

**BOARD OF ZONING APPEALS
MUNICIPAL CENTER COUNCIL CHAMBERS**

July 12, 2011

6:00 p.m.

COMMISSION PRESENT:

Mr. Henry Evans; Ms. Elizabeth Boyd; Mr. David Klevan; Mr. Tony Salvaggio; Alderman Palazzolo; Frank Uhlhorn

DEVELOPMENT STAFF PRESENT:

Mr. Wade Morgan, Chief Planner; Ms. Marie Burgess, Planner; Mr. Alan Strain, Attorney; Ms. Carmen Richardson, Secretary.

Interested Individual(s) present:

Mr. Michael McLaughlin – 2115 Brierbrook Road, Germantown, TN 38138

Chairman Evans called the meeting to order and established a quorum.

ROLL CALL: – Ms. Boyd – present; Alderman Palazzolo – present; Mr. Salvaggio – present; Ms. Sherman – absent; Mr. Klevan – present; Mr. Uhlhorn – present; Chairman Evans – present

Chairman Evans reminded those in attendance that 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. He also reminded those appearing before the Board that the meeting is recorded and they would need to identify themselves, give their address and be sworn in for the record. He then swore in the staff.

Chairman Evans stated that he would like to make note that the motions made in all meetings are of an affirmative nature. He stated this does not necessarily mean that the motion will be approved, but that the language will be in an affirmative nature when the motion is made.

Approval of May 10, 2011 Minutes

Dave Klevan made a motion to approve the minutes from the May 10, 2011, meeting that was seconded by Elizabeth Boyd.

ROLL CALL: Ms. Boyd – yes; Mr. Klevan – yes; Mr. Uhlhorn – abstain; Mr. Salvaggio – yes; Alderman Palazzolo – yes; Ms. Sherman – absent; Chairman Evans – yes

MOTION PASSED

SUBJECT: 2115 Brierbrook Rd. – Request variance to allow the principal structure to encroach into the required side yard setback in the “R-1” Medium Density Residential zoning district

BACKGROUND:

DATE SUBDIVISION APPROVED: Section A of the Farmington subdivision was approved in 1969.

DATE PRINCIPAL STRUCTURE APPROVED/BUILT: 1971

PREVIOUS VARIANCE REQUESTS: None

DISCUSSION:

NATURE OF VARIANCE REQUESTED: The specific request by the applicant is to obtain approval to construct an attached carport, porch and storage room on the south side of his dwelling. The dwelling currently lacks any covered parking area. The applicant has stated that a previous owner converted garage space to living space. The proposed addition will extend twenty feet from the south side of the dwelling, which will place it as close as five feet from the lot line.

The proposed carport will use the existing driveway for access to Brierbrook Rd. A 16 foot-wide circular driveway and new driveway inlet to Brierbrook are also proposed. The driveway and inlet do not require variances.

SPECIFIC SECTIONS OF ZONING ORDINANCE: The specific request is a variance from §23-257(2) which requires there to be one or more required side yards of not less than ten feet. The addition requires a variance of five feet from the standard side yard setback of ten feet.

APPLICANT'S JUSTIFICATION: The applicant is requesting the variance based on the criteria of exceptional narrowness, shallowness, or shape, resulting in peculiar and exceptional practical difficulties. The applicant states "due to the exceptional narrowness and shape of our house in respect to our property, our only option in obtaining our carport is with this variance exception" and "... nearly 100% of the current houses on Brierbrook do have a covered parking structure".

STAFF COMMENTS:

1. Photos of the existing dwelling are attached.
2. The applicant has provided a site plan illustrating the existing trees, structures and topographic conditions that make difficult the construction of a garage/carport within the rear yard in compliance with the standard setbacks.
3. If the variance request is granted, the applicant must apply for a building permit through the Memphis/Shelby County Office of Construction Code Enforcement.
4. The proposed circular driveway inlet requires approval of a Street Cut Permit from the Department of Economic and Community Development. (Contact Regina Gibson at 901-757-7281 for assistance)

Michael McLaughlin, Applicant
2115 Brierbrook Road
Germantown, TN 38138

Mr. McLaughlin began by stating that this carport addition is being requested mainly because of inclement weather and for the ease of coming in and out of the house. He further advised that a recent hail storm caused damage to the family's vehicles. Mr. McLaughlin said that they hired an architect and had some site plans drawn up that show what the outside of the house and additional structure will look like. Per Mr. McLaughlin, once finished, everything should blend perfectly with the principle structure.

Ms. Boyd asked Mr. McLaughlin if his address is 2015 or 2115 Brierbrook Road. Mr. McLaughlin stated that his address is 2115 Brierbrook Road.

Chairman Evans asked if there any questions for Mr. McLaughlin.

Attorney Alan Strain asked him if the structure was one story. Mr. McLaughlin advised that it is a two story on the right (principle structure) and one story for the new addition/carport.

Chairman Evans asked if there was anyone in the audience who would like to address this item – No one came forth. He then asked if there was anyone who would like to speak negatively about the item – No one came forth.

Mr. Klevan stated that it is refreshing to know that someone came here asking for permission rather than asking for forgiveness after the fact. He said that the applicants did a very good job of preparing and asking up front.

Chairman Evans advised that the motion to be made will specifically address the principal structure/ carport/ garage, porch and storage area so that in the event that doors are added, everything is sure to be covered.

PROPOSED MOTION: To approve a variance for 2115 Brierbrook Road to allow the principal structure (an attached carport/garage, porch and storage area) to encroach five (5) feet into the required side yard setback in the “R-1” Residential zoning district, subject to the staff comments and site plan filed with this application.

Elizabeth Boyd moved to approve a variance for 2115 Brierbrook Road to allow the principal structure (an attached carport/garage, porch and storage area) to encroach five (5) feet into the required side yard setback in the “R-1” Residential zoning district, subject to the staff comments and site plan filed with this application. Frank Uhlhorn seconded the motion.

ROLL CALL: – Ms. Boyd – yes; Mr. Klevan – yes; Alderman Palazzolo – yes; Mr. Salvaggio – yes; Ms. Sherman – absent; Mr. Uhlhorn – yes; Chairman Evans – yes

MOTION DENIED

Meeting Adjourned at 6:11 p.m.