

A regularly scheduled meeting of the **Board of Zoning Appeals** was held on Thursday, August 17, 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; Planner, Mr. Josh Hankins; Planner, Ms. Nabanita Nira; and Administrative Specialist, Sr., Ms. Lynette Denzer.

Chairman Luttrell asked Ms. Denzer to call the roll.

Roll Call:

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

Quorum Present

Approval of the Minutes:

Chairman Luttrell asked if there were any corrections to the minutes from the June 15, 2023, 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 discussion, Chairman Luttrell asked for roll call.

Roll Call:

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

Motion approved.

Approval of the Agenda:

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

Mr. Groce stated there are no additions, but there is a change to all agendas to add Citizen Comments.

Chairman Luttrell asked for a motion to approve agenda.

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

Hearing no discussion, Chairman Luttrell asked for roll call.

Roll Call:

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

Motion approved.

Citizen Comments

Chairman Luttrell asked if there were any Citizen Comments.

Hearing none, Chairman Luttrell proceeded with the meeting.

Formal Agenda:

6.a Case #232385 – Request approval of a Variance to allow a principal structure addition to encroach into the required rear yard at 11299 Ole Bob Drive.

Mr. Josh Hankins reviewed the Staff Report, which is an exhibit for the record. Mr. Hankins stated the applicant is asking for a variance to allow a principal structure addition to encroach into the required rear yard. The subject property is zoned R-1 with a PD overlay. The proposed addition includes 168 square feet of existing screened-in patio and 384 square feet of new construction. The proposed addition would encroach 7 feet into the setback. Possible alternatives explored were presented.

Chairman Luttrell asked if there were any questions for Staff.

Discussion ensued about the existing roofed-over screened-in porch.

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

Mr. Terrance Reed, 11299 Ole Bob Drive, came forward. Mr. Reed stated he is available to answer questions. The intent is to heat and cool the structure once enclosed. David Nicholson, 810 Cherry Road, Contractor/engineer is available for additional questions. Discussion regarding the roofline and materials ensued. The roof will tie into the existing roof and existing 2nd floor windows will remain intact. An architect has not been retained, and documentation will be filed with the HOA for approval prior to beginning construction.

Chairman Luttrell asked if there were any questions for applicant. Hearing no further questions or discussion, Chairman Luttrell called for a motion.

Mr. Bob Fosse, 11285 Ole Bob Drive, a neighbor interested in the case asked about the height of the proposed addition.

EXHIBITS
Staff Report and the following:
1. Example Conditions & Next Steps (8/11/23)
2. Cover Letter & Applicant Responses to Standards for a Variance (6/21/23)
3. Staff Analysis of Standards for Variance (8/11/23)
4. Aerial Photo (6/21/23)
5. Addition Plot Plan (6/21/23)
6. Plot Plan (9/18/05)

Motion made by Commissioner O’Hare, and seconded, to approve a Variance to allow a principal structure addition to encroach into the required rear yard at the property located at 11299 Ole Bob Dr., subject to the conditions in Exhibit 1.

Conditions of Approval from Exhibit 1:

1. Any deviation from the request must be approved by the BZA, as appropriate, prior to commencing work.
2. All required permits shall be obtained from the Codes Division prior to the construction of the addition.
3. The addition shall meet the requirements of the Zoning Ordinance with the exception of any Variance specifically granted by the BZA.
4. Eaves shall be permitted to extend up to twenty-four (24) inches beyond the wall towards all property lines.
5. The home may only encroach into the rear yard setback 7 feet for a max width of 30 feet.

Discussion ensued about the level of detail provided, the hardship criteria, setback requirements with and without walls, and potential impact to the neighborhood.

The commission would like to defer the case and asks the applicant to provide more detailed elevations, tie in, roof plans, site plans, HOA approval, and better understanding of the hardship leading to the variance.

Motion amended by Commissioner O’Hare, and seconded, to defer the case until the applicant is able to get additional documentation.

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

Roll Call:

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

Motion approved.

6.b Case #232417 – Request approval of a Variance to allow for an accessory structure to encroach into the required side yard at 337 McGinnis Circle.

Ms. Nabanita Nira reviewed the Staff Report, which is an exhibit for the record. Ms. Nira stated the applicant is asking for a variance to allow for an accessory structure to encroach into the required side yard.

The current owners purchased the home in 2005, the pool and arbor were added in 2007 in compliance with Town of Collierville regulations. Neighbors are in support of the proposed structure.

EXHIBITS

Staff Report and the following:

1. Conditions of Approval (8/11/23)
2. Cover Letter with Variance Criteria & Responses (7/25/23)
3. Subdivision Excerpt and Existing Pictures (7/25/23)
4. Proposed Design Layout (7/25/23)
5. Schilling Farms Residential Owners Association (#265) Architectural Committee Approval Letter (7/25/23)
6. Neighbors Approval Letter (7/25/23)
7. Lot 68 Plat Plan (1999)
8. Staff Analysis of Standards for a Variance (8/11/23)

Possible alternatives explored were presented. The setbacks applicable to the main house on the lot would allow the accessory structure as close as 3-1/2' to the property line. The lot is an irregular pie-shape and the dwelling takes up the majority of the lot. The encroachment into the side yard setback will not be detrimental to other properties in the neighborhood.

Chairman Luttrell asked if there were any questions for Staff.

Discussion ensued regarding the size of the current accessory structure and proposed structure. The applicant is proposing a fully covered detached structure. The pool and arbor were built by the present owner, the property is of irregular shape and the current structure is compliant.

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

Ms. Nancy Bonk, 337 McGinnis Circle, the existing pool and arbor were approved by Town of Collierville. The arbor needs repair and general updates. Mr. Andrew Butas, 1407 Crossview Lane, Collierville TN 38017, contractor for the project, came forward. Mr. Butas discussed the design of the roof and setback requirements.

Discussion ensued about the proposed alternatives, the need for updates, setback variances, and hardship. Existing structure and pool lie within the setback and was approved by the TOC when constructed.

Chairman Luttrell asked if there were any questions for applicant. Hearing no further questions or discussion, Chairman Luttrell called for a motion.

Motion made by Commissioner Sledd, and seconded, to approve the applicant's request of a Variance to allow for an accessory structure to encroach into the required side yard at 337 McGinnis Circle per Exhibits 2 & 4, subject to the conditions in Exhibit 1.

Conditions of Approval from Exhibit 1:

1. Any deviation from the approved variance shall require the approval of the Board of Zoning Appeals.
2. The accessory structure shall not be enclosed by adding wall so as to create additional habitable building square footage.
3. No more than two (2) accessory structures are permitted for the property.
4. The accessory structure shall not be located within 5 feet of any other structure on the property.
5. Eaves shall be permitted to extend up to twenty-four (24) inches beyond the wall towards the side property line.
6. The extent of the encroachment shall not be more than 6 feet for the width of no more than 16 feet 11 inches.

Discussion ensued about the existing accessory structure placement, house placement, hardship criteria, visibility of the structure from public streets or neighbors, and support of neighbors.

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

Roll Call:

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

Motion approved.

Announcements

Mr. Groce reminded the Commission of prerecorded training opportunities to meet the 4 hours of required training. At least one additional training session is expected prior to the end of the year.

Chick-Fil-A has withdrawn the parking variance requested in 2022 for the Cartwright Farms Planned Development location. A Preliminary Site Plan has not been applied for yet.

Adjournment

Hearing no further business, Chairman Luttrell adjourned the meeting at 5:55pm.

Secretary Frazier

