



BOARD OF ZONING APPEALS

MEETING MINUTES

January 8th, 2025

The duly advertised meeting of the Board of Zoning Appeals was held on January 8th, 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 10:10 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: Admin Shelby Ogle 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: 9 members present – 5 is the majority.

Approve Minutes: Chairman Scott McColpin presented the December 8th, 2024 Meeting Minutes to be voted on. No amendments need to be made. *Alan Richelson* motioned to **APPROVE** the December 4th minutes. *Ray Adkins* seconded the motion. Voice Vote: All in favor. **The motion carries 9-0.**

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

OLD BUSINESS

- BOZA-24-66: 513 Sterling Ave., 37405 (District 2): Setback Reduction Variance

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: Applicant requested to withdraw the case.

Community Response: None.

Board Motion and Vote:

- *Chair Scott McColpin* made a motion to **WITHDRAW** case #: BOZA-24-66: 513 Sterling Ave., without prejudice.

Paul Betbeze seconded the motion.

Voice Vote: All in Favor.

The motion carries 9-0.

- BOZA-24-88: 502 Tall Timber Trl., 37415 (District 1): Relief from sec. 38-25 (a)

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 Cole Murphy was asked by the Board if Bennet Rd meets up to their property and he said that it does. He then stated that a surveyor confirmed it and that he was sure that the right of way does come up to their property. The Applicant stated that the request is to reduce the minimum street frontage requirement and that there are other lots in the area that are similar to his lot. He presented that he plans to record the lots as separate lots. He provided evidence to the Board that there are other lots in the area that have the same frontage and are no less legal nonconforming than what he is requesting for his lots. He stated that they are wanting to build 3 houses for their family members. The Board then informed the Applicant that it would be wise to have a driveway maintenance drafted and recorded to prevent disagreements down the road.

Community Response: None.

Board Motion and Vote:

- Ray Adkins made a motion to **APPROVE** case #: BOZA-24-88: 502 Tall Timber Trl., contingent upon a driveway maintenance agreement being recorded.

Paul Betbeze 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

Rudolph Foster: Yes

Alan Richelson: Yes

Lee Brock: Yes

The motion carries 9-0.

- **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 requested a one month deferral to the February meeting.

Community Response: None.

Board Motion and Vote:

- Chair Scott McColpin made a motion to **DEFER** case #: BOZA-24-90: 4270 Bonny Oaks Dr., to the February 2025 meeting.

Paul Betbeze seconded the motion.

Voice Vote: All in Favor.

The motion carries 9-0.

- **BOZA-24-91: 4718 Whispering Hills Ln., 37343 (District 2): Setback Reduction Variance**

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 failed to post the public notice sign.

Community Response: None.

Board Motion and Vote:

- Chair Scott McColpin made a motion to **DEFER** case #: BOZA-24-91: 4718 Whispering Hills Ln., to the February 2025 meeting.

Rudolph Foster seconded the motion.

Voice Vote: All in Favor.

The motion carries 9-0.

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

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 Russell Green was asked about the requests for this case. He stated that the old case was under the old zoning code and the new case is under the new zoning code and the parking variance is no longer needed under the new code. The Applicant then requested to withdraw this case.

Community Response: None.

Board Motion and Vote:

- Chair Scott McColpin made a motion to **WITHDRAW** case #: BOZA-24-94: 1833 Gunbarrel Rd., without prejudice.

Lee Brock seconded the motion.

Voice Vote: All in Favor.

The motion carries 9-0

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

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 Joseph Wise presented to the Board that they have submitted a proposed site plan that shows the proposed house they would like to build. He then stated that topography is the biggest issue for this lot as far as development goes and that they are requesting a setback reduction to 5 feet instead of 15 feet. The Board would like to know if they are planning to build a large home in a neighborhood with smaller homes. The Applicant stated that the road does not sit in the middle of the right of way and they are asking for the variance for the garage portion only of the proposed plan, because the rest of the house is behind the garage. The Board asked for clarification from the Applicant about where they are asking for the variance from - the right of way or the property line. The Applicant stated that the land falls away sharply from the edge of the pavement and the further the placement goes from the pavement the more fill that would be required and to be able to make the driveway more navigable. The Board then asked if it was feasible to move the house further to the back property line, because of the topography. The Applicant answered by stating that the

further back the house goes, the further down the drop off of the lot the house has to sit and also the steeper the driveway has to be. Keith Riley is the owner of the property and presented to the Board that the curb ends at a point and the garage is the only thing that is close to the property line. He stated that they spoke to neighbors that had concerns and he stated that they like the design and have no other concerns.

Community Response: Lou Shimp lives in Flintstone GA is a close family friend to the owner and is an architect and designer for the project he stated that the setback from the roadway is a significant factor in the reasoning for a variance. He stated that the further back the house is placed, the higher the back of the house will have to be.

Board Motion and Vote:

- Susan Gilmore made a motion to **APPROVE** case #: BOZA-24-100: 5450 Glenn Fls., for a reduction in front setback from 15 feet to 5 feet for the garage only per the submitted site plans.

Paul Betbeze seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Paul Betbeze: Yes

Susan Gilmore: Yes

Joe Manuel: Abstained

J.T.McDaniel: Yes

Scott McColpin: Yes

Rudolph Foster: Yes

Alan Richelson: Yes

Lee Brock: Yes

The motion carries 8-0, 1 abstention.

Chair Scott McColpin called for a 10 minute break.

Alan Richelson left the meeting at 11:05 a.m.
Voting Majority Update: 8 present – 5 majority.

NEW BUSINESS

- **BOZA-24-97: 1900 E. 14th St., 37404 (District 8): 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.

Applicants Bryan and Jenna Lacy stepped up to present to the Board, but before they did; the Board informed them that per the new zoning code that went into effect, they can be 1 foot off the property line and asked them if they wanted to proceed with their current case. They stated that they would still like to proceed. They then began their presentation and stated that they are the land owners. They presented that they bought the

property over a year ago and they have made multiple improvements to the home with support of the neighbors and now they have parking and safety issues and would like to improve the parking for themselves and their neighbors. She presented that their property is a corner lot and the lot next to theirs is a multifamily building. They stated that there are a lot of people and cars that come and go and the alley behind the house butts up to a commercial property. The Board informed the Applicants that they need a hardship for their request and they then asked the Applicants what their hardship is. The Applicants asked for an explanation/definition of a hardship and the City Attorney read the Board of Zoning Appeals hardship code into the record. The Board then asked again what their hardship was. The Applicants stated that the distance from the house is the reason that they requested the variance. The Board and the Applicant then discussed that they could make adjustments to the design to be able to build the garage without a variance because of no hardship. The Applicant requested to defer to research alternatives for their plans.

Community Response: None.

Board Motion and Vote:

- *Lee Brock* made a motion to **DEFER** case #: BOZA-24-97: 1900 E. 14th St., to the February 2025 meeting.

Joe Manuel seconded the motion.

Voice Vote: All in Favor.

The motion carries 8-0

- **BOZA-24-105: 316 Glendale Dr., 37405 (District 1): Setback Reduction 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.

Lee Brock left the meeting at 11:28 a.m.

Voting Majority Update: 7 present – 4 majority.

Applicant Elliot Goodman presented that they are applying for a variance due to the irregular corner lot shape. He stated that there was a structure that was built over the lot line at one point in time. He stated that he spoke to the community and they are happy to see the lot being developed. The Board asked the Applicant about the setbacks and they presented that if they built within the required setbacks then they would not have very much room to build. The Board then asked some questions about moving the house within the parameters of the requirements of the lot and the Applicant stated that they could defer and get another site plan and come back before the Board with another design option. The Applicant stated that they are really wanting to build something that is safe and fits in with the neighborhood. The Board asked if they planned to sell it once built or live in it and the Applicant stated that they plan to sell the house.

Community Response: None.

Board Motion and Vote:

- *Ray Adkins* made a motion to **DEFER** case #: BOZA-24-105: 316 Glendale Dr., to the February 2025 meeting.

Rudolph Foster seconded the motion.

Voice Vote: All in Favor.

The motion carries 7-0

- BOZA-24-106: 5230 Hwy 153., 37343 (District 3): Sign Height Reduction Variance

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 Michael West with Victory Signs and Saurin Patel representing the ownership, presented to the Board that this sign is one of the last remaining signs from the 50's. The Board asked some questions about the existing sign and the Applicant stated that they want to use the existing steel poles and then rebuild the cabinet on those. The Applicants informed the Board that the sign is located beside a shared driveway easement to multiple businesses. The Board asked the Applicants about the required setbacks and the Applicant stated that any sign over 100 sq ft has to have a 20ft setback. The Board then asked some questions about the dimensions of the old sign and then about the dimensions of the new sign. They then asked about the setback easement and that they are using the same steel poles and about it being an existing nonconforming sign.

Community Response: None

Board Motion and Vote:

- *Joe Manuel* made a motion to **APPROVE** case #: BOZA-24-106: 5230 Hwy 153., for a reduction in sign height from 50ft to 41 ft as well as a reduction in the setback from 20 ft to 10 ft on the existing steel poles for existing nonconforming status.

Paul Betbeze 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

Rudolph Foster: Yes

The motion carries 7-0

- BOZA-24-107: 531 W 37th St., 37410 (District 7): Setback Reduction Variance

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 Tom McIntosh presented to the Board that he is an employee of the organization that owns the property. He then stated that the neighboring lots are bigger than the lot in question and that they are building houses in this neighborhood that are all similar in layout, appearance, and size. The Board asked the Applicant if they are trying to build a bigger house on a smaller lot and he stated that they are wanting to build a 2 bedroom house that is approximately 1000 sq ft, which is the smallest size house they build and that they try to comply with the organization's international standards. The Board asked some questions about one of the neighboring builds and the Applicant stated that they had to make major revisions to the build due to the easements that were on that particular lot. The Board asked for clarification about how they could change the dimensions of the house to be able to build on the lot, and the Applicant stated that they could, but it would not match the rest of the houses. He stated that they would still need a variance for the front setback to keep the same look for the neighborhood. The Board then asked the Applicant what the hardship is and the Applicant stated that the other houses have a specific setback and they would like to keep the house in line with the others. The Board then suggested the Applicant defer to take another look at their plans.

Community Response: None

Board Motion and Vote:

- Susan Gilmore made a motion to **DEFER** case #: BOZA-24-107: 531 W 37th St., to the February 2025 meeting.

Joe Manuel seconded the motion.

Voice Vote: All in Favor.

The motion carries 7-0

Rudolph Foster left the meeting at 12: 10 p.m.
Voting Majority Update: 6 present - 4 majority

- **BOZA-24-108: 1305 Richard Ave., 37404 (District 9): Setback Reduction Variance, Accessory Structure in the Front Yard**

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 Jean Audra presented to the Board that they are wanting to place a couple prefab sheds on their property. The Board then asked questions about what exactly they are asking for in regards to the variances. The Applicant stated that there is a stone retaining wall that they would like to preserve and there are woods beside the house and that is why they want to put the sheds on the side close to the neighbor and in front of the house. The Board then asked them questions about the placement of the sheds in relation to the Applicant's house and the neighbor's house. They then asked about why they cannot abide by the code requirements and the Applicant stated that the person who would place the shed came out and stated that that placement would be best without having to add additional footing materials for it. The Board asked for additional information in regards to the hardship.

Community Response: None.

Board Motion and Vote:

- J.T. McDaniel made a motion to **DENY** case #: BOZA-24-108: 1305 Richard Ave.

Paul Betbeze 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.

- **BOZA-24-109: 1833 Gunbarrel Rd., 37421 (District 4): Special Exception (New Zoning Code)**

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.

Applicant Russell Green stated that the property's new zone is C-C and requires a special exception permit from the Board for the use of a drive thru. Assistant Director Land Use Development Services Darien Gilkenson spoke to the Board about the new code special exceptions requirements for the Board to make decisions and asked Staff Levi Witt to read into the record those requirements. The Board then asked what establishment is going to be built on this property and the Applicant stated a fast food restaurant.

Community Response: None.

Board Motion and Vote:

- Chair Scott McColpin made a motion to **APPROVE** case #: BOZA-24-109: 1833 Gunbarrel Rd. for a special exception permit in the C-C zone.

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

13-Feb-2025
Date


Shelby Ogle, Admin

2-13-25
Date