

BOARD OF ZONING APPEALS  
MUNICIPAL CENTER COUNCIL CHAMBERS  
Tuesday, June 13, 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 June 13, 2017.

1. Chairman Sisson called the meeting to order at 6:05 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; Mr. Uhlhorn; Alderman Gibson 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.

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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.

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3. Approval of Minutes from the April 11, 2017 Meeting

Mr. Harless moved to approve the Board of Zoning and Appeals minutes of April 11, 2017, as discussed; seconded by Ms. Hicks, with no further comments or discussions.

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

MOTION PASSED

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4. 9263 Glenda Road – Approval of a Variance to Allow a Carport to Encroach into the Required Front Yard Setback; a Gate within the Required Front Yard to Exceed 30 inches in Height; and an Additional Driveway and Increased Width of Principle Driveway in the Front Yard on a Corner Lot in the R-E District. (Case No. 17-713)



BACKGROUND:

DATE OF ANNEXATION: December 31, 1984 per Ordinance 1984-32.

DATE SUBDIVISION APPROVED: Forest Hill Estates, February 7, 1962.

DATE PRINCIPAL STRUCTURE APPROVED/BUILT: 1966 (demolished in 2016)

PREVIOUS VARIANCE REQUESTS: None.

DISCUSSION:

NATURE OF VARIANCES REQUESTED: The subject property is a corner lot in the “R-E” residential estate zoning district. The property’s “R-E” zoning district establishes a minimum front yard setback, extending 60’ behind the property line. The applicant intends to demolish the existing house and build a new residence, with the front of the house facing Scarlet Rd., and the garage and a separate porte cochere (carport) with the primary driveway and parking pad off of Glenda Rd. A portion of the porte cochere would encroach into the front yard setback facing Glenda Rd. Additionally in the front yard setback facing Glenda Rd., a portion of the driveway as wide as the garage (60’) would extend more than the allowable 20’ from the garage, in order to enable completely backing out of the driveway.

As part of the concept for the new residence, as well as the primary driveway and parking pad off of Glenda Rd., the proposal would include a secondary circular driveway in the front setback facing Scarlet Rd., which would be partially screened with a 30” high wall and 48” gates. (The 48” high gates would be in the front setback.)

SPECIFIC SECTIONS OF ZONING ORDINANCE: The applicant is requesting four variances, from various sections of the Zoning Ordinance.

1. The first variance request is for an attached, 18’ long porte cochere (carport) to extend 15’ into the front yard setback on Glenda Rd. Per §23-183(2)b, “... on corner lots there shall be a required front yard on each street, provided that the buildable width of a corner lot of record need not be reduced to less than 60 feet.” Similar in construction to an unenclosed, covered porch, the carport would be open on three sides. (Per §23- 183(1)d, an unenclosed, covered porch may extend into the front yard setback 10’.)
2. The second variance request is to allow 48” high gate posts and gates in the front yard setback, 25’ from the property line. Per §6-102(b), fences (which include gates) may not be over 30” in the front yard setback. Per §23-183(1)(a), the front yard setback is 60’. Due to the slope of the lot, the gate posts and gates would appear slightly sunken from street level. The proposed height of the wall around the property in the front yard setback is 30”, which is compliant.
3. The third variance is to allow a second, circular driveway in the front yard setback, facing Scarlet Rd., which does not lead to the garage. (The principal driveway leading to the garage is off of Glenda Rd.) Per §23-186(a), “off-street parking spaces required in the “R-E” district under this section shall be provided on the same lot, parcel or tract as the principal building, but not in any portion of the required front yard.” This second, circular driveway could be used as parking, although the majority of the secondary driveway would be screened behind gates (see variance 2).
4. The fourth variance from §23-88(a)(1), which requires that a driveway be no more than 18’ in width, except for 20’ in front of the garage or carport, then it may be the width of the garage or carport. The driveway in front of the proposed garage off of Glenda Rd. is approximately 60’ wide, and extends approximately 30’ in front of the garage. Thus, a variance of approximately 10’ in length (beyond the allowable 20’ in length from the face of the garage) is required for the 60’ wide portion of the primary driveway. (The applicant is proposing to add a parking pad no

greater than 300 s.f. onto the proposed driveway in the front yard setback, which he is permitted to do on a corner lot per § 23-88(a)(2). This is not included in the above calculation.) The impact of this extended width of driveway, as well as the parking pad, would be minimized with a landscape screening. (See site plan.)

**APPLICANT’S JUSTIFICATION:** The applicant is requesting all four variances based on the criteria of exceptional narrowness, shallowness, or exceptional topographic conditions. From Scarlet Rd. going west, the lot slopes down about 20 ft. The applicant states that redesigning the house to set it back further, thus eliminating the need for variance requests 1 and 4, is not feasible due to the slope of the lot.

The applicant has also provided information about other R-E properties in the surrounding area that have additional/circular driveways and gates over 30” in the front yard setback (variance requests 2 and 3). The applicant maintains that his proposal is in keeping with the character of the neighborhood. (See the map and photos attached.) The applicant has provided a supplemental explanation and reasoning for each variance request. (See attached.)

**STAFF COMMENTS:**

1. The applicant has provided a site plan illustrating the placement of the porte cochere (carport), 48” high gates and gate posts and both driveways.
2. Per the applicant’s research, numerous properties in the immediate vicinity have secondary, circular driveways. (See enclosed documentation.)
3. The City of Germantown Board of Zoning Appeals has granted variances for gates and gate posts to be over 30” in the front yard setback in this neighborhood.
  - a. In 2007, the BZA granted a variance to allow 6’ high gates at the street for 9200 Glenda Rd. (the house next door).
  - b. In 2008, the BZA granted a variance for allow 8’ high gates with 6’ walls, 25’ from the property line, at 2680 Johnson Rd. (1/10 mile from the subject property).
4. Per the covenants and restrictions placed on the plat for the Forest Hill Estates Subdivision, recorded in 1962, a private garage shall be for “no more than two cars and one servant’s room.” The proposed house would have a three-car garage (but no servant’s room). There are already numerous houses in this subdivision with three- and four-car garages. (The house next door, 2691 Scarlet Rd., has a 4-car garage.)
5. Additionally, the covenants state: “buildings, including porches and steps, shall be no closer to the street than the building lines shown hereon.” The proposed porte cochere would extend 15’ beyond the building line.
6. The recorded plat for this property shows a well and septic field. These shall be properly abandoned through Memphis/Shelby County Health Department, prior to any building permits.
7. Demolition permits for the existing house have already been filed with the City of Germantown and Memphis/Shelby County Office of Construction Code Enforcement, and the original house has been demolished and the former pool filled. A compaction test shall be required where the pool was filled in, if this has not already been completed.
8. If the variance request is granted, the applicant must first apply for grading/stormwater/tree plan permits through the City of Germantown’s Engineering Division, prior to applying for building permits through the Memphis/Shelby County Office of Construction Code Enforcement.

**PROPOSED MOTION 1:** To approve a variance to allow an 18’ long portion of the principal structure (unenclosed porte cochere) to encroach 15’ into the required front yard setback (facing Glenda Rd.) on a corner lot at 9263 Glenda Rd. in the “R-E” Residential Estate zoning district, subject to the board’s

discussion, staff comments contained in the staff report, and the site plan submitted with the application.

PROPOSED MOTION 2: To approve a variance to allow 48” high gates and 48” high gate posts within the required front yard setback (facing Scarlet Rd.) on a corner lot at 9263 Glenda Rd. in the “R-E” Residential Estate zoning district, subject to the board’s discussion, staff comments contained in the staff report, and the site plan submitted with the application.

PROPOSED MOTION 3: To approve a variance to allow an additional, secondary circular driveway in the front yard facing Scarlet Rd., on a corner lot at 9263 Glenda Rd. in the “R-E” Residential Estate zoning district, subject to the board’s discussion, staff comments contained in the staff report, and the site plan submitted with the application.

PROPOSED MOTION 4: To approve a variance to allow approximately 10’ in length (beyond the allowable 20’ in length from the face of the garage) of a 60’ wide driveway extension in front of the garage facing Glenda Rd. (screened by landscaping), on a corner lot at 9263 Glenda Rd. in the “R-E” Residential Estate zoning district, subject to the board’s discussion, staff comments contained in the staff report, and the site plan submitted with the application.

#### LETTERS FROM OPPOSITION

TO: Cameron Ross

FROM: Forest Hill Estates Neighborhood Association

DATE: June 12, 2017

RE: BZA 17-713 for 9263 Glenda Road

Several informal meetings of the Forest Hill Estates Neighborhood group took place over the weekend to review and discuss the application submitted by Henry Porter on behalf of Arsalan and Uzma Shirwany.

We want to be good neighbors but also to preserve the character of our Forest Hill Estates Subdivision. The Forest Hill Estates subdivision includes Glenda Road, Scarlet Road, and the west side of Johnson Road between Glenda Road and Scarlet Road. The Subdivision Covenant was recorded in Shelby County in February 1962 and is still active. This neighborhood has a much more rural feel than the adjoining subdivisions of Ingleside Farms and The Highlands.

Unfortunately, the application includes comparisons to and many pictures of properties that come from these adjoining subdivisions that give an incorrect impression of the subdivision. These properties are not relevant to the application and should be disregarded.

#### I. Page 3, APPLICANTS JUSTIFICATION, First Paragraph

"The applicant is requesting all four variances based on the criteria of exceptional narrowness, shallowness, or exceptional topographic conditions. From Scarlet Rd. going west, the lot slopes down about 20 ft. The applicant states that redesigning the house to set it back further, thus eliminating the need for variance requests 1 and 4, is not feasible due to the slope of the lot."

Comment: In this neighborhood, we all have had to deal with sloping lots and water drainage. We did this without variances. We all knew the size of our property and built houses that fit in the space that we had.

#### II. Page 3, APPLICANTS JUSTIFICATION, Second Paragraph

"The applicant has also provided information about other R-E properties in the surrounding area that have additional/circular driveways and gates over 30” in the front yard setback (variance requests 2 and 3). The applicant maintains that his proposal is in keeping with the character of the neighborhood. (See the map and photos attached.) The applicant has provided a supplemental explanation and reasoning for each variance request. (See attached.) “

Comments: The two homes which the applicant states are in the Forest Hill Estates subdivision and have gates over 30" are, in fact, not in the subdivision. One is the property at the end of Glenda Road (which is a dead end street). The property at 9200 Glenda Road has a driveway that connects through to Forest Hill Irene Road and crosses over a wide drainage waterway. The higher posts and gate were placed for safety to prevent drivers on Glenda Road from running into the drainage. The gates were placed to distinguish the entrance as a private property and not a public street to prevent drivers from cutting through the driveway to Forest Hill Irene. In fact, some of the internet maps still show this as a public roadway. The reason for granting this variance is obvious: it was a public safety issue and a private property issue. There is not a fence attached to the gate.

The second property does not have a gate at all. There are two posts on the sides of the driveway, one of which includes the mailbox.

The applicant intends to build a 30" fence for security "in keeping with the character of the neighborhood" when, in fact, none of the homes in this subdivision have fences in the front yard as proposed. This is not a variance issue; it is only mentioned to point out that some elements of the proposed structure are not in character of the neighborhood as stated in the application. A 30" fence will provide very little security but will provide very much disruption to the character of the subdivision. The perimeter fence will also make it difficult for city maintenance crews to service several public power lines and transformers.

III. Page 3, STAFF COMMENTS, Item 2.

"2. Per the applicant's research, numerous properties in the immediate vicinity have secondary, circular driveways. (See enclosed documentation.) "

Comment: One of the existing homes in the Forest Hill Estates Subdivision has three driveways. Only one home in the adjacent, but not relevant Ingleside Farms Subdivision, has 3 driveways. There are two other corner lots in the subdivision with new houses. The house on the corner of Johnson and Glenda has a single driveway that splits and passes to the front of the house (Johnson Road side) with a loop circular drive. The other path of the same entrance driveway goes to the garage that faces the back of the lot. The second home has a semicircular driveway that cuts from Scarlet Road to Johnson Road.

IV. Page 3, STAFF COMMENTS, Item 3a.

"3. The City of Germantown Board of Zoning Appeals has granted variances for gates and gateposts to be over 30" in the front yard setback in this neighborhood.

A. In 2007, the BZA granted a variance to allow 6' high gates at the street for 9200 Glenda Rd. (the house next door)."

Comment: This is the property at the dead end of Glenda Road mentioned above. It is not in the Forest Hill Estates subdivision. This variance related to a public safety issue because the owner's driveway went over a wide drainage ditch. In addition, the gate was needed to prevent drivers from cutting through the private driveway to get to Forest Hill Irene Road.

V. Page 3, STAFF COMMENTS, Item 3b.

"b. In 2008, the BZA granted a variance for allow 8' high gates with 6' walls, 25' from the property line, at 2680 Johnson Rd. (1/10 mile from the subject property). "

Comment: This property is not in Forest Hill Estates Subdivision but is located on the East side of Johnson Road in a different subdivision and should not be used as an example to characterize the neighborhood.

VI. Page 3, STAFF COMMENTS, Item 4.

"4. Per the covenants and restrictions placed on the plat for the Forest Hill Estates Subdivision, recorded in 1962, a private garage shall be for "no more than two cars and one servant's room." The proposed house would have a three-car garage (but no servant's room). There are already numerous houses in this

subdivision with three- and four-car garages. (The house next door, 2691 Scarlet Rd., has a 4-car garage.)

Comment: There are indeed new and old houses in the Forest Hill Estates Subdivision with 3 and 4 car garages. The 4 car garages are in two separate structures of 2-car garages each. There are some contiguous three-car garages, but they are divided by a wall to resemble a second room. Contrary to the proposed structure, the overwhelming majority of the garages are entered from the side, so that from the street the entry to the garage is not seen. In the only exceptions, the garages are set over 125 feet back from the street. In the proposed application, the garage is pushed up to edge of the 60 foot restricted line, and the extended garage pad (requiring a variance) extends out 30 feet towards the street. It would seem much easier for the architect to extend a narrow driveway around to the west and/or south side of the property, where there is plenty of room, and access the garage from the west or south side. The advantage would be to avoid the need for additional landscape screening and to present more of a “house view” rather than a “garage view “ to the street.

VII. Page 3, STAFF COMMENTS, Item 5.

"5. Additionally, the covenants state: “buildings, including porches and steps, shall be no closer to the street than the building lines shown hereon.” The proposed porte cochere would extend 15’ beyond the building line. “

Comment: This is correct. The variance for this structure is 15 feet beyond the building line. The Forest Hill Estates Covenant does not provide any provisions for variance outside the building line. With almost two acres of property, and much empty space on the west end of the lot, there are many alternatives for the architect to avoid this variance.

## VIII. SUMMARY AND PROPOSED SOLUTIONS

1. Eliminate the 30” fence around the periphery.

This fence will provide little or no security.  
It will interfere with city access to public utilities.  
It is out of character with the subdivision.  
It will not satisfy pool fence requirements.

2. Modify the garage to have a west or south entry.

Modify the garage to appear as a part of the house.  
Rotate it to have a west or south entry point.  
The street side should have a ‘house’ appearance.

3. Allow the 3-car garage.

Make a dividing wall similar to other properties.  
We would support an allowance for a 3-car garage.

4. Allow maximum of two driveways.

Consider a single semicircle from Glenda to Scarlet.  
Possibly a single entry with one path to the front with a circular driveway and a second path to the back garage.  
Reduce the amount of concrete to reduce water run-off.  
Will require variance approval from one driveway restriction.

5. Allow 48’ gateposts

Place gateposts at the street or at the 60-foot setback.

These could be placed on each side of both driveways.  
This is consistent with other homes in the subdivision.  
Fences and gates over 30" are not allowed in the setback.

6. Off-street parking must follow the ordinance for corner lots.

Corner lots by definition contain two fronts.  
'Primary' and 'secondary' driveway designations do not alter the rules about off-street parking at the front.

Parking pads are not for permanent parking.  
The secondary circular driveway should not be used for parking.

7. Eliminate the circular drive and porte cochere on the north side.

These violate the 60-foot build line and are not allowed.  
Extend the driveway for a west or south garage entry to avoid getting wet in the rain.  
Eliminate the proposed landscape screening.  
The applicant states "the presence of large concrete surfaces can be an eyesore and give the appearance of a parking lot". We agree and suggest reduction of concrete.  
This proposal adds three large concrete pads with street exposure, which would indeed be an eyesore and should be easily reduced.

8. Add a wrought iron fence to the back lot

Pool safety regulations require a 4-6 foot pool enclosure.  
Open wrought iron fence will preserve outdoor living view.  
Extend fence from SW corner of house around to NW corner of house.  
Provides additional desired security.

Teresa D. Holimon, Pharm.D, MS Epidemiology, BCPS  
2691 Scarlet Rd, Germantown 38139; Forest Hill Estates Neighborhood

06.12.2017

Cameron Ross, AICP LEED AP  
Director; Department of Economic + Community Development;  
City of Germantown, TN

Dear Mr. Brown,

Regarding: BZA 17-713, 9263 Glenda Rd for Tuesday June 13 Zoning Board Meeting  
Neighbors want a nice build and a solid relationship with future neighbors but we are puzzled about these variance requests. I am hoping that our Zoning Board can reasonably resolve issues in this application. It appears the owners may have bought the wrong lot for their build. We could all draw a plan that would not fit on any given lot even this two-acre rectangular lot. The rationale does not rise to "exceptional" for this near two-acre rectangular corner lot. Larger lots are available in Glen Echo subdivision. Is it the intent of variances for someone to buy a large lot and then design a house that does not fit? Sorta like "ask for forgiveness after the fact"? We are protected by Neighborhood Covenants which we do not plan to delete. We already have large 7000-8000 heated square feet homes built on lots 64% to 75% of this size; no variances were allowed for such. These same homes and lots retain the neighborhood feel with

open lawns and most have beautiful open metal fencing that aligns with front or back of home as per code.

Our highest concerns and requested action:

1. Our neighborhood is incorrectly stated in the application and almost all the submitted pictures are not our neighborhood. We are Forest Hill Estates that includes most of Glenda all Scarlet Rd and the odd street numbers (West Side) of Johnson Rd only between Glenda and Scarlet. An additional exception is on Glenda. The large 5 plus acres with 9200 Glenda address was never added to our covenants. This land was once part of Forest Hill Irene acreage until straight line winds destroyed all those trees and the owners then built decades after establishment of our neighborhood and Covenant. This out of norm 5 plus acres of 9200 Glenda should not be used for any variance justification. This gate was put up to define the end of Glenda as their home was built so far back. This gate helps to also prevent extra traffic for other Glenda Rd neighbors. Regarding Johnson Rd, the East side of Johnson Rd is not under our Covenant nor has it been included in operations for our neighborhood. Consequently, the 2680 Johnson Rd example is also not relevant in the variance request application.
  - Action: Remove all the pictures in the application that are not of our unique neighborhood.
2. We still have a legal covenant as the applicant helped us to remember. The Covenant states minimum builds from the streets. The Covenant should hold precedence over any City decisions.
  - Action: Changes to the Set-backs should not be approved as legal Covenant should override City.
3. Regarding City Code, it appears none of the variance requests reaches “exceptional”; there is even a concern that a 30” fence around three open sides of lot provides little security but does impede utilities from obtaining access to the transformer servicing their lot. Emergency vehicles could also easily have difficulty entering their property with closed gates and multiple entrances; at a minimum there would be confusion on entry with so many entry choices. Additionally, regardless of a 30” fence, yet ANOTHER minimum 4’ fence must still be built around the proposed pool per code. The 30” fence is just going to look “weird” since it takes away from our unique neighborhood (country in the city type feel). I suspect whomever came up with this 30” fence is only thinking about keeping utility vehicles off their property at the expense of our neighborhood.
  - Action: The 30” fence (even though not technically against code) and permanent gates in front lawns not in alignment with front of home as per code, should go! If owner wants 4’ post sticking up in the front lawn for some reason to define their drive, perhaps not a big deal but no permanent gates. Parking is not allowed in front yards at night so gates add nothing for security nor should it be hiding any cars at night. Consequently, the gate does not protect the appearance of our neighborhood but does increase danger and reduce emergency vehicle access.
4. It neither looks good nor is it the best security to enter your garage from the street, particularly since this is a large lot. We are not the designers of course, but several neighbors have provided ideas. Several of our ideas help this owner focus on neighborhood appearance and their security which are cited numerous times in the application.
  - Action: Suggest garage entry be within their own courtyard; there is room to design such off Glenda further West. You can also carry the Scarlet Rd (one street entrance only) and connect it to the Glenda Rd entrance.
5. Too much concrete/solid surface is allotted for auto entrances, parking pads and three entrances. This is out of character with the neighborhood and certainly not a “green build”. It is a shame to have a new build that will create such large quantities of extra water and chemical run-off. At least owners should consider the absorbable concrete that the City of Lakeland has used.



Multiple entrances create safety hazards for other cars and pedestrians and easily be confusing with emergency vehicles.

- Action: Have no more than two street entrances; they could still have an entrance off Glenda and one off Scarlet. The entrance off Scarlet could still have a circle entrance that exits thru the same street entrance (refer to new large build at Scarlet/Johnson that is for sale.

Addendum to Holimon Letter  
SPECIFIC DETAILS by PAGE of the APPLICATION

Major and Overriding Point Made by Applicant: Almost 100% of homes referenced by Applicant are NOT in our neighborhood. Our Forest Hill Estates Neighborhood is historical and well documented in a still valid Covenant (typed up from original for improved readability; it is available along with Plats). Our neighborhood includes Scarlet, Glenda and only the odd numbers (West side) of Johnson Rd between Glenda and Scarlet Rd. Additionally and interesting, is that the out of norm large 5.2 acre 9200 Glenda address is not under our Neighborhood Covenant; that property was considered Forest Hill Irene associated acreage. One area of the current Covenant as outlined by the Applicant are garages. Since most folks have more than 2 parking garage spaces I feel comfortable the owners will want that changed. This existing Covenant includes restrictions as to placement of homes that I suspect most owners will want to retain. This placement requirement further adds a level of protection along with City code for RE zoning.

The feel of our official neighborhood that was defined by 1962 Covenant and as accepted when annexed by the City in 1980's or early 1990's is one of open front lawns and generally open back lawns. Even the larger builds in last 10 years or so include open nice metal fences which start at Front Structure of the home as per City Code and blend in nicely with existing Ranch Style homes.

For this current request, there are almost 2 acres on a rectangular corner lot but with multiple variance requests. We anticipate the architect probably has provided the owner with an additional drawing that does not require a variance. Our largest homes (eg 7000- 8000 heated feet) are placed on lots of 64% to 75% of that available for this current build request. Two of these very large homes also have a pool with elaborate outside landscaping. One of our neighbors has a design for entering from the Glenda side which improves both appearance and security.

Even Builder Eric Tabor was prevented from changing code on his new very large builds in our neighborhood (2 on Glenda and 1 at corner of Scarlet/Johnson Rd) because of the annexation using our 1962 plats.

Reasons and rationale from the Applicant which are interesting but really??  
Rationale does not meet "exceptional" unless I am crazy.

Page 3 Application: Most lots on Scarlet slope either to or away from the street; nothing out of norm for this lot. Applicant has Not shown adequate pictures of lots in our neighborhood as we have operated for decades. There is nothing about a 30" fence that keeps in character; it could, however, make life difficult for MLGW to work on the transformer which face their own property. The pictures provided are not in our Covenant bound neighborhood.

Staff Comments on Page 3:

1. Hopefully, picture available at meeting better.
2. The pictures shown are not in our Covenant defined neighborhood but some are close by.
3. Neither of the two properties stated (9200 Glenda nor the 2680 Johnson) are in our defined neighborhood.

4. Regarding garages, most neighbors have more than two garage spaces. The applicant has drawn our legal covenant to our attention and we will have a meeting shortly to review and vote on a change in the garage verbiage.

5. Yes, Our Covenant along with the City (2 entities) set restrictions on the build layout connection to our streets. So, it stands to reason that Applicant must obtain majority approval both from all Covenant bound land owners as well as meet “exceptional” from Board? But, per Covenant, this would not be allowed for an individual owner; that restriction would have to be eliminated and I suspect that is unlikely to occur.

8. Great; it could be a challenge to manage what the applicant already alludes to as slope and water flow. A very large amount of solid surface is being added to this lot. Hopefully, the builder plans to use something like the absorbable concrete that the City of Lakeland used to manage water drainage; it appears to work great. We do expect that the water flow does stay on this lot and not run into neighboring lots or unnecessarily the streets. Pre-emptive topo survey is already completed by adjacent neighbor as a baseline PRIOR to the demolition as that is the starting point and not after dirt was moved around during the demolition and ground move.

o Official Application Form:

Page 11 of Application Packet: Condition of Property. Yes, it is a corner lot and was the same when bought. Otherwise, it is a standard rectangular near 2-acre lot. Almost all lots on Scarlet slope significantly both into or away from the street. Perhaps owners bought the wrong lot.

Page 12 of Application Packet: We all have or will have elderly parents and none of us necessarily want to be out in “bad weather”. For appearances in the neighborhood, one neighbor came up with a better layout on Glenda. Why not use the West side to drive into your courtyard and enter your parking garages in private and not where folks could see you or do a surprise attack since security is cited in application? No one can honestly think a 30” fence provides security. One can also have Glenda entrance looped around to Scarlet Rd entrance. Scarlet Rd entrance could have a “grand loop drive” within their front lawn but one street exit. It is too dangerous for other cars, bicyclists and pedestrians to have so many entrances off one home.

Page 14 and 15 of Application Packet: Gates and 30” fence: Many of us leave and re-enter our properties regularly at night. You are not allowed to have overnight cars on the driveway in Front Yard so unclear why the 4’ gates would be needed or closed for any security concerns. One cannot believe a 30” high fence actually provides security. The main thing a 30” fence does running on all three sides along with the 4’ gates, is to detour MLGW from

gaining truck access on their property to repair their own lines or detour emergency vehicles which the applicant alludes to in support of another odd issue. MLGW will be forced to enter thru adjacent property going about 100' where there are NO lines. However, MLGW states they are prohibited from working over that same 100' area as this adjacent property is the one containing ATT and Cable lines. This 9263 Glenda lot must allow MLGW access to the Transformer Facing their own property. The placement of the 30" fence is also very strange for their West side in relation to easements so I think the drawing may need to be revamped? That long 30" fence is may look silly for the near 400' run on Glenda but their fence? Of course, we fully expect that later, a 6' fence would be placed on the East side which further blocks MLGW off their own lot but placing responsibility onto their neighbors. As previously stated the reference to other properties regarding gates are not to homes in our Covenant defined neighborhood. There is one exception and that is a "temporary gate" put up as a last-ditch solution to a Contractor issue the City was unable to manage for that owner. The 9263 owners were made aware of such and the rationale for this exception in a neighborly visit in 2016 before the demolition on their property. There are no front fences placed on lots in our neighborhood.

Page 16 of Application Packet items d, e, f: Circular drive with an additional entrance making a total of three not needed to protect guests "wearing "heels". The drive could enter from Glenda and Exit off Scarlet. Citing item f; Gates and fences can prevent emergency vehicles as well as MLGW from access to their property. Again, regarding Glenda, the owners may best be served by entering garage parking within their courtyard as per other neighbors with very large homes. Plenty of space to enter off Glenda and go thru or around garages for entry. This can also help to drop off the elderly parents from bad weather! By the way probably 50-100 women "wearing heels" were happy to trek about 600' or more to a huge grand wedding from Glenda and Scarlet rds. to the 5 acre 9200 Glenda location a couple years back!

Page 17 of Application Packet: Item c: this out of norm 5 plus acre land at 9200 Glenda is not part of our Covenant protected neighborhood. It was originally part of acreage with entrance off Forest Hill Irene Rd until straight line winds literally destroyed all that small forest. This gate was put up to define the end of Glenda rd. Entrance off Glenda will minimally impact Neighbors if the owners redesign and enter garage space within their own courtyard. Thus, they leave "safely" driving directly into Glenda. This creates a more secure layout for the owners entering and leaving as well as other cars, bicyclists and pedestrians. Security is referenced several times in the application.

Page 18 of Application Packet: So, are visitors or elderly parents entering the Porte Cohere per that variance request or off the circular drive with another two entrance from the Scarlet Rd variance request; cited both places for same rationale? The entrance can start at Glenda and exit onto Scarlet in a loop around. Item 3: Again, the large out of norm 5 plus acres of 9200 Glenda address with the tall gates to block off the street of Glenda, is not part of our Covenant protected neighborhood. As a side note since outside road appeal is mentioned several times by the applicant in their rationale, what is the House Elevation at various points facing Glenda and then Scarlet? What is style of

home? Where is the Glenda Rd entrance in relation to the existing driveways of homes directly opposite it on Glenda, particularly the 9274 Glenda drive? I am unsure if a 3 sided long running short 30" fence will be very attractive; it certainly adds little to security but does detour access by utility companies and emergency vehicles along with the two 4' permanent gates in the front yard.

Regards,

The Holimons (Wayne and Teresa)

WITHDRAWN BY APPLICANT

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5. New Business:

Alderman Gibson invited everyone to join her at the Municipal Park directly following the Board of Zoning Appeals meeting for Grooving and Grilling.

Mr. Uhlhorn announced that the last day to vote IN the general election for the District 95 seat is Thursday, June 14, 2017.

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ADJOURNMENT

There being no further business, comments, or questions by the Commission, the Chairman adjourned the meeting at 6:56 p.m.