

**BOARD OF ZONING APPEALS  
MUNICIPAL CENTER COUNCIL CHAMBERS  
May 14, 2013  
6:00 p.m.**

**COMMISSION PRESENT:**

Mr. Henry Evans; Mr. David Klevan; Alderman Forrest Owens; Ms. Jennifer Sisson; Mr. Tony Salvaggio

**DEVELOPMENT STAFF PRESENT:**

Mr. Wade Morgan, Chief Planner; Ms. Sherrye Carmen Richardson, Secretary

**Interested Individual(s) present:**

Ms. Nancy McFadden Copp – 2788 S. Germantown Road, Germantown, TN 38138

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Chairman Evans called the meeting to order and established a quorum.

**ROLL CALL:** – Mr. Uhlhorn – absent; Salvaggio – present; Ms. Sherman – absent; Mr. Klevan – present; Alderman Owens – present; Ms. Sisson – present; Mr.; Chairman Evans – present

Chairman Evans 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. He 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. He then swore in the staff.

Chairman Evans stated that he would like to make note that the motions made in all meetings are of an affirmative nature. He 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 April 9, 2013 Minutes**

Dave Klevan made a motion to approve the minutes from the April 9, 2013, meeting that was seconded by Jennifer Sisson.

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

**MOTION PASSED**

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**SUBJECT:** 2788 S. Germantown Rd. - Request Approval of a Variance to Allow an Addition to a Legal Non-conforming Guest House

**BACKGROUND:**

DATE SUBDIVISION APPROVED: NA.

DATE PRINCIPLE STRUCTURE APPROVED/BUILT: 1953. The property was annexed by Germantown in 1969.

DATE ACCESSORY STRUCTURE APPROVED/BUILT: 1953.

PREVIOUS VARIANCE REQUESTS: None.

**DISCUSSION:**

**NATURE OF VARIANCE REQUESTED:** The specific request by the applicant is to enlarge the existing 728 sq. ft. accessory/guest house by 539.5 sq. ft. (20 ft. by 26 ft.). The addition is to be constructed on the rear (east) side of the guest house. The guest house is located approximately 280 feet from Germantown Rd., and 25 feet from the south property line of this 25.6 acre tract.

The principal structure on the tract is approximately 175 feet from the guest house. There is also a barn on the property.

**SPECIFIC SECTIONS OF ZONING ORDINANCE:** The specific request is a variance from §23-227, which limits permitted uses in the R district to single family detached dwellings, and accessory buildings and accessory uses; and from §23-234, which permits only one principal building per lot. Only the R-E-10 and R-E districts permit guest houses.

**APPLICANT'S JUSTIFICATION:** According to the applicant, her "grandchildren are now using this house and expecting a child and need this extra space." "The only neighbor owner is my son, John McFadden, and he does not object."

**STAFF COMMENTS:**

1. The property is zoned "R" Low Density Residential, but is more similar in character to the "R-E" Residential Estate district. The property is 25.6 acres in area and the principal building is set back over 300 feet from Germantown Rd.
2. Plans of the proposed addition are attached.
3. An air photo of the property and structure is attached.
4. If the variance request is approved, the applicant must apply for a building permit from the Shelby County Office of Construction Code Enforcement.

Chairman Evans then asked if there was anyone who would like to speak in favor of this variance request.

**Nancy McFadden Copp, Applicant**  
**2788 S. Germantown Road**  
**Germantown, TN 38138**

Ms. Copp advised the reason for the addition is because the guest house is too small for her grandson and his family who are living there for the moment while he finishes his education at the University of Memphis.

Chairman Evans asked if there was anyone who would like to speak against of this variance request. No one came forth.

**PROPOSED MOTION:** To approve a variance at 2788 S. Germantown Rd. to allow an addition to a legal non-conforming guest house, as described by the plans submitted with the application.

Alderman Owens made a motion to approve a variance at 2788 S. Germantown Rd. to allow an addition to a legal non-conforming guest house, as described by the plans submitted with the application. Tony Salvaggio seconded the motion.

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

**Meeting Adjourned at 6:06 p.m.**