

**MINUTES OF THE REGULAR MEETING OF THE MEMPHIS & SHELBY COUNTY
BOARD OF ADJUSTMENT**

June 26, 2013

The regular meeting of the Memphis & Shelby County Board of Adjustment was held in the City Council Chambers, City Hall, 125 North Main Street, at 1:30 p.m., Wednesday, June 26, 2013.

Present:

Mr.	Jimmy Burditt
Mr.	Frank Colvett, Jr., Chairman
Mr.	Andre Jones
Mr.	John Jackson III
Ms.	Lynda Raiford
Mr.	Timothy Rainey, Vice Chairman
Ms.	Madeline Savage-Townes

Mr.	Josh Whitehead, Secretary
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Also Present:

Mr.	Don Jones, OPD
Mr.	Terry Langlois, OPD
Mr.	Greg Love, OPD
Mr.	Nate Taylor, City Engineering

A quorum being present, the Board proceeded to consideration of the days agenda. The minutes from the previous meeting were approved.

In some of the following cases, the application for a special exception, building permit, or sign permit was rejected by the Memphis and Shelby County Building Official or Office of Planning and Development because the request is prohibited by the applicable Unified Development Code. The interested party has filed an appeal within the time provided by statute and written notice of public hearing has been sent to the property owners in the neighborhood. The Board approved the minutes from May 22, 2013.

NEW CASE:

1. **DOCKET:** **B.O.A 13-22 (CITY)**
- APPLICANT:** **K. Dale Menkel**
- PREMISES AFFECTED:** **5487 Valleybrook Cove**
 (2400 feet north of Poplar Avenue)
- USE DISTRICT:** Residential-10 (R-10) District
- REQUESTING:** Decrease in the minimum rear yard setback from 20 feet, as required by R-10 Zoning District (UDC, Section 3.6.1), to 11 feet
- ACTION OF THE BOARD:** Approve
- APPEARANCES:** For Applicant: K. Dale Menkel
- For Opposition: None

THE RESOLUTION:

WHEREAS, K. Dale Menkel filed an application with the Board of Adjustment on, May 22, 2013, requesting to allow a decrease in the minimum rear yard setback from 20 feet, as required by R-10 Zoning District (UDC, Section 3.6.1), to 11 feet; and

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on Wednesday, June 26, 2013, after due notice; and

WHEREAS, The Board is of the opinion, and finds from the sworn testimony of the witness at the hearing, and the records on file, that the standards for variances in Chapter 9.22 of the Unified Development Code are being met; and

WHEREAS, The Board has determined that said variance would not be unduly detrimental to the other properties in the vicinity of the subject premises; and

WHEREAS, The Board is further of the opinion that to allow this request will not unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the County of Shelby; and, therefore, this application is approved.

NOW, THEREFORE, Be it resolved that the requested variation be and it hereby is approved.

AGAINST MOTION: 0

FOR MOTION:7
Chairman Colvett, Jr., Burditt,
Jackson III, Jones, Raiford, Rainey, and Savage-Townes

NOT VOTING: 0

ACTION IS TO APPROVE

2. **DOCKET:** B.O.A 13-23 (CITY) (MOTION I)

APPLICANT: Trezevant Enterprises

PREMISES AFFECTED: 666 Riverside Drive
(Southeast corner of Riverside Drive and Georgia Avenue)

USE DISTRICT: Bluffview Residential (BR) District

REQUESTING: Use Variance – A variance to 7.2.5C to establish a Self Storage Facility

ACTION OF THE BOARD: Approve

APPEARANCES: For Applicant: Stanley “Trip” Trezevant

For Opposition: William Lavitz
George Karcher (122 W. Carolina Ave)
James Hutto (648 Riverside Dr.)
Glen Murphy (655 Riverside Dr. #701)
Andy Kitzinger (114 N. Main St.)
John Hadak (648 Riverside)

THE RESOLUTION:

WHEREAS, Trezevant Enterprises filed an application with the Board of Adjustment on, May 29, 2013, requesting 1) Use Variance – A variance to 7.2.5C to establish a Self-Service Storage Facility, 2) Bulk Variance – A variance to 7.2.5D(5) to allow a drive thru window to a commercial building; and,

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on Wednesday, June 26, 2013, after due notice; and

WHEREAS, the board decided to divide the variance request into two parts so as to consider each separately; and

WHEREAS, with respect to the use variance the Board is of the opinion, and finds from the sworn testimony of the witnesses at the hearing, and the records on file, that the standards for variances in Chapter 9.22 of the Unified Development Code are being met; and

WHEREAS, The Board has determined that said variance would be not unduly detrimental to the other

properties in the vicinity of the subject premises; and

WHEREAS, The Board is further of the opinion that to allow this request will not unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the County of Shelby; and, therefore, this application is approved, subject to conditions.

NOW, THEREFORE, Be it resolved that the requested variation be and it hereby is approved.

AGAINST MOTION: 1
Savage-Townes

FOR MOTION: 5
Burditt, Jackson III, Rainey, Jones, and Raiford

NOT VOTING: 1
Chairman Colvett, Jr.

ACTION IS TO APPROVE IS TO APPROVE WITH (3) THREE CONDITIONS:

1. **Entry to the Self-Storage Facility by the garage doors (facing Georgia Avenue) shall be limited to the hours of 7 a.m. to 10 p.m.**
2. **No outdoor storage shall be permitted.**
3. **Signs (attached or detached) shall be review and approved by the Design Review Board of the Downtown Memphis Commission, however, neon signage and lighting shall not be permitted.**

2. **DOCKET:** B.O.A 13-23 (CITY) (MOTION II)

APPLICANT: Trezevant Enterprises

PREMISES AFFECTED: 666 Riverside Drive
(Southeast corner of Riverside Drive and Georgia Avenue)

USE DISTRICT: Bluffview Residential (BR) District

REQUESTING: Bulk Variance – A variance to 7.2.5D(5) to allow a drive thru window to a commercial building

ACTION OF THE BOARD: Approve

APPEARANCES: For Applicant: Stanley “Trip” Trezevant

For Opposition: William Lavitz
George Karcher (122 W. Carolina Ave)
James Hutto (648 Riverside Dr.)
Glen Murphy (655 Riverside Dr. #701)
Andy Kitzinger (114 N. Main St.)
John Hadak (648 Riverside)

THE RESOLUTION:

WHEREAS, Trezevant Enterprises filed an application with the Board of Adjustment on, May 29, 2013, requesting 1) Use Variance – A variance to 7.2.5C to establish a Self-Service Storage Facility, 2) Bulk Variance – A variance to 7.2.5D(5) to allow a drive thru window to a commercial building; and,

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on Wednesday, June 26, 2013, after due notice; and

WHEREAS, with respect to the Bulk Variance the Board is of the opinion, and finds from the sworn testimony of the witnesses at the hearing, and the records on file, that the standards for variances in Chapter 9.22 of the Unified Development Code are being met; and

WHEREAS, The Board is further of the opinion that to allow this request will not unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the County of Shelby; and, therefore, this application is approved.

NOW, THEREFORE, Be it resolved that the requested variation be and it hereby is approved.

AGAINST MOTION: 0


FOR MOTION: 7
 Chairman Colvett, Jr., Burditt,
 Jones, Jackson III, Raiford, Rainey, and Savage-Townes

NOT VOTING: 0

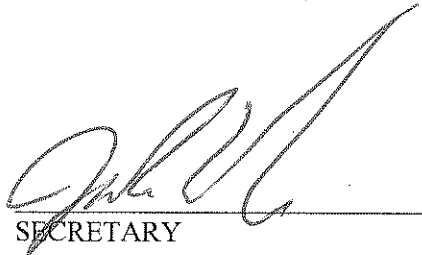
ACTION IS TO APPROVE

There being no further business, the meeting there upon adjourned.

MINUTES APPROVED: July 24, 2013



CHAIRMAN



SECRETARY