

The Town of Collierville Board of Zoning Appeals met in a regular session on Thursday, February 15, 2024, at 5:00 p.m. in the James H. Lewellen Board Chambers in Town Hall, at 500 Poplar View Parkway.

Staff members present: Assistant Town Administrator, Mr. Adam Hamric; Town Planner, Mr. Jaime Groce; 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
Present	Present	Present	Absent	Present

**Quorum Present**

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Chairman Luttrell called for a nomination for Chairman for the BZA for 2024.

*Motion by Commissioner Frazier, and seconded by Commissioner O’Hare, to nominate Commissioner Luttrell to serve as Chairman for 2024.*

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	Absent	Yes	Yes

**Motion approved.**

Chairman Luttrell called for a nomination for Vice-Chairman for the BZA for 2024.

*Motion by Commissioner Frazier, and seconded by Commissioner Luttrell, to nominate Commissioner O’Hare to serve as Vice-Chairman for 2024.*

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	Yes	Yes	Yes

**Motion approved.**

Chairman Luttrell called for a nomination for Secretary for the BZA for 2024.

*Motion by Commissioner O’Hare, and seconded by Commissioner Sledd, to nominate Commissioner Frazier to serve as Secretary for 2024.*

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	Yes	Yes

**Motion approved.**

BZA Officers for 2024 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 October 19, 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 Ms. Denzer to call the roll.

**Roll Call:**

Frazier	O'Hare	Floyd	Sledd	Luttrell
Yes	Yes	Absent	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.

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	Yes	Yes	Yes	Yes

**Motion approved.**

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**Citizen Comments**

Chairman Luttrell called for citizen comments.

Hearing none, Chairman Luttrell moved forward with the meeting.

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**Formal Agenda:**

**7.a Case #234634 – 1335 Creekview Cove – Request approval of a Variance to allow an accessory structure to be closer to the property line than the height of the accessory structure and to encroach into the required side yard setback.**

Ms. Josh Hankins reviewed the Staff Report, which is an exhibit for the record. The applicant is requesting a variance to allow an accessory structure to be closer to the property line than the height of the accessory structure and to encroach into the required side yard setback.

The property is located in the Crosswind Subdivision and is zoned R1: Low Density Residential. The Zoning Ordinance states accessory structures must have a setback equal or greater than the height of the accessory structure and cannot be in in a required side yard.

Possible alternate solutions were presented.

The Applicant agrees with all conditions except for condition 8. The applicant is requesting a 10-foot setback rather than the suggested 10'-9" setback.

Chairman Luttrell asked if there were any questions for Staff.

The Zoning Ordinance setback requirements and calculations were reviewed. The variance is being requested prior to construction beginning. Staff stated when plans are submitted, the plans will be reviewed for architectural compatibility and proposed materials. There is not an active Homeowners Association.

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

Mr. Kenneth Devall, 1335 Creekview Cove, came forward. Mr. Devall stated the purpose of the project is to add garage space, the originally proposed workout area is to be removed from the proposed accessory structure. The lot is pie-shaped and the location proposed is to maximize usage of the remaining yard. Mr. Devall stated neighbors support this change and several properties in the area have accessory structures that have a smaller setback.

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 an accessory structure to be closer to the property line than the height of the accessory structure and to encroach into the required side yard setback at 1335 Creekview Cove, subject to the conditions in Exhibit 1.***

Conditions of Approval from Exhibit 1:

1. The accessory structure shall not be located any closer to the street than the front façade of the house.
2. The accessory structure shall not be located within 5 feet of any other structure on the property.

**EXHIBITS**

**The staff report and the following:**

1. Example Conditions & Next Steps (2/9/24)
2. Cover Letter & Applicant Responses to BZA Standards for a Variance (12/21/23)
3. BZA Standards for Variance (Staff Analysis) (2/9/24)
4. Building & Plot Plan Type A (No Variance) (12/21/23)
5. Building & Plot Plan Type B (12/21/23)
6. Building & Plot Plan Type C (12/21/23)
7. 7.Neighbor Support Letter (12/11/23)
8. Crosswinds Final Subdivision Plat (1994)

3. The accessory structure shall be only one story tall and not exceed 13 feet in height measured from the finish grade to the average distance between the eaves and ridge level and the accessory structure shall be built in a like-manner to the principal building in terms of architectural style, roof style, and building materials (as depicted in Exhibit 6).
4. No more than two (2) accessory structures are permitted for the property.
5. Any deviation from the request must be approved by Staff or the BZA, as appropriate, prior to commencing any work.
6. The size of the residential accessory structure shall be limited to 810 square feet.
7. All required permits shall be obtained by the Codes Division prior to the construction of the accessory structure.
8. No portion of the accessory structure can be closer than 10 feet 9 inches to the side property line and 13 feet from the rear property line (as depicted in Exhibit 6).
9. The accessory structure shall not be located within an easement.

Discussion ensued about the recent proposed change to the design of the structure. Mr. Groce stated the variance is based on the atypical characteristics of the property not the structure itself. Discussion ensued about the hardships for this lot, the rear yard setback, and how much area would be affected.

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

**Roll Call:**

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

**Motion approved.**

**Announcements**

The next scheduled BZA meeting is Thursday, March 28. Currently, there are no applications. The deadline is Tuesday, March 27. If no items are received, the meeting will be cancelled.

Training opportunities for 2024 will be emailed soon. Time can be received by watching a recording of the Kick-off training held February 1. A training session regarding Roberts Rules of Order is being planned, and online “Watch Parties” using Teams are being planned.

**Adjournment**

Hearing no further business, Chairman Luttrell adjourned the meeting at 5:32 pm.

Secretary Frazier