

BOARD OF ZONING APPEALS  
CITY HALL COUNCIL CHAMBERS  
Tuesday, April 10, 2018  
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 April 10, 2018.

1. Chairman Sisson called the meeting to order at 6:00 p.m. and announced, 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 of an affirmative nature when the motion is made. Each applicant has the opportunity to withdraw the application up until the time a motion is made. There are limitations as to when an applicant can reapply for the same request once the motion fails.

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, Chairman; Mr. Hunter Browndyke, Vice Chairman; Mr. Mike Harless; Ms. Jodie Bowden; Mr. Frank Uhlhorn, Ms. Rhea Clift, and Alderman Mary Ann Gibson

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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3. Approval of Minutes from the March 13, 2018 Meeting.

Mr. Harless moved to approve the Board of Zoning and Appeals minutes of March 13, 2018, as discussed; seconded by Ms. Bowden, with no further comments or discussions.

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

MOTION PASSED

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4. Reconsideration of Harvest Church Parking Lot Expansion - 3645 Forest Hill-Irene Rd – Harvest Church – Approval of a Use on Appeal to Allow an Increase in an Accessory Use (Parking Lot) to an Existing Church in the R District. (Case No. 15-560).

INTRODUCTION:

The Board of Zoning Appeals, at its March 13, 2018 meeting, rejected a Use on Appeal application for the expansion of the parking lot for Harvest Church. (Since the Use on Appeal was rejected, the variance request for that specific project was not considered.) The BZA is now being asked to waive the rules of reapplication and to permit the reconsideration of the Use on Appeal application at the next regularly scheduled Board meeting. This request is pursuant to Article V.5 of the BZA's Rules and Procedures, which states, "No reapplication for the same request which relates to all of the same property involved in a former case shall be accepted by the Board or staff within six (6) months of the decision of the Board on the former application unless the Board, at a regular or special meeting, by the affirmative vote of at least four (4) members, waives this rule subsequent to a written petition filed by the applicant." The applicant

Board of Zoning Appeal

March 13, 2018

Page | 2

has submitted a letter explaining why the Board should waive the rules to rehear their application, which is attached to the staff report.

If the Board votes in the affirmative to reconsider this item, then the application will be placed on the May 8, 2018 meeting agenda, and public notice will be posted and mailed as required by the Zoning Ordinance.

PROPOSED MOTION: To waive the rules of reapplication and approve reconsideration of an application for a Use on Appeal to allow an increase in an accessory use (parking lot) for Harvest Church at 3645 Forest Hill Irene Rd., subject to the Board's discussion.



March 21, 2018

Ms. Shelia Pounder, Planning Manager  
Department of Economic & Community Development  
City of Germantown  
1920 S. Germantown Road  
Germantown, Tennessee 38138

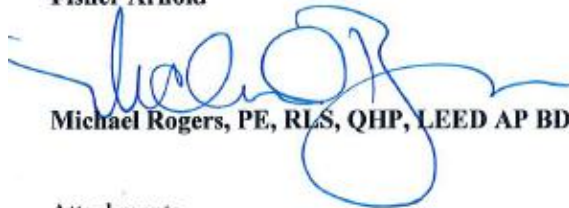
**RE: Harvest Church – Parking Lot Expansion  
Board of Zoning Appeals  
Use on Appeal Application**

Dear Shelia:

On behalf of Harvest Church of Memphis, we would like to request the Board of Zoning Appeals to reconsider our request for approval of a Use on Appeal. After further conversations with City staff, we feel we have modified the proposed parking expansion in a way that can be supported by the City. We would request that the six (6) month waiting period be waived and this new request be reconsidered by the Board of Zoning Appeals in May.

If you have any questions, please let us know. We look forward in continuing to work with staff on this proposed parking expansion. If you have any questions or need additional information, please let us know.

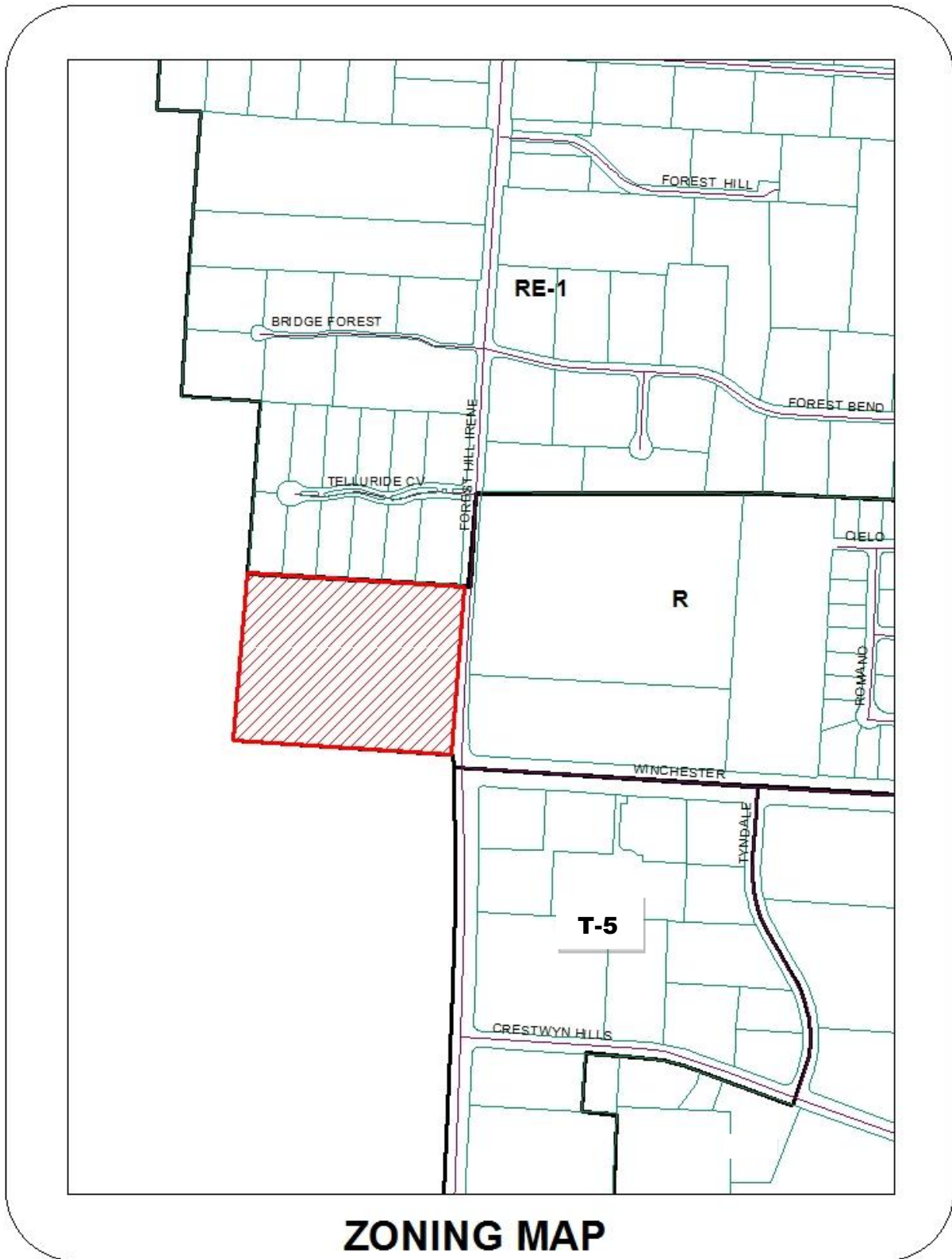
Sincerely,  
**Fisher Arnold**



**Michael Rogers, PE, RLS, QHP, LEED AP BD+C, CPESC**

Attachments

Cc: Mr. Bill Garner, Harvest Church  
Mr. Spence Ray, McNeil Investments



### AERIAL PHOTO



#### BOARD DISCUSSION:

Chairman Sisson explained to the board that a letter had been received from Harvest Church, who had appeared in front of this Board last month, requesting this Board waive the six-month waiting period for reapplication. If the Board approves this request, then Harvest Church will appear before them next month with a new application. At this time, there is not an application before them, just a request to waive the rule of the 6-month waiting period for reapplication.

Mr. Harless explained when the Board voted a month ago, there was some misunderstanding on his part and he made a mistake. He thought the Board was voting to prevent the parking lot expansion from being located in the front setback, when in fact the Use on Appeal was only to allow the Church to change the footprint that they had for the parking. (The variance request, which was not then considered, was to allow the parking in the front setback.) He didn't realize that his vote would deny the entire Use on Appeal request. Because of the cloudiness of the situation and his confusion, he made a motion. Mr. Harless expressed his apology for this project being delayed another two months, due to his misunderstanding of the original request and the process.

Mr. Harless made a motion to allow their request to be heard again in the month of May, waiving the rule of the 6-month waiting period for reapplication, seconded by Mr. Uhlhorn.

Alderman Gibson explained that due to a death in her family she was not able to attend last month's meeting, so she appreciated this motion and felt it was the right decision.

Board of Zoning Appeal

March 13, 2018

Page | 6

ROLL CALL: Ms. Cliff – No; Ms. Bowden – Yes; Mr. Harless – Yes; Mr. Browndyke – Yes; Mr. Uhlhorn – Yes; Alderman Gibson – Yes; Chairman Sisson - Yes

MOTION PASSED

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ADJOURNMENT

There being no further business, comments, or questions by the Commission, the Chairman adjourned the meeting at 6:06 p.m.