



# BOARD OF ZONING APPEALS

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## MEETING MINUTES

June 4th, 2025

The duly advertised meeting of the Board of Zoning Appeals was held on June 4th, 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 Architect: 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:** 8 members present – 5 is the majority.

**Approve Minutes:** Chairman Scott McColpin presented the May 7th, 2025 Meeting Minutes to be voted on. No amendments need to be made. *Alan Richelson* motioned to **APPROVE** the May minutes. *Joe Manuel* seconded the motion. Voice Vote: All in favor. **The motion carries 8-0.**

**Chairman Announcements:** Next meeting will be July 2nd, 2025. At the end of today's meeting, a new chairman and vice chairman will be elected.

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## **OLD BUSINESS**

- **BZA-25-17: 1709 W 43rd St, 37409: Height/Setback Reduction Variance**

**District:** 7

**Zone:** RN-1-5 Residential Neighborhood

**Variance Request:** Reduction in left side setback from 10 feet to 1 feet, a reduction in right side setback from 5 feet to 0 feet, and a reduction in rear setback from 5 feet to 1 foot.

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

Applicant has requested to defer to the July meeting.

**Community Response:** Brian Kvale, who owns a large vacant parcel to the rear, stated that he has lived in the St Elmo area since 1993. He expressed concern about them losing the easement access to the property. The Board informed him that the request is for an existing structure and it is not moving any close to the property line and there is no risk of them losing access from this variance request.

**Board Motion and Vote:**

- *Susan Gilmore* made a motion to **DEFER** case #: BZA-25-17: 1709 W 43rd St, to the July meeting.

*Ray Adkins* seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Alan Richelson: Yes

Scott McColpin: Yes

Susan Gilmore: Yes

Paul Betbeze: Yes

Joe Manuel: Yes

J.T. McDaniel: Yes

Rudolph Foster: Yes

**The motion carries 8-0.**

- **BZA-25-23: 4600 N Access Rd, 37415: Landscape Variance**

**District:** 2

**Zone:** I-H Heavy Industrial

**Variance Request:** Relief from sec. 38-66. - Required On-Site Trees.

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

Applicant Andy Highlander stated that since the last meeting, his client has supplied them with a letter of sovereignty. The Board then asked the City Attorney for his guidance in how the Board should proceed and if they can even rule on the case. He stated that they could rule on the case, but the Applicant clients reserve the right and the ability to ignore the decision.

**Community Response:** None

**Board Motion and Vote:**

- Paul Betbeze made a motion to **WITHDRAW** case #: BZA-25-23: 4600 N Access Rd., without prejudice.

*Rudolph Foster* seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Alan Richelson: Yes

Scott McColpin: Yes

Susan Gilmore: Yes

Paul Betbeze: Yes

Joe Manuel: Yes

J.T. McDaniel: Yes

Rudolph Foster: Yes

**The motion carries 8-0.**

- **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.

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

Applicant failed to meet the public notice requirement.

**Community Response:** None

**Board Motion and Vote:**

- Paul Betbeze made a motion to **DEFER** case #: BZA-25-32: 1422 E Main St., to the July meeting.

*Rudolph Foster* seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Alan Richelson: Yes

Scott McColpin: No

Susan Gilmore: Yes

Paul Betbeze: Yes

Joe Manuel: No

J.T. McDaniel: Yes

Rudolph Foster: Yes

**The motion carries 6-2.**

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## **NEW BUSINESS**

### **- BZA-25-33: 1222 E 35th St., 37407: Setback Reduction Variance**

**District:** 7

**Zone:** RN-2 Residential Neighborhood

**Variance Request:** Reduction in corner side setback from 15 feet to 2.6 feet.

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

Applicant Sebastian Jacinto, with the help of his son Marcelino Jacinto presented to the Board that they started a new project and made a mistake of not getting the survey completed before they began. He stated that after they got the survey, they realized that they were almost on the property line. The Board then asked the City Attorney if they had the jurisdiction to rule on the encroachment onto City property. They then turned to Transportation Specialist Caleb Fisher for clarification and he stated that their department cannot issue a temp use permit for the house, but they can for certain structures. The Board then asked several more questions in regards to the site triangle for the corner and they expressed concern over the location of the house and making a decision over City property. The Applicant then informed the Board that there was an original structure and they built in the same footprint, but added a small extension to the back. The Board then asked the Applicant if they demolished the structure and they stated that they did. They then asked them if they had a licensed contractor that worked on the structure at all and they stated that there were specific specialists who were licensed. The Applicant stated that they were a general contractor and they failed to get a building permit.

**Community Response:** None

**Board Motion and Vote:**

- Susan Gilmore made a motion to **DEFER** case #: BZA-25-33: 1222 E 35th St., to the July meeting.

*Paul Betbeze* seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Alan Richelson: Yes

Scott McColpin: Yes

Susan Gilmore: Yes

Paul Betbeze: Yes

Joe Manuel: Yes

J.T. McDaniel: Yes

Rudolph Foster: Yes

**The motion carries 8-0.**

### **- BZA-25-34: 705 N Holly St., 37404: Appeal of STVR Denial**

**District:** 8

**Zone:** RN-1-5 Residential Neighborhood

**Appeal Request:** Denial of an STVR application from the Land Development Office.

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

The Applicant was not present. The Board then stated for the record that the owner's address is not correct with the tax assessor. Zoning Code Inspector Zak Wiley clarified that the owner was not the person who appealed the denial of the application, but the certificate applicant was. The Board then went over some documents that were supplied in the appeal application and asked the inspector more questions in regards to the case. Inspector Wiley then presented to the Board that the Applicant does not have an official lease and they changed their address on their state ID and uploaded an invalid record. The Board asked Inspector Wiley for clarification on the operation and ownership of the property.

**Community Response:** Javonna Williams, a neighbor of the property in the appeal, presented to the Board that there was an original attempt to get a certificate for a short term vacation rental. She then presented that she believed that it does not add value to the community and she agrees with the denial of the renewal.

**Board Motion and Vote:**

- Paul Betbeze made a motion to **DENY** the appeal of case #: BZA-25-34: 705 N Holly St., due to the individual not being a homestay occupant and there being no valid lease.

Joe Manuel seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Alan Richelson: Yes

Scott McColpin: Yes

Susan Gilmore: Yes

Paul Betbeze: Yes

Joe Manuel: Yes

J.T. McDaniel: Yes

Rudolph Foster: Yes

**The motion carries 8-0.**

- **BZA-25-35: 1515 Washington St. 37408: Appeal of STVR Denial**

**District:** 7

**Zone:** U-RM-3 (Form-Based Code)

**Appeal Request:** Denial of an STVR application from the Land Development Office.

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

Applicant Byron Williamson presented to the Board that he wants to withdraw the application.

**Community Response:** None

**Board Motion and Vote:**

- Susan Gilmore made a motion to **WITHDRAW** case #: BZA-25-35: 1515 Washington St., without prejudice.

*Joe Manuel* seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Alan Richelson: Yes

Scott McColpin: Yes

Susan Gilmore: Yes

Paul Betbeze: Yes

Joe Manuel: Yes

J.T. McDaniel: Yes

Rudolph Foster: Yes

**The motion carries 8-0.**

**Chair Scott McColpin called for a 10 minute break.**

**- BZA-25-36: 3921 Blanchard St., 37411: Setback Reduction Variance**

**District:** 9

**Zone:** RN-1-6 Residential Neighborhood

**Variance Request:** Reduction in right side setback from 5 feet to 0 feet.

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

Applicant Nicholas Rader, owner and builder of the property in question, presented to the Board that they went through the permitting process and they pulled the measurements off of existing fence lines and other features around the property. He stated that there is a property next door that belongs to the City and the inspector informed them that they needed a survey to ensure they were not building on the City's property. The Board and the Applicant then discussed the request and clarified what was the variance being asked. The Board then asked what the hardship is for the Applicant to which he stated that the neighborhood's property lines are not where any of them thought they were. They then asked the Applicant about the proposed plans and if they had attempted to purchase the lot owned by the City.

**Community Response:** Bryan Gordon, with Bronze Age Financial, presented to the Board that the firm he works for owns a property down the street and they manage the rental and have a tenant there. He stated that they are requesting information and not necessarily objecting to the request. He stated that they did not want a house directly on their property line, but also do not want to impede the development of the neighborhood. The Board informed him that there isn't anything impeding the development of the lots as long as they meet the requirements of the code. The City Attorney informed him that an appeal could be filed if need be and it would be heard at Chancery Court.

**Board Motion and Vote:**

- *J.T. McDaniel* made a motion to **APPROVE** case #: BZA-25-36: 3921 Blanchard St., for a reduction in right side setback from 5ft to 0ft.

No Second.

Motion fails.

- *Joe Manuel* made a motion to **DENY** case #: BZA-25-36: 3921 Blanchard St., due to no hardship.

*Paul Betbeze* seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Alan Richelson: Yes

Scott McColpin: Yes

Susan Gilmore: Yes

Paul Betbeze: Yes

Joe Manuel: Yes

J.T. McDaniel: No

Rudolph Foster: Yes

**The motion carries 7-1.**

**- BZA-25-37: 3917 Blanchard St., 37411: Setback Reduction Variance**

**District:** 9

**Zone:** RN-1-6 Residential Neighborhood

**Variance Request:** Reduction in right side setback from 5 feet to 0 feet.

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

Applicant Nicholas Rader requested to withdraw this application.

**Community Response:** None

**Board Motion and Vote:**

- J.T. McDaniel made a motion to **WITHDRAW** case #: BZA-25-37: 3917 Blanchard St. without prejudice.

Joe Manuel seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Alan Richelson: Yes

Scott McColpin: Yes

Susan Gilmore: Yes

Paul Betbeze: Yes

Joe Manuel: Yes

J.T. McDaniel: Yes

Rudolph Foster: Yes

**The motion carries 8-0.**

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**Chair Elections**

Scott McColpin stated that he would be happy to continue to serve as Chair if the rest of the members agreed.

Paul Betbeze nominated Scott McColpin to serve as Chair for another year.

All in favor.

**Vice-Chair Elections**

Scott McColpin stated that Paul Betbeze informed him that he would be happy to continue to serve as Vice-Chair if the rest of the members agreed.

Joe Manuel nominated Paul Betbeze to serve as Vice-Chair for another year.

All in favor.

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

**Joe Manuel seconded.**

**The meeting was adjourned at 12:44 p.m..**

  
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Scott McColpin, Chairman

2-Jul-2025  
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Date

  
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Shelby Ogle, Admin

7/7/25  
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Date