

The Town of Collierville Board of Zoning Appeals met in a regular session on Thursday, January 19, 2023, at 5:00 p.m. in the James H. Lewellen Board Chambers in Town Hall, at 500 Poplar View Parkway.

Staff members present: Town Planner, Mr. Jaime Groce; Planner, Ms. Donquetta Singleton; Planner, Mr. Josh Hankins; and Administrative Specialist, Sr., Ms. Lynette Denzer.

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Chairman Luttrell asked Ms. Denzer to call the roll.

**Roll Call:**

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

**Quorum Present**

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Chairman Luttrell called for a nomination for Chairman for the BZA for 2023.

*Motion by Commissioner Frazier, and seconded by Commissioner O’Hare, to nominate Commissioner Luttrell to serve as Chairman for 2023.*

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	Absent	Absent	Yes	Yes

**Motion approved.**

Chairman Luttrell called for a nomination for Vice-Chairman for the BZA for 2023.

*Motion by Commissioner Frazier, and seconded by Commissioner Luttrell, to nominate Commissioner O’Hare to serve as Vice-Chairman for 2023.*

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	Absent	Absent	Yes	Yes

**Motion approved.**

Chairman Luttrell called for a nomination for Secretary for the BZA for 2023.

***Motion by Commissioner O’Hare, and seconded by Commissioner Luttrell, to nominate Commissioner Frazier to serve as Secretary for 2023.***

Commissioner Frazier 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
Absent	Yes	Yes	Absent	Yes

**Motion approved.**

BZA Officers for 2023 are Chairman – Luttrell, Vice-Chairman – O’Hare, and Secretary – Frazier.

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**Approval of the Minutes:**

Chairman Luttrell asked if there were any corrections to the minutes from the November 17, 2022, meeting.

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

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

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

**Roll Call:**

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

**Motion approved.**

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**Approval of the Agenda:**

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

Mr. Groce stated there are no additions or changes.

Chairman Luttrell asked for a motion to approve agenda.

***Motion by Commissioner O’Hare, and seconded, to approve the agenda.***

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

**Roll Call:**

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

**Motion approved.**

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**Formal Agenda:**

**7.a Case #224364 – 443 Queen Cove – Request approval of a Variance to allow for an eight (8) foot fence in the side and rear yard.**

Ms. Donquetta Singleton reviewed the Staff Report, which is an exhibit for the record. The applicant is requesting a variance to allow for an eight-foot fence. The current fence contains 6-, 7-, and 8-foot-high sections. The applicant stated the current fence was approved but Staff has not found any records.

Chairman Luttrell asked if there were any questions for Staff.

A discussion ensued proposed replacement fence materials, and height of the proposed fence.

Mr. Vince Benedetti, 443 Queen Cove, came forward. He stated his neighbors support this change.

Discussion ensued about elevation changes along the property lines and the transition between 8-foot and 6-foot fence sections (Condition of Approval item 2). The proposed fence is to be replaced as is but with upgraded materials.

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

***Motion made by Commissioner O’Hare, and seconded, to approve the applicant’s request to allow an eight (8) foot fence in the side and rear yard at 443 Queen Cove, subject to the conditions in Exhibit 1.***

Conditions of Approval from Exhibit 1:

1. The stone fence shall have weep holes throughout the base of the fence for proper water drainage.
2. The applicant shall provide a transition from the eight (8) feet to the adjoining six (6) foot fence at 453 Queen Cove.
3. No portion of the fence shall exceed the existing height of eight feet or be within the front yard of this corner lot.
4. A fence permit shall be approved by the Planning and Codes Division.
5. 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.
6. Any deviation from the location of the approved variance shall require the approval of the Board of Zoning Appeals.

**EXHIBITS**

**The staff report and the following:**

1. Conditions of Approval (1/13/23)
2. Cover Letter & Responses to Variance Criteria (12/26/22)
3. Applicant Photos (12/26/22)
4. Site Layout (1/9/23)
5. Contour Map (1/13/23)
6. Letters of Support (12/26/22)
7. Staff Analysis of Standards for a Variance (1/13/23)

Discussion ensued about the eight-foot height of the fence, the impact to the community, location of the fence, the material chosen.

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

**Roll Call:**

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

**Motion approved.**

**7.b Case #224109 – 4823 Windsong Park Drive – Request approval for a variance to construct an accessory structure that is over 30% of the gross floor area of the principal structure.**

Mr. Josh Hankins reviewed the Staff Report, which is an exhibit for the record. The applicant is asking to construct an accessory structure that is over 30% of the gross floor area of the principal structure. The 17-acre property is zoned FAR. Due to the size of the accessory structure, the case will also be seen by the Planning Commission next month. The accessory structure style and aesthetics will complement the look of the home. Alternatives with pros and cons were presented.

<p><b>EXHIBITS</b></p> <p><b>The staff report and the following:</b></p> <ol style="list-style-type: none"> <li>1. Example Conditions &amp; Next Steps (1/13/23)</li> <li>2. Cover Letter (11/30/22)</li> <li>3. BZA Standards for Variance Staff Analysis (1/13/23)</li> <li>4. Garage Plans (11/23/22)</li> <li>5. Photo of the Principal Structure (1/11/23)</li> <li>6. Property Aerial (1/13/23)</li> <li>7. Supplemental Exhibit (1/19/23)</li> </ol>
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Chairman Luttrell asked if there were any questions for Staff.

A discussion ensued about size of the lot, placement of the structure on the property, visibility of the proposed structure, and other existing structures on the property. Plumbing for a bathroom is projected.

Mr. Michael Stewart, 4823 Windsong Park Drive, came forward.

Discussion ensued about purpose of the structure – a detached garage, shop, and home office space. The height and look of the proposed structure would blend with other structures on the property. Condition 6 states this structure cannot be converted to a second dwelling.

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

***Motion made by Commissioner Frazier, and seconded, to approve a Variance to allow a residential accessory structure at 4823 Windsong Park Drive to exceed 30% gross floor area of the principal structure, subject to the conditions in Exhibit 1.***

Conditions of Approval from Exhibit 1:

1. The accessory structure shall not be located within 5 feet of any other structure on the property.
2. No portion of the accessory structure can be in an easement.
3. No other residential accessory structures shall be built.
4. The size of the residential accessory structure shall be limited to 1,752 square feet.

5. The accessory structure shall meet the requirements of the Zoning Ordinance with the exception of any Variance specifically granted by the Board of Zoning Appeals.
6. All required permits shall be obtained by the Codes Division prior to the construction of the accessory structure. No full kitchen to avoid this being considered a second dwelling on the lot.
7. Before a building permit is issued for, provide a plot plan to Staff to confirm the accessory structure complies with Town setback regulations.
8. The color of the shingles and siding of the accessory structure shall match with the colors of the shingles and siding of the principal structure.
9. Any deviation from the request must be approved by Staff or the BZA, as appropriate, prior to commencing any work.

There was discussion about the look and impact of the structure to the home and community.

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

**Roll Call:**

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

**Motion approved.**

**7.c Case #224202 – 2345 Houston Levee Road – Request approval for a variance to construct an accessory structure on a property that has two (2) or more existing accessory structures.**

Mr. Josh Hankins reviewed the Staff Report, which is an exhibit for the record. The applicant is requesting a variance to construct a ground mounted solar array with a backup generator and battery storage on a property that has more than two existing accessory structures. The 65-acre property is zoned R-L (Large Estate Residential) and contains several suspected legal non-conforming accessory structures. Alternates were presented, in addition, staff is currently working on revisions to code to address accessory structures on large lots.

Chairman Luttrell asked if there were any questions for Staff.

A discussion ensued about what permits might be needed, and other existing structures like this.

Hearing no further questions for staff, Chairman Luttrell asked the applicant to come forward.

**EXHIBITS**

**The staff report and the following:**

1. Example Conditions & Next Steps (1/13/23)
2. Cover Letter (1/10/23)
3. Solar Array Plans (12/6/22)
4. Aerial Showing the Home with Approximate Location and Size of the Solar Array (12/8/22)
5. Photos of Select Existing Accessory Structures (12/1/22)
6. Photo of the Home with an Aerial (1/11/23)
7. Staff Analysis of Standards for a Variance (1/13/23)

Chris McDermott, 1746 Thomas Rd, Memphis, TN 38134, came forward.

Discussion ensued about the owner’s intent to not be dependent on MLGW, the panels will serve the residence only. The requested addition would not be visible from any direction except above. From the street view, there will be no change, and the addition will not impact drainage towards neighboring properties.

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

***Motion made by Commissioner Frazier, and seconded, to approve Variance to allow more than two (2) accessory structures at 2345 Houston Levee Road, subject to the conditions in Exhibit 1.***

Conditions of Approval from Exhibit 1:

1. The accessory structure (ground-mounted solar array) shall not be located within 5 feet of any other structure on the property.
2. No portion of the accessory structure (ground-mounted solar array) can be in an easement.
3. The size of the accessory structure (ground-mounted solar array) shall be limited to the approximate size presented in Exhibit 3 and 4 (6,525 square feet).
4. The solar array shall meet the requirements of the Zoning Ordinance with the exception of any Variance specifically granted by the Board of Zoning Appeals.
5. Any deviation from the request must be approved by Staff or the BZA, as appropriate, prior to commencing any work.
6. Property limited to 11 accessory structures except where expressly allowed by Zoning Ordinance.

There was discussion about the intent of the project.

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

**Roll Call:**

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

**Motion approved.**

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**Announcements**

Mr. Groce stated a training session with the Town Attorney and Town Administration for all commissions will be held Thursday February 2, 2023, in Board Chambers from 4:45-5:45. All commissions are invited. The session will count towards required training and will be recorded.

Project update, there are no updates on the Chick-Fil-A case that was deferred last year, construction drawings have not been submitted.

The next scheduled BZA meeting is Thursday, February 16. Currently, there are no applications. The deadline is Tuesday, January 24. If no items are received, the meeting will be cancelled.

**Adjournment**

Hearing no further business, Chairman Luttrell adjourned the meeting at 5:48 pm.

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Secretary Floyd