

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

**Wednesday, June 23, 2021**  
**Memphis City Hall**  
**125 N. Main Street**  
**City Council Chambers**

Present:

Ms. Mary Baker  
Mr. Carson Claybrook  
Ms. Joy Doss  
Mr. John Jackson  
Mr. J.T. Malasri  
Mr. Timothy D. Rainey, Chair

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Mr. Josh Whitehead, Secretary

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Other Staff Present:

Mr. Brian Bacchus, Division of Planning and Development (“DPD”)  
Mr. Brett Davis, DPD  
Mr. Terry Glover, City Engineering (Traffic Engineering)  
Mr. Jeffrey Penzes, DPD  
Mr. Brett Ragsdale, DPD  
Mr. Burk Renner, DPD  
Ms. Teresa Shelton, DPD  
Ms. Clarke Shupe-Diggs, DPD  
Mr. Lucas Skinner, DPD  
Mr. Antwone Smith, DPD (Zoning Enforcement)  
Mr. Seth Thomas, DPD

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A quorum being present, the Board proceeded to consideration of the day’s agenda. **Board Member Baker** made the motion to approve the minutes from the previous Board Meeting; **Board Member Claybrook** seconded the motion. The Minutes from the previous meeting were approved.

In some of the following cases, the application for a building permit or sign permit was rejected by the Memphis and Shelby County Building Official, Zoning Administrator or City or County Engineer 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.

**AGENDA ITEM:** 1  
**DOCKET:** [BOA 2021-47 \(City\)](#)  
**LOCATION:** 263 N. Hollywood Street  
**APPLICANT:** We Remodel, LLC  
 (Representative: Robert Burns)  
**USE DISTRICT:** Residential Single Family (R-6) District  
**REQUEST:** Variance from Sub-Section 3.6.1A to allow reduced side yard setbacks  
**STAFF PLANNER:** Brian Bacchus  
**STAFF RECOMMENDATION:** Approval with conditions  
*This matter was held in abeyance for a period of one month by the Board during its May 26, 2021, meeting.*  
**ACTION BY THE BOARD:** **Approval with conditions**

**THE RESOLUTION:**

WHEREAS, an application was filed by the party listed above for the request listed above;

WHEREAS, a public hearing on this application was held by the Board; and

WHEREAS, The Board is of the opinion, and finds from the records on file, that the standards for this request, as found in the Unified Development Code, are **being met**; and

WHEREAS, The Board is further of the opinion that to allow the request would **not** be unduly detrimental to the other properties in the vicinity of the subject premises and 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 to impair the public health, safety, comfort, morals or welfare of the inhabitants of the City of Memphis and County of Shelby.

NOW THEREFORE, Be it resolved that the application be and is hereby **granted**, subject to the conditions provided for by staff and included in the staff report disseminated to the Board. Provided, however, that the request is **granted** for the specific purpose herein specified and shall not otherwise be deemed to vary or modify any of the provisions of the Unified Development Code, and other City or County Ordinance or State law applicable to these premises nor to any future use or development of said property, and provided further that a building permit and/or Certificate of Occupancy permit in conformity herewith shall be obtained within two (2) years.

Amendments made by the Board to the conditions as presented by staff and included in the staff report: **none**.

Motion to **approve**.

FOR MOTION: **5 (Baker, Claybrook, Jackson, Malasri and Rainey)**  
 AGAINST MOTION: **0**  
 RECUSALS: **0**  
 ABSTENTIONS: **0**

Motion **passes**.

AGENDA ITEM: 6  
 DOCKET: [BOA 2021-58 \(City\)](#)  
 LOCATION: 1161 Homer Street  
 APPLICANT: Valentin Vijil  
 USE DISTRICT: Residential Urban (RU-1) District  
 REQUEST: Modification to approved site plan (BOA 2015-0048) to allow 958 sq. ft. expansion to a restaurant building  
 STAFF PLANNER: Brian Bacchus  
 STAFF RECOMMENDATION: Approval with conditions  
**ACTION BY THE BOARD: Approval with conditions**

THE RESOLUTION:

WHEREAS, an application was filed by the party listed above for the request listed above;

WHEREAS, a public hearing on this application was held by the Board; and

WHEREAS, The Board is of the opinion, and finds from the records on file, that the standards for this request, as found in the Unified Development Code, are **being met**; and

WHEREAS, The Board is further of the opinion that to allow the request would **not** be unduly detrimental to the other properties in the vicinity of the subject premises and 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 to impair the public health, safety, comfort, morals or welfare of the inhabitants of the City of Memphis and County of Shelby.

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Amendments made by the Board to the conditions as presented by staff and included in the staff report: **none**.

Motion to **approve**.

FOR MOTION: **5 (Baker, Claybrook, Jackson, Malasri and Rainey)**  
 AGAINST MOTION: **0**  
 RECUSALS: **0**  
 ABSTENTIONS: **0**

Motion **passes**.

AGENDA ITEM: 7  
 DOCKET: [BOA 2021-59 \(City\)](#)  
 LOCATION: 1030 Novarese  
*Northeast corner of Berclair and Novarese*  
 APPLICANT: Waring Park Flats, LLC  
 (Representative: Cindy Reaves)  
 USE DISTRICT: Commercial Mixed Use 1 (CMU-1)  
 REQUEST: Use variance from Section 2.5.2 to legitimize the existing multi-family  
 apartments  
 STAFF PLANNER: Jeffrey Penzes  
 STAFF RECOMMENDATION: Approval with conditions  
**ACTION BY THE BOARD: Approval with conditions**

THE RESOLUTION:

WHEREAS, an application was filed by the party listed above for the request listed above;

WHEREAS, a public hearing on this application was held by the Board; and

WHEREAS, The Board is of the opinion, and finds from the records on file, that the standards for this request, as found in the Unified Development Code, are **being met**; and

WHEREAS, The Board is further of the opinion that to allow the request would **not** be unduly detrimental to the other properties in the vicinity of the subject premises and 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 to impair the public health, safety, comfort, morals or welfare of the inhabitants of the City of Memphis and County of Shelby.

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Amendments made by the Board to the conditions as presented by staff and included in the staff report: **none**.

Motion to **approve**.

FOR MOTION: **5 (Baker, Claybrook, Jackson, Malasri and Rainey)**  
 AGAINST MOTION: **0**  
 RECUSALS: **0**  
 ABSTENTIONS: **0**

Motion **passes**.

AGENDA ITEM: 10  
DOCKET: [BOA 2021-63 \(City\)](#)  
LOCATION: 1794 Linden Avenue  
*Northeast corner of Linden and Idlewild*  
APPLICANT: Thomas E. and Susan B. Adams  
(Representative: Patrick Gresham)  
USE DISTRICT: Residential 6 within a Historic Overlay (R-6[H])  
REQUEST: Variance from Sub-Section 3.6.1A to allow encroachments into the  
side (street) and side (interior) setbacks  
STAFF PLANNER: Ayse Tezel  
STAFF RECOMMENDATION: Approval with conditions  
**ACTION BY THE BOARD: Approval with conditions**

THE RESOLUTION:

WHEREAS, an application was filed by the party listed above for the request listed above;

WHEREAS, a public hearing on this application was held by the Board; and

WHEREAS, The Board is of the opinion, and finds from the records on file, that the standards for this request, as found in the Unified Development Code, are **being met**; and

WHEREAS, The Board is further of the opinion that to allow the request would **not** be unduly detrimental to the other properties in the vicinity of the subject premises and 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 to impair the public health, safety, comfort, morals or welfare of the inhabitants of the City of Memphis and County of Shelby.

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Amendments made by the Board to the conditions as presented by staff and included in the staff report: **none**.

Motion to **approve**.

FOR MOTION: **5 (Baker, Claybrook, Jackson, Malasri and Rainey)**  
AGAINST MOTION: **0**  
RECUSALS: **0**  
ABSTENTIONS: **0**

Motion **passes**.

AGENDA ITEM: 11  
 DOCKET: [BOA 2021-64 \(City\)](#)  
 LOCATION: 1655 Harbert Avenue  
*Southeast corner of Harbert and Rozelle*  
 APPLICANT: Campbell Family Trust  
 (Representative: Charles Shipp)  
 USE DISTRICT: Residential 8 within a Historic Overlay (R-8[H])  
 REQUEST: Variance from Paragraph 2.7.2B(2) to allow an accessory structure three feet taller than permitted  
 STAFF PLANNER: Ayse Tezel  
 STAFF RECOMMENDATION: Approval with conditions  
**ACTION BY THE BOARD: Approval with conditions**

THE RESOLUTION:

WHEREAS, an application was filed by the party listed above for the request listed above;

WHEREAS, a public hearing on this application was held by the Board; and

WHEREAS, The Board is of the opinion, and finds from the records on file, that the standards for this request, as found in the Unified Development Code, are **being met**; and

WHEREAS, The Board is further of the opinion that to allow the request would **not** be unduly detrimental to the other properties in the vicinity of the subject premises and 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 to impair the public health, safety, comfort, morals or welfare of the inhabitants of the City of Memphis and County of Shelby.

NOW THEREFORE, Be it resolved that the application be and is hereby **granted**, subject to the conditions provided for by staff and included in the staff report disseminated to the Board. Provided, however, that the request is **granted** for the specific purpose herein specified and shall not otherwise be deemed to vary or modify any of the provisions of the Unified Development Code, and other City or County Ordinance or State law applicable to these premises nor to any future use or development of said property, and provided further that a building permit and/or Certificate of Occupancy permit in conformity herewith shall be obtained within two (2) years.

Amendments made by the Board to the conditions as presented by staff and included in the staff report: **none**.

Motion to **approve**.

FOR MOTION: **5 (Baker, Claybrook, Jackson, Malasri and Rainey)**  
 AGAINST MOTION: **0**  
 RECUSALS: **0**  
 ABSTENTIONS: **0**

Motion **passes**.

**\*\*PUBLIC HEARINGS\*\***

AGENDA ITEM: 2  
DOCKET: [BOA 2021-54 \(City\)](#)  
LOCATION: 3150 S. Perkins  
*Northeast corner of Perkins and Knight-Arnold*  
APPLICANT: Rafat and Talat Khmous  
USE DISTRICT: Commercial Mixed Use 2 (CMU-2)  
REQUEST: Section 9.23.1 appeal of administrative decision related to curb cuts  
STAFF PLANNER: Seth Thomas  
STAFF RECOMMENDATION: Take whatever action the Board deems advisable  
**TESTIMONY PROVIDED BY: Lew Wardlaw (for applicant)**  
**ACTION BY THE BOARD: Rejection**

THE RESOLUTION:

WHEREAS, an application was filed by the party listed above for the request listed above;

WHEREAS, a public hearing on this application was held by the Board; and

WHEREAS, The Board is of the opinion, and finds from the records on file, that the standards for this request, as found in the Unified Development Code, are **not being met**; and

WHEREAS, The Board is further of the opinion that to allow the request would be unduly detrimental to the other properties in the vicinity of the subject premises and 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 to impair the public health, safety, comfort, morals or welfare of the inhabitants of the City of Memphis and County of Shelby.

NOW THEREFORE, Be it resolved that the application be and is hereby **rejected**.

Motion to **approve**.

FOR MOTION: 0  
AGAINST MOTION: 6 (**Baker, Claybrook, Doss, Jackson, Malasri and Rainey**)  
RECUSALS: 0  
ABSTENTIONS: 0

Motion **fails**.

AGENDA ITEM: 3  
 DOCKET: [BOA 2021-55 \(City\)](#)  
 LOCATION: 612 N. Highland Street  
*Northeast corner of N. Highland and Sam Cooper Blvd.*  
 APPLICANT: High Point Hemp  
 (Representative: Dentrius Gentry)  
 USE DISTRICT: Mixed Use (MU)  
 REQUEST: Variance from Item 4.9.15F(1)(c) to allow the reuse of a sign that has  
 been abandoned for more than 365 days  
 STAFF PLANNER: Teresa Shelton  
 STAFF RECOMMENDATION: Approval with conditions  
*Note: A courtesy citation has been issued on this matter by the Division  
 of Planning and Development.*  
**TESTIMONY PROVIDED BY: Detrius Gentry (for applicant)**  
**ACTION BY THE BOARD: Rejection**

THE RESOLUTION:

WHEREAS, an application was filed by the party listed above for the request listed above;

WHEREAS, a public hearing on this application was held by the Board; and

WHEREAS, The Board is of the opinion, and finds from the records on file, that the standards for this request, as found in the Unified Development Code, are **not being met**; and

WHEREAS, The Board is further of the opinion that to allow the request would be unduly detrimental to the other properties in the vicinity of the subject premises and 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 to impair the public health, safety, comfort, morals or welfare of the inhabitants of the City of Memphis and County of Shelby.

NOW THEREFORE, Be it resolved that the application be and is hereby **rejected**.

Motion to **approve**.

FOR MOTION: 0  
 AGAINST MOTION: 6 (Baker, Claybrook, Doss, Jackson, Malasri and Rainey)  
 RECUSALS: 0  
 ABSTENTIONS: 0

Motion **fails**.



AGENDA ITEM: 4  
DOCKET: [BOA 2021-56 \(City\)](#)  
LOCATION: 921 S. Yates  
APPLICANT: Loeb Realty  
(Representative: Ciara Neill)  
USE DISTRICT: Commercial Mixed Use 1 (CMU-1)  
REQUEST: Variance from Item 4.9.15F(1)(c) to allow the reuse of a sign that has been abandoned for more than 365 days  
STAFF PLANNER: Teresa Shelton  
STAFF RECOMMENDATION: Approval with conditions  
**TESTIMONY PROVIDED BY: Ciara Neill (for applicant)  
Ernie Mellor (for applicant)**  
**ACTION BY THE BOARD: Approval with conditions**

THE RESOLUTION:

WHEREAS, an application was filed by the party listed above for the request listed above;

WHEREAS, a public hearing on this application was held by the Board; and

WHEREAS, The Board is of the opinion, and finds from the records on file, that the standards for this request, as found in the Unified Development Code, are **being met**; and

WHEREAS, The Board is further of the opinion that to allow the request would **not** be unduly detrimental to the other properties in the vicinity of the subject premises and 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 to impair the public health, safety, comfort, morals or welfare of the inhabitants of the City of Memphis and County of Shelby.

NOW THEREFORE, Be it resolved that the application be and is hereby **granted**, subject to the conditions provided for by staff and included in the staff report disseminated to the Board. Provided, however, that the request is **granted** for the specific purpose herein specified and shall not otherwise be deemed to vary or modify any of the provisions of the Unified Development Code, and other City or County Ordinance or State law applicable to these premises nor to any future use or development of said property, and provided further that a building permit and/or Certificate of Occupancy permit in conformity herewith shall be obtained within two (2) years.

Amendments made by the Board to the conditions as presented by staff and included in the staff report:

1. Amend Condition No. 2: A variance shall be allowed for one (1) detached pole sign to remain in size, location, and design not to exceed twenty-one (21) feet, seven (7) inches in height and eight (8) feet in width and four (4) feet tall in area. **This sign is the third from the site's south property line that once advertised Garibaldi Pizza and will, with the approval of this variance, advertise Hog Wild.** The location of the sign justifies the sign to not be subject to the landscaping requirements of Section 4.9.6.
2. Add a new Condition No. 3: **If this sign is vacated for more than 365 days, UDC Paragraph 4.9.15F(1) shall apply.**

3. Add a new Condition No. 4: **This variance shall terminate in five (5) years, during which period the landlord is encouraged to eliminate as many of the other tenant signs as possible to erect an integrated center sign.**

Motion to **approve**.

FOR MOTION: **6 (Baker, Claybrook, Doss, Jackson, Malasri and Rainey)**

AGAINST MOTION: **0**

RECUSALS: **0**

ABSTENTIONS: **0**

Motion **passes**.

AGENDA ITEM: 5  
 DOCKET: [BOA 2021-57 \(City\)](#)  
 LOCATION: 528 Baltimore Street  
 APPLICANT: Jacob's Ladder Community Development Corporation  
 (Representative: Bill Marler)  
 USE DISTRICT: Residential Urban (RU-1) District  
 REQUEST: Use variance from Section 2.5.2 to allow multi-family residential senior housing  
 STAFF PLANNER: Brian Bacchus  
 STAFF RECOMMENDATION: Approval with conditions  
**TESTIMONY PROVIDED BY: Rev. Bill Marler (for applicant)**  
**Judge Loyce Lambert-Ryan (for opposition)**  
**Linda Harris (for opposition)**  
**ACTION BY THE BOARD: Approval with conditions**

THE RESOLUTION:

WHEREAS, an application was filed by the party listed above for the request listed above;

WHEREAS, a public hearing on this application was held by the Board; and

WHEREAS, The Board is of the opinion, and finds from the records on file, that the standards for this request, as found in the Unified Development Code, are **being met**; and

WHEREAS, The Board is further of the opinion that to allow the request would **not** be unduly detrimental to the other properties in the vicinity of the subject premises and 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 to impair the public health, safety, comfort, morals or welfare of the inhabitants of the City of Memphis and County of Shelby.

NOW THEREFORE, Be it resolved that the application be and is hereby **granted**, subject to the conditions provided for by staff and included in the staff report disseminated to the Board. Provided, however, that the request is **granted** for the specific purpose herein specified and shall not otherwise be deemed to vary or modify any of the provisions of the Unified Development Code, and other City or County Ordinance or State law applicable to these premises nor to any future use or development of said property, and provided further that a building permit and/or Certificate of Occupancy permit in conformity herewith shall be obtained within two (2) years.

Amendments made by the Board to the conditions as presented by staff and included in the staff report: **none**.

Motion to **approve**.

FOR MOTION: **6 (Baker, Claybrook, Doss, Jackson, Malasri and Rainey)**  
 AGAINST MOTION: **0**  
 RECUSALS: **0**  
 ABSTENTIONS: **0**

Motion **passes**.

AGENDA ITEM: 8  
 DOCKET: [BOA 2021-61 \(City\)](#)  
 LOCATION: 1360 Springbrook  
*Northwest corner of Springbrook and Sandbrook*  
 APPLICANT: Bantam Apartment Holdings, LLC  
 (Representative: Cindy Reaves)  
 USE DISTRICT: EMP Employment  
 REQUEST: Variance from Item 4.9.15F(1)(c) to allow the reuse of a sign that has been abandoned for more than 365 days and from Paragraph 4.9.6M(2) for landscaping requirements  
 STAFF PLANNER: Lucas Skinner  
 STAFF RECOMMENDATION: Approval with conditions  
**TESTIMONY PROVIDED BY: Cindy Reaves (for applicant)**  
**ACTION BY THE BOARD: Rejection**

THE RESOLUTION:

WHEREAS, an application was filed by the party listed above for the request listed above;

WHEREAS, a public hearing on this application was held by the Board; and

WHEREAS, The Board is of the opinion, and finds from the records on file, that the standards for this request, as found in the Unified Development Code, are **not being met**; and

WHEREAS, The Board is further of the opinion that to allow the request would 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 the 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 to impair the public health, safety, comfort, morals or welfare of the inhabitants of the City of Memphis and County of Shelby.

NOW THEREFORE, Be it resolved that the application be and is hereby **rejected**.

Motion to **approve**.

FOR MOTION: 0  
 AGAINST MOTION: **6 (Baker, Claybrook, Doss, Jackson, Malasri and Rainey)**  
 RECUSALS: 0  
 ABSTENTIONS: 0

Motion **fails**.

AGENDA ITEM: 9  
 DOCKET: [BOA 2021-62 \(City\)](#)  
 LOCATION: 3375 Summer Avenue  
*Southwest corner of Summer and Broad*  
 APPLICANT: Mothanna, Inc.  
 (Representative: Dedrick Brittenum, Jr.)  
 USE DISTRICT: Mixed Use (MU)  
 REQUEST: Section 9.23.1 appeal of administrative decision to reject the proposed site plan of a convenience store with gas pumps  
 STAFF PLANNER: Brett Davis  
 STAFF RECOMMENDATION: Take whatever action the Board deems advisable  
**TESTIMONY PROVIDED BY:** **Dedrick Brittenum (for applicant)**  
**Pearlie Mosby (for applicant)**  
**Patsy Chen (for applicant)**  
**Jasmine Tricoche (for opposition)**  
**Dane Forlines (for opposition)**  
**ACTION BY THE BOARD:** **Approval**

THE RESOLUTION:

WHEREAS, an application was filed by the party listed above for the request listed above;

WHEREAS, a public hearing on this application was held by the Board; and

WHEREAS, The Board is of the opinion, and finds from the records on file, that the standards for this request, as found in the Unified Development Code, are **being met**; and

WHEREAS, The Board is further of the opinion that to allow the request would **not** be unduly detrimental to the other properties in the vicinity of the subject premises and 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 to impair the public health, safety, comfort, morals or welfare of the inhabitants of the City of Memphis and County of Shelby.

NOW THEREFORE, Be it resolved that the application be and is hereby **granted**, provided, however, that the request is **granted** for the specific purpose herein specified and shall not otherwise be deemed to vary or modify any of the provisions of the Unified Development Code, and other City or County Ordinance or State law applicable to these premises nor to any future use or development of said property, and provided further that a building permit and/or Certificate of Occupancy permit in conformity herewith shall be obtained within two (2) years.

Motion to **approve**.

FOR MOTION: **5 (Claybrook, Doss, Jackson, Malasri and Rainey)**

AGAINST MOTION: **1 (Baker)**

Motion **passes**.

AGENDA ITEM: 12  
 DOCKET: [BOA 2021-65 \(City\)](#)  
 LOCATION: 541 Perkins Extended  
 APPLICANT: Sidney Lazarov Family Limited Partnership  
 (Representative: Brenda Solomito Basar)  
 USE DISTRICT: Commercial Mixed Use 3 (CMU-3)  
 REQUEST: Variance from Item 4.9.15F(1)(c) to allow the reuse of two signs that  
 have been abandoned for more than 365 days and Paragraph 4.9.6M(2)  
 for landscaping requirements  
 STAFF PLANNER: Lucas Skinner  
 STAFF RECOMMENDATION: Rejection  
**TESTIMONY PROVIDED BY: Brenda Solomito Basar (for applicant)**  
**ACTION BY THE BOARD: Approval with conditions**

THE RESOLUTION:

WHEREAS, an application was filed by the party listed above for the request listed above;

WHEREAS, a public hearing on this application was held by the Board; and

WHEREAS, The Board is of the opinion, and finds from the records on file, that the standards for this request, as found in the Unified Development Code, are **being met**; and

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Amendments made by the Board to the conditions as presented by staff and included in the staff report:  
 Add a new Condition No. 4: **The applicant shall return after 6 months to show a new design for the signs.**

Motion to **approve**.

FOR MOTION: **6 (Baker, Claybrook, Doss, Jackson, Malasri and Rainey)**  
 AGAINST MOTION: **0**  
 RECUSALS: **0**  
 ABSTENTIONS: **0**

Motion **passes**.

AGENDA ITEM: 13  
 DOCKET: [BOA 2021-66 \(City\)](#)  
 LOCATION: 3294 Poplar Avenue  
*Northwest corner of Poplar and Century*  
 APPLICANT: BWB 18002 Memphis, LLC  
 (Representative: Brenda Solomito Basar)  
 USE DISTRICT: Commercial Mixed Use 1 (CMU-1) and Residential Single-Family 6 (R-6)  
 REQUEST: Correspondence to Docket BOA 19-24 to allow a site plan modification  
 STAFF PLANNER: Jeffrey Penzes  
 STAFF RECOMMENDATION: Approval with conditions  
**TESTIMONY PROVIDED BY: Brenda Solomito Basar (for applicant)**  
**Jonathan Lindsey (for opposition)**  
**ACTION BY THE BOARD: Approval with conditions**

THE RESOLUTION:

WHEREAS, an application was filed by the party listed above for the request listed above;

WHEREAS, a public hearing on this application was held by the Board; and

WHEREAS, The Board is of the opinion, and finds from the records on file, that the standards for this request, as found in the Unified Development Code, are **being met**; and

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NOW THEREFORE, Be it resolved that the application be and is hereby **granted**, subject to the conditions provided for by staff and included in the staff report disseminated to the Board. Provided, however, that the request is **granted** for the specific purpose herein specified and shall not otherwise be deemed to vary or modify any of the provisions of the Unified Development Code, and other City or County Ordinance or State law applicable to these premises nor to any future use or development of said property, and provided further that a building permit and/or Certificate of Occupancy permit in conformity herewith shall be obtained within two (2) years.

Amendments made by the Board to the conditions as presented by staff and included in the staff report:

1. Add a new Condition No. 14: **The landscaping shall be in compliance with the landscape plan as submitted. The landscaping along the northern area of the encroachment subject to Docket BOA 21-66 shall be 30-36 inches in height when installed.**

Motion to **approve**.

FOR MOTION: **6 (Baker, Claybrook, Doss, Jackson, Malasri and Rainey)**  
 AGAINST MOTION: **0**  
 RECUSALS: **0**  
 ABSTENTIONS: **0**

Motion **passes**.

AGENDA ITEM: 14  
 DOCKET: [BOA 2021-67 \(City\)](#)  
 LOCATION: 272 S. Danny Thomas Blvd.  
*Southeast corner of Danny Thomas and Dr. M.L. King Blvd.*  
 APPLICANT: Loeb Property Limited Partnership  
 (Representative: Brenda Solomito Basar)  
 USE DISTRICTS: Sports and Entertainment (SE) and South Downtown Residential (R-SD)  
 REQUEST: Use variance from Paragraphs 7.2.1C(2) and 7.2.2C(2) to legitimize a gas station  
 STAFF PLANNER: Clarke Shupe-Diggs  
 STAFF RECOMMENDATION: Approval with conditions  
**TESTIMONY PROVIDED BY: Brenda Solomito Basar (for applicant)**  
**ACTION BY THE BOARD: Approval with conditions**

THE RESOLUTION:

WHEREAS, an application was filed by the party listed above for the request listed above;

WHEREAS, a public hearing on this application was held by the Board; and

WHEREAS, The Board is of the opinion, and finds from the records on file, that the standards for this request, as found in the Unified Development Code, are **being met**; and

WHEREAS, The Board is further of the opinion that to allow the request would **not** be unduly detrimental to the other properties in the vicinity of the subject premises and 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 to impair the public health, safety, comfort, morals or welfare of the inhabitants of the City of Memphis and County of Shelby.

NOW THEREFORE, Be it resolved that the application be and is hereby **granted**, subject to the conditions provided for by staff and included in the staff report disseminated to the Board. Provided, however, that the request is **granted** for the specific purpose herein specified and shall not otherwise be deemed to vary or modify any of the provisions of the Unified Development Code, and other City or County Ordinance or State law applicable to these premises nor to any future use or development of said property, and provided further that a building permit and/or Certificate of Occupancy permit in conformity herewith shall be obtained within two (2) years.

Amendments made by the Board to the conditions as presented by staff and included in the staff report:

1. Amend Condition No. 2: The site shall have one (1) curb cut along South Danny Thomas Boulevard and one (1) curb cut along Doctor Martin Luther King Junior Avenue. All other curb cuts shall be closed **within three (3) years of the date of this approval.**

Motion to **approve**.

FOR MOTION: **6 (Baker, Claybrook, Doss, Jackson and Malasri)**

AGAINST MOTION: **0**

RECUSALS: **0**

ABSTENTIONS: **1 (Rainey)**

Motion **passes**.



AGENDA ITEM: 15  
 DOCKET: [BOA 2021-68 \(City\)](#)  
 LOCATION: 302 and 306 South Lauderdale  
*Southeast corner of Lauderdale and Pontotoc*  
 APPLICANT: Patrice Thompson and Craig Solo 401K Trust  
 (Representative: Cindy Reaves)  
 USE DISTRICTS: Employment (EMP)  
 REQUEST: Use variance from Section 2.5.2 to legitimize multi-family housing  
 STAFF PLANNER: Seth Thomas  
 STAFF RECOMMENDATION: Approval with one condition  
**TESTIMONY PROVIDED BY: Cindy Reaves (for applicant)**  
**ACTION BY THE BOARD: Approval with conditions**

THE RESOLUTION:

WHEREAS, an application was filed by the party listed above for the request listed above;

WHEREAS, a public hearing on this application was held by the Board; and

WHEREAS, The Board is of the opinion, and finds from the records on file, that the standards for this request, as found in the Unified Development Code, are **being met**; and

WHEREAS, The Board is further of the opinion that to allow the request would **not** be unduly detrimental to the other properties in the vicinity of the subject premises and 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 to impair the public health, safety, comfort, morals or welfare of the inhabitants of the City of Memphis and County of Shelby.

NOW THEREFORE, Be it resolved that the application be and is hereby **granted**, subject to the conditions provided for by staff and included in the staff report disseminated to the Board. Provided, however, that the request is **granted** for the specific purpose herein specified and shall not otherwise be deemed to vary or modify any of the provisions of the Unified Development Code, and other City or County Ordinance or State law applicable to these premises nor to any future use or development of said property, and provided further that a building permit and/or Certificate of Occupancy permit in conformity herewith shall be obtained within two (2) years.

Amendments made by the Board to the conditions as presented by staff and included in the staff report:

1. Amend a new second sentence to Condition No. 1: **The property line between the two parcels subject to this variance may be shifted to a point where it may be a minimum of five (5) feet from the northern façade of the existing building.**
2. Add a new Condition No. 2: **This use variance will allow any residential use.**

Motion to **approve**.

FOR MOTION: **6 (Baker, Claybrook, Doss, Jackson, Malasri and Rainey)**  
 AGAINST MOTION: **0**  
 RECUSALS: **0**  
 ABSTENTIONS: **0**

Motion **passes**.

**PETITION FOR REHEARING**

AGENDA ITEM: 16  
DOCKET: [BOA 2021-43 \(City\)](#)  
LOCATION: 4918 William Arnold Road  
PETITIONER: Rose McCallum  
USE DISTRICT: Residential Work (RW)  
REQUEST: Rehearing of the May 26, 2021, approval of a use variance from Section 2.5.2 to allow inpatient care services at an existing (outpatient) rehabilitation clinic and counseling center  
STAFF PLANNER: Clarke Shupe-Diggs  
STAFF RECOMMENDATION: Take whatever action the Board deems advisable  
**ACTION BY THE BOARD: Rejection**

Motion to **approve**.

FOR MOTION: 0  
AGAINST MOTION: 6 (Baker, Claybrook, Doss, Jackson, Malasri and Rainey)  
RECUSALS: 0  
ABSTENTIONS: 0

Motion **fails**.

ADJOURNMENT:

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

MINUTES APPROVED: \_\_\_\_\_

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
SECRETARY