

The Town of Collierville Board of Zoning Appeals met in a regular session on Thursday, May 16, 2024, 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. Maria Diosa De Mesa; 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 February 15, 2024, meeting.

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

Motion by Commissioner O’Hare, 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	Abstain	Yes	Yes

Motion approved.

Approval of the Agenda:

Chairman Luttrell asked for a motion to approve agenda.

Motion by Commissioner Sledd, 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
Yes	Yes	Yes	Yes	Yes

Motion approved.

Citizen Comments

Chairman Luttrell called for citizen comments.

Hearing none, Chairman Luttrell moved forward with the meeting.

Formal Agenda:

7.a Case #241364 – 4495 Planters Trace Lane – Request approval of a Variance to allow an eight (8) foot fence in the rear yard.

Ms. Maria Diosa De Mesa reviewed the Staff Report, which is an exhibit for the record. The applicant is requesting a variance to allow an eight-foot fence in the rear yard to reduce noise from State Route 385.

The 2.97-acre property is located in Cotton Plant Farms Subdivision and is zoned R-L1: Large Lot Residential. The Subdivision predates SR-385 and was annexed into the Town in December 2011. There is no active Homeowner's Association. A portion of the property (Lot 7) was purchased by the Tennessee Department of Transportation (TDOT) with the construction of SR-385.

The proposed fence would not go on the property line but around the pool area and is intended to act as a sound barrier to keep out road noise and allow for alarms to be heard. Sound barriers were not installed by TDOT when 385 was constructed.

Possible alternative solutions were presented. Per the owner, each of the possible alternate solutions were not practical and some may require government resources or approval.

Chairman Luttrell asked if there were any questions for Staff.

Discussion ensued about the location of the fence, impact to neighboring properties, any possible requests made to the State for sound barrier, the impact of fence height, thickness and fence materials to block sound, and existing fencing between the neighbor to the south. Additional discussion ensued about fence within property boundaries vs on property boundaries, and if the fence is within the building footprint.

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

Mr. Jose Serratos, 4495 Planters Trace Lane, came forward. Mr. Serratos stated the purpose of the fence is to provide a sound buffer to the pool area. The material has not yet been finalized. There is not a fence between the neighboring property to the south but there is a wooded barrier. The fence contractor has provided input a taller fence would provide better sound barrier properties. The neighborhood has a project to talk with the TDOT to provide sound barrier but the timeline is not known.

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

Motion made by Commissioner O'Hare, and seconded, to approve applicant's request of a Variance to allow an eight (8) foot fence in the rear yard at 4495 Planters Trace Lane, subject to the conditions in Exhibit 1.

Conditions of Approval from Exhibit 1:

<p style="text-align: center;">EXHIBITS</p> <p style="text-align: center;">The staff report and the following:</p> <ol style="list-style-type: none">1. Conditions of Approval (5/10/24)2. Applicant's Responses to Standards for a Variance (4/17/24)3. Conceptual Plot Plan (4/17/24)4. Applicant's Photos (4/17/24)5. Aerial Topographical Map (4/23/24)6. Staff Analysis of Standards for a Variance (5/10/24)7. Cotton Plant Farms Subdivision Grading & Drainage Plan (circa 1986)

1. A fence permit shall be applied for and obtained from the Development Department.
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 height of eight feet.
4. Any deviation from the location of the approved variance shall require the approval of the Board of Zoning Appeals.

Discussion ensued about the hardship of the SR385 construction and design to the applicant, the standards to grant a variance, the effectiveness of the fence to block sound, and the standing of recent property owner to claim such a hardship.

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

Roll Call:

Sledd	Floyd	Frazier	O’Hare	Luttrell
Yes	No	Yes	Yes	Yes

Motion approved.

Announcements

The next scheduled BZA meeting is Thursday, June 20. Currently, there are no applications. There is a possible upcoming sign variance case for The Woods SD. The deadline is May 28. If no items are received, the meeting will be cancelled.

A previously heard case, 11299 Ole Bob Drive, has made modifications to the drawings and a permit has been approved by staff without the need for a variance.

Training opportunities for 2024 are available On-Demand and more coming soon.

Adjournment

Hearing no further business, Chairman Luttrell adjourned the meeting at 5:21 pm.

Secretary Frazier