

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

Wednesday, August 28, 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, August 28, 2013.

Present:

Mr.	Jimmy Burditt
Mr.	Frank Colvett, Jr., Chairman
Mr.	Andre D. Jones
Ms.	Lynda Raiford
Mr.	Timothy Rainey, Vice Chairman
Ms.	Margaret Pritchard (Alternate)
Ms.	Madeline Savage-Townes
Ms.	Mary Sharp (Alternate)

Mr.	Josh Whitehead, Secretary
-----	---------------------------

Also Present:

Mr.	Calvin Abram, OPD
Mr.	Brian Bacchus, OPD
Mr.	Don Jones, OPD
Mr.	Terry Langlois, OPD
Mr.	Greg Love, OPD
Mr.	Chip Saliba, 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 July 24, 2013.

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: 8
Chairman Colvett, Jones, Burditt, Raiford, Rainey,
Pritchard, Sharp, and Savage-Townes

NOT VOTING: 0

ACTION IS TO APPROVE

WHEREAS, The Board is further of the opinion that to allow this request will 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 rejected.

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

AGAINST MOTION:

4

Chairman Colvett, Sharp, Jones, and Savage-Townes

FOR MOTION:

3

Rainey, Burditt, and Pritchard

NOT VOTING:

1

Raiford

ACTION IS TO REJECT

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: 8
Chairman Colvett, Burditt, Jones, Pritchard, Raiford,
Rainey, Sharp, and Savage-Townes

NOT VOTING: 0

ACTION IS TO APPROVE

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: 8
Chairman Colvett, Burditt, Jones, Pritchard, Raiford,
Rainey, Sharp, and Savage-Townes

NOT VOTING: 0

ACTION IS TO APPROVE WITH CONDITIONS:

- 1. A knee wall varying in height from 4 feet to 2 feet shall be constructed at the 15 foot setback line in the area devoted to landscaping. The façade (the building materials) of the wall, and the color of the wall shall match that of the front façade of the building.**
- 2. A detailed landscape plan shall be submitted with the Site Plan for the review and approval of the OPD. All landscaping shall be irrigated, unless an alternative is approved by OPD in writing.**
- 3. These variances are conditioned upon the landscape plan and the elevations submitted with the Site Plan. Minor modifications maybe approved by the OPD.**

5. **DOCKET:** B.O.A 13-32 (CITY)

OWNER/APPLICANT: City of Memphis/Overton Park Conservancy

PREMISES AFFECTED: 1914 Poplar Avenue
(Northwest corner of Poplar Avenue & East Parkway-North)

USE DISTRICT: Residential Single Family(R-15) District

REQUESTING: Variances to Subsection 4.9.5A; 4.9.6.N&O; and 4.9.7.B to allow new signs; relocation of detached signs; and appropriate supplemental wayfinding signs, including donor signs with temporary or no irrigation; provided, the native plants thrive for sign landscaping throughout the park

ACTION OF THE BOARD: Approved

APPEARANCES: For Applicant: Bill Ferguson
Tina Sullivan
James Jalenak

For Opposition: Sam Blair
Mike Cooley
Linda Bradford

THE RESOLUTION:

WHEREAS, Tina Sullivan filed an application with the Board of Adjustment on Wednesday, July 31, 2013, requesting variances to Subsections 4.9.5A; 4.9.6.N&O; and 4.9.7.B to allow new signs; relocation of detached signs; and appropriate supplemental wayfinding signs, including donor signs with temporary or no irrigation; provided, the native plants thrive for sign landscaping throughout the park; and,

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on Wednesday, August 28, 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 with two (2) conditions.

NOW, THEREFORE, Be it resolved that the requested variation be and it hereby is approved with two (2) conditions.

AGAINST MOTION: 0

FOR MOTION: 8
Chairman Colvett, Burditt, Jones, Pritchard, Raiford,
Rainey, Sharp, and Savage-Townes

NOT VOTING: 0

ACTION IS TO APPROVE WITH TWO (2) CONDITIONS:

1. All sign placements shall be in accordance with the submitted site and concept plans, except all signs shall be setback from any public street or public right-of-way a minimum of ten (10) feet.
2. Any minor modifications to placement and setback of signs shall be subject to review and approval by OPD and Park Services; however, any additional signs along the public road frontages shall require filing a correspondence case to be considered by the Board of Adjustment.

(Motion II) 30 Day HOLD: "Request to relocate a detached sign at East Parkway-North and Poplar Avenue"

AGAINST MOTION: 0

FOR MOTION: 8
Chairman Colvett, Burditt, Jones, Pritchard, Raiford,
Rainey, Sharp, and Savage-Townes

NOT VOTING: 0

ACTION IS TO APPROVE

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on Wednesday, August 28, 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:

8 7

Burditt, Jones, Pritchard, Raiford, Rainey, Sharp, and
Savage-Townes

NOT VOTING:

1

Chairman Colvett

ACTION IS TO APPROVE

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: 8
Chairman Colvett, Burditt, Jones, Pritchard, Raiford,
Rainey, Sharp, and Savage-Townes

NOT VOTING: 0

ACTION IS TO APPROVE

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: 8
Chairman Colvett, Burditt, Jones, Pritchard, Raiford,
Rainey, Sharp, and Savage-Townes

NOT VOTING: 0


ACTION IS TO APPROVE

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

MINUTES APPROVED: Sept 25, 2013



CHAIRMAN



SECRETARY