

**BOARD OF ZONING APPEAL
MUNICIPAL CENTER COUNCIL CHAMBERS
Tuesday, May 13, 2014
6:00 p.m.**

The regular meeting of the Board of Zoning and Appeal was scheduled and held in the Council Chambers of the Municipal Center on May 13, 2014. Chairman Uhlhorn called the meeting to order at 6:00 p.m. requesting the roll call. Ms. Regina Gibson called the roll of the Board and established a quorum:

COMMISSIONERS PRESENT:

Mr. Frank Uhlhorn, Chairman; Ms. Jennifer Sisson; Ms. Pat Sherman; Mr. Hunter Browndyke; Mr. David Klevan; and Alderman Forrest Owens

DEVELOPMENT STAFF PRESENT:

Mr. Cameron Ross, Economic and Development Services Director; Mr. Wade Morgan, Chief Planner; Ms. Regina Gibson, Administrative Secretary, and Mr. Alan Strain, Attorney

Chairman Uhlhorn 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 Uhlhorn 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.

1. Approval of Minutes for March 11, 2014

Mr. Klevan moved to approve the Board of Zoning and Appeals minutes of February 11, 2014, seconded by Ms. Sherman, with no further comments or discussions.

ROLL CALL: Ms. Sisson - Abstain; Mr. Browndyke – Yes; Alderman Owens – Yes; Ms. Sherman – Abstain; Mr. Klevan – Yes; Chairman Uhlhorn – Yes.

MOTION PASSED

2. 3645 Forest Hill-Irene Road – Request Approval of a Use on Appeal for the Expansion of a Church in the “R” Residential Zoning District.

BACKGROUND: Forest Hill Baptist Church was built in 1998, according to the Shelby County Assessor Records. The property was annexed by Germantown in 2001.

PREVIOUS VARIANCE REQUESTS: None.

DISCUSSION: The request for Use On Appeal is based on Section 23-228 of the Zoning Ordinance, which states, in part, that “Philanthropic or religious institutions; places of worship; public, private or parochial schools offering general educational courses; municipal, county, state or federal uses; public utilities, golf courses; private and country clubs; parks and playgrounds; cultural activities “shall be permitted [in the “R” Residential Zoning District] by the Board of Zoning Appeals,” provided that the use requested is to be located on a route designated as either a major street or collector street on the official major road plan, and that the requirements set forth in Article II, Division 4 (General Exceptions), and Article II, Division 2 (Board of Zoning Appeals), of the Zoning Ordinance are met. Any additional use or expansion of an existing Use On Appeal requires approval from the BZA.

APPLICANT’S JUSTIFICATION: The applicant states that Harvest Church shares the building with Forest Hill Baptist Church, and has experienced significant growth recently. The Harvest Church congregation exceeds the capacity of the sanctuary and meets in the fellowship hall. Based on current attendance figures, an additional 132 parking spaces are needed. See the application letter of explanation for additional information.

The proposed 132-space parking lot expansion is on the southwest area of the church’s site. The site plan also indicates a future expansion of the parking area. A new driveway to Winchester Rd. is also proposed.

STAFF COMMENTS:

1. Harvest Church and Forest Hill Baptist Church are preparing a master plan for expansion of the building and additional parking, for a future use on appeal application.
2. Both Forest Hill-Irene Rd. and Winchester Rd. are major roads, as required by Section 23-228.
3. Other criteria from Article II, Division 2 include “whether or not the approval will impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion of public streets, increase the danger of fire and endanger public safety or in any other way impair the public health, safety, comfort or welfare of the inhabitants of the city. Such consideration further may relate to screening, landscaping, location or other conditions necessary to protect property in the vicinity of the subject site.”
4. If the Use on Appeal is approved, the applicant shall apply to the Germantown Planning Commission for site plan approval and then to the Design Review Commission for landscape, and lighting plan approval.

PROPOSED MOTION: To approve a Use on Appeal for a 132 space parking lot expansion at Forest Hill Baptist Church at 3345 Forest Hill-Irene Rd., subject to staff comments and the site plan submitted with the application.

Mr. Michael Rodgers w/Fisher Arnold explained that he was representing the Forest Hill Baptist Church and would answer any questions that the board might have.

After hearing no questions, Chairman Uhlhorn called for a motion.

Mr. Klevan moved to approve a Use of Appeal for a 132 space parking lot expansion at Forest Hill Baptist Church at 3645 Forest Hill-Irene Rd., as discussed, subject to staff comments and the site plan submitted with the application, seconded by Ms. Sisson.

ROLL CALL: Alderman Owens – Yes; Ms. Sisson - Yes; Ms. Sherman – Yes; Mr. Klevan – Yes; Mr. Browndyke – Yes; Chairman Uhlhorn – Yes.

MOTION PASSED

ADJOURNMENT

There being no further business, comments, or questions by the Commission, the Chairman adjourned the meeting at 6:09 p.m.