

A called meeting of the **Board of Zoning Appeals** was held on Thursday, June 15, 2023, at 5:00 p.m., in the James H. Lewellen Board Chambers in Town Hall.

Staff members present: Assistant Town Administrator, Mr. Adam Hamric; Town Planner, Mr. Jaime Groce; Assistant Town Planner, Ms. Donquetta Singleton; and Administrative Specialist, Sr., Ms. Angela Gizzarelli.

Acting Chairman Frazier asked Ms. Gizzarelli to call the roll.

Roll Call:

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

Quorum Present

Approval of the Minutes:

Acting Chairman Frazier asked if there were any corrections to the minutes from the May 11, 2023, meeting.

Hearing none, Acting Chairman Frazier 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, Acting Chairman Frazier asked for roll call.

Roll Call:

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

Motion approved.

Approval of the Agenda:

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

Mr. Groce stated there are no additions or changes.

Acting Chairman Frazier asked for a motion to approve agenda.

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

Hearing no discussion, Acting Chairman Frazier asked for roll call.

Roll Call:

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

Motion approved.

Formal Agenda:

6.a Case #231579 – 900 Collierville-Arlington Road (Healing Paws Animal Hospital) – Request approval of a Variance to allow for a reduction in the required number of on-site parking spaces.

Mr. Jaime Groce reviewed the Staff Report, which is an exhibit for the record. Mr. Groce stated the applicant is asking for a variance to allow for a reduction in required number of on-site parking spaces. Mr. Groce stated that the applicant asserts expansion of square footage does not need to have the one (1) parking space per 200 square feet due to the unique business model. Mr. Groce stated alternatives, the most practical being a shared parking agreement with place of worship to the south, which has different peak times from the applicant's business for parking demands. Mr. Groce stated the applicant would like the BZA to change some of the example conditions of approval, as they would like to be able to apply for building permits to start work and postpone providing an easement to certificate of occupancy and change some of the numbers due to the actual size of the planned addition.

- EXHIBITS**
- Staff Report and the following:
1. Example Conditions (6/15/23)
 2. Applicant's cover letter with Standards for a Variance (5/23/23)
 3. Staff Analysis of Standards for a Variance (6/9/23)
 4. Applicant's Parking Study (May 2023)
 5. Internal Building Layout (2023)
 6. Final Site Layout (2020)
 7. Architectural Elevations (2020)

Acting Chairman Frazier asked if there were any questions for Staff.

Clarification was made about the applicant's next steps.

A discussion ensued about parking formulas.

Acting Chairman Frazier asked if there were any further questions, hearing none he asked the applicant to come forward.

Mr. Scott Rozanski, 108 E Mulberry, Collierville, TN, stated the owner is in agreement with the Conditions of Approval; however, he would like to change the condition from issuance of building permits to issuance of certificate of occupancy. The owner will either have a written agreement for shared parking before the addition is completed or they will commit to the required amount of on-site parking. The owner currently has a verbal agreement for shared parking with the adjacent church and are waiting for the written agreement.

Acting Chairman Frazier asked if there were any questions for applicant.

Clarification was made that the owner will have the written agreement with the church or the owner will have the required parking spaces.

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

Motion made by Commissioner Sledd, and seconded, to approve the applicant's request for a variance to allow for a reduction in the required number of on-site parking spaces, subject to the modified conditions in Exhibit 1, or the applicant can install all of the required parking spaces on site.

Conditions of Approval from Exhibit 1:

1. At least ~~43~~ 32 parking spaces shall be provided for the expanded building, with at least 25 of those spaces being located within the limits of the subject property (i.e. on site). The remaining ~~18~~ 7 parking spaces are permitted to be off-site.
2. No more than ~~3,600~~ 1,395 additional square feet shall be added to the building and the building height and footprint shall not change from the existing condition. No exterior changes visible from public streets shall be made to building due to this addition.
3. For off-site shared parking spaces to be used to meet the minimum requirements of the Zoning Ordinance the following shall be provided prior to the issuance of a ~~building permit~~ certificate of occupancy:
 - a. The property owners involved in a shared parking arrangement shall provide the Town with a legal agreement between the affected property owners guaranteeing access to, use of, and management of the designated parking spaces. The agreement shall allow for at least ~~18~~ 7 parking spaces to be shared.
 - b. The provisions and conditions of the shared parking agreement shall run with the land for those properties involved and be enforceable against successors and assigners of the signing parties.
 - c. The agreement shall be recorded along with the titles of those properties affected by the shared parking arrangement. The agreement shall run in perpetuity and can only be terminated if replacement parking has been approved by the Board of Mayor and Aldermen.
4. Any deviation from the approved variance shall require the approval of the Board of Zoning Appeals.

Discussion ensued that a parking variance would run with the property/building and not the business connected to the property.

Discussion ensued that the applicant’s request to allow for the off-site parking is reasonable and having the owner with an option to either have a written shared parking agreement or they will be adding the required parking in order to move forward with the issuance for certificate of occupancy.

Hearing no further discussion, Acting Chairman Frazier asked to call roll.

Roll Call:

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

Motion approved.

Announcements

Mr. Groce reminded of upcoming training opportunities on June 22nd for “How to Use Traffic Studies” and on July 14th “Historic Preservation best practices.”

Adjournment

Hearing no further business, Acting Chairman Frazier adjourned the meeting at 5:33pm.

Secretary Frazier