

**BOARD OF ZONING APPEALS
MUNICIPAL CENTER COUNCIL CHAMBERS
February 10, 2009
6:00 p.m.**

Mr. Henry Evans called the meeting to order at 6:00 p.m. The secretary called the roll to establish a quorum.

COMMISSION PRESENT:

Mr. Henry Evans; Alderman Carole Hinely; Ms. Patricia Sherman; David Klevan.

DEVELOPMENT STAFF PRESENT:

Mr. Jerry Cook, Director of Economic & Community Development; Mr. Alan Strain, Attorney; Mr. Wade Morgan, Chief Planner; Ms. Carmen Richardson, Secretary.

Interested Individual(s) present:

Mr. Edward R. King – 2440 Clandon Cove, Germantown, TN 38139

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

ROLL CALL: – Mr. Evans – present; Mr. Henwood – absent; Ms. Sherman – present; Mr. Klevan – present; Alderman Hinely – present; Chairman Boyd – absent

Mr. 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.

Mr. 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 January 13, 2009, Minutes

Alderman Hinely made a motion to approve the minutes from the January 13, 2009, meeting that was seconded by Ms. Sherman.

ROLL CALL: -- Mr. Henwood – absent; Ms. Sherman – yes; Mr. Klevan – yes; Alderman Hinely – yes; Mr. Evans – yes; Chairman Boyd – absent

MOTION PASSED

SUBJECT: 2440 Clandon Cove – Request a Variance to Allow the Principal Structure to Encroach into the Required Rear Yard

BACKGROUND:

DATE SUBDIVISION APPROVED: The Board of Mayor and Aldermen approved Farmington East subdivision as Development Contract no. 227 on June 26, 1978.

DATE PRINCIPLE STRUCTURE APPROVED/BUILT: 1983

PREVIOUS VARIANCES: None on file.

DISCUSSION:

NATURE OF VARIANCES REQUESTED: The applicant proposes to replace an existing flat roof with a hip roof over a portion of the dwelling that extends into the required rear yard. The required rear yard setback for the lot is 31 feet, and the dwelling is 22.5 feet from the rear property line. Therefore, the proposed addition will encroach 7.5 feet into the required rear yard.

SPECIFIC SECTION OF ZONING ORDINANCE:

Sec. 23-232 (3) *Rear Yard*. There shall be a required rear yard of not less than 40 feet or 20 percent of the average lot depth, whichever shall be less, but not to be less than 25 feet.

APPLICANT'S JUSTIFICATION: The applicant bases the variance request on the **other extraordinary and exceptional situation or condition of the piece of property**, resulting in **undue hardship upon the owner**. According to the applicant, the previous homeowner built the portion of the dwelling into the setback, and that he is trying to correct a chronically leaking roof. The applicant states "The second story deck is the roof for the first floor room below. This roof is basically flat. After many re-roofing attempts to stop the leaks in the room below, I would like to put a hip roof over the deck. I believe this is the only solution after many patches and reroofing attempts".

STAFF COMMENTS:

1. According to the applicant, a previous owner built the addition that encroaches into the rear yard setback. There is no record of a variance for the encroachment.
2. The requested variance will allow a hip roof to be built over the existing flat roof over the addition, but will not increase the amount of the encroachment into the rear yard.

Edward King
2440 Clandon Cove
Germantown, TN

Mr. King said that he would like to withdraw this month and return for next month's Board meeting with a different application. Mr. Evans made a note of and thanked the applicant for his decision.

Mr. Evans asked was there any other business to come before the Board tonight? He then addressed the audience. He said that he's aware that some of you are here to speak for or against this item, he knows not which. But, if you have questions and would like to talk with the staff, or Mr. King, please feel free to do so. He further stated that this item will be back on next month's agenda.

REQUEST WITHDRAWN BY THE APPLICANT.

Meeting Adjourned at 6:03 p.m.