



BOARD OF ZONING APPEALS

MEETING MINUTES

August 6th, 2025

The duly advertised meeting of the Board of Zoning Appeals was held on August 6th, 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 10:00 AM.

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
- ☐ Zoning Code Inspector: Zachary Wiley
- ☐ Assistant Director: Darien Gilkenson
- ☒ Transportation: Caleb Fisher
- ☒ Court Reporter: Lori Roberson
- ☒ Landscape Architect: Karna Levitt
- ☒ City Forester: Pete Stewart
- ☒ City Attorney: Andrew Trundle
- ☒ Assistant Director of Site Development: Jeremy Swilley

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: Chairman Scott McColpin presented the July 2nd, 2025 Meeting Minutes to be voted on. No amendments need to be made. *Ray Adkins* motioned to **APPROVE** the July minutes. *Joe Manuel* seconded the motion. Voice Vote: All in favor. **The motion carries 8-0.**

Chairman Announcements: Next meeting will be Wednesday, September 3rd, 2025.

Agenda Revisions: BZA-25-51: 23 N Germantown Rd - Applicant has requested to withdraw. *Chair Scott McColpin* motions to withdraw without prejudice. *Paul Betbeze* seconds the motion. Voice Vote: All in Favor.

Motion Approved.

BZA-25-49: 2947 Cummings Hwy - Applicant has requested to withdraw. *Chair Scott McColpin* motions to withdraw without prejudice. *Ray Adkins* seconds the motion. Voice Vote: All in Favor.

Motion Approved.

OLD BUSINESS

- BZA-25-54: 1004 Normal Ave., 37404: Setback Reduction Variance

District: 2

Zone: RN-1-5 Residential Neighborhood

Variance Request: Reduction in front setback from 15 feet to 10 feet and a reduction in rear setback from 25 feet to 5 feet.

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

Applicant John Sweeton, along with engineer Zeca Ferraz, presented revised building plans to the Board, maintaining the original footprint but adjusting the design to address the steep topography of the lot. Measures such as silt fencing, slope stabilization, and seeding were proposed to manage stormwater runoff and minimize impact on neighboring properties. The Board requested details on erosion and runoff mitigation. Zeca explained that while water naturally flows downhill, efforts would focus on preventing sediment from washing down the street. The house is planned to be built on the southern end of the lot near an unopened alley, with some existing vegetation left undisturbed. Concerns were raised about runoff affecting a neighboring home near the property line and the potential impact from the proposed three-story house with a basement. When asked about additional runoff controls during construction, Zeca stated that no further measures were feasible at this stage. Assistant Director of Site Development Jeremy Swilley addressed the Board, explaining that with each application, they first determine applicable requirements based on the scope of work. Regarding runoff concerns, he stated that while the home may alter current runoff patterns, sediment control during construction is required. He emphasized the importance of grading and early vegetation to manage water and prevent erosion, noting that if land disturbance is paused, temporary or permanent stabilization must be implemented within 7 to 30 days depending on the duration. While steep slope rules do not apply to this lot, he recommended proactive erosion control and stabilization measures, including erosion control blankets, rather than straw waddles due to the slope. Although silt fencing is not specifically required, at least two methods of erosion control are expected. For long-term runoff, he recommended considering a rain garden. Swilley noted the Stormwater Team includes six inspectors and typically inspects sites quarterly, but could prioritize this site due to public concern. The Board confirmed that residents can report issues via 311 or the Land Development Office website. When asked about project stabilization, the applicant confirmed it would be included in the blueprints. The Board questioned whether the plans and lot were intended for resale, to which the applicant replied he intends to build a house on the lot. The engineer affirmed they could incorporate Swilley's recommendations. The applicant explained he purchased the lot in 2021 after seeing it on

the market, knew about the topography, and had only cleaned debris from the site. He also stated he was unaware of prior Board involvement and had done limited due diligence before purchasing.

Community Response: There were letters of opposition emailed to Staff that were presented to the Board.

Board Motion and Vote:

- *Paul Betbeze* made a motion to **DENY** case #: BZA-25-54: 1004 Normal Ave.

Rudolph Foster seconded the motion.

Roll Call Vote:

Ray Adkins: No

Alan Richelson: No

Scott McColpin: Abstain

Paul Betbeze: Yes

Rudolph Foster: Yes

Joe Manuel: Yes

Lee Brock: No

J.T. McDaniel: Yes

The motion does not pass due to no majority vote: 4-3 with 1 abstention.

Rolled to the September meeting.

- **BZA-25-32: 1422 E Main St, 37404: Setback Reduction Variance**

District: 8

Zone: C-C Commercial Corridor

Variance Request: Reduction in rear setback from 10 feet to 0 feet and a reduction in corner side setback from 10 feet to 0 feet.

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

Applicant Vinicio Liriano informed the Board that he had met with staff and addressed several project-related issues. He explained that the proposed development will have commercial space on the ground floor and residential units above. He confirmed that the project meets the minimum parking requirements as outlined in the code. When asked by the Board about coordination with the transportation department, Transportation Specialist Caleb Fisher confirmed that a meeting had taken place and that the project, while tight on space, is code compliant. The Board then asked Caleb to provide examples of nearby properties that could serve as precedence for this case.

Community Response: No community comments.

Board Motion and Vote:

- *Lee Brock* made a motion to **APPROVE** case #: BZA-25-32: 1422 E Main St. for a reduction in rear setback from 10 feet to 0 feet and a reduction in corner side setback from 10 feet to 0 feet.

Ray Adkins 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-25-52: 2200 McCallie Rd., 37404: Landscape Buffer Variance**

District: 9

Zone: C-C Commercial Corridor

Variance Request: Relief from the street yard tree requirements.

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

Applicant Cody Etling updated the Board on coordination with City Staff regarding tree regulations, confirming that street trees fall under City oversight and outlining proposed tree locations and sizes. Landscape Architect Karna Levitt stated that due to limited space, not all required trees can be planted on-site, justifying the variance, and noted that private trees in the ROW would replace city trees. The applicant agreed to mitigation through payment into the city tree fund. The Board reviewed safety concerns about tree placement, and it was confirmed that trees would be set back 30 feet from intersections and driveways, with taller species as required. The applicant explained the site, a former blighted property being redeveloped as a gas station, lacks space to plant all 15 required trees—only 8 are proposed. Without the variance, truck access would be limited, pumps would be lost, and the project could become unfeasible.

Community Response: None

Board Motion and Vote:

- J.T. McDaniel made a motion to **APPROVE** case #: BZA-25-52: 2200 McCallie Rd., relief from the street yard tree and area requirements as well as the tree at the end of the parking lot per the site plan.

Rudolph Foster 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.

NEW BUSINESS

- BZA-25-57: 4029 Harbor Hills Rd., 37416: Setback Reduction Variance

District: 3

Zone: RN-1-6 Residential Neighborhood

Variance Request: Reduction in rear setback from 25 feet to 17 feet and a reduction in left side setback from 5 feet to 0 feet.

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

Applicants Kenneth and Latonya Ware presented a proposal to add a bedroom and a carport to the left and rear side of their home. The Board questioned whether the addition could be shifted to better fit the lot and noted concerns about a lack of demonstrated hardship. The City Attorney read the hardship requirements into the record. The Applicants inquired about carport setback rules, prompting the Board to reference neighborhood deed restrictions from the 1960s, which remain in effect and could impact the carport placement. The Board discussed the carport dimensions and whether it could be reduced to meet both city and neighborhood setback requirements outlined in the deed.

Community Response: No community comments.

Board Motion and Vote:

- Chair Scott McColpin made a motion to **DEFER** case #: BZA-25-57: 4029 Harbor Hills Rd., to the September meeting.

Rudolph Foster 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-25-58: 5525 Hixson Pike., 37343: Parking Variance

District: 3

Zone: C-C Commercial Corridor

Variance Request: Increase in required parking for nonresidential use from 16 spaces to 22 spaces and reduction in the 50ft setback requirement from residential zones (behind the parcel) for the start of the drive thru lane and a reduction in rear setback from 50 feet to 31 feet for use of a drive-thru.

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

Applicant Tim Minor, a Taco Bell franchisee, presented plans to demolish the former Hardee's and construct a new Taco Bell on the site. He requested a variance to allow 22 parking spaces instead of the permitted 16, primarily to meet corporate standards and accommodate employee parking. He also sought relief from the required 50-foot buffer from adjacent residential property, noting only 30+ feet are available from the drive-thru sign. The Board asked about ownership, and the applicant confirmed they plan to lease the land. Transportation Specialist Caleb Fisher clarified that City Code allows up to 200% of the minimum parking, and the applicant also noted an existing but damaged fence near the drive-thru, which would need to be replaced with a 20-foot landscape buffer. When asked about landscaping compliance, Landscape Architect Karna Levitt explained that while the new Code does not require a buffer for mixed-use lots, commercial activity cannot occur in the residential portion, potentially complicating compliance.

Community Response: No community comments.

Board Motion and Vote:

- Joe Manuel made a motion to **APPROVE** case #: BZA-25-58: 5525 Hixson Pike., based on the unusual shape of the lot and the issues around the landscape buffer in the back and the drive thru - request approved for an increase in the max parking to 22 spaces and a variance from a 50 foot to 31 foot setback in the rear to allow for construction and use of the drive thru.

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-25-59: 7444 Pinewood Dr., 37421: Townhome Massing Variance**

District: 4

Zone: TRN-3 Traditional Residential Neighborhood

Variance Request: Increase in maximum allowed townhouse units outside the Urban Overlay from 4 attached units to 6 attached units.

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

Applicant Gary O'Brian, engineer with Labella Associates, presented on behalf of the Pinewood Flats project, explaining that site work began in 2024 under the previous zoning code. The team proceeded with platting, site plan approval, and obtained a Land Disturbance Permit (LDP) in winter 2024, completing horizontal infrastructure after the December 2024 zoning change and the end of the six-month grace period. Due to timing, they were unable to record the final plat or obtain building permits under the old code. They now seek a variance to construct two previously approved buildings (one with 5 units, the other with 6) under the old standards. The Board inquired about project continuity and questioned the withdrawal or deferral of related rezoning cases, noting staff had recommended denial for most. The Board reviewed the zoning (TRN-3) via GIS

and read RPA staff notes into the record, expressing concern about increased density and their own authority to grant the variance. The applicant clarified the timeline and nature of the request to help the Board understand the context and intent.

Community Response: None

Board Motion and Vote:

- Joe Manuel made a motion to **DEFER** case #: BZA-25-59: 7444 Pinewood Dr., to the September 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-25-60: 2310 Vance Ave, Unit 102., 37404: Special Exception**

District: 9

Zone: I-H Heavy Industrial

Special Exception Request: Special Exception for an Eating and Drinking Establishment in the I-H zone.

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

Applicant Bryan Gutierrez presented a proposal to expand his five-year-old non-alcoholic beverage company by utilizing part of an existing building to open a retail space for selling their products, prepackaged goods, and offering select outside beverages. When asked by the Board about alcohol service, he confirmed they had consulted with the proper authorities and met all requirements. The Board requested to view the street perspective of the proposed location.

Community Response: No community comments.

Board Motion and Vote:

- J.T. McDaniel made a motion to **APPROVE** case #: BZA-25-60: 2310 Vance Ave, Unit 102. for a Special Exception for an Eating and Drinking Establishment in the I-H Zone.

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

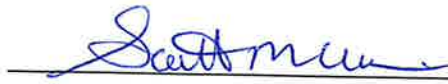
Lee Brock: Yes

J.T. McDaniel: Yes

The motion carries 8-0.

Joe Manuel motioned to adjourn the meeting.

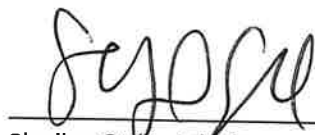
The meeting was adjourned at 12:53 p.m..



Scott McColpin, Chairman

1-Oct-2025

Date



Shelby Ogle, Admin

10/6/25

Date