

BOARD OF ZONING APPEALS
MUNICIPAL CENTER COUNCIL CHAMBERS
Tuesday, March 8, 2016
6:00 p.m.

The regular meeting of the Board of Zoning Appeals was scheduled and held in the Council Chambers of City Hall on March 8, 2016. Chairman Sisson called the meeting to order at 6:04 p.m. requesting the roll call. Ms. Regina Gibson called the roll of the Board and established a quorum:

COMMISSIONERS PRESENT:

Ms. Jennifer Sisson, Chairman; Mr. Hunter Browndyke, Vice-Chairman; Alderman Mary Anne Gibson; Mr. Mike Harless; Mr. Frank Uhlhorn; and Ms. Sherri Hicks

DEVELOPMENT STAFF PRESENT:

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

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. This meeting is recorded and those appearing before the Board would need to identify themselves, give their address and be sworn in for the record.

Motions made in all meetings are of an affirmative nature and 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 February 9, 2016. Shown as Agenda Item No. 3

Mr. Browndyke moved to approve the Board of Zoning and Appeals minutes of February 9, 2016, seconded by Alderman Gibson, with no further comments or discussions.

ROLL CALL: Mr. Uhlhorn – Abstain; Ms. Hicks – Yes; Mr. Browndyke – Yes; Alderman Gibson – Yes; Ms. Harless – Yes; Chairman Sisson – Abstain

MOTION PASSED

2. Madonna Learning Center – 7007 Poplar Avenue – Approval of a Variance to Allow an Accessory Structure to be Less Than the Required Minimum Distance from a Property Line in the R District.(Case No. 16-603). Shown as Agenda Item No. 4

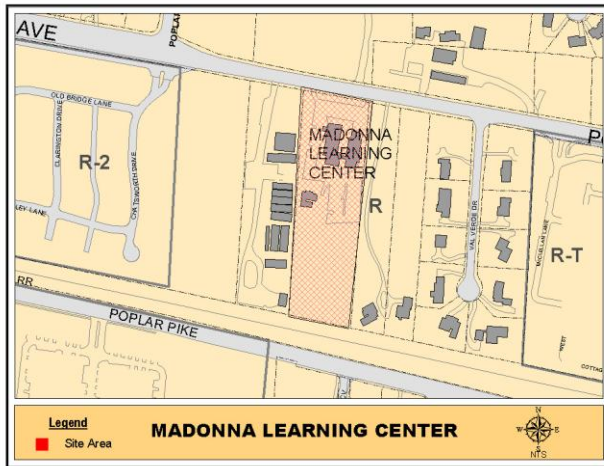
INTRODUCTION:

Applicant Name: Tamara Redburn, w/Fleming Assoc. - representative

Location: 7007 Poplar Ave., Madonna Learning Center

Current Zoning District: “R” Residential District

Description of Request: A Variance to Allow a Storage Building (Accessory Structure) to Encroach into the Required Setback from a Side Property Line in the “R” Low Density Residential District



BACKGROUND:

PREVIOUS VARIANCE REQUESTS: The BZA on November 12, 2013, approved a Use on Appeal for expansion of a private school. At its meeting on February 8, 2016, the BZA discussed the variance and questioned the applicant’s representative on alternative locations for the storage building. The representative subsequently withdrew the variance application in order to investigate the alternatives.

DISCUSSION:

NATURE OF VARIANCE REQUESTED: The specific request by the applicant is to obtain approval to move an existing wood storage building to a location adjacent to the existing wood shop. The 10 foot tall storage building was on the property previously, but was moved off-site during construction of the new buildings. It is to be placed 5 feet, 1 inch from the west property line, which is a 4 foot, 11 inch encroachment into the standard setback distance.

The applicant has submitted additional information on the storage building to illustrate its appearance, alternative locations and pros and cons of each alternative. The information is attached on pages 11 –20.

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 side lot line. The proposed storage building is 10 feet in height to the midpoint, so the standard setback is 10 feet.

APPLICANT’S JUSTIFICATION: The applicant requests a variance based on the criteria of “exceptional narrowness, shallowness or shape”, stating that the “Madonna Learning Center property is deep and narrow. This makes it difficult to place accessory structures so that parking and drives are not encroached upon.” That condition makes for peculiar and exceptional practical difficulties, in that “the wood storage building needs to be adjacent to the wood shop so that the students and volunteers can access the wood needed for their projects. The location shown is accessible by an ADA accessible handicap ramp.”

STAFF COMMENTS:

1. The wood shop building was approved by the Planning Commission and Design Review Commission as part of the school’s site plan.
2. If the variance is approved, the applicant shall apply for an accessory structure permit from the Germantown Dept. of Economic and Community Development, Code Enforcement Division
3. The existing wood shop and proposed storage building are highlighted on the attached site plans.

4. Supplemental information on the storage building is attached at the rear of this report.

PROPOSED MOTION: To approve a variance for Madonna Learning Center, at 7007 Poplar Ave., to allow an accessory structure (storage building) to encroach 4 feet, 11 inches into the standard setback from the west property line, subject to staff comments and the site plan submitted with the application.

Ms. Tamara Redburn w/Flemings Architects and Ms. Rebecca Bruce w/Madonna Learning Center explained the overhead door was on the right in the pictures and the side door is nearest the plant nursery. They felt it was the best option as far as ADA access and access through the side door is minimal; most of the time the overhead door is what is used and left open for the students. Option B does not allow ADA access to either one of the doors and it is all grass. Ms. Bruce explained that the silver foxes are the Knights of Columbus and they raised money to build the structures and once a week they come out and help the children learn woodworking and then these items are sold or given as gifts. These are elderly retired gentlemen and they want to make things easier for them as well as for the children.

The board discussed all other possible options and after much discussion, Chairman Sisson called for a motion.

Mr. Uhlhorn moved to approve a variance for Madonna Learning Center, at 7007 Poplar Ave., to allow an accessory structure (storage building) to encroach 4 feet, 11 inches into the standard setback from the west property line, as discussed, subject to staff comments and the site plan submitted with the application, seconded by Mr. Browndyke.

ROLL CALL: Alderman Gibson – Yes; Mr. Uhlhorn – Yes; Mr. Browndyke – Yes; Ms. Hicks – Yes; Mr. Harless – Yes, Madonna does great work for the City of Germantown with all of the special needs people and we are very very pleased; Chairman Sisson – Yes

MOTION PASSED

NEW BUSINESS: Alderman Gibson announced that long time employee Mr. Wade Morgan would be retiring from the City of Germantown after 15 years of service. This would be Mr. Morgan's last meeting with the Board of Zoning Appeals as he has taken another position in Ocean City, MS. She expressed her appreciation for his commitment and service with the city, businesses, and citizens.

Chairman Sisson expressed her appreciation also for all that Mr. Morgan had done for the City of Germantown as well as all he has done for the Board of Zoning Appeals members especially being that most of them are new members. His guidance has been most appreciated and he will be missed.

ADJOURNMENT

There being no further business, comments, or questions by the Commission, the Chairman adjourned the meeting at 6:19 p.m.