

CITY OF GERMANTOWN
BOARD OF ZONING APPEALS
COUNCIL CHAMBERS – CITY HALL
Tuesday, May 11, 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; and Richard Towne.

Members Absent: Laura Meanwell; and Mike Harless

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

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

Chairman Jodie Bowden stated that this item was no longer necessary, as the meeting was being conducted in person.

4. Approval of the Minutes

Richard Towne moved to approve the Board of Zoning and Appeals minutes of April 13, 2021, seconded by Vice Chairman Frank Uhlhorn.

ROLL CALL:

Hurley = Yes
Uhlhorn – Yes
Towne – Yes
Gibson – Yes
Bowden - Yes

MOTION PASSED 5-0-0

5. Case Number/Project Name: (21-012) 3553 Crestwyn Dr.
Location: 3553 Crestwyn Dr.
Property Owner/Applicant: Juan Hernandez
Request: Approval of a Variance to Reduce the Required Side Yard Setback for a Principal Building in the “RE-1” Residential Estate Zoning District

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

Sheila Pounder made a staff presentation.

The applicant’s representative, Juan Jose Hernandez, 3553 Crestwyn Dr., Germantown, TN 38138, made a presentation.

The Board asked questions of the applicant and staff.

The public hearing was opened. The following letter were submitted by neighboring residents.

- Support
 - Robin Manning, 3546 Crestwyn Drive, Germantown, TN 38138

- Opposition
 - Theodore and Penelope Pepin, 3569 Crestwyn Drive, Germantown, TN 38138
 - Edgar A. Babian, President, Winchester Forest Hill HOA, 3580 Crestwyn Drive, Germantown, TN 38138

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

Richard and Sheila Donaldson, 3537 Crestwyn Dr. Germantown, TN spoke at the meeting against this variance request.

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

MOTION:

Vice Chairman Frank Uhlhorn moved to approve a variance to reduce the required side yard setback, up to 10 feet, for a principal building at 3553 Crestwyn Drive in the “RE-1” Residential Estate zoning district, subject to the Board’s discussion, staff comments noted in the staff report and the site plan submitted with the application, seconded by Richard Towne.

ROLL CALL:

Hurley – No, to grant a variance reducing the applicants side yard set back as the applicant has requested would be effectively changing the zoning of the subdivision since the applicant’s lot is typical to the subdivision and this is not the role of the Board of Zoning Appeals. Furthermore, the narrowness or shallowness of the lot is not depriving the applicant reasonable use of his property and, therefore, is not a justification for granting a variance.

Uhlhorn – No, it is in violation of the side yard setback.

Towne – No, for reasons stated by Mr. Hurley.

Gibson – No, it does not meet the criteria for a variance and based on previous comments.

Bowden – No, as previously stated by other board members.

MOTION FAILED 0-5-0

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 6:29 p.m.

Chairman Jodie Bowden
Board of Zoning Appeals
