



BOARD OF ZONING APPEALS

MEETING MINUTES

December 4th, 2024

The duly advertised meeting of the Board of Zoning Appeals was held on December 4th, 2024, at 10:00 a.m. in conference room 1A of the Development Resource Center Building. Chairman Scott McColpin called the meeting to order at 10:03 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: 6 members present - 4 is the majority.

Approve Minutes: Chairman Scott McColpin presented the October 4th, 2024 Meeting Minutes to be voted on. No amendments need to be made. Ray Adkins motioned to **APPROVE** the October 4th minutes. Paul Betheze seconded the motion. Voice Vote: All in favor. **The motion carries 6-0.**

Chairman Scott McColpin presented the November 6th, 2024 Meeting Minutes to be voted on. No amendments need to be made. Ray Adkins motioned to **APPROVE** the November 6th minutes. Rudolph Foster seconded the motion. Voice Vote: All in favor. **The motion carries 6-0.**

Chairman Announcements: Next meeting will be January 8th, 2025.

- City Attorney Phil Noblet presented that the old zoning code and the new zoning code have differing requirements for Sec. 38-25 (a) and it was questioned if the new zoning code was in effect or not. Regional Planning Agency Representative Karen Rennich stated that the effective date for the new zoning code is December 18th and that it will not be effective until the City Council votes and adopts the new zoning map.
- Agenda Update: **BOZA-24-91 - 4718 Whispering Hills Ln., 37343 (District 2): Setback Reduction Variance** - The Applicant failed to post the public notice sign. Chair Scott McColpin made a motion to **DEFER case #:** **BOZA-24-24-91: 4718 Whispering Hills Ln.,** to the January meeting. Ray Adkins seconded the motion. No discussion. Voice Vote: **All in favor. The motion carries 6-0.**

OLD BUSINESS

- **BOZA-24-90 - 4270 Bonny Oaks Dr., 37406 (District 5): Building Separation Reduction**

District: 5

Zone: C-2 Convenience Commercial

Variance Request: Reduction in the building separation requirement from 10 feet to 3 feet.

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

Applicant Buddy Presley presented that he would like to defer the case to the January meeting to see if the new zoning code will affect his case in any way.

Community Response: None.

Board Motion and Vote:

- Rudolph Foster made a motion to **DEFER case #:** **BOZA-24-90: 4270 Bonny Oaks Dr.,** to the January 2025 meeting.
Paul Betbeze seconded the motion.
Roll Call Vote:
Ray Adkins: Yes
Paul Betbeze: Yes
Scott McColpin: Yes
Rudolph Foster: Yes
Alan Richelson: Yes
Lee Brock: Yes
The motion carries 6-0.

J.T McDaniel has entered the meeting.
Voting Majority Update: 7 members present - 4 is the majority.

- **BOZA-24-93 - 6745 Customer Delight Dr., 37421 (District 6): Relief from sec. 38-25 (a)**

District: 6

Zone: R-T/Z Residential Townhouse / Zero Lot Line

Variance Request: Relief from sec. 38-25 (a) - Lots to front street; exceptions. Residential (a).

Staff/Applicant Presentation and Discussion:

Applicant Mike Price requested to wait until the Regional Planning Agency Representative Karen Rennich returns from retrieving the new zoning code print out from her office, which the Board granted.

NEW BUSINESS

- BOZA-24-89 - 401 Tucker St., 37405 (District 2): Setback Reduction Variance

District: 2

Zone: R-1 Residential Zone

Variance Request: Reduction in rear setback from 25 feet to 14 feet for an addition.

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

Applicant Janet Myer, who is the homeowner for the property, presented to the Board that she wants to build an addition on her home. She stated that it was built in the 1900s and she wants to bring the addition to the same length as the garage. She presented that she does not want to get any closer to the alley than where the garage is already located and so she said she would be at 14 feet for the addition instead of the required 25 feet. The Board then asked some questions about the alleyway behind the house and she stated that it is narrow and you cannot drive all the way through it.

Community Response: None.

Board Motion and Vote:

- Paul Betheze made a motion to **APPROVE** case #: BOZA-24-89: 401 Tucker St., the rear setback from 25 feet to 14 feet per the site plan submitted due to the existing nonconforming structure.

Ray Adkins seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Paul Betheze: Yes

Scott McColpin: Yes

Rudolph Foster: Yes

Alan Richelson: Yes

J.T. McDaniel: Yes

Lee Brock: Yes

The motion carries 7-0.

- BOZA-24-94 - 1833 Gunbarrel Rd., 37421 (District 4): Parking and Landscape Variance

District: 4

Zone: C-2 Convenience Commercial

Variance Request: Relief from the minimum parking requirements and relief from the landscape buffer requirements.

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

Applicant Russell Green, who is with the engineering company, stated that they are tearing down the existing car wash structure and then going to build a drive-thru fast food restaurant with indoor seating. He stated that they are requesting a variance from the required landscape buffer. He presented that the existing buffer is already not in compliance and they are proposing a 4 ft buffer. They are also requesting a parking variance to go from the required 45 spaces to 25 spaces due to the lot dimensions and other factors. The Board asked questions about the current landscaping that is already existing there and the Applicant stated that they are wanting to remove the existing shrubs and replace something in kind. The Board then discussed the parking variance request and it is a 31% reduction. Melanie Hembry, who is the consulate with the company, stated they have spoken with their team about whether or not they wanted to develop under the new code or the existing code and she stated that they wanted to go with the existing code. She stated that 70% of their business is drive thru and only 30% are walk in customers. She presented that they feel that it would be appropriate to have fewer parking spots and have a dual drive thru lane to be able to

process the orders quickly. The Board then further discussed the parking requirements. The Board then circled back around to the landscape variance request and asked for Landscape Architect Karna Levitt to speak on the request. She stated that they have done a good job of making changes that would be applicable and presenting it visually. She also stated that it is up to the Board to decide if the landscape buffer the Applicant has presented is acceptable. The Board decided to split the request into two motions.

Community Response: None.

Board Motion and Vote:

- Chair Scott McColpin made a motion to **APPROVE** case #: BOZA-24-94: 1833 Gunbarrel Rd., request for landscape buffer on the south side of the lot from 20 feet to 4 feet subject to the site plan submitted.

Paul Betbeze seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Paul Betbeze: Yes

Scott McColpin: Yes

Rudolph Foster: Yes

Alan Richelson: No

J.T. McDaniel: Yes

Lee Brock: Yes

The motion carries 6-1.

- Chair Scott McColpin made a motion to **DEFER** case #: BOZA-24-94: 1833 Gunbarrel Rd., for the parking variance to the January 2025 meeting.

Roll Call Vote:

Ray Adkins: Yes

Paul Betbeze: Yes

Scott McColpin: Yes

Rudolph Foster: Yes

Alan Richelson: Yes

J.T. McDaniel: Yes

Lee Brock: Yes

The motion carries 7-0.

Old Business Case is Brought Back Before the Board:

- **BOZA-24-93 - 6745 Customer Delight Dr., 37421 (District 6): Relief from sec. 38-25 (a)**

District: 6

Zone: R-T/Z Residential Townhouse / Zero Lot Line

Variance Request: Relief from sec. 38-25 (a) - Lots to front street; exceptions. Residential (a).

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

Applicant Mike Price brought his request back before the Board after convening with the Regional Planning Agency Representative Karen Rennich in regards to the new code requirements. It was stated that there are two requirements that have to be met for the Board to be able to grant the request. The Board was informed that in 1968 the property was two separate lots and the lot that was tied into Customer Delight was less than 5 acres. The Applicant then presented that there was an alley on the property that was abandoned in 2016. It was ultimately decided that the Board could rule on the Applicant's request. The Board then asked the Applicant some questions about the easements on the property and that they believe the Applicant will need to get with the church to record easement access to the property.

Community Response: None

Board Motion and Vote:

- Ray Adkins made a motion to **APPROVE** case #: BOZA-24-93: 6745 Customer Delight Dr., with the following condition:
 - The Applicant has to get an easement recorded with the church.

Paul Betbeze seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Paul Betbeze: Yes

Scott McColpin: Yes

Rudolph Foster: Yes

Alan Richelson: Yes

J.T. McDaniel: Yes

Lee Brock: Yes

The motion carries 7-0.

Chair Scott McColpin called for a 10 minute break.

- BOZA-24-98 - 1620 Arden Ave., 37405 (District 2) - Accessory Structure in Front Yard

District: 2

Zone: R-1 Residential Zone

Variance Request: Relief from Sec. 38-504: Accessory Structure in the Front Yard

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

Applicant David Browning, who owns the home of the request, presented to the Board that due to the lot being curved on one side, a large portion of the yard is considered front yard and he has requested a variance to be able to put a garage in the yard. The Board then asked the Applicant questions about the size of the garage and how big it is. The Applicant presented that it will be a 4 car garage and that he is a car guy and wants a place to store the cars as well as work on them. He stated that they want to make it match the house which is historic and that they are meeting all the setback requirements. The Board asked about the dimensions of the garage and the Applicant said that they are planning a 2 story garage and would like to be able to eventually build it out and have an accessory dwelling unit. The Board clarified that he cannot build out for an accessory dwelling structure due to the size of the garage.

Community Response: No Community Comments

Board Motion and Vote:

- Paul Betbeze made a motion to **APPROVE** case #: BOZA-24-98: 1620 Arden Ave., per the site plan for an accessory structure.

Lee Brock seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Paul Betbeze: Yes

Scott McColpin: Yes

Rudolph Foster: Yes

Alan Richelson: Yes

J.T. McDaniel: Yes

Lee Brock: Yes

The motion carries 7-0.

- BOZA-24-99 - 960 Airport Rd., 37421 (District 5): Special Permit

District: 5

Zone: C-2 Convenience Commercial

Variance Request: Special permit for a rehab facility in the C-2 zone.

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

Applicant Mark Allen presented to the Board that they are wanting to convert the old greyhound bus station to use for a support group program. He stated that half the current building is being used for a peer support training program and they want to build out the rest. They are wanting to also build some apartment buildings that will be part of their women's work group program. The apartment buildings would hold a maximum of 28 people with 4 people in each room. The buildings will be 2 stories and 7 units. The Board asked if this was for a nonprofit organization and the Applicant stated that it is and they are the Helen Ross McNabb Center. The Applicant asked a representative from the organization to come forward, Jasmine Ray presents to the Board that these facilities will be for their jail to work program that is 12 weeks long and the participants will receive support among other services during that time. She presented that they have spoken to members of the neighborhood about bringing mental health services to the neighborhood and that the participants would low-status criminal offenders. The Board then asked some questions about the monitoring of the participants as well as how the program is funded. The Board stated that they would need to provide proof of the nonprofit status for the permit.

Community Response: None.

Board Motion and Vote:

- Rudolph Foster made a motion to **APPROVE** case #: BOZA-24-99: 960 Airport Rd. contingent upon the proper paperwork being submitted for the nonprofit status.

Paul Betbeze seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Paul Betbeze: Yes

Scott McColpin: Yes

Rudolph Foster: Yes

Alan Richelson: Yes

J.T. McDaniel: Yes

Lee Brock: Yes

The motion carries 7-0.

- **BOZA-24-100 - 5450 Glenn Fls., 37409 (District 7): Setback Reduction Variance**

District: 7

Zone: R-1 Residential

Variance Request: Reduction in front setback from 15 feet to 0 feet.

Staff/Applicant Presentation and Discussion: Levi Witt presented the case to the Board. He also presented that the request was not for a 0 feet setback, but a 5 foot setback.

Applicant Representative Joseph Wise, who is a civil engineer assisting the Applicant, presented to the Board that they uploaded a new site plan to the portal and the Board stated that the new site plan does not show the dimensions of the house. The Applicant stated that they are still working on house plans and they want to know how close they can build to the right-of-way and an issue with the lot is the topography and also the location of the driveway in regards to a potential elevation issue. The Board stated that without the size of the house being shown on the site plan, the Board cannot see if the Applicant is wanting to build a house that is too big on a lot that is too small. The Board then discussed the distance from the right-of-way and the setbacks with the Applicant Representative. They then requested a more detailed site plan showing the dimensions of the house that they would like to build.

Community Response: Crisler Torrence is a neighbor and the Board asked if he got a variance for his house and he stated that he bought it as a new build from a builder. He stated that the Applicant has been doing site work and has been issued stop work orders, but continues to do work. He then presented that there were trees on the lot and they have been cleared and he believes that the Applicant has an issue with following proper procedures and he has an issue with the hardship being topography when the lot was purchased as such. He informed the Board that he would like to

see an updated site plan showing setbacks and such. He expressed concern about the lot being at a narrow turn of the road and a house being so close to the road; which could be a site issue.

Dinson Lee is also a neighbor to the Applicant and he stated that he expresses the same concern that the previous neighbor had. He stated that the lot is very steep and it cannot be shown truly just how steep it is. He stated that it is probably 300 feet of elevation change. He stated that the concern is where would the owner of the proposed home park and how would they safely receive city services, such as mail and garbage.

Board Motion and Vote:

- Chair Scott McColpin made a motion to **DEFER** case #: BOZA-24-100: 5450 Glenn Fls., to the January 2025 meeting.

Alan Richelson seconded the motion.

Voice Vote: **All in favor.**

The motion carries 7-0.

- **BOZA-24-101 - 909 Young Ave., 37405 (District 2): Setback Reduction Variance**

District: 2

Zone: R-1 Residential Zone

Variance Request: Reduction in left side setback from 5 feet to 2.5 feet, a reduction in right side setback from 5 feet to 1 foot, and a reduction in rear setback from 25 feet to 23.5 feet.

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

Applicant Cary Davis, who is the property owner, presented that he is the owner of the house, but his son and his family live there. He said that they just had a new baby and want to build an addition to the back of the house to give them more room. He said that he wants to continue the wall straight back at the end of the house. He then presented that it would be a two-story addition that would give them a master bedroom and a living area. He also wants to put a garage in the back corner of the property on a concrete slab that is still somewhat there. The Board then asked the Applicant some questions about the addition and the alley behind the property.

Community Response: It was presented that there has been a couple emails in opposition to the case and the community member who sent those is in attendance. Ross Edwards who lives at 504 Young Ave. presented that he is not really opposed to anything presented in the case, but he has some questions. He asked how the garage would be accessed and the Applicant stated that it would be accessed from the driveway. He stated that after hearing the case, he is not in opposition to the proposed plan. He stated that he has opposition to other setback approvals when the setback is less than the size of a garbage can.

Applicant Response: The Applicant stated that he spoke to both neighbors and they have no objection to the project or the proposed plan.

Board Motion and Vote:

- Paul Betbeze made a motion to **APPROVE** case #: BOZA-24-101 - 909 Young Ave., for a reduction in left side setback from 5 feet to 2.5 feet for an addition, a reduction in right side setback from 5 feet to 1 foot for the garage only, and a reduction in rear setback from 25 feet to 23.5 feet for the addition per the site plan.

Rudolph Foster seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Paul Betbeze: Yes

Scott McColpin: Yes

Rudolph Foster: Yes

Alan Richelson: Yes

J.T. McDaniel: Yes

Lee Brock: Yes

The motion carries 7-0.

- BOZA-24-102 - 1001 Airport Rd Unit 14., 37421 (District 6): Relief from sec. 38-18 (c)

District: 2

Zone: M-1 Manufacturing, M-3 Warehouse and Wholesale

Variance Request: Reduction in rear setback from 25 feet to 10 feet for an enclosed garage addition.

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

Applicant Lynn Anderson presented to the Board that they want to repurpose a portion of their long term parking lot and use it for a garbage enclosure. He presented that the main dumpster and cardboard recycling would be moved to this location as well as a spot for deliveries to be dropped off. He said that they are remodeling some of the airport terminals and that process has encapsulated where they originally were located. He presented that they would need an additional curb cut added to Airport Rd for the new area. The Board then asked some questions about how frequently traffic would come in and out of the area and they stated that it would have limited access. The Board asked if the trucks accessing the curb cut would have room to turn around before needing to leave and the Applicant stated that they would have room. The Board asked about the visibility of the dumpsters and the other facilities in the area and the Applicant presented that there will be a screen installed and the dumpsters would not be visible from the road. The Board then referred to Transportation Representative Caleb Fisher about the additional curb cut and he presented that he has spoken with the Applicant and that the new curb cut would not create more traffic flow and that the Transportation Department is not opposed.

Community Response: No Community Comments

Board Motion and Vote:

- Alan Richelson made a motion to **APPROVE** case #: BOZA-24-102 - 1001 Airport Rd Unit 14., for a new curb cut on Airport Road per the site plan.

Paul Betbeze seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Paul Betbeze: Yes

Scott McColpin: Yes

Rudolph Foster: Yes


Alan Richelson: Yes

J.T. McDaniel: Yes

Lee Brock: Yes

The motion carries 7-0.

Chair Scott McColpin adjourned the meeting at 12:16 p.m..


Scott McColpin, Chairman

8-Jan-2025
Date


Shelby Ogle, Admin

1/8/25
Date