

**BOARD OF ZONING APPEALS
MUNICIPAL CENTER COUNCIL CHAMBERS
September 11, 2012
6:00 p.m.**

COMMISSION PRESENT:

Ms. Elizabeth Boyd; Mr. Tony Salvaggio; Ms. Patricia Sherman; Mr. David Klevan

DEVELOPMENT STAFF PRESENT:

Mr. Wade Morgan, Chief Planner; Mr. Alan Strain, Attorney; Ms. Carmen Richardson, Secretary.

Interested Individual(s) present:

Belinda Bodie – 1811 Auburn Avenue, Monroe, LA 71201

Robert Pierce – Brandon, MS

Cody Bailey – 2241 Southwood Road, Jackson, MS 39211

Delia and Martin Bossler – 7130 Stout Road, Germantown, TN 38138

Clarissa Bossler – Address Inaudible

Henry Williams – 1588 Blackberry Cove, Germantown, TN 38138

Barry Hay – 1589 Cordova Road, Germantown, TN 38138

David Savage – 393 Greyhound Lane, Cordova, TN 38138

Vice Chairman Ms. Boyd performs the functions of Chairman in the absence of Mr. Evans.

Ms. Boyd called the meeting to order and established a quorum.

ROLL CALL: – Ms. Boyd – present; Alderman Palazzolo – absent; Mr. Salvaggio – present; Ms. Sherman – present; Mr. Klevan – present; Mr. Uhlhorn – absent; Chairman Evans – absent

Ms. Boyd reminded those in attendance that the Board of Zoning Appeals is a Quasi-Judicial body and as such, the latitude for acting on applications is somewhat limited by State Statute and City Ordinance. She also reminded those appearing before the Board that the meeting is recorded and they would need to identify themselves, give their address and be sworn in for the record. She then swore in the staff.

Ms. Boyd stated that she would like to make note that the motions made in all meetings are of an affirmative nature. She stated this does not necessarily mean that the motion will be approved, but that the language will be in an affirmative nature when the motion is made.

Approval of August 14, 2012 Minutes

Dave Klevan made a motion to approve the minutes from the August 14, 2012, meeting that was seconded by Tony Salvaggio.

ROLL CALL: Ms. Boyd – yes; Mr. Klevan – yes; Mr. Uhlhorn – absent; Mr. Salvaggio – yes; Alderman Palazzolo – absent; Ms. Sherman – yes; Chairman Evans – absent;

MOTION PASSED

SUBJECT: Faith Presbyterian Church, 8834 Poplar Pike – Request Approval of a Use on Appeal for a Wireless Transmission Facility in the “R” Residential zoning district

BACKGROUND: On December 28, 1987, the Board of Mayor and Aldermen (BMA) approved Development Contract No. 914 for Faith Presbyterian Church of Germantown, Phase One. On September 27, 1999, the BMA approved Development Contract No. 1042, Phase One of Faith Presbyterian’s

Expansion Plan. This application for a WTF Use on Appeal was discussed by the BZA on May 8, 2012 and was withdrawn by the applicant to consider revisions to the plan.

PREVIOUS VARIANCES: No variances. The Board of Zoning Appeals (BZA) approved on September 8, 1992, a use on appeal for a private school on the site. The BZA approved on June 8, 1999, a use on appeal for the expansion of church facilities for Faith Presbyterian Church.

DISCUSSION:

NATURE OF USE REQUESTED: Wireless Transmission Facilities (WTF) are allowed in residential zoning districts if they meet the criteria for a use on appeal and the specific site design and procedural requirements for a WTF. The site of the proposed WTF is on the north-east portion of the Faith Presbyterian Church property. The tower is to be 100 feet in height and located 133 feet from the east property line. A 40 ft. by 40 ft. lease area around the tower will contain the equipment for the C-Spire antennas and future antennas.

RECENT REVISION TO THE PLAN: C-Spire has revised the design of the tower and enclosure so that it resembles a free-standing church spire. A brick and wood fence is proposed to enclose the tower and ground-mounted equipment. A rendering of the new plan is attached. The location of the tower and enclosure remains the same.

SPECIFIC SECTIONS OF ZONING ORDINANCE: Section 23-228 describes the criteria for a use on appeal within the R district:

- 1) located on a route designated as either a major street or a collector street;
- 2) does not impair an adequate supply of light and air to adjacent properties;
- 3) does not unreasonably increase the congestion of public streets;
- 4) does not increase the danger of fire and endanger public safety;
- 5) in any other way impair the public health, safety comfort or welfare.

Section 23-86 describes the specific requirements for a WTF within a residential district:

- 1) the parcel must have a minimum of 200 feet of public street frontage;
- 2) the tower must be setback from property lines a minimum distance of the tower's height plus 10 feet;
- 3) all associated buildings and structures must meet the minimum setback distances of the zoning district;
- 4) the maximum tower height is 100 feet;
- 5) a minimum buffer strip of 50 feet is required on the outer perimeter of property;
- 6) the applicant's engineer must provide documentation that the WTF meets or exceeds the ANSI standards for radio frequency emissions.

In addition, the Planning Commission must review/approve a site plan, the Design Review Commission must review/approve a landscaping and fencing plan and the appearance of the tower, and the Board of Mayor and Aldermen must approve a development contract for the construction of the tower and the associated equipment compound.

APPLICANT'S JUSTIFICATION: see the attached application and letter.

COMMENTS:

1. The proposed wireless transmission facility meets the location criteria for a use on appeal and the site area, setback, tower height requirements, buffer zone and ANSI standards for a WTF.
2. If the use on appeal is approved by the Board of Zoning Appeals, the proposed tower shall proceed to the Planning Commission for site plan approval, the Design Review Commission for landscaping, fencing and other appearance items approval, and to the Board of Mayor and Aldermen for a development contract.
3. The plans are titled Germantown Church of Christ, 8834 Poplar Pike. Germantown Church of Christ is at 8723 Poplar Pike. Prior to approval by the Planning Commission, the plans should be changed to indicate Faith Presbyterian Church.

Belinda Bodie, Representative
Faulk & Foster
1811 Auburn Avenue
Monroe, LA 71201

Ms. Bodie advised that a design called the "stand alone" bell tower steeple had been custom made for the church property in which the proposed cell tower is to be located. Ms. Bodie said most importantly what they are trying to do is meet coverage issues in this area of Germantown. Per Ms. Bodie, the first thing that they did before applying for a new site was look for existing structures, but unfortunately there were none. The church location fell within the zoning parameters that are regulated by the City of Germantown. Ms. Bodie then addressed a question regarding an alternate location at the intersection of Forest Hill-Irene and Poplar Pike. She advised that there is actually a tower located on the south east corner that they are already on. Unfortunately, per Ms. Bodie, because of the height limitation, coverage does not extend far enough down Poplar Pike. Another alternate site that was mentioned to Ms. Bodie and her group is the tree site on Forest Hill-Irene at the fire station. Ms. Bodie said given the tree height and where they would be able to fit on the existing tower would not provide any coverage because transmissions would basically be shooting directly into the tree line. She stated while cell towers are not popular, they are necessary, especially in residential areas. Per Ms. Bodie, the future purchasers of homes are those who do not have landlines and basically rely on cell phones. She further stated because more people are working from their homes and also with home automation, cell phones are being used in the capacity of fire and burglar alarms. Ms. Bodie said that we are now in the in an industry where carriers have to enter residential neighborhoods.

Ms. Boyd asked Ms. Bodie how many customers in this area will get more coverage. Ms. Bodie referred the question to Mr. Robert Pierce.

Mr. Robert Pierce, Representative
[Address Inaudible]
Brandon, MS 39043

Mr. Pierce said unfortunately the number of their subscribers is proprietary information. Mr. Pierce further stated that they do have customers in the area which is why they are on several different structures that surround Germantown such as the existing towers that were previously mentioned. Per Mr. Pierce, they are trying to enhance the coverage that is already out there.

Mr. Klevan asked Mr. Pierce how many residents (not customers), the coverage would involve. Mr. Pierce said they haven't actually counted that number out.

Ms. Boyd asked Mr. Pierce if the request for Use on Appeal is approved, how much better will service be for existing customers. Mr. Pierce stated that would be for them to evaluate. Mr. Pierce further stated that their company analyzes a prime location and compares it to how much money is to be spent and thus considers the outcome/end results.

OPPOSITION

Mr. Tommy Reaves, 2954 Carnton Drive; Mr. Robert Seidman, 3044 Ashmont Drive; Mr. Clarence Cotte, 2993 Carnton Drive; Mr. and Mrs. Ernest Barnes, 8823 Poplar Pike; Robert B. Evans, 2780 Hunters Horn S.; Mr. John Williams, 2997 Ashmont Drive; Kathey Haney, 2980 Carnton Drive

Residents had several concerns regarding the proposed site for the cell tower. The issue of safety, ill effects of radiation, property values, height of tower in comparison to the surrounding small, one story buildings and an agreement from the church not to build in this area or on this particular lot were some of the main items of concern. Several residents offered alternate sites to erect the cell tower. Forest Hill-Irene and Poplar Pike was suggested as one location. It was advised that the owner of the lot in which the Equestria Restaurant sits on is open to the idea of putting up a cell tower at this location.

3059 Forest Hill-Irene was a second alternate location that was suggested by Mr. Robert B. Evans of 2780 Hunters Horn S. Mr. Evans is the owner of a real estate brokerage company that has previously leased to cell tower carriers. Mr. Evans stated that he would like to see a cell tower be located on a commercial property rather than in someone's back yard. He suggested that at this location, the proposed cell tower be increased in height to achieve the maximum coverage that c-spire is aiming for. Mr. Evans further advised that office buildings located in Corporate Gardens would act as a buffer and separate the tower from the zero-lot homes in the Oakleigh subdivision.

Some of the residents wanted to know how many cell towers are on residential versus commercial lots. Mr. Wade Morgan advised that most cell towers are in parks, or are on existing MLGW towers which are located in residential areas; as for churches, the only one that comes to mind is Our Lady of Perpetual Help on Poplar Avenue. All others are located on commercial properties.

Robert Pierce, Representative (Returned to Microphone)

Mr. Pierce advised that they already have good coverage in the area where the Equestria Restaurant is located. Per Mr. Pierce, they are co-located on a Verizon cell tower that is across the street. He said to place a cell tower in this location which is approximately a quarter of a mile away from the proposed location at Faith Presbyterian Church would not be economically feasible.

Ms. Boyd asked Mr. Pierce if they could go on the existing tower that is located at Our Lady of Perpetual Help Church. Mr. Pierce advised that they are already co-located thirty feet below tree line on this tower.

Mr. Klevan asked Mr. Pierce at what level are they located on the tower at Our Lady of Perpetual Help. Mr. Pierce said seventy feet. Mr. Klevan then asked at what height are they on the Verizon cell tower that is located by the Equestrian Restaurant. Mr. Pierce said at that site, they are approximately one hundred and forty feet.

Ms. Boyd asked Mr. Pierce about break-a-ways. Mr. Pierce advised that break-a-ways verify how tall a tower is in relation to how far the tree height is. Per Mr. Pierce, Germantown is a little different from other areas in that it has a lot of fir trees which diminishes the signals further than leaf trees.

Cody Bailey, Representative
2241 Southwood Road
Jackson, MS 39211

Mr. Bailey advised when a cell tower such as this is within Federal Communications Commission (FCC) regulations, a board or entity cannot consider any affects that may come from radio waves. Per Mr. Bailey, the FCC, Supreme and Federal Courts have stipulated this. He further advised that cell towers do not emit radio waves that are a health risk to anyone as determined by health experts in healthcare within the FCC. Mr. Bailey stated that c-spire has gone to great lengths to comply with Germantown's regulations and ordinances; they have tried to provide the most aesthetically pleasing proposition for this tower. He said all they want to do is to provide the best coverage and services to the residents of Germantown.

Melinda Bodie, Representative (Returned to Microphone)

Ms. Bodie wanted to thank the residents of Germantown for coming out and showing their concerns for the neighborhood. She asked that the Board please consider their proposal and take into consideration all of the facts, especially their endeavor to meet all of the regulations and ordinances for the City.

Wade Morgan explained what "Use on Appeal" is per the request of Dave Klevan.

Mr. Klevan asked if there is a legal clarification between "health" and "sick." City Attorney Alan Strain advised the definition would be your normal, everyday experience of the two.

Mr. Klevan stated that he would be voting no because he truly feels there is a safety issue and that there is a lack of substantial impact in the area; he does not see a significant coverage increase that will benefit the community.

Mr. Salvaggio stated that he will be voting no as well. He said there are enough parameters and boundaries such as [inaudible] and parks in Germantown in which cell towers can be located; it compromises the welfare of the citizens and affects the property value of homes in the vicinity.

Ms. Sherman said that she will be voting no because of the uncertain impact that it could have on the neighborhood.

Ms. Boyd said that she will also be voting no; she too is opposed to the tower being in a residential area and possibly having a negative effect on the surrounding neighbors.

PROPOSED MOTION: To approve a Use on Appeal for a wireless transmission facility for C-Spire at 8834 Poplar Pike, subject to staff comments and the site plan filed with the application.

Dave Klevan moved to approve a Use on Appeal for a wireless transmission facility for C-Spire at 8834 Poplar Pike, subject to staff comments and the site plan filed with the application. Patricia Sherman seconded the motion.

ROLL CALL: – Mr. Uhlhorn – absent; Ms. Boyd – no; Alderman Palazzolo – absent; Ms. Sherman – no; Mr. Klevan – no; Mr. Salvaggio – no; Chairman Evans – absent

MOTION DENIED

SUBJECT: 7130 Stout Road – Request a Variance to Allow Fencing within the Required Front Yard to Exceed Thirty inches in Height in an “R” Residential zoning district

BACKGROUND:

DATE SUBDIVISION APPROVED: Lot 1 of the Ellis Woods Subdivision was approved by the Germantown Planning Commission on March 1, 1977.

DATE PRINCIPLE STRUCTURE APPROVED/BUILT: The principal structure was built in 1978.

PREVIOUS VARIANCES: The Board of Zoning Appeals approved a use on appeal to allow horses on June 10, 2008.

This request was initially presented to the BZA on December 13, 2011. After some discussion the BZA suggested the applicant withdraw the request from that agenda and allow staff to visit the site and offer suggestions on a suitable location for the proposed fence and gate. Staff’s suggested location for a fence is shown in the attached photos (2 through 6). Mr. Pouncey is standing at the suggested location of the gate and fence.

DISCUSSION:

NATURE OF VARIANCE REQUESTED: The applicant is requesting a variance to allow two existing entrance gates within the required front yard to exceed thirty inches in height in an “R” Residential zoning district on the 3.7-acre property. The gates are four feet, ten inches in height and located 34 feet from the edge of the pavement, and approximately 20 feet from the property line. The Zoning Ordinance requires a 40 foot setback for fences and gates of that height. Fences and gates within 40 feet of the front property line are limited to thirty inches in height.

The homeowner was first notified by Code Compliance staff on May 25, 2011 of the violation, and was notified again by letter on August 31, 2011. The letter is included with this information packet. She filed a variance application on October 13, 2011.

SPECIFIC SECTIONS OF ZONING ORDINANCE: The specific request is a variance from §6-102(b) of the Code of Ordinances, which states, “fences over 30 inches in height are not permitted within the required front yards of lots”. The property’s R zoning sets 40 feet as the required front yard.

APPLICANT’S JUSTIFICATION: The applicant explains that “the natural surroundings and landscape of the property covers the view of the house from the street, causing it to be more secluded. It is a great safety factor to have the two gates at the end of the driveways because it provides more security since we’ve had three break-ins in the last two years.” She also notes that “the space in front of the house is not wide enough to place the main gates at fifty feet from the middle of the street”.

STAFF COMMENTS:

1. The applicant has provided a site plan for the property, indicating that the existing gates are temporary and are to be replaced by wrought iron electric gates that are part of a three-rail fence with brick columns.
2. A photo of one of the existing gates is shown in photo no. 1.
3. Staff’s suggested location for a fence is shown in the attached photos (2 through 6). Mr. Pouncey is standing at the suggested location of the gate and fence.

Ms. Boyd asked if there was anyone who would like to speak in favor of this variance request.

Delia and Martin Bossler, Applicants
7130 Stout Road
Germantown, TN 38138

Mrs. Bossler stated that her concern is safety, more than anything else. She advised that they brought the property five years ago and already has had three break-ins with the last one being very devastating. Mrs. Bossler said placing the gates thirty feet from the property line prevents others from coming on the property.

Mr. Bossler said since his wife is ninety percent alone in the house, the gate should be moved an additional eight feet behind the trees to prevent anyone from coming in. He advised that they have an ADT Security Alarm System along with cameras throughout the property for more safety assurance. He also advised because this is the last lot before you enter the City of Memphis, the police seldom come this far out.

Clarissa Bossler, Daughter of Applicants
[Address Inaudible]

Ms. Bossler said that her Mom is all alone. She said that she was very frustrated because she and family have appeared before this Board three times already. Ms. Bossler said that she understands that Stout Road might be widened in a couple of years and measurements from the middle of the road seemed to be the dilemma the last time they were here. Per Ms. Bossler, the location that is being requested is very convenient and offers the most safety; it isn't hazardous nor does it pose a danger when turning in or out. She asked the Board to please consider this proposed gate location tonight for the sake of her Mother's safety since she is away at college and her Mom is at home all alone.

Ms. Boyd asked if there was anyone would like to speak against this variance request. No one came forth.

PROPOSED MOTION: To approve a variance to allow two existing gates, located thirty-four feet from the edge of pavement, to exceed thirty inches in height at 7130 Stout Road, subject to staff comments and the site plan filed with the application.

Dave Klevan made a motion to approve a variance to allow two existing gates, located thirty-four feet from the edge of pavement, to exceed thirty inches in height at 7130 Stout Road, subject to staff comments and the site plan filed with the application. Tony Salvaggio seconded the motion.

ROLL CALL: – Mr. Klevan – yes; Mr. Uhlhorn – absent; Ms. Boyd – yes; Mr. Salvaggio – yes; Ms. Sherman – yes; Alderman Palazzolo – absent; Chairman Evans – absent

MOTION PASSED

SUBJECT: 1588 Blackberry Cove – Request a variance to allow a detached accessory structure to be located a distance less than its height from the side and rear property lines in the “R-1” Low Density Residential zoning district.

BACKGROUND:

DATE SUBDIVISION APPROVED: the property is lot 43 in section D of the Apple Valley subdivision; approved in 1971.

DATE PRINCIPLE STRUCTURE APPROVED/BUILT: 1973.

PREVIOUS VARIANCE REQUESTS: None.

DISCUSSION:

NATURE OF VARIANCE REQUESTED: The specific request by the applicant is to obtain approval for the construction of a detached two-car garage that is as close as 7.5 feet from the south property line and 6 ft., 7 in. from the east property line.

SPECIFIC SECTIONS OF ZONING ORDINANCE: The specific request is a variance from §23-236(2) which requires accessory structures over 8 feet in height to be located a distance equal to or greater than their height from the rear and side lot lines. The proposed garage is 12 feet in height to the midpoint, so the standard setback is 12 feet.

APPLICANT'S JUSTIFICATION: The applicant bases his request on the peculiar and exceptional practical difficulties criteria. According to the applicant, the foundation and walls of the garage were initially built in 1978, in compliance with the setback regulations in effect at that time. He further states "it is not practical to tear up the foundation and walls for compliance with new regulations."

STAFF COMMENTS:

1. An air photo of the property and existing structure is attached.
2. If the variance request is approved, the applicant must apply for an accessory structure permit through the Department of Economic and Community Development.

BACKGROUND:

DATE SUBDIVISION APPROVED: the parcel is not part of a recorded subdivision.

DATE PRINCIPLE STRUCTURE APPROVED/BUILT: 1950.

PREVIOUS VARIANCE REQUESTS: None.

DISCUSSION:

NATURE OF VARIANCE REQUESTED: The specific request by the applicant is to obtain approval for the construction of a detached two-car garage that is as close as 2.5 feet from the north property line. The garage is intended to replace an existing one-car garage in approximately the same location as the proposed garage. The existing garage is 6.8 feet from the property line.

SPECIFIC SECTIONS OF ZONING ORDINANCE: The specific request is a variance from §23-236(2) which requires accessory structures over 8 feet in height to be located a distance equal to or greater than their height from the rear and side lot lines. The proposed garage is 12 feet in height to the midpoint, so the standard setback is 12 feet.

APPLICANT'S JUSTIFICATION: According to the applicant, the homeowner needs room to build a 2-car garage. He states the space is "narrow between the house and east property line. The angle of the east line causes the new garage to be closer to the line and remain square to the existing house." He further states "they will tear down the old 1 car garage and remove the existing driveway. We will build a new 2 car garage and install a new concrete driveway, greatly increasing the value of the property."

STAFF COMMENTS:

1. The property is an older parcel and not part of a City-approved subdivision. The parcel is 95.14 feet in width, which is less than the minimum lot width of 100 feet which would be required in a new subdivision.

2. An air photo of the property and structure is attached.
3. If the variance request is approved, the applicant must apply for an accessory structure permit through the Department of Economic and Community Development.

Ms. Boyd asked if there was anyone who would like to speak in favor of this variance request.

Henry Williams, Applicant
1588 Blackberry Cove
Germantown, TN 38138

Mr. Williams advised that he and wife moved into the residence in October, 1973. At the time there was a Jim Walker Home behind their property which prevented them from building a garage as stipulated by Germantown regulations back then. Mr. Williams further advised that a few years later, they bought a portion of the lot after the Jim Walker Home was sold so that they could build the garage. Per Mr. Williams, due to various reasons and cost inflation, they put off building the garage for thirty-nine years. He said they are now ready to proceed with plans and build the garage.

Ms. Boyd asked Mr. Williams do any of his neighbors have a problem with him building the garage. Mr. Williams said no; he spoke with the only two people who will see the garage and they have no problem with it.

Ms. Boyd asked if there was anyone who would like to speak against this variance request.

Barry Hay, Neighbor
1589 Cordova Road
Germantown, TN 38138

Mr. Hay said that he lives immediately behind the applicant. He said that he is neither for nor is he against the variance. For the most part he was just trying to learn. Mr. Hay asked if the variance was twelve feet from a fence, or a structure. Mr. Morgan advised that Germantown's requirement for a detached garage is that the setback must be equal to the height of the structure. Mr. Hay said that he is sure the structure will be fine; he was just trying to visualize what it is going to look like if ever he tries to sell his house.

PROPOSED MOTION: To approve a variance at 1588 Blackberry Cove to allow a detached accessory structure to be as close as 7.5 feet from the south property line and 6 ft., 7 in. from the east property line, consistent with the plans submitted with the application.

Dave Klevan made a motion to approve a variance at 1588 Blackberry Cove to allow a detached accessory structure to be as close as 7.5 feet from the south property line and 6 ft., 7 in. from the east property line, consistent with the plans submitted with the application. Patricia Sherman seconded the motion.

ROLL CALL: – Ms. Sherman – yes; Mr. Uhlhorn – absent; Ms. Boyd – yes; Mr. Klevan – yes; Mr. Salvaggio – yes; Alderman Palazzolo – absent; Chairman Evans – absent

MOTION PASSED

SUBJECT: 7292 McVay Road – Request a variance to allow a detached accessory structure to be located a distance less than its height from the side property line in the “R” Low Density Residential zoning district.

BACKGROUND:

DATE SUBDIVISION APPROVED: the parcel is not part of a recorded subdivision.

DATE PRINCIPLE STRUCTURE APPROVED/BUILT: 1950.

PREVIOUS VARIANCE REQUESTS: None.

DISCUSSION:

NATURE OF VARIANCE REQUESTED: The specific request by the applicant is to obtain approval for the construction of a detached two-car garage that is as close as 2.5 feet from the north property line. The garage is intended to replace an existing one-car garage in approximately the same location as the proposed garage. The existing garage is 6.8 feet from the property line.

SPECIFIC SECTIONS OF ZONING ORDINANCE: The specific request is a variance from §23-236(2) which requires accessory structures over 8 feet in height to be located a distance equal to or greater than their height from the rear and side lot lines. The proposed garage is 12 feet in height to the midpoint, so the standard setback is 12 feet.

APPLICANT’S JUSTIFICATION: According to the applicant, the homeowner needs room to build a 2-car garage. He states the space is “narrow between the house and east property line. The angle of the east line causes the new garage to be closer to the line and remain square to the existing house.” He further states “they will tear down the old 1 car garage and remove the existing driveway. We will build a new 2 car garage and install a new concrete driveway, greatly increasing the value of the property.”

STAFF COMMENTS:

1. The property is an older parcel and not part of a City-approved subdivision. The parcel is 95.14 feet in width, which is less than the minimum lot width of 100 feet which would be required in a new subdivision.
2. An air photo of the property and structure is attached.
3. If the variance request is approved, the applicant must apply for an accessory structure permit through the Department of Economic and Community Development.

Ms. Boyd asked if there was anyone would like to speak in favor of this variance request.

David Savage, Representative
393 Greyhound Lane
Cordova, TN 38018

Mr. Savage advised that he is the father of the applicant and is a general contractor who will be building the garage. He said that applicant lives in an older, remodeled home in which the garage is unusable. Mr. Savage also stated that a variance is being requested because the proposed structure is a two car versus one car garage and will be encroaching into the side property line. Per Mr. Savage, building a two car garage will not only increase property value, but will also provide coverage and safety when his daughter arrives home.

Ms. Boyd asked if there was anyone would like to speak against this variance request. No one came forth.

PROPOSED MOTION: To approve a variance at 7292 MCvay Road to allow a detached accessory structure to be as close as 2.5 feet from the north property line, consistent with the plans submitted with the application.

Dave Klevan made a motion **to** approve a variance at 7292 MCvay Road to allow a detached accessory structure to be as close as 2.5 feet from the north property line, consistent with the plans submitted with the application. Patricia Sherman seconded the motion

ROLL CALL: – Mr. Salvaggio – yes; Mr. Uhlhorn – absent; Ms. Sherman – yes; Ms. Boyd – yes; Mr. Klevan – yes; Alderman Palazzolo – absent; Chairman Evans – absent

MOTION PASSED

NEW BUSINESS

Mr. Salvaggio requested that he be involved in the communication regarding cell tower locations here in Germantown. Per Mr. Salvaggio, this is becoming a common concern with the receipt of more applications each month. Mr. Salvaggio advised that he is vehemently opposed to cell towers being in residential areas and has a very hard time voting for something that he would not want in his own neighborhood.

Mr. Morgan said he encourages cell tower carriers to locate at parks and on existing MLGW towers because they not only provide the proper/required height but serves as a buffer as well.

After much discussion regarding cell tower locations, it was decided that making exceptions by increasing cell tower height on the perimeters of the City should be considered.

Other Board Members expressed concerns regarding the same, continuous monthly process of the submission and receipt of cell tower applications, various groups of residents coming out to voice the same concerns, countless minutes of discussion and finally, voting the request down. Members felt this could be avoided by putting some standards or regulations in place at the front end of the process.

Meeting Adjourned at 7:39 p.m.