

The Town of Collierville **Board of Zoning Appeals** met in a regular session on Thursday, November 18, 2021 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; Planner, Ms. Donquetta Singleton ; Administrative Specialist, Sr., Mrs. Amy King; and Administrative Specialist, Sr., Mrs. Gina Salvatore.

Chairman Luttrell asked Mrs. King to call the roll.

Roll Call:

Sledd – 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 October 21, 2021 meeting.

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

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

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

Roll Call:

O’Hare - Abstain, Frazier – yes, Sledd - yes, Floyd – yes, Luttrell – yes.

Motion approved.

Approval of the Agenda:

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

Mr. Groce stated that there was a change to the agenda on 6b. Variance was advertised as an 8 foot fence but needs to add additional language to clarify that it is also to allow no transition in height between adjacent or adjoining fences.

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. King to call the roll.

Roll Call:

Frazier– yes, O’Hare – yes, Sledd – yes, Floyd – yes, Luttrell – yes.

Motion approved.

Formal Agenda:

6.a Case #218786 – 1183 Brayridge Cove – Request approval of a Variance to allow a nine (9) foot fence in a side and rear yard.

Ms. Donquetta Singleton reviewed the Staff Report, which is an exhibit for the record. She noted that the lot has a steep slope and backs up to a pond.

Chairman Luttrell asked if there were any questions for Staff.

A discussion ensued about the exact the location of the fence.

Hearing no further comments from Staff, Chairman Luttrell asked the applicant to come forward.

Mr. Keith Brower, 1183 Brayridge Cove, came forward. He stated the fence will be on the property line. He further stated that he has submitted a fence application to his homeowner’s association that is waiting approval from the BZA before approving the application.

There were no resident that wished to speak.

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

Motion by Commissioner O’Hare, and seconded to approve a variance to allow a nine (9) foot fence in a side and rear yard, with the conditions in Exhibit 1.

CONDITIONS OF APPROVAL:

1. The concrete fence shall gradually transition from the 6-foot to a 9-foot near the southeast corner of the lot.
2. A fence permit shall be applied for and obtained from the Planning 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 the Board of Zoning Appeals.

A discussion ensued about how there has not been any objections from the neighbors and there does not seem to be any harm caused to the environment by the installation of the fence.

Roll Call:

O’ Hare – yes, Floyd– yes, Frazier – yes, Sledd - Luttrell – yes.

Motion approved.

6. b Case #218770 – 645 Forestdale Drive – Request approval of a Variance to allow an eight (8) foot fence in the rear yard and a fence without the required height transition.

<p style="text-align: center;">EXHIBITS</p> <p style="text-align: center;">The Staff report and these exhibits:</p> <ol style="list-style-type: none">1. Conditions of Approval (11/12/21)2. Applicant’s Cover Letter (10/26/21)3. Applicant’s Responses to Standards for a Variance (10/26/21)4. Applicant’s Photos (10/26/21)5. Contour Map (11/12/21) <p style="text-align: center;">Staff Analysis of Standards for a Variance</p>
--

Mr. Jaime Groce reviewed the Staff Report, which is an exhibit for the record.

Chairman Luttrell asked if there were any questions for Staff.

Mr. Groce stated that a property survey was not submitted with the application and that, if a variance is granted, providing a transition between fences touching the 8-foot fence would be the burden of the other property owners when they rebuild their fence.

Hearing no further comments from Staff, Chairman Luttrell asked the applicant to come forward.

Steven Cox, 645 Forestdale Drive, came forward. He stated one of his neighbors, in attendance, does not oppose the fence. He also said that he made multiple unsuccessful attempts to contact the neighbor in opposition prior to the fence being replaced. Additionally, he was unaware that he needed a permit since he was not improving more than 50% of his fence and settled on an 8-foot tall fence with his contractor to accommodate the slope of his yard.

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

Motion by Commissioner O'Hare, and seconded to approve a Variance to allow an 8-foot fence and to allow no transition in height with adjoining fences in the rear yard at 645 Forestdale Drive, with conditions in Exhibit 1.

CONDITIONS OF APPROVAL:

1. A fence permit shall be applied for and obtained from the Planning Division.
2. 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.
3. Any deviation from the location of the approved variance shall require the approval of the Board of Zoning Appeals.

A discussion ensued about homeowners' having a hard time knowing who owns a fence on a shared property line and how contractors sometimes give out incorrect information. In regards to this property, the largest discrepancy in grading appears to be in the rear of the yard where the kennel was previously located. It was suggested that the fence should transition in height from the rear to the front taking the grading into account rather than being 8 feet straight across. The 8-foot height seems to prioritize privacy of the applicant rather than the maximum fence height in the zoning ordinance for a residential area and as such the 8-foot height may be excessive.

Roll Call:

Sledd – no, O'Hare – no, Frazier – no, Floyd– no, Luttrell – no.

Motion denied.

Announcements

<p style="text-align: center;">EXHIBITS</p> <p>The staff report and the following:</p> <ol style="list-style-type: none">1. Conditions of approval (11/12/21)2. Applicant's cover letter (9/21/21)3. Applicant's responses to Standards for a Variance (9/21/21)4. Neighbor Signatures (9/21/21)5. Applicant's Site Plan (9/21/21)6. Aerial Topographical Map (11/9/21)7. Applicant's photos (3/13/20)8. Staff analysis of Standards for a Variance9. Neighbor Objection Email (11/9/21)
--

Mr. Groce said there is an opportunity for online continuing education. You have until December 31, 2021 to complete the 4 hours required training.

Mr. Groce also reminded the Commissioners if they want to serve again to complete the form on the Town website no later than November 24, 2021.

Adjournment

Hearing no further business, Chairman Luttrell adjourned the meeting at 5:53 pm.

Secretary Sledd