

CITY OF GERMANTOWN  
BOARD OF ZONING APPEALS  
VIDEO CONFERENCE  
Tuesday, December 8, 2020  
6:00 p.m.

1. Call to Order: Chairman Jennifer Sisson called the meeting to order at 6:00 p.m.
2. Roll Call and Establishment of a Quorum: Regina Gibson called the roll and established a quorum.

Members Present: Chairman Jennifer Sisson; Vice Chairman Rhea Clift; Alderman Mary Anne Gibson; Greg Hurley; Frank Uhlhorn; Jodie Bowden; and Mike Harless

Staff Present: Cameron Ross, Economic and Community Development Director; Sheila Pounder, Planning Division Manager; Sarah Goralewski, Senior Planner; Joseph Nunes, Neighborhood Services Division Manager; Regina Gibson, Administrative Assistant; and Alan Strain, Assistant City Attorney.

3. Establishment of Necessity to Conduct Board of Zoning Appeals Electronically

Greg Hurley moved to approve the establishment of necessity to conduct the Board of Zoning Appeals electronically, seconded by Mike Harless

ROLL CALL:

Harless – Yes  
Uhlhorn – Yes  
Hurley – Yes  
Clift – Yes  
Bowden – Yes  
Gibson – Yes  
Sisson - Yes

**MOTION PASSED 7-0-0**

4. Approval of the Minutes

Mr. Harless moved to approve the Board of Zoning and Appeals minutes of July 14, 2020, seconded by Frank Uhlhorn

ROLL CALL:

Bowden – Yes  
Clift – Yes  
Uhlhorn – Yes  
Hurley – Yes  
Harless – Yes  
Gibson – Yes  
Sisson - Yes

**MOTION PASSED 7-0-0**

During Executive Session, Chairman Sisson requested the originally published agenda items be reordered, as reflected below.

5. **Case Number :**                   **20-019**

Case Name: Germantown Hardware  
Location: 2083 S. Germantown Rd.  
Property Owner/Applicant: John Wagner  
Representative: ETI – Anita Archambeau, Agent  
Request: Approval of 2 Variances to Allow: 1) a Parking Reduction and 2) Parking Expansion to Encroach into the First 20 Feet adjacent to the Public Right-of-Way in the T5 Urban Center Zoning District (Originally Developed Under the Pre-existing C-2 General Commercial Zoning Regulations)

\*Refer to complete application, plans and staff report on file.

Sheila Pounder made a staff presentation.

The applicant's agent, Anita Archambeau, with ETI, 1755 Lynnfield Rd, Ste 100, Memphis, TN 38119, made a presentation.

The Board asked questions of the applicant and staff.

The public hearing was opened. There were no public comments for or against this item. The public hearing was closed.

**MOTION 1:**

Jodie Bowden moved to approve a variance for a further parking reduction (27 spaces), resulting in 104 parking spaces, for Lot 1 of the Schaeffer Subdivision – Section C (2083 S. Germantown Rd.), in the T5 Urban Center Zoning District (Utilizing the Pre-existing C-2 General Commercial Zoning Regulations), subject to the Board's discussion, staff comments and the site plan submitted with the application, seconded by Frank Uhlhorn

**ROLL CALL:**

Clift – Yes, due to the exceptional shape of this property, making it very difficult to remodel and update. Since the pool company has moved, no other businesses will be affected by this parking reduction.

Uhlhorn – Yes, as previously stated

Bowden – Yes, as previously stated. By reducing the number of parking spaces and adding a landscape buffer, the property will be made more appealing for the residents.

Hurley – No, there is nothing unique that makes this piece of property worthy of a variance. There is no hardship, or anything to deny reasonable use of the property.

Harless – Yes, Germantown Hardware is upgrading the property after many years in Germantown. They are within the code requirement for parking, if one were to consider only the useable area of the building in order to calculate parking.

Gibson – Yes, as previously stated

Sisson – Yes, as previously stated

**MOTION PASSED 6-1-0**

**MOTION 2:**

Alderman Gibson moved to approve a variance to allow the required parking to encroach into the first 20 feet adjacent to the public right-of-way, for Lot 1 of the Schaeffer Subdivision – Section C (2083 S. Germantown Rd.), in the T5 Urban Center Zoning District (Utilizing the Pre-existing C-2 General

Commercial Zoning Regulations), subject to the Board’s discussion, staff comments and the site plan submitted with the application, seconded by Greg Hurley

**ROLL CALL:**

Harless – Yes, as previously stated  
Hurley – No, as previously stated  
Uhlhorn – Yes, as previously stated  
Clift – Yes, as previously stated  
Bowden – Yes, as previously stated  
Gibson – Yes, as previously stated  
Sisson – Yes, as previously stated

**MOTION PASSED 6-1-0**

6. **Case Number :** **20-020**  
**Case Name:** Chick-Fil-A  
**Location:** 1230 S. Germantown Rd.  
**Property Owner/Applicant:** Chick-Fil-A – Susannah Frost, EVP, Restaurant Development  
**Representative:** InterPlan LLC – Nancy Carreras, Agent  
**Request:** Approval of a Variance to Allow an Accessory Building to be Setback Less than 15 Feet from the Rear Property Line in the “SC-1” Shopping Center Zoning District

\*Refer to complete application, plans and staff report on file.

Sarah Goralewski made a staff presentation.

The applicant’s agent, Sean Hickman, with InterPlan LLC, 604 Courtland St, Ste 100, Orlando, FL 32804 made a presentation.

The Board asked questions of the applicant and staff.

The public hearing was opened. There were no public comments for or against this item. The public hearing was closed.

**MOTION:**

Greg Hurley moved to approve a variance to allow an accessory building to be setback less than 15 ft. from the rear property line for Chick-Fil-A (1230 S. Germantown Rd.), in the “SC-1” Shopping Center zoning district, subject to the Board’s discussion, staff comments and the site plan submitted with the application, seconded by Vice Chairman Rhea Clift

**ROLL CALL:**

Clift – Yes, since there is a buffer between the proposed accessory building, and the parking and building on the neighboring property. There will be no change to parking circulation.  
Gibson - Yes, as previously stated  
Hurley – Yes, as previously stated  
Bowden – Yes, as previously stated  
Uhlhorn – Yes  
Harless – Yes, without this additional building in the proposed location, a hardship would be created for the applicant.  
Sisson – Yes, as previously stated

**MOTION PASSED 7-0-0**

Chairman Sisson recused herself from the next agenda item and turned the meeting over to Vice Chairman Rhea Clift.

7. **Case Number :** **20-018**  
Case Name: Houston Middle School  
Location: 9400 Wolf River Blvd.  
Property Owner/Applicant: Germantown Municipal School District (GMSD) – Jason Manuel, Superintendent  
Representative: A2H – David Smith, Agent  
Request: Approval of a Use on Appeal for a Building Expansion to an Existing Public Middle School in the “R” Low-Density Single-Family Residential Zoning District

\*Refer to complete application, plans and staff report on file.

Sarah Goralewski made a staff presentation.

The applicant’s agent, David Smith, with A2H, 1316 Riverwind CV, Germantown, TN 38138 and Jason Manuel, Superintendent, Germantown Municipal School District, made a presentation.

The Board asked questions of the applicant and staff.

The public hearing was opened. The following residents submitted emails/letters of opposition, which were read into the record:

Barak Babcock, 1887 Johnson Rd.  
Grove Park Neighborhood HOA  
Mike & Nina Piertrangelo, 1821 Johnson Rd.  
Kevin & Shannon Reed, 1867 Johnson Rd.  
John & Tina Selberg, 1879 Johnson Rd.  
Michelle Taylor, 1905 Groveway Dr.

\*\*All emails/letters are public record and are included in the official case file.

The public hearing was closed.

**MOTION:**

Greg Hurley moved to approve a Use on Appeal for a 44,430 s.f. building expansion to an existing public middle school at Houston Middle School (9400 Wolf River Blvd.), subject to the Board’s discussion, staff comments and the site plan submitted with the application, seconded by Jodie Bowden

**ROLL CALL:**

Uhlhorn – Yes

Hurley – Yes, the applicant had addressed all concerns.

Bowden – Yes, this project is long overdue. She feels confident that the applicant will work with residents and other city commissions to satisfy all those concerned.

Harless – Yes. He encourages the applicant to reach out the Grove Park Neighborhood and the surrounding neighbors to make sure they understand the scope of the project. Also agrees with staff's recommendation that the building expansion's overall height be reduced to 35 feet, to comply with the zoning regulations.

Gibson – Yes, as for reasons previously stated

Clift – Yes, for reasons previously stated

**MOTION PASSED 7-0-0**

8. Old Business

Vice Chairman Clift asked if there was any old business. There was none.

9. New Business

Vice Chairman Clift asked if there was any new business. There was none.

10. Adjournment

There being no further business, comments, or questions by the Commission, Vice Chairman Clift adjourned the meeting at 7:55 p.m.

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Ms. Jennifer Sisson, Chairman and Ms. Rhea Clift, Vice Chairman  
Board of Zoning Appeals

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