



BOARD OF ZONING APPEALS

MEETING MINUTES

May 7th, 2025

The duly advertised meeting of the Board of Zoning Appeals was held on May 7th, 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
- ☒ Director (Land Development Office): Bill Gore
- ☒ Historic Zoning Planner Cassie Cline

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 March 5th, 2025 Meeting Minutes to be voted on. No amendments need to be made. *Ray Adkins* motioned to **APPROVE** the March minutes. *Paul Betbeze* seconded the motion. Voice Vote: All in favor. **The motion carries 8-0.**

Chairman Scott McColpin presented the April 2nd, 2025 Meeting Minutes to be voted on. An amendment was presented; on pg 5, it was stated that Mr. Foster recused himself from a case, when he voted in affirmation. *Alan Richelson* motioned to **APPROVE** the amended April minutes. *Joe Manuel* seconded the motion. Voice Vote: All in favor. **The motion carries 8-0.**

Chairman Announcements: Next meeting will be June 4th, 2025.

Staff then presented a short training for the Board members that educates them on what they can rule on in regards to Special Exception permits as well as what kind of conditions the Board can impose on the issuance of the Special Exception permits.

OLD BUSINESS

- [**BZA-25-16: 1649 Kamin Rd, 37343 \(District 3\): Special Exception: Reception Facility**](#)

District: 3

Zone: A-1 Urban Agricultural

Variance Request: Special Exception for a reception facility in the A-1 zone.

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

Applicants Jeff and Vanessa Moser, owners of the property in question, presented to the Board that in following up from the last meeting, they met with Staff to come up with a checklist per the Board's instructions. They stated that they plan to expand the driveway to allow for 2 cars to pass on the driveway at the same time. They also had the Fire Marshall come out to inspect the property and they put a limit of 99 people that are allowed on the property at one time. They then discussed some provisions they are putting in place, such as a maximum number of cars allowed at one time and they are putting a time limit in place that noise must be stopped. He stated that they are trying to work with the City on adding a culvert to the road to give a spot to turn around. They stated that they also have had officer assistance in managing traffic for a few of their recent events.

Community Response:

- Randy Rawlston, who resides at 1606 Kamin Rd, stated that he was not present at the last meeting, but his sister was. He stated that he built his house in 1977 and the reason he chose this location was because it was a quiet and peaceful neighborhood. He stated that all the residents in the neighborhood are elderly and that the event venue has changed the whole area. He stated that there is increased traffic and people just stop in front of the property to check it out. He said that he spoke to the Applicant when they started to go through their rezoning process and they discussed their plans for the farm and why they were seeking rezoning. He then stated that the more events they have hosted, the more traffic and noise there has been. The Board then asked him if he had any complaints from the most recent events and he stated that the last event's group was noisy and it was at night. He expressed concerns

over the neighborhood's property values. The Board then asked if there was any part of the business that he would be okay with and he stated that there wasn't.

- W.A. and Linda Rogers of 6429 Babe Ln presented that 2-3 years ago the Applicant's moved in and he stated that they 'conned' the neighbors into letting them change it to an agriculture zone. He stated that there are still events that have a lot of cars and a lot of loud people and music. He said that he likes the Applicants, but does not like what they are doing at the property. The Board then asked them if there was any part of the business that they would be okay with to which they stated they want no part of any of it. They then stated that they feel like they have been lied to and the Applicants bought the property next to them on Babe Ln after their sister passed. They stated that the Applicants have rented it out a few times and they assume they are using it personally even though the Applicants stated to them that they purchased the property for their aging parents.

Applicant Response: The Applicants came back before the Board and presented that both of their parents are aging and if something should happen to one of them, the Applicant would ask that parent to move into the home they purchased on Babe Ln. They also informed the Board that they allow people to use the Babe Ln house for the events and such, but other than that it is used for personal use and storage.

Community Response: Randy Rawlston of 1606 Kamin Rd came back before the Board and presented that most people in the neighborhood are against this use of the property, but they will not come before the Board due to being a neighbor. He also stated that their direct neighbor who they share a driveway with are against the use as well. The Board then informed them that they will not hear any opposition from someone who will not give their name and address for the record.

Board Motion and Vote:

- Joe Manuel made a motion to **DENY** case #: BZA-25-16: 1649 Kamin Rd.

Alan Richelson seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Susan Gilmore: Yes

Alan Richelson: Yes

Scott McColpin: Yes

Paul Betbeze: Yes

Rudolph Foster: Yes

Joe Manuel: Yes

Lee Brock: Yes

The motion carries 8-0.

Chair Scott McColpin called for a 10 minute break.

Majority Update

Rudolph Foster left the meeting during the break.

Total members in attendance: 7

New Majority Vote: 4

- **BZA-25-18: 1406 Dugdale St, 37405 (District 2): Lot Size Variance**

District: 2

Zone: RN-1-5 Residential Neighborhood

Variance Request: Reduction in minimum lot size from 5,000 square feet to 4,800 square feet.

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

Applicant Elaine Reese, owner of 1406 Dugdale St and 1408 Dugdale St, came before the Board and was asked if she got a survey and submitted it to Staff. She stated that she had and Staff pulled it up for review. The Board then asked for confirmation that she was moving the lot line to be able to assign the driveway to one property instead of sharing it, to which she did. The Board then asked for confirmation on what the lot size would be after the lot line is moved to which she stated the sizes. They then asked her if she was planning to sell either property and she stated she was not planning to at this time. She stated that she resides at 1408 Dugdale St and she has a tenant for 1406 Dugdale St, but she plans to keep them both in case one of her kids wants to buy one of the properties. The Board then discussed the hardship on the application.

Community Response: None

Board Motion and Vote:

- Paul Betbeze made a motion to **APPROVE** case #: BZA-25-18: 1406 Dugdale St. for a reduction in minimum lot size from 5000 to 4800 due to the irregular lot shape and size with the condition that it is subject to the plat being recorded.

Ray Adkins seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Alan Richelson: No

Susan Gilmore: Yes

Scott McColpin: Yes

Paul Betbeze: Yes

Joe Manuel: Yes

Lee Brock: Yes

The motion carries 6-1.

- **BZA-25-23: 4600 N Access Rd, 37415 (District 2): 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.

Andy Highlander, representing the TN Valley Authority as the civil engineer, presented to the Board that they are wanting to expand their fleet vehicle lot. He stated that the proposed expansion is for their electric fleet and they will be installing it under the transmission lines. He stated that they are requesting relief from having to put trees in the parking lot since they are under the transmission lines. He stated that the proposed lot is surrounded by mature trees. The Board then asked the Applicant why they are not proposing to plant any trees, to which the Applicant stated that there have been multiple departments that have expressed concern over having trees planted in the parking lot; such as the trees would block camera views and the root system of the trees could interfere with the underground electrical wiring for the charging stations that are planned to be installed. The Applicant stated that there will also be fire hydrants installed due to the fire risk from the charging panels. The Board then asked if they have proposed to plant other greenery in lieu of the trees and the Applicant stated that they have not gotten that far in the plans. Landscape Architect Karna Levitt to speak on

the case. She stated that, in her opinion, since there is zero landscaping in the proposed plan, coming before the Board was the best course of action to hear the case and the hardship. The Board then suggested that they defer to allow the Applicant time to work with the City to produce a plan for other greenery in the proposed design.

Community Response: None

Board Motion and Vote:

- *Paul Betbeze* made a motion to **DEFER** case #: BZA-25-23: 4600 N Access Rd., to the June meeting.

Joe Manuel seconded the motion.

Voice Vote:

All in favor.

The motion carries 7-0.

NEW BUSINESS

- **BZA-25-17: 1709 W 43rd St, 37409 (District 7): 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 Vinizio Liriano, representing the owner, stated that this property is in a historic district and they have gotten approval from the Historic Zoning Commission to proceed with the updates to the property. The Board asked for confirmation that the building in the back is what they are requesting the variance for and the Applicant confirmed. The Board then asked for clarification on why they are needing a variance if the use is not changing and Historic Preservation Planner Cassie Cline presented to the Board that the structure they are requesting the variance for is currently being used as a shed and they are wanting to make it an accessory dwelling unit, therefore the change of use is why the request is coming before the Board. The Board then asked if the structure is connected to the main house and the Applicant stated that it is not connected and they do not have plans to connect it to the main house. The Board then asked the Applicant some questions about what they are proposing to do with the structure. They then asked the Applicant and others if they are planning to live in the house and the Applicants stated that they are planning to fix the property up and sell it. The Board then asked if they have had it surveyed and are sure that the structure is not over the property lines and the Applicants stated that there is no survey uploaded to the record.

Community Response: None

Board Motion and Vote:

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

Joe Manuel seconded the motion.

Voice Vote:

All in favor.

The motion carries 7-0.

- **BZA-25-28: 9039 Lee Hwy, 37363 (District 6): Parking Variance**

District: 6

Zone: C-C Commercial Corridor

Variance Request: Increase in maximum allowable parking spaces from 4 to 12.

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

Applicant Tyler Brown came before the Board to request an increase in allowed parking spaces. He presented that according to the Code, there is a maximum of 4 parking spaces allowed for the property and the owner cannot run their business with only 4 parking spaces. He stated that they are requesting to be allowed to have 12 spaces and it is shown on their site plan. The Board then asked why there is a maximum to the parking in the code and the Board decided not to speculate on the intent of the City Council adopting that requirement. The Board then asked the Applicant to show where the parking spaces are on the site plan. They then asked for clarification on why they are asking for more parking spots, to which they stated that they need the additional parking spots for the employees and the few guests who might need to park. The Board then asked Transportation Specialist Caleb Fisher to speak on the case, to which he stated that the proposed drive-way meets all of the Department of Transportation requirements.

Community Response: None

Board Motion and Vote:

- Alan Richelson made a motion to **APPROVE** case #: BZA-25-28: 9039 Lee Hwy, to increase the maximum allowed parking spaces from 4 to 12.

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

Lee Brock: Yes

The motion carries 7-0.

- **BZA-25-29: 1853 Polk St, 37408 (District 8): Special Exception: Animal Grooming Facility**

District: 8

Zone: Reviewed under M-1 Manufacturing (Old Zoning Code)

Variance Request: Special Exception for an Animal Grooming Facility in the M-1 Zone. (reviewed under zoning code ending 12/17/2024)

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

Majority Update

Susan Gilmore left the meeting at 12:04 P.M..

Total members in attendance: 6

New Majority Vote: 4

Applicant Lauren Hayes presented that they are wanting to include grooming in their facility. She presented that the facility is very large and they are planning to have the grooming on one side and the training on another side. They are planning to do more behavioral grooming for the animals that normally have to be sedated and they want to work with them on the grooming so they do not have to be sedated. The Board then asked the Applicant some more questions about the facility and if there will be any outdoor use, to which she stated that there will not be.

Community Response: None

Board Motion and Vote:

- Lee Brock made a motion to **APPROVE** case #: BZA-25-29: 1853 Polk St., for a Special Exception permit for a dog grooming facility, with the conditions that there is no outdoor use and subject to the checklist that was submitted.

Paul Betbeze seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Alan Richelson: Yes

Scott McColpin: Yes

Paul Betbeze: Yes

Joe Manuel: Yes

Lee Brock: Yes

The motion carries 6-0.

- **BZA-25-30: 2800 Curtis St. 37406 (District 8): Setback Reduction Variance**

District: 8

Zone: RN-1-5 Residential Neighborhood

Variance Request: Reduction in front setback from 25 feet to 10 feet and a reduction in rear setback from 25 feet to 5 feet.

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

Applicant and Surveyor Samuel Clemmons, along with the owner Alfred Fredrick, presented to the Board that they are wanting to build a house on lot 2 that is similar to the house on lot 1 that the owner also owns. He presented that they wanted to build the home so that it fronts on the alley, but was told that they cannot do that. The Board then asked the Applicant for confirmation if they are subdividing a lot and then if they do, they cannot build a house on it without a variance. The Board then asked what their hardship is, to which the Applicant stated that affordable housing is an issue for the community and that is it the hardship they are proposing. The Applicant stated that the City approved rezoning of the property a couple of months ago. The Board and the Applicant then discussed specifics of the rezoning case and the Board suggested that they

defer to allow them time to find the ordinance and confirm if there were any conditions on the property from the rezoning. The Board then discussed the hardship on the request and whether there was a hardship.

Community Response: None

Board Motion and Vote:

- *Lee Brock* made a motion to **DENY** case #: BZA-25-30: 2800 Curtis St., based on no hardship present.

Joe Manuel seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Alan Richelson: Yes

Scott McColpin: Yes

Paul Betbeze: Yes

Joe Manuel: Yes

Lee Brock: Yes

The motion carries 6-0.

- **BZA-25-31: 3033 Alton Park Blvd. 37410 (District 7): Parking Variance**

District: 7

Zone: I-H Heavy Industrial

Variance Request: Reduction in minimum required parking from 72 spaces to 50 spaces.

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

Applicant Patrick Garrett, engineer and design build contractor for the development, presented to the Board that this is an existing facility that was recently purchased. The purchaser has another facility within the City and they are hoping to expand and also consolidate some of their operations. They are requesting that the required parking be reduced as they do not need that many spaces for their employees. He stated that there are other aspects of the site that do not meet requirements that the City has now. He stated that they are working with the City to try to bring the facility and the grounds up to meet the requirements of the City. The Board then asked the Applicant what the business is and the Applicant stated that this is manufacturing and there will not be any of the public pulling in and out of the facility.

Community Response: Jeff Bates, who represents the owners of the facility, wanted to thank the Board for their services.

Board Motion and Vote:

- *Paul Betbeze* made a motion to **APPROVE** case #: BZA-25-31: 3033 Alton Park Blvd., for a reduction in minimum required parking from 72 to 50 spaces due to no less nonconforming as existing.

Chair Scott McColpin seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Alan Richelson: Yes

Scott McColpin: Yes

Paul Betbeze: Yes

Joe Manuel: Yes

Lee Brock: Yes

The motion carries 6-0.

- BZA-25-32: 1422 E Main St, 37404 (District 8): 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 Vinicio Liriana came before the Board, and the Board asked the Applicant which of the 3 site plans they are reviewing at the meeting. The Applicant stated that they are going to use site plan 3 for the variance request. The Board confirmed with the Applicant that they are building a restaurant and that the parking is not on the proposed site plan. The Applicant asked for a one month deferral.

Community Response: None

Board Motion and Vote:

- Chair Scott McColpin made a motion to **DEFER** case #: BZA-25-32: 1422 E Main St., to the June meeting.

Joe Manuel seconded the motion.

Voice Vote:

All in favor.

The motion carries 6-0.

Chair Scott McColpin motioned to adjourn the meeting.

Joe Manuel seconded.

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



Scott McColpin, Chairman

4-Jun-2025

Date



Shelby Ogle, Admin

6/4/25

Date