

The Town of Collierville **Board of Zoning Appeals** met in regular session on Tuesday, May 19, 2020 at 5:05 p.m. in the Board Chambers of Town Hall, at 500 Poplar View Parkway.

Staff members present were: Development Director, Mr. Jay Cravens; Town Planner, Mr. Jaime Groce; Assistant Town Planner, Mrs. Nancy Boatwright; and Administrative Specialist, Sr., Mrs. Shari Michael.

Chairman Luttrell asked Mrs. Michael to call the roll.

Roll Call:

Oakes – present, Frazier – present, Luttrell – present, Floyd – absent, O’Hare – present.

Quorum Present

Approval of the Minutes:

Chairman Luttrell asked if there were any corrections or deletions to the minutes from the February 20, 2020, meeting.

Hearing no corrections, Chairman Luttrell called for a motion to approve the minutes as presented.

Motion by Commissioner Oakes, and seconded, to approve the minutes as presented.

Hearing no further discussion, Chairman Luttrell asked Mrs. Michael to call the roll.

Roll Call:

Oakes – yes, Frazier – yes, O’Hare – abstain, Luttrell – yes.

Motion approved.

Approval of the Agenda:

Chairman Luttrell asked if there were any additions or changes to the Agenda.

Mr. Groce explained that item 6.a. Resolution BZA2020-A was a necessary resolution to allow the Town of Collierville to hold a BZA meeting that was partially electronic, via the internet or through phone calls. Because Governor Lee changed the order to allow public meetings in a controlled capacity in the building, item 6.a. will not be necessary to address at tonight’s meeting, and should be removed from the Formal Agenda.

Chairman Luttrell asked for a motion to approve the agenda as amended.

Motion by Commissioner Oakes, and seconded, to approve the agenda as amended.

Hearing no further discussion, Chairman Luttrell asked Mrs. Michael to call the roll.

Roll Call:

Frazier - yes, O’Hare – yes, Oakes – yes, Luttrell – yes.

Motion approved.

Formal Agenda:

BZA20-02 – 1122 Sweetie Lane – Variance to allow an 8-foot fence in a rear yard.

Mrs. Boatwright gave the staff presentation. She explained that the applicant was given the choice to come to the meeting tonight, but chose not to. If the commissioners have any questions that staff cannot answer, the item will need to be voted to be deferred. This is a request for a variance to allow an 8 foot fence along the rear property line at 1122 Sweetie Lane in the Eastbrook Subdivision. The underlying zoning is R-1 and there is a topographic hardship because of the elevation change in the rear yard of 2 feet on the front of the lot to the rear yard lot line. The grade change reduces the effectiveness of a six-foot privacy fence. An eight-foot fence will provide the equivalent of a six-foot fence between the 2 houses.

EXHIBITS

1. Conditions of approval (5/15/20)
2. Applicant's cover letter (3/10/20)
3. Applicant's responses to Standards for a Variance (3/13/20)
4. Topographical Map
5. Applicant's photos (3/13/20)
6. Staff analysis of Standards for a Variance
7. Survey of 1122 Sweetie Lane (3/13/20)

There are alternatives to an 8-foot fence; however, none are practical, according to the owner of the property. A six-foot fence could be installed, or the owner could install 2 feet of lattice wood to the top of the six-foot fence, but that still would not provide privacy. They could install landscaping, that at maturity would give them privacy, but this could take years. The property owner is installing a French drain across the rear fence line that will take up to three feet of the rear yard and prelude installing landscaping.

The 8-foot fence would not be injurious to other properties. It will be constructed of wood with metal posts not visible off-site and will provide the privacy of a standard 6-foot fence. Side yard fences will remain at 6 feet with transition as required. The BZA has approved 8-foot fences in nearby lots with similar elevation change from front to rear.

Mrs. Boatwright reviewed the Standards for a Variance, the motion contained in the staff report and the conditions of approval. The applicant is in agreement with all of the conditions.

Chairman Luttrell asked if there were any questions of staff.

A discussion ensued about how the French drain will transition with the fence on the property.

Chairman Luttrell asked if the adjacent neighbor affected had made any comments.

Mrs. Boatwright stated no, she has not heard from them.

Commissioner Frazier asked if both properties have the same elevation drop.

Mrs. Boatwright explained that the property behind the property owner's lot does meet at the slope, and it appears to be one long slope. Both properties share a 6-foot rear yard fence.

A discussion ensued regarding the sharing of the side yard fence with the adjacent property owners to the sides and Mrs. Boatwright stated that if the issue ever came up, staff would ask them to taper the fence.

Commissioner Oakes stated that his assumption is that the 8-foot fence would replace the fence in the photograph.

Mrs. Boatwright stated that the finished side of the fence will face the other property and the posts will face the applicant's property. The fence is on the applicant's property.

Hearing no further questions or discussion, Chairman Luttrell called for a motion.

Motion by Commissioner O’Hare, and seconded, to approve the applicant’s request of a variance to allow an 8-foot fence in the rear yard at 1122 Sweetie Lane subject to the conditions in Exhibit 1:

CONDITIONS OF APPROVAL:

1. The fence shall gradually transition on the side yards from the eight foot (8’) rear yard fence down to the six foot (6’) side yard fences. The transition shall be provided over a minimum distance of 8 feet or 4:1 ratio. Abrupt changes in height between fences are not permitted.
2. All required permits shall be obtained from the Codes Division.
3. Fences, walls, hedges installed in or along public easements (utility, drainage, pedestrian and the like) are subject to removal at the owner’s expense in the event maintenance or construction work is required within or along the public easement.
4. Any deviation from the location of the approved variance shall require the approval of the Board of Zoning Appeals.

Commissioner O’Hare explained that he would be inclined to approve the request because of the homeowners land, it allows for privacy, and the French drain will help the water drain off of his property.

Chairman Luttrell explained that he agrees with Commissioner O’Hare.

Hearing no further comments, Chairman Luttrell asked Mrs. Michael to call the roll.

Roll Call:

O’Hare - yes, Oakes - yes, Frazier –yes, Luttrell – yes.

Motion approved.

BZA20-03 – 138 Keisie Cove – Variance to allow a 14-foot encroachment of a covered patio into the required rear yard setback of 30 feet.

Mr. Groce gave the staff presentation. He explained this is a request for a variance to allow the principal structure, a house with a porch/covered patio addition, to encroach 14-feet into required rear yard setback of 30 feet. The structure will be about 16 feet from the rear property line.

He showed an aerial map of the property and adjacent properties in the area that have had similar requests granted. There are many lots in this area that are unusually shaped, and very narrow. He explained that the applicant’s rear portion of the home faces to the west and has a lot of sun shining into the back porch window so they would like to build a patio cover to help with that issue. He showed a picture rendering of the patio cover as it might look. There is no neighbor immediately behind this home due to an open space lot. There patio will not have any sides or screen material. There will be architectural shingles on the roof of the patio cover and it will match the shingles on the home roof. The lot does have an unusual shape and this creates a setback issue in order to build a patio cover of ample size. There

EXHIBITS
1. Conditions of Approval (5/13/20)
2. Applicant’s cover letter (received 4/28/20), including responses to Standards for Variances and: a. Plot Plan Showing Addition b. Photographs of Existing House c. Example Covered Porch
3. Letters of Support (April 2020)
4. Elm Creek Subdivision Plat
5. Standards for Variances Criteria Staff Analysis (May 2020)

is a utility easement located on the back south side of the rear yard, so they could not build the patio cover in that area.

There are alternatives for the patio cover, but none of them would really be feasible for the applicant in giving them adequate shade.

He read the motion and conditions of approval contained in the staff report. The applicant is in agreement with the conditions of approval as listed in the staff report.

Chairman Luttrell asked if there were any questions of staff.

Hearing none, he asked the applicant if they had anything further to add.

Mr. Trevor Cropp, property owner and applicant, stated that he had nothing to add at this time.

Hearing no further questions or discussion, Chairman Luttrell called for a motion.

Motion by Commissioner Oakes, and seconded, to approve the applicant's request of a variance (Exhibit 2) to allow a covered porch to encroach into the required rear yard setback at 138 Keisie Cove, subject to the conditions in Exhibit 1.

CONDITIONS OF APPROVAL:

1. The covered patio shall not be enclosed by adding walls so as to create additional inhabitable building square footage.
2. The covered patio structure can be no closer than 16 feet to the property line (measured from the post). Gutters, eaves, sills, belt courses, cornices, pilasters, and other ornamental features are permitted encroachments into a required yard provided that they do not project more than 24 inches into the required yard but shall be no closer than 36 inches to a property line.
3. All required permits shall be obtained from the Codes Division.
4. Any deviation from the approved variance shall require the approval of Staff and/or the Board of Zoning Appeals.

Chairman Luttrell stated that he did not have issue with the request because there is nothing located behind the property.

Commissioner O'Hare stated he agreed and the lot has an unusual shape and it is obvious that the sun exposure does cause a hardship.

Hearing no further comments, Chairman Luttrell asked Mrs. Michael to call the roll.

Roll Call:

O'Hare – yes, Oakes - yes, Frazier –yes, Luttrell – yes.

Motion approved.

OTHER BUSINESS

Chairman Luttrell asked if there was any other business.

Mr. Groce explained that there will be some upcoming training opportunities soon. Public meetings are starting up again so we may possibly have a BZA meeting in June.

Hearing no further business, Chairman Luttrell adjourned the meeting at 5:43pm.

Secretary David Frazier