



BOARD OF ZONING APPEALS

MEETING MINUTES

February 5th, 2025

The duly advertised meeting of the Board of Zoning Appeals was held on February 5th, 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: 6 members present – 4 is the majority.

Approve Minutes: Chairman Scott McColpin presented the January 8th, 2025 Meeting Minutes to be voted on. No amendments need to be made. *Lee Brock* motioned to **APPROVE** the January 8th minutes. *Paul Betbeze* seconded the motion. Voice Vote: All in favor. **The motion carries 6-0.**

Chairman Announcements: Next meeting will be March 5th, 2025.

OLD BUSINESS

- BOZA-24-90: 4270 Bonny Oaks Dr., 37406: 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 requested to withdraw their case.

Board Motion and Vote:

- *Chair Scott McColpin* made a motion to **WITHDRAW** case #: BOZA-24-90: 4270 Bonny Oaks Dr., without prejudice.

Rudolph Foster seconded the motion.

Voice Vote: All in Favor.

The motion carries 6-0.

- BOZA-24-91: 4718 Whispering Hills Ln., 37343: Setback Reduction Variance

District: 2

Zone: R-1 Residential

Variance Request: Reduction in front setback from 25 feet to 0 feet for a wheelchair ramp.

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

Staff recommended withdrawal of the case to the Board.

Board Motion and Vote:

- *Chair Scott McColpin* made a motion to **WITHDRAW** case #: BOZA-24-91: 4718 Whispering Hills Ln., without prejudice.

Alan Richelson seconded the motion.

Voice Vote: All in Favor.

The motion carries 6-0.

- BOZA-24-97: 1900 E. 14th St., 37404: Setback Reduction Variance

District: 8

Zone: R-1 Residential Zone

Variance Request: Reduction in rear setback from 5 feet to 0 feet for a garage.

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

Applicant was not present at the meeting.

Community Response: None.

Board Motion and Vote:

- Chair Scott McColpin made a motion to **WITHDRAW** case #: BOZA-24-97: 1900 E. 14th St., without prejudice.

Lee Brock seconded the motion.

Voice Vote: All in Favor.

The motion carries 6-0

- **BOZA-24-105: 316 Glendale Dr., 37405: Setback Reduction Variance**

District: 1

Zone: R-3 Residential Zone

Variance Request: Reduction in front setback from 25 feet to 9.3 feet and a reduction in rear setback from 25 feet to 5.1 feet.

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

Applicant requests a one month deferral to the March meeting.

Board Motion and Vote:

- Chair Scott McColpin made a motion to **DEFER** case #: BOZA-24-105: 316 Glendale Dr., to the March 2025 meeting.

Alan Richelson seconded the motion.

Voice Vote: All in Favor.

The motion carries 6-0

- **BOZA-24-107: 531 W 37th St., 37410: Setback Reduction Variance**

District: 7

Zone: R-3 Residential Zone

Variance Request: Reduction in front setback from 25 feet to 20 feet and a reduction in rear setback from 25 feet to 19.5 feet.

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

Applicant requested to withdraw their case.

Board Motion and Vote:

- Chair Scott McColpin made a motion to **WITHDRAW** case #: BOZA-24-107: 531 W 37th St., without prejudice.

Lee Brock seconded the motion.

Voice Vote: All in Favor.

The motion carries 6-0

NEW BUSINESS

- BOZA-24-110: 2163 W Shepherd Rd., 37421: Relief from Street Yard Requirements

District: 6

Zone: R-T/Z Residential Townhouse / Zero Lot Line (Old Zoning)

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 Representative Rocky Chambers (works with the Applicant) presented to the Board that they got a preliminary plat approved and then started the process to get their permits; then during the permitting process, they were informed about street yard requirements. The Board then questioned the Applicant about the proposed plans and why they are proposing to do something different in this area as opposed to the single-unit dwellings on the rest of the plat. The Applicant stated that they wanted to offer the community some cheaper housing options. The Board followed up with asking for clarification on the location of the request, to which the Applicant responded that the request is for the proposed buildings around the cul de sac only. The Board then requested for Landscape Architect Karna Levitt to speak on the case, and she stated that their development has landscaping requirements that need to be met and that it does not appear that they are making the concessions necessary to meet those requirements. The Board, Applicant, and Karna then asked several more questions about previous site plans, options for the Applicant to attempt to come into compliance, and their options for moving forward.

Community Response: None

Board Motion and Vote:

- Alan Richelson made a motion to **DENY** case #: BOZA-24-110: 2163 W Shepherd Rd.

Rudolph Foster seconded the motion.

Roll Call Vote:

Paul Betbeze: Yes

Susan Gilmore: Yes

Lee Brock: Yes

Alan Richelson: Yes

Scott McColpin: Yes

Rudolph Foster: Yes

The motion carries 6-0.

- BZA-25-2: 1808 Ocoee St., 37406: Setback Reduction Variance

District: 8

Zone: RN-1-5 Residential Neighborhood

Variance Request: Reduction in rear setback from 25 feet to 16 feet.

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

Applicant Charles Adamson, the builder for the proposed dwelling, presented to the Board that they are requesting a rear setback reduction due to having to move the proposed dwelling around on the lot to meet the setback requirements and they cannot quite meet them. He stated that their hardship is the shape of the lot. He then stated that they have spoken with the community and neighborhood association and they are in support of the proposed plan. The Board then asked some questions about the corner lot that is beside this lot and if they plan to develop it or not and the Applicant stated that they do not plan to as it is a small lot and an irregular shape. They also asked about the area behind the lot and the Applicant stated that there is a railroad behind the lot and therefore there would be no developments behind the lot.

Community Response: James Moreland, a member of the neighborhood association, stated that they are trying to bring the community up and create an association to be able to maintain the integrity of the neighborhood. He stated that they believe that the neighborhood is being represented well in the request. The Board then asked how many people attend the meetings and he stated that it used to be about 60 people, but has dwindled now to about 20 people.

Ken Smith, president of the Avendale Neighborhood Association, stated that they are trying to demonstrate how a small neighborhood community can affect how their neighborhood is being developed and take control of how it is represented. He stated that he is in approval of the project.

Board Motion and Vote:

- Lee Brock made a motion to **APPROVE** case #: BZA-25-2: 1808 Ocoee St., a rear setback reduction from 25 feet to 16 feet due to irregular lot shape.

Paul Betbeze seconded the motion.

Roll Call Vote:

Paul Betbeze: Yes

Susan Gilmore: Yes

Lee Brock: Yes

Alan Richelson: Yes

Scott McColpin: Yes

Rudolph Foster: Yes

The motion carries 6-0.

Chair Scott McColpin called for a 10 minute break.

- **BZA-25-3: 1629 Edgehill Ave., 37405: Setback Reduction Variance**

District: 2

Zone: RN-1-5 Residential Neighborhood

Variance Request: Reduction in side setback from 5 feet to 3 feet for an addition.

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

Applicant Alex and Bethany Moody, the homeowners, presented to the Board that they are looking to build an addition on their home to add a second bathroom. They stated that it is currently 2 bedrooms and 1 bath and that they purchased the home in 2019. They presented that they want to add a bathroom to make it comparable to other homes in the neighborhood and increase the home's value. The Board asked the

Applicant if they confirmed the property line and they stated that they had a survey completed and a contractor drew up the site plan for them. The Board followed up by asking for confirmation on where the addition would be going on the home and they stated that it would be at the back of the home. The Board asked if they plan for the addition wall to continue the main wall down the property line and they stated that they did.

Community Response: None.

Board Motion and Vote:

- *Paul Betbeze* made a motion to **APPROVE** case #: BZA-5-3: 1629 Edgehill Ave. for a right side setback reduction from 5 feet to 3 feet due to irregular lot shape.

Rudolph Foster seconded the motion.

Roll Call Vote:

Paul Betbeze: Yes

Susan Gilmore: Yes

Lee Brock: Yes

Alan Richelson: Yes

Scott McColpin: Yes

Rudolph Foster: Yes

The motion carries 6-0.

- **BZA-25-4: 5749 Brainerd Rd., 37411: Relief from Brainerd Overlay Requirements**

District: 5

Zone: Reviewed under C-2 Convenience Commercial

Variance Request: Increase in maximum front setback from 26 feet to 61.3 feet.

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

Applicant John LaPoint presented to the Board that they were recently at a meeting for another property that they have on this same road and that they are requesting the same type of variance. He stated that the setback amount has changed to 55 feet from 61.3 feet after further review of the site plan. The Board then asked the Applicant several questions about the proposed site plan. The Applicant stated that they are able to meet all other requirements of the code. The Board then asked the Applicant about plans to screen the back of the property for the residential neighborhood that is at the back and the Applicant stated that they plan to have a fence with full landscaping.

Community Response: None.

Board Motion and Vote:

- *Rudolph Foster* made a motion to **APPROVE** case #: BZA-25-4: 5749 Brainerd Rd. to increase the maximum front setback from 26 feet to 55 feet.

Lee Brock seconded the motion.

Roll Call Vote:

Paul Betbeze: Yes

Susan Gilmore: Yes

Lee Brock: Yes

Alan Richelson: Abstain

Scott McColpin: Yes

Rudolph Foster: Yes

The motion carries 5-0 with 1 abstention.

BZA-25-7: 1128 E 13th St Unit A., 37408: Setback Reduction Variance

District: 8

Zone: RN-3 Residential Neighborhood

Variance Request: Reduction in side setback from 15 feet to 10 feet for new construction.

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

Applicant Heidi Hefferlin stated that the property is in an area that is undergoing a lot of redevelopment and that there are a lot of homes that are vacant. She stated that they are proposing a single family home that is 1400 square feet with an accessory dwelling unit. She stated that if they met the code requirements then the house would be 1000 square feet and with the larger home, it matches the rest of the homes in the neighborhood. The Applicant then asked Staff about being able to pull a building permit and a land disturbing permit under the old or new code and Staff informed the applicant that buildings are given a grace period under the new code, but not land disturbing permits.

Community Response: None.

Board Motion and Vote:

- Lee Brock made a motion to **APPROVE** case #: BOZA-25-7: 1128 E 13th St Unit A. for a reduction in side setback from 15 feet to 10 feet.

Joe Manuel seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Paul Betbeze: Yes

Susan Gilmore: Yes

Joe Manuel: Yes

J.T.McDaniel: Yes

Scott McColpin: Yes

The motion carries 6-0.

Chair Scott McColpin adjourned the meeting at 12:36 p.m..



Scott McColpin, Chairman

5-Mar-2025

Date



Shelby Ogle, Admin

5/8/25

Date