

CITY OF GERMANTOWN
BOARD OF ZONING APPEALS
COUNCIL CHAMBERS – CITY HALL
Tuesday, June 13, 2023
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: Lillian Haddock called the roll and established a quorum.

Members Present: Chairman Jodie Bowden; Vice Chairman Frank Uhlhorn; Vice Mayor Mary Anne Gibson; Mike Harless; Laura Meanwell; and Richard Towne.

Members Absent: Andrew Bland

Staff Present: Sarah Goralewski, Planning Division Manager; Nathan Bicks, City Attorney; Lillian Haddock, Planner.

3. Approval of the Minutes

Mr. Towne moved to approve the Board of Zoning and Appeals minutes of May 9, 2023, seconded by Mr. Uhlhorn.

ROLL CALL:

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

MOTION PASSED 6-0-0

4. Regular Agenda

A. Case Number:	(20-020)
Location:	1230 S. Germantown Rd.
Property Owner/Applicant:	Chick-Fil-A – Chase Shaw, Director of Strategic Reinvestment
Representative:	Interplan, LLC – Michelle Kucaba, Agent
Zoning District:	“SC-1” Shopping Center
Request:	Approval of a Variance to Allow an Encroachment into the Required Building Setbacks

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

Sarah Goralewski, Planning Division Manager, made a staff presentation.

City staff answered the Board’s questions regarding the request.

The applicant’s representative, Nancy Carreras, 1361 Prince Phillip Dr., Casselberry, FL 32707, of Interplan, made a presentation and answered the Board’s questions.

Chairman Jodie Bowden opened the public hearing.

The following individuals spoke in support of this item:

Andrew House of Chick-Fil-A, 1230 S. Germantown Rd., Germantown, TN 38138

No one spoke in opposition of this item.

Staff announced that they had received no letters speaking for or against the request.

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

MOTION:

Mr. Uhlhorn motioned to approve a variance to allow an encroachment into the required building setbacks, subject to the Board's discussion, staff comments noted in the staff report, and the conceptual site plan submitted with the application, seconded by Mr. Towne.

Chairman Jodie Bowden led the Board in a discussion and then called for a vote.

ROLL CALL:

Meanwell – Yes, for the reason of the exceptional narrowness of the piece of property.

Uhlhorn – Yes, for the reason of the exceptional narrowness of the piece of property and as a safety improvement for both customers and employees.

Towne – Yes, for the reason of the exceptional narrowness of the piece of property.

Gibson – Yes, for the reason of the exceptional narrowness of the piece of property and for the practicality of the business.

Harless – Yes, for the reason of the exceptional narrowness of the piece of property.

Bowden – Yes, for the reason of the exceptional narrowness of the piece of property and for the other reasons others stated.

MOTION PASSED 6-0-0

B. Case Number:	(23-021)
Location:	7917 Collection Cove
Property Owner/Applicant:	Sandy and Judy Felsenthal
Representative:	Andy Hays, ASLA
Zoning District:	"R" Low-Density Single-Family Residential
Request:	Approval of a Variance for a Fence over 30" High in the Front Yard Setback (Footbridge with Side Rails)

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

Sarah Goralewski, Planning Division Manager, made a staff presentation.

City staff answered the Board's questions regarding the request.

A representative of the property owner, Andy Hays, landscape architect, 555 S. BB King Blvd., #415,, made a presentation and answered the Board's questions.

Chairman Jodie Bowden opened the public hearing.

No one spoke in support of this item.

No one spoke in opposition of this item.

Staff announced that they had received no letters speaking for or against the request.

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

MOTION:

Ms. Meanwell moved to approve a variance to allow an encroachment into the required front yard setback (footbridge with 34" high ide rails), subject to the Board's discussion, staff comments noted in the staff report, and the conceptual site plan submitted with the application, seconded by Mr. Uhlhorn.

Chairman Jodie Bowden led the Board in a discussion and then called for a vote.

ROLL CALL:

Meanwell – Yes, for the exceptions topographic conditions resulting in the peculiar practical difficulties.

Uhlhorn – Yes, for reasons of safety, the exceptional topographic conditions, and the peculiar shape of the property.

Towne – Yes, for the peculiar shape of the property and safety.

Gibson – Yes, for the peculiar shape of the property and safety.

Harless – Yes, for reasons of exceptional topographic conditions and safety.

Bowden - Yes, for reason of exceptional topographic conditions.

MOTION PASSED 6-0-0

C. Case Number:	(23-022)
Location:	7458 North St.
Property Owner/Applicant:	Mr. & Mrs. Walter Person
Representative:	Charles Shipp, Architect
Zoning District:	"T5" Urban Center (Underlying Zoning Designation "O-C" Office Campus)
Request:	Approval to allow an Existing Residential Structure to Expand in the underlying "O-C" District with a Variance to Encroach into the Side Yard Setback as required by the "R" Low-Density Single-Family Residential regulations

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

Sarah Goralewski, Planning Division Manager, made a staff presentation.

City staff answered the Board's questions regarding the request.

A representative of the property owner, Charles Shipp of, architect, 4646 Poplar Ave., Ste. 244, Memphis, TN 38117, made a presentation and answered the Board's questions.

Chairman Jodie Bowden opened the public hearing.

No one spoke in support of this item.

No one spoke in opposition of this item.

Staff announced that they had received no letters speaking for or against the request.

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

MOTION:

Mr. Uhlhorn moved to approve to allow an existing residential structure to expand in the underlying “O-C” District with a variance to encroach into the side yard setback as required by the “R” Low-Density Single-Family Residential regulations, subject to the Board’s discussion, staff comments noted in the staff report, and the conceptual site plan submitted with the application, seconded by Mr. Harless.

Chairman Jodie Bowden led the Board in a discussion and then called for a vote.

ROLL CALL:

Meanwell – Yes, for the exceptional narrowness, shallowness or shape of a specific piece of property.

Uhlhorn – Yes, by reason of exceptional topographic conditions.

Towne – Yes, for the same as reasons previously stated.

Gibson – Yes, for the extraordinary and exceptional situation or condition of such a piece of property.

Harless – Yes, for the same reasons as previously stated .

Bowden - Yes, for the extraordinary and exceptional situation or condition of such a piece of property.

MOTION PASSED 6-0-0

5. Old Business

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

6. New Business

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

7. Adjournment

There being no further business, comments or questions by the Commission, Chairman Jodie Bowden adjourned the meeting at 6:48p.m.

Chairman Jodie Bowden
Board of Zoning Appeals
