

BOARD OF ZONING APPEALS
MUNICIPAL CENTER COUNCIL CHAMBERS
Tuesday, April 11, 2017
6:00 p.m.

The regular meeting of the Board of Zoning Appeals was scheduled and held in the Council Chambers of the Municipal Center on April 11, 2017.

1. Chairman Sisson called the meeting to order at 6:00 p.m.
2. Chairman Sisson requested the roll call. Ms. Regina Gibson called the roll of the Board and established a quorum:

COMMISSIONERS PRESENT: Ms. Jennifer Sisson; Mr. Hunter Browndyke; Mr. Mike Harless; Ms Patricia Sherman; and Ms. Sherrie Hicks

DEVELOPMENT STAFF PRESENT: Mr. Cameron Ross, Economic and Community Development Director; Ms. Sheila Pounder, Planning Division Manager; Ms. Sarah Goralewski, 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.

3. Approval of Minutes from the March 14, 2017 Meeting

Mr. Browndyke moved to approve the Board of Zoning and Appeals minutes of March 14, 2017, as discussed; seconded by Ms. Hicks, with no further comments or discussions.

ROLL CALL: Ms. Hicks – Yes; Mr. Browndyke – Yes; Ms. Sherman – Yes; Mr. Harless – Yes; Chairman Sisson - Yes

MOTION PASSED

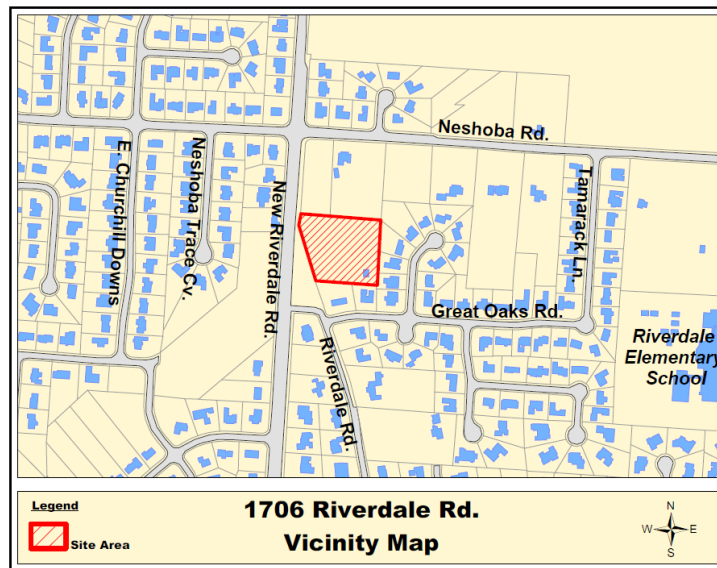
4. 9263 Glenda Road – Approval of a Variance to Allow the Principal Structure to Encroach into the Required Front Yard Setback on a Corner lot in the R-E District.(Case No. 17-713)

WITHDRAWN BY APPLICANT BEFORE THE MEETING

5. 7986 Dovie Lane – Approval of a Variance to Allow the Principal Structure to Encroach into the Required Front Yard Setback in the R District. (Case No. 17-715)

WITHDRAWN BY APPLICANT BEFORE THE MEETING

6. 1706 Riverdale Road – Approval of a Variance to Allow a Fence within the Required Front Yard to Exceed 30 Inches in Height in the R District. (Case No. 17-716)



DISCUSSION:

NATURE OF VARIANCE REQUESTED: The specific request by the applicant is approval to allow a 48” high split rail wood fence along a portion of the front of the property. According to §23-232(1)a., the property’s residential zoning district (“R”) establishes a minimum front yard setback that extends 40’ behind the property line. The property is polygon-shaped, with a portion fronting the Riverdale Road and a portion fronting an undeveloped tract of land owned by the City of Germantown. (This is where Riverdale Rd. was previously aligned.) A majority of the subject property is undevelopable, due the TVA easement (including towers and cables). Per the drawing submitted by the applicant, approximately 72’ of the fence length would encroach into the 40’ front setback. However, the fence would still be approximately 100’ from New Riverdale Rd.

SPECIFIC SECTIONS OF ZONING ORDINANCE: The specific request is approval of a variance from the following section of the Code of Ordinances: §6-102(b): “fences over 30 inches in height are not permitted within the required front yards of lots, as specified in the zoning ordinance, with the exception of subdivision entrance features and attached fences/walls.”

APPLICANT’S JUSTIFICATION: The applicant indicates that the reason the variance is being requested is due to the odd shape of the lot. The fence would be consistent with the already existing fence on the property, as well as with the character of the neighborhood. Per the City Engineer, it would not negatively impact the City of Germantown property to the west. See attachments with letter for further explanation.

STAFF COMMENTS:

1. The requested variance will result in a 48” high split rail wood fence along the length of the front of the property, encroaching into the 40’ front setback. However, the fence will be approximately 100’ from Riverdale Rd.
2. If the variance is approved, the applicant shall apply to the Neighborhood Services Dept. for a fence permit within 30 days of this approval.

PROPOSED MOTION: To approve a variance to allow a 48” high fence within the required front yard to exceed 30 inches in height at 1706 Riverdale Rd. in the “R” Low-Density Residential zoning district,

subject to the board's discussion, staff comments contained in the staff report, and the site plan submitted with the application.

Ms. Sally Peters (applicant and renter of the subject property) explained that she wanted to extend the fence across the front yard, and it would be the same type of fence that already exists, so as to close off that part of the property and keep her dogs out of Riverdale Road. Most of the fence she wants to install is allowable but the reason the variance is being requested is because a portion of this area was too close to the City of Germantown property.

Mr. Fred Walker (neighbor) questioned if this variance request was due to the property being turned into a dog-related business. Ms. Peters explained that it was not going to be a business, but was for her personal use only. Should Mr. Walker ever have any complaints, Ms. Peters asked him to come to her directly, and she will address any issues.

The board expressed their appreciation to the applicant for requesting a variance before she installed the fence.

Chairman Sisson explained that because the City of Germantown owns a triangular piece of land where Riverdale Road was previously aligned, this creates an odd shape for the property the Ms. Peters rents. Additionally, a TVA easement runs through a majority of the property, limiting what can be done on the remaining portion of the property. These reasons create a sufficient hardship according to the ordinance to grant one a variance.

Mr. Browndyke moved to approve a variance to allow a 48" high fence within the required front yard to exceed 30 inches in height at 1706 Riverdale Rd in the "R" Low-Density Residential zoning district, subject to the board's discussion, staff comments contained in the staff report, and the site plan submitted with the application, seconded by Ms. Hicks.

ROLL CALL: Mr. Harless – Yes, this is an unusually shaped property due to the fact that the city owns the former right-of-way to the road; Ms. Sherman – Yes, due to the exceptional circumstances; Ms. Hicks – Yes, for reasons stated; Mr. Browndyke – Yes, due to the exceptional layout of the property, TVA easements, and the fence line continuity; Chairman Sisson - Yes

MOTION PASSED

ADJOURNMENT

There being no further business, comments, or questions by the Commission, the Chairman adjourned the meeting at 6:17 p.m.