

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

Wednesday, July 24, 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, July 24, 2013.

Present:

Mr.	Jimmy Burditt
Mr.	Frank Colvett, Jr., Chairman
Mr.	Dan Dow
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.	Brian Bacchus, 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 June 26, 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: 7

Chairman Colvett, Jr., Burditt, Jackson III, Dow, Raiford, Rainey, and Savage-Townes

NOT VOTING: 0

ACTION IS TO APPROVE

2. **DOCKET:** **B.O.A 13-26 (COUNTY)**

APPLICANT: Ely T. Lockhart

PREMISES AFFECTED: 1985 St. Paul Road
(near Tomkins Lake)

USE DISTRICT: Conservation Agriculture (CA) District

REQUESTING: Variance from UDC Section 3.6.1 (Regulations for Permitted Housing Types) for a lot size of 3.97 acres

ACTION OF THE BOARD: Approved

APPEARANCES: For Applicant: Ely Lockhart (Owner)
David Reaves (Neighborhood Assn)

For Opposition: None

THE RESOLUTION:

WHEREAS, Ely T. Lockhart filed an application with the Board of Adjustment on Thursday, June 27, 2013, requesting Variance from UDC Section 3.6.1 (Regulations for Permitted Housing Types) for a lot size of 3.97 acres; and,

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on Wednesday, July 24, 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: 0

FOR MOTION: 7

Chairman Colvett, Jr., Burditt, Jackson III, Dow, Raiford,
Rainey, and Savage-Townes

NOT VOTING: 0

ACTION IS TO APPROVE

NOW, THEREFORE, Be it resolved that the requested variation be and it hereby held for 30 Days.

AGAINST MOTION: 0


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

NOT VOTING: 0

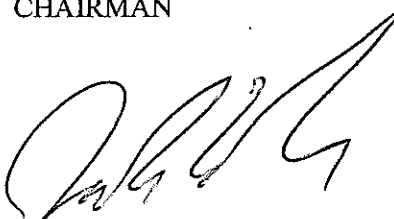
ACTION IS TO HOLD

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

MINUTES APPROVED: August 28, 2013



CHAIRMAN



SECRETARY

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