

The Town of Collierville Board of Zoning Appeals met in a regular session on Thursday, July 18, 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, 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	Absent	Present	Present

**Quorum Present**

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**Approval of the Minutes:**

Chairman Luttrell asked if there were any corrections to the minutes from the May 16, 2024, 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	Absent	Yes	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 Frazier, 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	Absent	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:

### **6.a. Case #242380 - 221 Chadwick Woods Lane - Request approval of a Variance to allow an opaque fence taller than 48 inches to be located closer than 20 feet from the back edge of the curb on a corner lot.**

Ms. Nabanita reviewed the Staff Report, which is an exhibit for the record. The applicant is requesting a variance to allow an opaque fence taller than 48 inches to be located closer than 20 feet from the back edge of the curb on a corner lot. The property is in Bailey Station PD (Chadwick Subdivision), zoned R-3A: High Density Residential. The subdivision is a gated property approved in 2019, the house on the 0.182-acre atypical corner lot was built in 2019. The proposed fence will front Chadwick Farms Loop South which is a private street.

The proposed fence would be located 7 feet from the back of the curb. The applicant is proposing a 6-foot cedar fence with one gate.

The zoning ordinance states on corner lots, an opaque fence or wall not exceeding 6 feet high may extend no more than 10 feet into the front yard setback, and in no case shall a fence or wall greater than 48 inches in height be located closer than 20 feet from the back edge of the curb. The proposed 6 foot fence would extend into the front yard setback. For front yard fences, the body of a fence located between the street and principal structure may have a maximum opacity of 75%.

The applicant is requesting this variance to have a usable, private back yard for their dogs and children to play. The home takes up the majority of the lot. Homes in Chadwick Subdivision with similar fence variances were presented. It was noted in 2019, two similar fences in the same neighborhood were mistakenly approved as staff interpreted the private streets as alleys. Possible alternatives to the proposed fence were presented.

Chairman Luttrell asked if there were any questions for Staff.

Discussion ensued about the presence of a Homeowners Association, the location of the fence relative to neighboring properties, and the Condition in the Conditions of Approval to provide statement of impact to sight lines.

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

Mr. Johnathan Miller, 221 Chadwick Woods Lane, came forward. Discussion about the location of the fence and relationship to the road and traffic flow. This design is similar to other fences in the neighborhood and confirms to HOA standards. The HOA is in agreement with the design, and there are no issues with Conditions of Approval. The applicant discussed the conditions in the Planned Development which allowed an exception

#### **EXHIBITS**

The staff report and the following:

1. Vicinity Map
2. Conditions of Approval (7/12/24)
3. Cover Letter by Applicant (7/8/24)
4. Proposed Fence by Applicant (6/24/24)
5. Survey Map (7/12/24)
6. Standards for Variances (7/12/24)
7. Staff's Photo (7/12/24)
8. Recorded Plat (8/12/21)

for building setback and the inconsistency with fence setbacks. Discussion ensued about Zoning Ordinance changes to better address fences on small corner lots and how that could prevent the need for variances.

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

***Motion made by Commissioner Frazier, and seconded, to approve a variance for an opaque fence taller than 48 inches to be located closer than 20 feet from the back edge of the curb on a corner lot at 221 Chadwick Woods Lane, subject to the conditions in Exhibit 2.***

Conditions of Approval from Exhibit 2:

1. Any deviation from the approved variance shall require the approval of the Board of Zoning Appeals.
2. Landscaping shall be provided adjacent to the fence along the Chadwick Farms Loop S frontage to help reduce the mass of the fence. With the fence permit application, include an exhibit with the location, spacing, installed height, and species of the plantings. The plant selection shall be approved by staff, with shrubs at least 24 inches tall at installation.
3. There shall be no interference with the sight line to the west along Chadwick Woods Ln. Provide a sight line exhibit with the fence permit application that demonstrates that the fencing and landscaping meet the Zoning Ordinance requirement that “on a corner lot...nothing shall be erected, placed, planted, or allowed to grow in such a manner as to impede vision between a height of two and one-half feet and ten feet. This restriction applies to that area formed by the centerline of streets at a distance of 100 feet from their intersections.”

Discussion ensued about the setback of the house and fence, the atypical shape of the lot, the low amount of traffic, sight lines being retained, and how the HOA is likely to approve the design.

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

**Roll Call:**

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

**Motion approved.**

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**6.b. Case #242383 - 1720 Chadwick Farms Loop S. - Request approval of a Variance to allow an opaque fence taller than 48 inches to be located closer than 20 feet from the back edge of the curb.**

Ms. Nabanita reviewed the Staff Report, which is an exhibit for the record. The applicant is requesting a variance to allow an opaque fence taller than 48 inches to be located closer than 20 feet from the back edge. The property is in Bailey Station PD (Chadwick Subdivision), zoned R-3A high density residential. The subdivision is a gated property approved in 2019, the house on the 0.221-acre lot was built in 2019. The proposed fence will front Chadwick Farms Loop South which is a private street. The property is considered atypical because it fronts a common open space, has a secondary street frontage with reduced setback.

<b>EXHIBITS</b>
The staff report and the following:
1. Vicinity Map
2. Conditions of Approval (7/12/24)
3. Revised Cover Letter (7/15/24)
4. Proposed Fence by Applicant (6/24/24)
5. Survey Map (7/12/24)
6. Standards for Variances (7/12/24)
7. Staff’s Photo (7/12/24)
8. Recorded Plat (8/13/21)

The proposed fence would be located 7 feet from the back of the curb. The applicant is proposing a 6-foot cedar fence with one gate along Chadwick Farms Loop South.

The zoning ordinance states on corner lots, an opaque fence or wall not exceeding 6 feet high may extend no more than 10 feet into the front yard setback, and in no case shall a fence or wall greater than 48 inches in height be located closer than 20 feet from the back edge of the curb. The proposed 6 foot fence would extend into the front yard setback. For front yard fences, the body of a fence located between the street and principal structure may have a maximum opacity of 75%.

The applicant is requesting this variance to have a usable, private back yard. Homes in Chadwick Subdivision with similar fence variances were presented. It was noted, in 2019, two similar fences in the same neighborhood were mistakenly approved as staff interpreted the private streets as alleys. Possible alternatives to the proposed fence were presented.

Chairman Luttrell asked if there were any questions for Staff.

Discussion ensued about the design of the fence compared to other properties in the subdivision.

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

Mr. Steve Wilson, 1720 Chadwick Farms Loop S, came forward. The applicant stated the applicant of the previous case is in agreement with the design, it was also stated the design abides by current HOA standards.

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

***Motion made by Commissioner Sledd, and seconded, to approve a variance to allow an opaque fence taller than 48 inches to be located closer than 20 feet from the back edge of the curb at the property located at 1720 Chadwick Farms Loop S., subject to the conditions in Exhibit 2.***

Conditions of Approval from Exhibit 2:

1. Any deviation from the approved variance shall require the approval of the Board of Zoning Appeals.
2. Landscaping shall be provided adjacent to the fence along the Chadwick Farms Loop S frontage to help reduce the mass of the fence. With the fence permit application, include an exhibit with the location, spacing, installed height, and species of the plantings. The plant selection shall be approved by staff, with shrubs at least 24 inches tall at installation.

Discussion ensued about the set back of the house and fence, the atypical shape of the lot, and how the HOA is likely to approve the design.

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

**Roll Call:**

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

**Motion approved.**

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**6.c. Case #241868 - 342 Peterson Lake Road - Request approval of a Variance to allow the principal structure to encroach into the required front yard setback on a corner lot.**

Mr. Hankins reviewed the Staff Report, which is an exhibit for the record. The applicant is requesting a variance to allow the principal structure to encroach into the required front yard setback on a corner lot. The 0.794-acre property is Zoned R-1: Low Density Residential, and was built in 1956, prior to the adjacent Woodbriar Cove Subdivision being formed in 1969.

The current front yard setback is 40 feet and the proposed front yard setback would be 30 feet from back of curb along Briarbrook Cove, which is 12.5 feet from the property line.

The applicant is requesting this variance primarily because of a topographical hardship. This case was originally scheduled for the June BZA meeting but was deferred due to a survey showing different setbacks that originally understood. The survey shows this is a legal non-conforming property. Possible alternatives were reviewed.

Chairman Luttrell asked if there were any questions for Staff.

Discussion ensued about the original front facing Peterson Lake and the secondary front along Briarbrook, the variance request for the setback along Briarbrook, and the proposed site plan.

The applicant, Ms. Nicole Baldrige, 342 Peterson Lake Rd, came forward to address questions. Discussion ensued about the scope of the addition and the appearance of the addition to mimic the existing structure. The property is not part of a Homeowner's Association. The homeowner currently maintains the right-of-way along the lot's frontage.

Staff stated if the setback along Briarbrook Cove was a considered a side yard, the proposed addition would be in compliance with Zoning ordinances.

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 the principal structure to encroach into the required front yard setback at 342 Peterson Lake Road, subject to the conditions in Exhibit 1.***

Example 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 front setback along Briarbrook Cove.
6. No portion of the home shall be closer than 30 feet from the back of the curb along Briarbrook Cove (the resulting front yard setback from the property line will be 12.5 feet at its closest point).

**EXHIBITS**

The staff report and the following:

1. Example Conditions of Approval (7/12/24)
2. Cover Letter and Answers to BZA Standards for a Variance (7/10/24)
3. Photos (6/7/24)
4. Floorplan (4/9/24)
5. Plot Plan (6/9/24)
6. Contour Map (6/10/24)
7. Staff Analysis of the BZA Standards for a Variance (7/12/24)
8. Public Comment (6/3/24)
9. Woodbriar Cove Subdivision Plat (1969)
10. Vicinity Map (7/12/24)

7. The west-facing (Peterson Lake Road) portion of the addition must follow R1: Low Density Residential Zoning setback rules. This portion of the addition must be at least 40 feet from the front property line.

Discussion ensued about the hardships on this property such as the elevation changes of the back yard, and the atypical location of the property right-of-way line.

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

**Roll Call:**

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

**Motion approved.**

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**Announcements**

Mr. Groce stated the new Community and Economic Development Director, Michael Clark, will be starting on August 5. There is one item for the August 15 meeting to review an appeal of staff decision of a residential accessory structure.

There are no additional continuing education opportunities at this time, an additional opportunity will be presented between now and the end of the year.

**Adjournment**

Hearing no further business, Chairman Luttrell adjourned the meeting at 5:46 pm.

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Secretary Frazier