

The Town of Collierville Board of Zoning Appeals met in a regular session on Thursday, January 20, 2022 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, Mr. Scott Henninger; Administrative Specialist, Sr., Ms. Lynette Denzer; and Administrative Specialist, Sr., Ms. Gina Salvatore.

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Chairman Luttrell asked Ms. Denzer to call the roll.

**Roll Call:**

Sledd	Frazier	O’Hare	Floyd	Luttrell
Present	Present	Present	Present	Present

**Quorum Present**

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**Election of Officers**

Chairman Luttrell called for a nomination for Chairman for the BZA for 2022

*Motion by Commissioner Frazier, and seconded by Commissioner Luttrell, to nominate Commissioner Luttrell to serve as Chairman for 2022.*

Chairman Luttrell accepted the nomination.

Hearing no other nominations, Chairman Luttrell closed the nominations and called for a vote.

**Roll call:**

O’Hare	Sledd	Floyd	Frazier	Luttrell
Yes	Yes	Yes	Yes	Yes

**Motion approved.**

Chairman Luttrell called for a nomination for Vice-Chairman for the BZA for 2022.

*Motion by Commissioner Floyd, and seconded by Commissioner Luttrell, to nominate Commissioner O’Hare to serve as Vice-Chairman for 2022.*

Commissioner O’Hare accepted the nomination.

Hearing no other nominations, Chairman Luttrell closed the nominations and called for a vote.

**Roll call:**

Frazier	Floyd	Sledd	O’Hare	Luttrell
Yes	Yes	Yes	Yes	Yes

**Motion approved.**

Chairman Luttrell called for a nomination for Secretary for the BZA for 2022.

*Motion by Commissioner Frazier, and seconded by Commissioner Sledd, to nominate Commissioner Floyd to serve as Secretary for 2022.*

Commissioner Floyd accepted the nomination.

Hearing no other nominations, Chairman Luttrell closed the nominations and called for a vote.

**Roll call:**

Floyd	O'Hare	Frazier	Sledd	Luttrell
Yes	Yes	Yes	Yes	Yes

**Motion approved.**

HDC Officers for 2022 are Chairman – Luttrell, Vice-Chairman – O'Hare, and Secretary – Floyd.

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**Approval of the Minutes:**

Chairman Luttrell asked if there were any corrections or deletions to the minutes from the November 18, 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 Ms. Denzer to call the roll.

**Roll Call:**

Frazier	O'Hare	Floyd	Sledd	Luttrell
Yes	Yes	Yes	Yes	Yes

**Motion approved.**

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**Approval of the Agenda:**

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

The agenda was revised to correct the order of topics, moving Announcements from agenda item 1 to agenda item 8.

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

*Motion by Commissioner Frazier, and seconded, to approve the agenda as revised.*

Hearing no further discussion, Chairman Luttrell asked Ms. Denzer to call the roll.

**Roll Call:**

Floyd	Sledd	O’Hare	Frazier	Luttrell
Yes	Yes	Yes	Yes	Yes

**Motion approved.**

**Formal Agenda:**

**7.a Case #219131 – 645 Forestdale Drive – Request approval of a Variance to allow a seven (7) foot fence in the rear yard and to allow no transition in height with adjoining fences.**

Mr. Scott Henninger reviewed the Staff Report, which is an exhibit for the record. A variance for an 8’ fence built without a permit was requested and denied at the BZA board in November 2021. This is a new request for a variance to transition from an 8’ fence to a 7’ fence and to allow no transition in height with adjoining fences.

Chairman Luttrell asked if there were any questions for Staff.

A discussion ensued about the change in elevation and transition of fence height, aesthetics of the fence with reduced height, and fencing requirements when the original fences were installed.

Having no further comments for Staff, Chairman Luttrell asked the fence contractor to come forward.

Mr. James Stewart, Stewart Fencing Company, 4707 Shadow Wick Lane, Bartlett TN, came forward. He explained the need for the adjusted height based on grade changes in the yard. The current fence could be reduced to a 7’ height by trimming the boards and adding a cap and fascia.

Hearing no further comments from Mr. Stewart, Chairman Luttrell asked the property owner to come forward.

Mr. Steven Cox, 645 Forestdale Drive, came forward. He stated since his last request, there has been a significant changes to his variance request and the property has been surveyed. The survey demonstrated there is up to a 30 inch grade change within the property boundaries.

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

***Motion made by Commissioner O’Hare, and seconded by Commissioner Floyd to approve the applicant’s request for a variance from §151.006(C)(11) to allow a 7-foot fence because it is a substantial change from the original request heard by the BZA on November 18, 2021. This approval would also allow no transition in height with adjoining fences in the rear yard at 645 Forestdale Drive, subject to the conditions in Exhibit 1.***

**CONDITIONS OF APPROVAL:**

<p><b>EXHIBITS</b></p> <p><b>The Staff report and these exhibits:</b></p> <ol style="list-style-type: none"> <li>1. Conditions of approval (1/14/22)</li> <li>2. Applicant’s Cover Letter, Fence Memo, Fence Plan, &amp; Photo Exhibits (12/21/21)</li> <li>3. Applicant’s responses to Standards for a Variance (12/21/21)</li> <li>4. Neighbor Signatures (11/9/21)</li> <li>5. Plot Plan (11/9/21)</li> <li>6. Aerial Topographical Map (11/9/21)</li> <li>7. Existing Fence Photos (11/9/21)</li> <li>8. Staff analysis of Standards for a Variance</li> <li>9. Neighbor Objection Email (11/9/21)</li> <li>10. Photos of 660 Lawnwood Cove 8-foot fence</li> <li>11. Draft BZA Minutes Excerpt (11/18/21)</li> </ol>
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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 the Board of Zoning Appeals.

There was discussion about the improvement options proposed by the contractor to reach the 7' fence height.

A Friendly Amendment to the original amendment was made by Commissioner Sledd. The amendment motion would include two additional conditions: 4) the transition distance on the right side shall be over a minimum distance of 24 feet to get to the 7-foot level and 5) decorative cap and fascia elements shall be added to the fence. The Friendly Amendment was agreed upon by Commissioners O'Hare and Floyd.

Chairman Luttrell asked Ms. Denzer to call roll.

**Roll Call:**

Sledd	Floyd	Frazier	O'Hare	Luttrell
Yes	Yes	Yes	Yes	Yes

**Motion approved, as amended, to include the five conditions of approval referenced herein.**

**7. b Case #219209 – 530 Quail Crest Drive – Request approval of a Variance to allow an eight (8) foot fence in the rear yard and to allow no transition in height with adjoining fence.**

Mr. Scott Henninger reviewed the Staff Report, which is an exhibit for the record. A variance for an 8' fence built without a permit is requested.

Chairman Luttrell asked if there were any questions for Staff.

Mr. Henninger stated that the fence replaced an existing 8' fence, it is not known if or when a permit was issued for the original fence. The retaining wall does not factor into the height of the fence.

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

Mr. David McLemore, 530 Quail Crest Drive, came forward. He was asked about opposition from neighbors, he stated neighbors supported the changes.

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

**EXHIBITS**

**The staff report and the following:**

1. Conditions of approval (1/14/22)
2. Applicant's Cover Letter (12/1/21)
3. Applicant's responses to Standards for a Variance (12/1/21)
4. Plot Plan (12/1/21)
5. Photos of Original Fence (12/1/21)
6. Photos of New Fence (12/1/21)
7. Aerial Topographical Map (1/12/22)
8. Fence Permit Denial Letter (3/25/21)
9. Staff analysis of Standards for a Variance
10. Staff Photographs (1/13/22)
11. Codes Compliance Courtesy Notice (9/22/21)

*Motion by Commissioner Sledd and seconded to approve the applicant's request of a variance to allow a fence in the rear yard to exceed six feet and to allow no transition in height with adjoining fences in the rear yard at 530 Quail Crest Drive, subject to the conditions in Exhibit 1.*

**CONDITIONS OF APPROVAL**

1. A fence permit shall be 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. No portion of the fence shall exceed the existing height of seven feet, five inches.
4. Any deviation from the location of the approved variance shall require the approval of the Board of Zoning Appeals.

After a discussion about the fence modifications and retaining wall addition, Chairman Luttrell asked Ms. Denzer to call roll.

**Roll Call:**

O'Hare	Frazier	Sledd	Floyd	Luttrell
Yes	Yes	Yes	Yes	Yes

**Motion approved.**

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**Announcements**

See the letter dated 1/3/22 from the Town Planner about the 2022 BZA appointments.

A training plan for 2022 is currently in development.

**Adjournment**

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

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Secretary Floyd