

CITY OF GERMANTOWN
BOARD OF ZONING APPEALS
VIDEO CONFERENCE
Tuesday, April 13, 2021
6:00 p.m.

1. Call to Order: Chairman Jodie Bowden 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 Jodie Bowden; Vice Chairman Frank Uhlhorn; Vice Mayor Mary Anne Gibson; Greg Hurley; Laura Meanwell; Rick Towne; 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; Bo Mills, Public Works Director; Regina Gibson, Administrative Assistant; and Alan Strain, Assistant City Attorney.

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

Vice Chairman Frank Uhlhorn moved to approve the establishment of necessity to conduct the Board of Zoning Appeals electronically, seconded by Mike Harless.

ROLL CALL:

Meanwell – Yes
Hurley – Yes
Uhlhorn – Yes
Towne – Yes
Harless – Yes
Gibson – Yes
Bowden - Yes

MOTION PASSED 7-0-0

4. Approval of the Minutes

Rick Towne moved to approve the Board of Zoning and Appeals minutes of February 9, 2021, seconded by Laura Meanwell.

ROLL CALL:

Harless – Yes
Hurley – Yes
Uhlhorn – Yes
Towne – Yes
Meanwell – Yes
Gibson – Yes
Bowden - Yes

MOTION PASSED 7-0-0

5. Case Number/Project Name: (21-008) New Water Tower
Location: East of Forest Hill-Irene Rd., south of the Poplar Pike
Property Owner: City of Germantown
Applicant/Representative: A2H – David Smith, Agent
Request: Approval of a Use on Appeal for a New Water Tower and Variances to Allow: 1) Two Accessory Structures without a Principal Building; 2) Fence Height of 8’ in all yards; 3) Driveway Apron Wider than 24’; 4) Water Tank Location Not at a Distance Equal to Height Plus 10’ from Property Line; 5) Site (Use) Not on a Major or Collector Street; 6) Waiver of Landscape Buffer Areas and Planting Screens; 7) Required Parking 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 representative, David Smith, A2H, Inc. 3009 Davies Plantation Rd., Lakeland, TN 38002 and Bo Mills, Public Works Director for the City of Germantown made a presentation.

The Board asked questions of the applicant and staff.

The public hearing was opened.

There were no public comments received for or against on this item.

Chairman Jodie Bowden closed the public hearing and called for a motion.

MOTION 1:

Greg Hurley moved to approve a Use on Appeal for a new water tower located east of Forest Hill-Irene Rd. and south of the Poplar Pike, subject to the Board’s discussion, staff comments and the site plan submitted with the application, seconded by Mike Harless.

ROLL CALL:

Uhlhorn – Yes, safety reasons.

Harless – Yes, safety reason.

Towne – Yes, safety reasons and improvements to the city’s water system.

Hurley – Yes, as previously commented by other board members.

Meanwell – Yes, as previously commented by other board members.

Gibson – Yes, as previously commented by other board members.

Bowden – Yes, no adverse effects, and it is needed by our community for safety reasons.

MOTION PASSED 7-0-0

MOTION 2:

Vice Chairman Frank Uhlhorn moved to approve a variance from Sec. 23-236(5) to allow two accessory buildings without a principal building for a new water tower located east of Forest Hill-Irene Rd. and south of the Poplar Pike, subject to the Board’s discussion, staff comments and the site plan submitted with the application, seconded by Laura Meanwell.

ROLL CALL:

Harless – Yes, structure is needed for completion of the project and makes logical sense.
Hurly – Yes, due to the unique aspects of the application.
Uhlhorn – Yes, safety reasons.
Meanwell – Yes, as previously commented by board members.
Towne – Yes, as previously commented by board members.
Gibson – Yes, exceptional situation and conditions.
Bowden – Yes, based on the exceptional situation.

MOTION PASSED 7-0-0

MOTION 3:

Vice Chairman Frank Uhlhorn moved to approve a variance from Sec. 6-102(a) and (b) to allow an 8' wall and fence around the entire perimeter of the site for a new water tower located east of Forest Hill-Irene Rd. and south of the Poplar Pike, subject to the Board's discussion, staff comments and the site plan submitted with the application, seconded by Rick Towne.

ROLL CALL:

Hurley – Yes, based on the security needs regarding the application.
Towne – Yes, based on security needs, and applicant has added landscaping to screen the wall.
Meanwell – Yes, for security and safety reasons. Appreciates the use of different materials relative to the properties to which the project site is adjacent.
Harless – Abstain.
Uhlhorn – Yes, safety reasons.
Gibson – Yes, for reasons previously states.
Bowden – Yes, this is an extraordinary situation. The 8' fence and wall provide the safety that is needed for the neighborhood.

MOTION PASSED 6-0-1

MOTION 4:

Vice Chairman Frank Uhlhorn moved to approve a variance from Sec. 23-88(a) to allow a 50' wide driveway apron and a 40' wide driveway for a new water tower located east of Forest Hill-Irene Rd. and south of the Poplar Pike, subject to the Board's discussion, staff comments and the site plan submitted with the application, seconded by Rick Towne.

ROLL CALL:

Harless – Yes, due to the uniqueness of the use of the property, the wide driveway is necessary.
Hurley – Yes, due to the extraordinary and unusual needs of the use.
Uhlhorn – Yes, safety reasons.
Meanwell – Yes, as previously stated by other board members.
Towne – Yes, as previously stated by board members.
Gibson – Yes, as previously stated by board members.
Bowden – Yes, based on the exceptional shape of the property and the need to have large equipment/trucks to move in that area.

MOTION PASSED 7-0-0

MOTION 5:

Greg Hurley moved to approve a variance from Sec. 23-233 to allow a new water tower to be located less than a distance equal to its own height, plus ten feet (namely 113 ft. to the north and 164 ft. to the south) from the nearest property line located east of Forest Hill-Irene Rd. and south of the Poplar Pike, subject to the Board's discussion, staff comments and the site plan submitted with the application, seconded by Rick Towne.

ROLL CALL:

Uhlhorn – Yes, safety reasons and the need for a good water supply.

Harless – Yes, with the new modifications to structures of this type that fall within itself and the radius is not necessary.

Towne – Yes, based on previous comments.

Hurley – Yes, based on previous comments.

Meanwell – Yes, based on previous comments.

Gibson – Yes.

Bowden – Yes, agrees with Mr. Harless that the way the tower will be constructed, there will not be a need for the variance regarding required fall zone.

MOTION PASSED 7-0-0

MOTION 6:

Vice Chairman Frank Uhlhorn moved to approve a variance from Sec.23-228 to allow a new water tower to not be located on a route designated as either a major street or a collector street on the official major road plan, subject to the Board's discussion, staff comments and the site plan submitted with the application, seconded by Rick Towne.

ROLL CALL:

Towne – Yes, based on the unique needs of this new site.

Meanwell – Yes, there will not be major traffic or congestion due to this project.

Uhlhorn – Yes, out of necessity and uniqueness of the property.

Hurley – Yes, based on the low traffic impact of the use.

Harless - Yes, due to low traffic generated by the use.

Gibson – Yes, based on previously comments.

Bowden – Yes, based on the exceptional situation and the location of the tower within the community.

MOTION PASSED 7-0-0

MOTION 7:

Vice Chairman Frank Uhlhorn moved to approve a variance from Sec. 23-49(a)(5)(b)(6) to waive landscaped buffer areas and planting screens to protect adjoining property for a new water tower located east of Forest Hill-Irene Rd. and south of the Poplar Pike, subject to the Board's discussion, staff comments and the site plan submitted with the application, seconded by Laura Meanwell.

ROLL CALL:

Harless – Yes, with the understanding that the area in front of the brick wall facing the subdivision to the south will be landscaped. Keeping the natural vegetation on the northside of the railroad and east side next to the proposed city park makes a lot of sense and makes it more attractive.

Hurley – Yes, based on the existing natural landscaping and adjacent uses.

Towne – Yes, agrees with Mr. Harless on the landscaping and all other points presented in the application.

Uhlhorn – Yes, safety and security reasons.

Meanwell – Yes, as Mr. Harless mentioned, with the understanding that there will be landscaping along the brick wall areas facing the subdivision to the south.

Gibson – Yes, based on Mike Harless and Greg Hurley’s comments. Appreciates the applicant’s willingness to do what is necessary along the buffer where the brick wall is located, facing the single-family subdivision to the south.

Bowden – Yes, as previously stated by the other board members.

MOTION PASSED 7-0-0

MOTION 8:

Vice Chairman Uhlhorn moved to approve a variance from Sec. 23-235(b)(4) to waive the required parking for a new water tower located east of Forest Hill-Irene Rd. and south of the Poplar Pike, subject to the Board’s discussion, staff comments and the site plan submitted with the application, seconded by Rick Towne.

ROLL CALL:

Meanwell – Yes, the parking requirements really do not make sense for this use. The use of the driveway for parking is sufficient.

Uhlhorn – Yes, required parking for this use is unnecessary.

Hurley – Yes, enforcing the parking requirement will place an undue hardship on the applicant and would only increase the amount of impervious surface.

Harless – Yes, the uniqueness of this piece of property does not require additional parking.

Towne – Yes, based on previous comments.

Gibson – Yes, based on previous comments.

Bowden – Yes, based on the exceptional situation of the water tower and there is not a need for parking.

MOTION PASSED 7-0-0

6. Old Business

Chairman Jodie Bowden asked if there was any old business. There was none.

7. New Business

Chairman Jodie Bowden asked if there was any new business. There was none.

8. Adjournment

There being no further business, comments, or questions by the Commission, Chairman Jodie Bowden adjourned the meeting at 7:04 p.m.