitted and a hardship of the existing sewer easement.

Lee Brock seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Alan Richelson: Yes

Scott McColpin: Yes

Paul Betbeze: Yes

Rudolph Foster: Yes

Joe Manuel: Yes

Lee Brock: Yes

J.T. McDaniel: Yes

The motion carries 8-0.

- BZA-25-15: 703 Signal Mountain Rd, 37405 (District 1) - Landscape Variance

District: 1

Zone: I-H Heavy Industrial

Appeal Request: Relief from sec. 38-64 (c) in reference to parking lot islands.

Staff/Applicant Presentation and Discussion: Levi Witt presented the case to the Board.

Applicant Tim Kuykendall with Food City, presented to the Board that they are rebuilding a strip mall development and that it is in the Brownfield Program. He stated that there was a dry cleaner in one of the units and there is a lot of contamination in the ground from the drainage of the chemicals from the business. He stated that they want to get relief from the placement requirements of the trees in the parking lot due to the ground contamination and that they are willing to plant trees in other areas of the development. He stated that they are not opposed to having plantings across the parking lot, but they do not feel it is best to dig into the ground to plant them. The Board asked the Applicant several questions about the ground contamination. Landscape Architect Karna Levitt spoke to the Board about some TVA transmission lines that are located at one end of the property that would create an issue with planting trees in that area. The Applicant stated that they have no issues with working with the City on putting the required number of trees on the lot.

Community Response: None.

Board Motion and Vote:

- *Chair Scott McColpin* made a motion to **APPROVE** case #: BZA-25-15: 703 Signal Mountain Rd., relief from the parking lot islands as shown on the landscaping plans submitted in the case with the exception that it is resubmitted to Staff in mitigation for tree for tree for review.

Paul Betbeze seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Alan Richelson: Yes

Scott McColpin: Yes

Paul Betbeze: Yes

Rudolph Foster: Yes

Joe Manuel: Yes

Lee Brock: Yes

J.T. McDaniel: Yes

The motion carries 8-0.

- **BZA-25-16: 1649 Kamin Rd, 37343 (District 3) - Special Exception: Reception Facility**

District: 3

Zone: A-1 Urban Agricultural

Variance Request: Special Exception for a reception facility in the A-1 zone.

Staff/Applicant Presentation and Discussion: Levi Witt presented the case to the Board.

Applicants Jeff and Vanessa Moser, owners of the property in question, presented to the Board that they purchased the property to create a small family farm and at the request of friends and family, they decided to open it up to others. They presented that they have certain restrictions that they created for their business that they abide by as far as noise, max number of people, and ending time of events. The Applicant then went over the parking and the traffic routes that they have implemented. They also stated that they have several letters of support from the community. The Board then asked them some questions about their rezoning and conditions that were placed on the rezoning, such as a limit to the number of animals. The Board then asked about employees and they stated that they have not hired anyone and it is solely run by the family. The Board then asked the Applicants several more questions about different aspects of the farm and the business.

Community Response: Jane Rawlston who resides at 1676 Kamin Rd, which is located before you get to the address in question, stated that the event barn has been going on for a long time and that Kamin Rd is a one lane road that has been impacted by the increase in traffic. She stated that there has never been this much traffic on the road before and that they have events that go past the stated time into the night. She presented that they have a small house they purchased that they are going to be renting out as an Airbnb.

Linda Rogers who resides at 6429 Babe Ln presented to the Board that the farm is advertised as a wedding and event venue. She stated that Kamin Rd is only 10 ft wide with ditches on each side and there are 20-30 cars multiple days a week that are coming up and down the narrow road and parking along the road.

W.A. Rogers Jr resides at 6429 Babe Ln, he stated that he has lived there all his life and built Babe Ln and did not build it for commercial property. He stated that nobody likes what is going on out there, but they will not speak up. He stated that he believes that they are marrying the people and using the children as workers.

Mr. Wright who resides at 6429 Babe Ln agrees with everything everyone has said in opposition.

The Board then asked Jane Rawlston if the other houses down Kamin Rd have any other way to access their properties and she stated that they do not. Kamin Rd is a dead end road and the Board then asked about the traffic impact and she stated that people have utilized turn around in.

Applicant Response: The Applicants stated that they were asked to place a large sign at the end of their driveway to help direct traffic and prevent people from using the neighbors drive way. The Applicant stated that they were trying to mitigate issues that have come up from the neighbors.

Board Motion and Vote:

- Joe Manuel made a motion to **DEFER** case #: BZA-25-16: 1649 Kamin Rd. to the May meeting.

Paul Betbeze seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Alan Richelson: Yes

Scott McColpin: Yes

Paul Betbeze: Yes

Rudolph Foster: Yes

Joe Manuel: Yes

Lee Brock: Yes

J.T. McDaniel: Yes

The motion carries 8-0.

- **BZA-25-18: 1406 Dugdale St, 37405 (District 2) - Lot Size Variance**

District: 2

Zone: RN-1-5 Residential Neighborhood

Variance Request: Reduction in minimum lot size from 5,000 square feet to 4,800 square feet.

Staff/Applicant Presentation and Discussion: Levi Witt presented the case to the Board.

Applicant Elaine Reese, owner of 1406 Dugdale St and 1408 Dugdale St, stated that the driveway has always been an issue since it is shared by two households. She stated that they would have to essentially fight for the use of the driveway. She presented to the Board that she created parking for one of the houses at the back of the house off the alleyway. She said that she is not looking to sell either house right now, but wants to go ahead and move the property line to give the driveway fully to the house that doesn't have the parking in the back.

She stated that she thought the survey company could move the lines when she got a survey a while back, but she found out that they couldn't. The Board asked the Applicant some questions about the request and the dimensions of the lot. They recommended that the Applicant defer the case to allow time for her to get another survey to get the correct dimensions of the lot.

Community Response: None

Board Motion and Vote:

- *Paul Betbeze* made a motion to **DEFER** case #: BZA-25-18: 1406 Dugdale St., to the May meeting.

Joe Manuel seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Alan Richelson: Yes

Scott McColpin: Yes

Paul Betbeze: Yes

Rudolph Foster: Yes

Joe Manuel: Yes

Lee Brock: Yes

J.T. McDaniel: Yes

The motion carries 7-0.

- **BZA-25-19: 810 Dodson Ave, 37406 (District 8) - Landscape Variance**

District: 8

Zone: C-C (Commercial Corridor)

Special Exception Request: Relief from sec. 38-66. - Required On-Site Trees.

Staff/Applicant Presentation and Discussion: Levi Witt presented the case to the Board.

Applicant Micheal Pool, owner of the property, presented to the Board that they are asking for relief from having to put trees in the front of their property since it is already paved over. They stated that they are willing to put the trees on another part of the property. The Board asked them how many trees they are requesting to place on another part of the property and they stated that it is 3 trees.

Community Response: None

Board Motion and Vote:

- *Lee Brock* made a motion to **APPROVE** case #: BZA-25-19: 810 Dodson Ave., contingent upon a new landscape plan/drawing being presented to Landscape Architect Karna Levitt showing the new location of the 3 trees.

Joe Manuel seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Alan Richelson: Yes

Scott McColpin: Yes

Paul Betbeze: Yes

Rudolph Foster: Yes

Joe Manuel: Yes

Lee Brock: Yes

J.T. McDaniel: Yes

The motion carries 8-0.

- 9039 Lee Hwy, 37367 (District 6)

BZA-25-21: Special Exception: Drive Thru

BZA-25-25: Relief from Mixed-Use and Commercial Zones Dimensional and Development Requirements

District: 6

Zone: C-C Commercial Corridor

Variance Request for BZA-25-21: Special Exception for a drive-thru facility in the C-C zone.

Variance Request for BZA-25-25: Relief from the building articulation and orientation requirements of C-C.

Staff/Applicant Presentation and Discussion: Levi Witt presented the case to the Board.

Applicants Wells Holladay and Daniel Witteck present to the Board that they are asking for a drive thru for a coffee stand. He stated that the area is traditionally an area that has drive thru establishments, but the new zoning code requires they get a special exception. The Board then asked if the Applicant's plan to landscape the drive thru and they stated that they are working with Landscape Architect Karna Levitt to meet the landscape requirements for the property and they stated that they are planning to screen the drive thru as well. The Board then asked them to discuss the request from the building articulation and orientation requirements. The Applicant stated that the building is a prefabricated building that is shipped in and built on site and therefore it is what it is and they cannot change the building design or anything. They then discussed the request and that it is a blank wall they are not meeting the code on and it is due to the fact that it is a prefabricated building. The Board then asked them some more questions about the building design and the landscape requirements.

Community Response: None

Board Motion and Vote:

- *Alan Richelson* made a motion to **APPROVE** case #: BZA-25-21: 9039 Lee Hwy., for a Special Exception Permit for a drive-thru facility in the C-C zone; subject to meeting the landscape requirements.

Paul Betbeze seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Alan Richelson: Yes

Scott McColpin: Yes

Paul Betbeze: Yes

Rudolph Foster: Yes

Joe Manuel: Yes

Lee Brock: Yes

J.T. McDaniel: Yes

The motion carries 8-0.

- Alan Richelson made a motion to **APPROVE** case #: BZA-25-25: 9039 Lee Hwy., to change the orientation of the building and for a 4% reduction in blank wall on the left side of the building; subject to the drawing submitted.

Lee Brock seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Alan Richelson: Yes

Scott McColpin: Yes

Paul Betbeze: Yes

Rudolph Foster: Yes

Joe Manuel: Yes

Lee Brock: Yes

J.T. McDaniel: Yes

The motion carries 8-0.

- **BZA-25-23: 4600 N Access Rd, 37415 (District 2) - Landscape Variance**

District: 2

Zone: I-H Heavy Industrial

Variance Request: Relief from sec. 38-66. – Required On-Site Trees.

Staff/Applicant Presentation and Discussion: Levi Witt presented the case to the Board.

The applicant was not present.

Community Response: None

Board Motion and Vote:

- Alan Richelson made a motion to **DEFER** case #: BZA-25-23: 4600 N Access Rd., to the May meeting.

Joe Manuel seconded the motion.

Voice Vote:

All in favor.

The motion carries 8-0.

- **BZA-25-24: 2801 Rossville Blvd, 37407 (District 8) - Relief from Mixed-Use and Commercial Zones Dimensional and Development Requirements**

District: 8

Zone: C-C Commercial Corridor

Variance Request: Relief from the ground floor transparency requirements (table 38-20.4), an increase in the maximum percentage of accent materials allowed per sec. 38-21 (c), and an increase in maximum blank wall area per table 38-20.4.

Staff/Applicant Presentation and Discussion: Levi Witt presented the case to the Board.

Applicant John Sexton presented to the Board that they have a ground floor transparency issue with meeting what the new code requires and they stated that it is a drive-thru only facility. They only have a couple tables out front and a pick up area. He stated that they also have a blank wall issue that they are requesting relief from. The Board then asked for clarification on the request and the Applicant shared that they are not sure if they meet the 40 sq ft blank wall or not because they are not sure if the shape matters or not. Assistant Director of Land Use Development Services Darien Gilkenson presented to the Board that the 40 sq ft is exactly that, 40 sq ft regardless of the shape, but it must be continuous.

Community Response: None

Board Motion and Vote:

- Joe Manuel made a motion to **DEFER** case #: BZA-25-24: 2801 Rossville Blvd., to the May meeting.

Ray Adkins seconded the motion.

- Joe Manuel withdrew the motion to defer to the May meeting.

The Board agreed to move the case to the end of the agenda.

- **BZA-25-26: 2034 Hickory Valley Rd, 37421 (District 6) - Reduction in Minimum Lot Width**

District: 8

Zone: RN-1-6 (Residential Neighborhood)

Variance Request: Reduction in minimum lot width from 55 feet to 25 feet.

Staff/Applicant Presentation and Discussion: Levi Witt presented the case to the Board.

Scott McColpin recuses himself.

Applicant Christopher Schmidt, who is the Applicant and the land surveyor and was contracted by the owner, James Byrns, who is also present. Mr. Schmidt presented to the Board that there are currently three separate lots with the two back lots being flag lots with 25 ft of road frontage each. He stated that they are wanting to drop a property line and combine two lots together and fix a pool encroachment issue for one of the lots. He stated that they have to come before the Board because the city does not allow flag lots to be created and they are required to have more road frontage than they currently have. The Board then asked the Applicant's some questions about their reasoning for this request and the owner stated that they have a contract to sell one of the lots and they need to fix the encroachment issue before they buy it.

Community Response: Keith Nelson at 6909 Jesse Connor Rd, speaks in opposition to the case due to the traffic issues. His concern was if somebody adds a bunch of houses then that would increase the traffic on the road and create more burden on the existing residents. He expressed concern that someone could subdivide the lot and develop it.

Applicant Response: The owner stated that he maintains the lot and has no plans to develop it or build on it. It was stated that nothing could be built on the lot because they cannot subdivide the lot due to it being a flag lot.

Community Response: Joseph and Sherri Pietrantone at 103 S Sweetbriar Ave, speak in support of the case as they are the buyers of the lot for sale. They stated that they were concerned about the lot line that runs through the pool and they do not want to purchase the lot if they do not own all the structures on the lot.

Board Motion and Vote:

- *Alan Richelson* made a motion to **APPROVE** case #: BZA-25-26: 2034 Hickory Valley Rd., for a reduction in minimum lot width from 55 to 25 subject to the drawing in slide number 103 of the presentation and the lot being platted.

Rudolph Foster seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Alan Richelson: Yes

Scott McColpin: Recused

Paul Betbeze: Yes

Rudolph Foster: Yes

Joe Manuel: Yes

Lee Brock: Yes

J.T. McDaniel: Yes

The motion carries 7-0 (1 recused).

- **BZA-25-24: 2801 Rossville Blvd, 37407 (District 8) - Relief from Mixed-Use and Commercial Zones Dimensional and Development Requirements**

District: 8

Zone: C-C Commercial Corridor

Variance Request: Relief from the ground floor transparency requirements (table 38-20.4), an increase in the maximum percentage of accent materials allowed per sec. 38-21 (c), and an increase in maximum blank wall area per table 38-20.4.

Staff/Applicant Presentation and Discussion:

The Applicant came back before the Board and presented the numbers for their request for the relief from the blank wall requirements. He stated that they currently plan to have 240 sq ft of blank wall on the rear side of the building and they are requesting to have a 200 sq ft increase variance to meet the requirement. The Board then asked them some more questions about the materials of their proposed development and if they could make changes to meet the code instead of getting a variance and they stated that the building is a prefabricated building that limits their options.

Community Response: None

Board Motion and Vote:

- *Lee Brock* made a motion to **APPROVE** case #: BZA-25-24: 2801 Rossville Blvd., relief from mixed use and commercial zones dimensional and development requirements - an increase in the maximum percentage of accent materials allowed and an increase in the maximum blank wall in the rear of the building; up to 200 sq ft due to the special circumstance.

Paul Betbeze seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Alan Richelson: Yes

Scott McColpin: Yes

Paul Betbeze: Yes

Rudolph Foster: Yes

Joe Manuel: No

Lee Brock: Yes

J.T. McDaniel: Yes

The motion carries 7-1.

Chair Scott McColpin announced to the Board that the new sign ordinance was accepted by City Council and that there would be a training on it for the Board in the coming month.

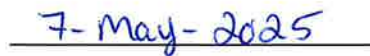
Chair Scott McColpin motioned to adjourn the meeting.

Joe Manuel seconded.

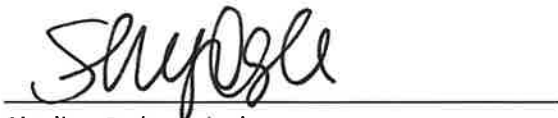
The meeting was adjourned at 12:15 p.m..



Scott McColpin, Chairman



Date



Shelby Ogle, Admin



Date