

The Town of Collierville Board of Zoning Appeals met in regular session on Thursday, July 16, 2020 at 5:00 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; 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 – present, O’Hare – present.

Quorum Present

Approval of the Minutes:

Chairman Luttrell asked if there were any corrections or deletions to the minutes from the May 19, 2020, meeting.

Hearing none, Chairman Luttrell called for a motion to approve the minutes as presented.

Motion by Commissioner Frazier, 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 – yes, Floyd – 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explained that item 6.a. BZA20-05 Sycamore Road should be removed from the Formal Agenda because the applicant has withdrawn their request.

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

Motion by Commissioner O’Hare, 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, Floyd – yes, O’Hare – yes, Oakes – yes, Luttrell – yes.

Motion approved.

Formal Agenda:

BZA20-05 – 660 South Mount Pleasant Road – Request approval of a variance to allow for an accessory structure to be in a required side yard setback and larger than 30% of the size of the principal dwelling.

Mr. Groce gave the staff presentation. He explained that the area the home is located was annexed in 1996. The applicant started an addition to their detached garage in 2019 without obtaining a building permit before getting started. Construction has been halted until the applicant can move through the process with the BZA approval.

Mr. Groce showed a picture of the home and a copy of a survey. The existing home is about 4,360 square feet with an 868 square foot attached garage which was built in 1968. The existing detached garage on the property is 1,444 square feet and was built in 1985 and is nonconforming. The applicant contacted the Shelby County Codes Department, but they could not find any records on the garage. The structure is located about 26.5 feet from the south side of the property line and 39 feet from the house. The structure is about 15 feet tall.

- | EXHIBITS | |
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| 1. | Conditions of approval (7/10/20) |
| 2. | Applicant's cover letter and response to Standards for a Variance (7/9/20) |
| 3. | Plot Plan/Survey (received 7/9/20) |
| 4. | Accessory Structure Plans (received 7/9/20) |
| 5. | Aerial Photo (2020) |
| 6. | Mount Pleasant Trace Preliminary Plat (2020) |
| 7. | Staff analysis of Standards for a Variance. |

The applicant is requesting to build an addition onto the garage. It will have a flat metal roof with brick columns. It will be a 25 foot wide open addition. Plans show it to be 5 feet from the property line, but the survey shows there may not be enough room for the addition and to still maintain a 5-foot setback it will add about 1,250 square feet. The applicant may add doors in the future.

An accessory structure can be no more than 30% of size of the principal structure. Using the square footage of 1,444 which is existing, this equates to 27.6% of the size of the house. Using the square footage of the 2,694 proposed square footage, that would equate to 52% of the size of the house. The applicant believes that the structure could be as high as 59% of the size of the house.

The State of Tennessee owns a tract of land just east of the residence. With the size of the lot being quite small and odd shaped, it is very doubtful that the lot will ever be developed. With the heavy line of trees on the property, the additional structure on the applicant's property probably will not be viewed from the street.

There are some alternatives that exist to adding onto the south side of the detached garage. They could add on to the rear of home or north side of the detached garage. They could store items off-site in a storage facility.

He reviewed the next steps for the applicant, the motion and conditions of approvals as contained in the staff report. The applicant does agree with the conditions.

Chairman Luttrell asked if there were any questions of staff.

Commissioner Floyd asked about the residential roof matching the new structure.

Mr. Groce explained that the existing roof has a shingle roof. There are provisions in the regulations that state that the garage or outbuilding must match the primary structure. In this case, it is an add-on structure to an existing structure so it does not violate the regulations. The BZA can comply conditions regarding this, but it does not violate the regulations.

Chairman Luttrell stated that and asked how much of the structure has been completed.

Mr. Groce stated that he believes it has just been framed up.

A discussion ensued regarding how the structure could be finished with the appropriate materials, and the adjacent properties. No other property in the immediate vicinity would be able to see this structure.

Commissioner Oakes stated that because the real property lines are not know, approving the variance could affect the possible non-conforming structure and where it overhangs on the property line or not.

Mr. Groce agreed.

A discussion ensued regarding asking the property owner to survey the property and the expense involved.

Hearing no further questions, Chairman Luttrell called the applicant forward.

Mr. Robert Hale, property owner, addressed the commissioners. He explained that the reason he did not build it in his back yard is that he is on a well for water services, and the well is located in that area, and he has to have access to it. The structure that is there now was built long before they bought the property in 2007. It isn't what he would have built, but it is already there. They built the initial garage and then they added another bay at some time and that is why there are two different roofs. He couldn't find a way to match the roofs, so he decided to brick up the columns, and make it invisible to see from the street. The closest view from the street is 305 feet away and he doesn't think you would be able to see that it has a metal roof.

He called the Shelby County Codes Department to find out when permits were pulled for the built structures, but they could not find any information for him. He is willing to pay the price of a surveyor to get the correct figures. He is trying to get the State to deed the property adjacent to his property over to him, but he cannot find the correct person who can do this. The structure he wants to build is not really going to be seen from the street, and the front of the property is the septic sewer system. He has spoken with Mr. Parr and Mr. Grant, adjacent property owners, and both are in favor of him building this structure. He is asking for the variance as he doesn't feel that anyone would ever have an issue with it, as it doesn't affect any of the surrounding property owners.

A discussion ensued regarding what was on the property when he purchased it. The only improvements he has made over the years, has been repairing structural damage that was done to the home while it sat dormant and unoccupied for two years before he bought it.

Mr. Hale explained that it would be a hardship on him if he could not build this structure because he would have to store his trailer off-site, where something might happen to it. He wants to store his belongings at his home, and this property is large enough for him to do this. He needs the structure to house his trailer.

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

Motion by Commissioner O'Hare, and seconded, to approve the variance to allow for an accessory structure to be in a required side yard setback and larger than 30% of the size of the principal dwelling.

CONDITIONS OF APPROVAL:

1. The new covering/enclosure shall be connected to the existing accessory structure to make it one accessory structure.
2. The size of the accessory structure shall not exceed 2,700 square feet.

3. The accessory structure shall not be located within 5 feet of any other structure on the property.
4. No portion of the accessory structure can be within 5 feet of the property line or within an easement. This includes flatwork (steps, stoops, etc.), HVAC units, and covered porches. An updated plot plan, based on a recent survey, shall be provided that demonstrates that the addition to the accessory structure is no closer than 5 feet to the property line.
5. No more than one (1) dwelling is allowed on the property. The accessory structure cannot be converted to a second dwelling unit.
6. Any deviation from the request must be approved by staff or the BZA, as appropriate, prior to commencing any work.

Commissioner Oakes stated that this is not a burden to anyone in the vicinity and it is not a problem for him to approve it. He is concerned about finding out exactly where the property lines are, but staff has added a condition of approval to cover that.

Commissioner Floyd stated that because it is not affecting any adjacent properties, he feels that the variance is warranted.

Commissioner Frazier agreed.

Commissioner O'Hare stated that he does feel that this is okay because of the hardship of not being able to locate this structure anywhere else on the property to protect his trailer.

Chairman Luttrell stated that he believes that each case is based on merits. Because he cannot build this structure anywhere else on the property due to the sewer and wells. He believes this is creating a hardship for the home owner.

There was a brief discussion regarding what point and time the water and sewer service might be coming to this property from the Town.

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

Roll Call:

Floyd – yes, 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 public meetings are on the rise, but if there are any changes, staff will let the board know. There will be some upcoming training opportunities soon.

Hearing no further business, Chairman Luttrell adjourned the meeting at 5:45 pm.

Secretary David Frazier