



# BOARD OF ZONING APPEALS

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## MEETING MINUTES

December 3rd, 2025

The duly advertised meeting of the Board of Zoning Appeals was held on December 3rd, 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 10:08 AM.

### **Board Attendance:**

- Bob Geier
- Susan Gilmore
- Scott McColpin
- Paul Betbeze
- Rudolph Foster
- Joe Manuel
- Lee Brock
- J.T. McDaniel
- Victoria Johnson

### **Staff Attendance:**

- Presenter: Levi Witt
- Admin: Shelby Ogle
- Zoning Code Inspector: Zachary Wiley
- Assistant Director: Darien Gilkenson
- Transportation Specialist: Caleb Fisher
- Court Reporter: Lori Roberson
- Landscape Architect: Karna Levitt
- City Attorney: Andrew Trundle

**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:** 5 members present - 3 is the majority.

**Approve Minutes:** Chairman Scott McColpin presented the October 1st, 2025 Meeting Minutes to be voted on. No amendments need to be made. *Lee Brock* motioned to **APPROVE** the October minutes. *Paul Betbeze* seconded the motion. Voice Vote: All in favor. **The motion carries 5-0.**

Chairman Scott McColpin presented the November 5th, 2025 Meeting Minutes to be voted on. No amendments need to be made. *Victoria Johnson* motioned to **APPROVE** the November minutes. *Paul Betbeze* seconded the motion. Voice Vote: All in favor. **The motion carries 5-0.**

**Chairman Announcements:** Next meeting will be Wednesday, January 7th, 2026.

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## **OLD BUSINESS**

None

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## **NEW BUSINESS**

- **BZA-25-93: 5500 Beulah Ave., 37409 - Setback Reduction, Accessory Structure in the Corner Side Yard, and Access from an Abutting Street Variance**

**District:** 7

**Zone:** RN-1-5

**Variance Request:** Reduction in corner side setback from 20 feet to 10 feet for a detached garage located in the corner side yard and taking access from the abutting street.

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

Applicant Renato Cappuccitti presented that the width of the yard does not allow placement of the garage within the required setbacks, noting that mature tree roots further limit placement and that locating the garage closer to the side setback would avoid impacting the tree. At the Board's request, the City Attorney read the hardship requirements into the record, after which the Applicant clarified that the size of the lot and its corner location prevent compliance with the required setbacks. The Applicant stated that the proposed garage would be a relatively small structure used primarily for storage. The Board requested examples of similarly placed garages in the area and sought clarification on the request and applicable dimensions. Transportation was then asked if there were any concerns with the request and indicated that there were none.

**Community Response:**

None.

**Board Motion and Vote:**

- *Paul Betbeze* made a motion to **APPROVE** case #: BZA-25-93: 5500 Beulah Ave., reduction in corner side setback from 20 feet to 10 feet and based on no less nonconforming than other properties in the neighborhood.

*Lee Brock* seconded the motion.

Roll Call Vote:

Scott McColpin: Yes

Paul Betbeze: Yes

Bob Geier: Yes

Lee Brock: Yes

Victoria Johnson: Yes

**The motion carries 5-0.**

- **BZA-25-95: 1620 Riverfront Pkwy., 37402 – Relief from CCC: Ch 3. Art XVIII Div 2 Table 2**

**District:** 7

**Zone:** C-MUI

**Variance Request:** Relief from CCC Ch. 3, Art. XVIII, Div. 2 – Table 2 to allow an electronic messaging center in the Scenic Corridor.

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

Applicant James Teal of Ortwein Sign Company thanked Staff for their presentation and stated that significant progress and financial commitments were made during the three-week approval period, but the project is now on hold pending the Board's decision. He stated that the sign would be visible from the interstate, would advertise only building tenants, and would be oriented parallel to the interstate. In response to Board questions regarding the Scenic Corridor, the Applicant explained that approval would not set a precedent for other illuminated signs and noted that the sign includes an automatic brightness adjustment and meets all code requirements. The Applicant also explained that the sign was initially approved and later rejected by the City, and Darien Gilkenson added that a new map is now available to help identify character areas.

**Community Response:**

Lee Helena, the developer for the project, addressed the Board and stated that there is a parcel of land between the project site and the highway. He reviewed the timeline following the initial approval that was later rescinded and referenced a similar case previously approved by the Form-Based Code Committee that raised comparable concerns. He also noted that the proposed sign would be set back on the building.

**Board Motion and Vote:**

- *Paul Betbeze* made a motion to **APPROVE** case #: BZA-25-95: 1620 Riverfront Pkwy. the relief from Ch 3. Art XVIII Div 2 Table 2 to be allowed to have the electronic messaging center sign.

*Victoria Johnson* seconded the motion.

Roll Call Vote:

Scott McColpin: No

Paul Betbeze: Yes

Bob Geier: No

Lee Brock: Yes

Victoria Johnson: Yes

**The motion carries 3-2.**

**10 minute break**

- [BZA-25-96: 5429 Hixson Pike., 37343 - Relief from the Landscape Requirements](#)

**District:** 3

**Zone:** C-C

**Variance Request:** Reduction in the landscape buffer yard from 20 feet to 10 feet in width.

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

Applicant Mike Price of AMP Engineers presented that the proposed development is for apartments on a parcel rezoned prior to the adoption of the new zoning code. He explained why the entire parcel was not rezoned for residential use and discussed landscape changes affecting the project, noting that the new code's landscape requirements are based on zoning rather than use. The Applicant requested a reduction of the landscape buffer from 20 feet to 10 feet, explaining that without it they would need to relocate the driveway to preserve the clubhouse, and identified the loss of the 10-foot buffer as their hardship. The Board inquired whether plantings from the reduced buffer could be relocated elsewhere on the site, as well as additional questions regarding the proposed buildings and site access. Mr. Price stated that the required number of trees would be maintained. Landscape Architect Karna Levitt noted that the current plan includes two fewer trees than previous plans, and the Board asked about potential alternative locations for the trees. When asked about the neighboring house adjacent to the proposed buffer, the Applicant stated they assumed it was residential, and the Board noted that the existing fence provided additional comfort regarding the proposal.

**Community Response:**

None

**Board Motion and Vote:**

- *Chair Scott McColpin* made a motion to **APPROVE** [case #: BZA-25-96: 5429 Hixson Pike.,](#) for a reduction in landscape buffer from 20 feet to 10 feet for the area that abuts the residential parcel beside the property and due to the reduction of this buffer, this is contingent on trees, shrubs, etc be planted elsewhere on the property.

*Paul Betbeze* seconded the motion.

Roll Call Vote:

Scott McColpin: Yes

Paul Betbeze: Yes

Bob Geier: Yes

Lee Brock: Yes

Victoria Johnson: Yes

**The motion carries 5-0.**

- [BZA-25-97: 7333 Mccutcheon Rd., 37421 - Special Exception - Assisted Living Facility](#)

**District:** 4

**Zone:** C-R

**Variance Request:** Special Exception for an Assisted Living Facility in a C-R zone.

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

Applicant Donna Shepherd of Kimley Horn presented that the project is a special use permit, which is allowed within the zone with approval, and is located within the Waterside Development adjacent to an apartment

building. She noted that an updated transportation study has been submitted for review. The Board asked about potential issues with the facility entrance due to road topography, and Transportation Specialist Caleb Fisher stated that all concerns would be addressed during the permitting process. The Board also inquired whether new trees could create vision issues, and Ms. Shepherd explained that a special verge, required as part of the rezoning conditions, will be installed and that they will coordinate with relevant departments to ensure safety. Caleb Fisher added that street trees and verges must meet specific requirements to avoid obstructing views, with the Forestry and Transportation teams working together on placement. The Board clarified that the request is for a special exception for the use, and all other code requirements for the development will be met.

**Community Response:**

None

**Board Motion and Vote:**

- *Chair Scott McColpin* made a motion to **APPROVE** case #: BZA-25-97: 7333 Mccutcheon Rd., including both parcel numbers (149A B 014 & 149A B 015) for a special exception permit for an assisted living facility.

*Paul Betbeze* seconded the motion.

Roll Call Vote:

Scott McColpin: Yes

Paul Betbeze: Yes

Bob Geier: Yes

Lee Brock: Yes

Victoria Johnson: Yes

**The motion carries 5-0.**

- [BZA-25-98: 112 Lawn St, 37405 - Setback Reduction Variance](#)

**District:** 2

**Zone:** RN-1-5

**Variance Requests:** Reduction in side setback from 5 feet to 0 feet for a garage.

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

Applicant Allen Jones, representing the property owner, presented a request to build a single-family home with an ADU at the rear of the property and noted that they are pursuing abandonment of the alley behind the lot. He explained that the property is at the end of the street and that topography drives the request, emphasizing the need for a garage under the house to maintain clear street access for emergency vehicles. The existing house would be demolished and replaced with the proposed home, which is not larger than the current structure, but would be shifted to the right to allow for the side-access garage and provide additional buffer for the neighboring property. In response to Board questions about water management, the Applicant stated that runoff would be addressed through engineering, house design, or a retaining wall. The Board expressed concern that a zero-foot setback limits options for managing water runoff, and the Applicant noted that portions of the structure would be two feet off the property line, accounting for eaves.

**Community Response:**

John Arnett spoke on behalf of his daughter, the owner of 110 Lawn Street, who was unable to attend. He stated that she had discussed the project with the developer and confirmed that the request would have no impact on her property, and expressed support for approval of the variance.

Mary Westbrook of 1150 Hamilton Avenue stated that she is in favor of the project, noting that any improvement would be better than the existing conditions. She expressed concern about proper handling of drainage, reflecting the neighbors' worries, and also raised questions regarding the easement. The Board advised that she would need to address easement concerns directly with the City Council.

**Board Motion and Vote:**

- *Paul Betbeze* made a motion to **APPROVE** case #: BZA-25-98: 112 Lawn St., for a reduction in right side setback from 5 feet to 0 feet for a hardship of topography and only applies to the primary structure.

*Victoria Johnson* seconded the motion.

Roll Call Vote:

Scott McColpin: Yes

Paul Betbeze: Yes

Bob Geier: Yes

Lee Brock: Yes

Victoria Johnson: Yes

**The motion carries 5-0.**

- **BZA-25-99: 4412 Dodds Ave., 37407 - Special Exception - Neighborhood Commercial Establishment**

**District:** 5

**Zone:** RN-2

**Variance Request:** Special Exception for a neighborhood commercial establishment in an RN-2 zone.

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

Applicant Representative Alba Vicente Vicente appeared before the Board on behalf of her father, Ismael Vicente Vicente. Darien Gilkenson explained the intended use of the location, and Permit Clerk Elizabeth Arias assisted with interpretation. The Board asked for clarification regarding the proposed operations, including whether alcohol would be served, and Ms. Vicente stated that the location will serve smoothies, drinks, and food, but no alcohol.

**Community Response:**

None

**Board Motion and Vote:**

- *Paul Betbeze* made a motion to **APPROVE** case #: BZA-25-99: 4412 Dodds Ave., for a special exception permit for a neighborhood commercial establishment.

*Lee Brock* seconded the motion.

Roll Call Vote:

Scott McColpin: Yes

Paul Betbeze: Yes

Bob Geier: Yes

Lee Brock: Yes

Victoria Johnson: Yes

**The motion carries 5-0.**


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**Chair Scott McColpin motioned to adjourn the meeting.**

**The meeting was adjourned at 12:06 PM.**



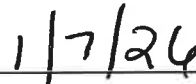
Scott McColpin, Chairman



Date



Shelby Ogle, Admin



Date