

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

**Wednesday, July 28, 2021**

**Memphis City Hall  
125 N. Main Street  
City Council Chambers**

Present:

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

---

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

---

Other Staff Present:

Mr.	Brian Bacchus, Division of Planning and Development (“DPD”)
Mr.	Brett Davis, DPD
Mr.	Jeffrey Penzes, DPD
Mr.	Brett Ragsdale, DPD
Mr.	Robert Rolwing, County Attorney’s Office
Ms.	Teresa Shelton, DPD
Ms.	Clarke Shupe-Diggs, DPD
Mr.	Lucas Skinner, DPD
Mr.	Seth Thomas, DPD

---

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 Jackson** 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:** 2  
**DOCKET:** [BOA 2021-69 \(City\)](#)  
**LOCATION:** 2854 Douglass Avenue  
**APPLICANT:** Original Project Team, Inc.  
(Representative: Austin Avery, III)  
**USE DISTRICT:** Residential Urban (RU-1) District  
**REQUEST:** Use Variance from Section 2.5.2 to allow a neighborhood food  
pantry/soup kitchen  
**STAFF PLANNER:** Brian Bacchus  
**STAFF RECOMMENDATION:** Hold for one (1) month  
**ACTION BY THE BOARD:** **Hold for one (1) month**

**AGENDA ITEM:** 5  
**DOCKET:** [BOA 2021-72 \(City\)](#)  
**LOCATION:** 2876 Natchez Lane  
**APPLICANT:** William O. Frazier, III  
 (Representative: David Bray with the Bray Firm)  
**USE DISTRICT:** Residential 6 (R-6)  
**REQUEST:** Variance from Sub-Section 3.6.1A to allow an attached garage to encroach into the required rear yard setback  
**STAFF PLANNER:** Teresa Shelton  
**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:** 6 (Baker, Claybrook, Jackson, Malasri, Rainey and Scurlock)  
**AGAINST MOTION:** 0  
**RECUSALS:** 0  
**ABSTENTIONS:** 0

Motion **passes**.

**AGENDA ITEM:** 7  
**DOCKET:** [BOA 2021-74 \(City\) \(companion case to BOA 2021-76, 2021-77, and 2021-79\)](#)  
**LOCATION:** 302 Ashland Street  
**APPLICANT:** North Poplar, LLC  
 (Representative: Will Burgin with Artifex)  
**USE DISTRICT:** Residential – 6 (R-6) within the Medical Overlay District (MO)  
**REQUEST:** Variance from Sub-Section 2.7.2D to waive the following standards associated with accessory dwelling units: their impermissibility on lots of less than 10,000 square feet; their minimum parking ratios; and their prohibition of windows within 10 feet of a parcel that is zoned single-family residential  
**STAFF PLANNER:** Brett Davis  
**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:** 6 (Baker, Claybrook, Jackson, Malasri, Rainey and Scurlock)  
**AGAINST MOTION:** 0  
**RECUSALS:** 0  
**ABSTENTIONS:** 0

Motion **passes**.

**AGENDA ITEM:** 8  
**DOCKET:** [BOA 2021-75 \(City\)](#)  
**LOCATION:** 382 Washington Avenue  
*Northwest corner of Washington and High*  
**APPLICANT:** Memphis Union Mission  
 (Representative: Marvin Brown with Pickering)  
**USE DISTRICT:** Central Business District (CBD) within the Midtown Overlay (MO)  
**REQUEST:** Use variance from Section 2.5.2 to allow an accessory use, a parking lot, serving a group shelter  
**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.

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, Jackson, Malasri, Rainey and Scurlock)**

AGAINST MOTION: **0**

RECUSALS: **0**

ABSTENTIONS: **0**

Motion **passes**.

**AGENDA ITEM:** 9  
**DOCKET:** [BOA 2021-76 \(City\)](#)  
**LOCATION:** 864 Mosby Avenue  
*Northwest corner of Mosby and Ashland*  
**APPLICANT:** North Poplar, LLC  
 (Representative: Will Burgin with Artifex)  
**USE DISTRICT:** Residential – 6 (R-6) within the Medical Overlay District (MO)  
**REQUEST:** Variance from Sub-Section 2.7.2D to waive the following standards associated with accessory dwelling units: their impermissibility on lots of less than 10,000 square feet; their minimum parking ratios; and their prohibition of windows within 10 feet of a parcel that is zoned single-family residential  
**STAFF PLANNER:** Brett Davis  
**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: **6 (Baker, Claybrook, Jackson, Malasri, Rainey and Scurlock)**  
 AGAINST MOTION: **0**  
 RECUSALS: **0**  
 ABSTENTIONS: **0**

Motion **passes**.

**AGENDA ITEM:** 10  
**DOCKET:** [BOA 2021-77 \(City\)](#)  
**LOCATION:** west side of Ashland Street, approximately 395 feet north of Mosby  
**APPLICANT:** North Poplar, LLC  
 (Representative: Will Burgin with Artifex)  
**USE DISTRICT:** Residential – 6 (R-6) within the Medical Overlay District (MO)  
**REQUEST:** Variances from Section 2.5.2 to permit a bungalow court apartment complex; Chapter 3.4 to modify the definition of “bungalow court” so that each individual building may contain a maximum of four dwelling units, rather than two; and Sub-Section 4.5.3B to reduce minimum parking ratios  
**STAFF PLANNER:** Brett Davis  
**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: 6 (Baker, Claybrook, Jackson, Malasri, Rainey and Scurlock)  
 AGAINST MOTION: 0  
 RECUSALS: 0  
 ABSTENTIONS: 0

Motion **passes**.

**AGENDA ITEM:** 11  
**DOCKET:** [BOA 2021-78 \(City\)](#)  
**LOCATION:** 1367 Faxon Avenue  
**APPLICANT:** Marie Steele  
**USE DISTRICT:** Residential Urban 1 (RU-1)  
**REQUEST:** Variance from Sub-Section 3.7.2B to allow a carport to encroach into the required side yard setback  
**STAFF PLANNER:** Seth Thomas  
**STAFF RECOMMENDATION:** Approval with one condition  
**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, Jackson, Malasri, Rainey and Scurlock)  
AGAINST MOTION: 0  
RECUSALS: 0  
ABSTENTIONS: 0

Motion **passes**.



**AGENDA ITEM:** 12  
**DOCKET:** [BOA 2021-79 \(City\)](#)  
**LOCATION:** west side of Ashland Street, approximately 235 feet north of Mosby  
**APPLICANT:** North Poplar, LLC  
 (Representative: Will Burgin with Artifex)  
**USE DISTRICT:** Residential – 6 (R-6) within the Medical Overlay District (MO)  
**REQUEST:** Variances from Section 2.5.2 to permit a bungalow court apartment complex; Chapter 3.4 to modify the definition of “bungalow court” so that each individual building may contain a maximum of four dwelling units, rather than two; and Sub-Section 4.5.3B to reduce minimum parking ratios  
**STAFF PLANNER:** Brett Davis  
**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: 6 (Baker, Claybrook, Jackson, Malasri, Rainey and Scurlock)  
 AGAINST MOTION: 0  
 RECUSALS: 0  
 ABSTENTIONS: 0

Motion **passes**.

**AGENDA ITEM:** 13  
**DOCKET:** [BOA 2021-80 \(City\)](#)  
**LOCATION:** 4727 Elvis Presley Boulevard  
**APPLICANT:** Memphis YMCA Support Corporation  
 (Representative: Juan Self, AIA, with Self+Tucker Architects)  
**USE DISTRICT:** Residential Single Family (R-10) District  
**REQUEST:** Use Variance to allow re-construction of accessory structures for a pool and pump house and continuation of an accessory use for an in-ground swimming pool  
**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.

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, Jackson, Malasri, Rainey and Scurlock)**  
 AGAINST MOTION: **0**  
 RECUSALS: **0**  
 ABSTENTIONS: **0**

Motion **passes**.

**AGENDA ITEM:** 14  
**DOCKET:** [BOA 2021-81 \(City\)](#)  
**LOCATION:** 2085 Covington Pike  
**APPLICANT:** Donald Patterson Trust  
 (Representative: Mike Davis with the Reaves Firm)  
**USE DISTRICT:** Commercial Mixed Use 3 (CMU-3)  
**REQUEST:** Use variance from Section 2.5.2 to allow a golf car sales and service establishment  
**STAFF PLANNER:** Teresa Shelton  
**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: 6 (Baker, Claybrook, Jackson, Malasri, Rainey and Scurlock)  
 AGAINST MOTION: 0  
 RECUSALS: 0  
 ABSTENTIONS: 0

Motion **passes**.

**AGENDA ITEM:** 15  
**DOCKET:** [BOA 2021-82 \(City\)](#)  
**LOCATION:** 220 Lombardy Road  
**APPLICANT:** Allison and Win Rawson  
**USE DISTRICT:** Residential 10 (R-10)  
**REQUEST:** Variance from Sub-Section 3.6.1A to allow an attached garage to encroach into the required rear yard setback  
**STAFF PLANNER:** Teresa Shelton  
**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:** 6 (Baker, Claybrook, Jackson, Malasri, Rainey and Scurlock)  
**AGAINST MOTION:** 0  
**RECUSALS:** 0  
**ABSTENTIONS:** 0

Motion **passes**.

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

**AGENDA ITEM:** **1**  
**DOCKET:** [BOA 2021-13 \(City\)](#)  
**LOCATION:** 651 N. McLean  
**APPLICANT:** Oussama Terrab  
**USE DISTRICT:** Commercial Mixed Use 1 (CMU-1)  
**REQUEST:** Present monthly sales receipts reflecting the percentage of sales that are comprised of 1) tobacco and 2) vapor and electronic cigarettes, pursuant to condition of approval of this case by the Board on March 24, 2021  
**STAFF PLANNER:** Lucas Skinner  
**STAFF RECOMMENDATION:** No action by the Board is required  
**TESTIMONY PROVIDED BY:** **Ossam Terrab (for applicant)**  
**ACTION BY THE BOARD:** **None**

**AGENDA ITEM:** 3  
**DOCKET:** [BOA 2021-70 \(City\)](#)  
**LOCATION:** 3400 Powell Avenue  
**APPELLANT:** Heights Community Development Corp.  
 (Representative: Christina Crutchfield)  
**APPELLEE:** Lixa Martinez Orellana  
**USE DISTRICT:** Residential Urban 1 (RU-1)  
**REQUEST:** Section 9.23.1 appeal of administrative approval of a fence greater than four (4) feet in height (case AD 2021-5)  
**STAFF PLANNER:** Lucas Skinner  
**STAFF RECOMMENDATION:** Take whatever action the Board deems advisable  
**TESTIMONY PROVIDED BY:** **Ossam Terrab (for appellant)**  
**Lixa Martinez Orellana (for appellee)**  
**ACTION BY THE BOARD:** **Approval with one (1) condition**

THE RESOLUTION:

WHEREAS, an appeal 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 appeal be and is hereby **granted**, subject to the condition provided for below. 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.

Amendments made by the Board:

New Condition No. 1: **The fence shall be brought into compliance with the zoning code by July 28, 2026.**

Motion to **approve**.

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

Motion **passes**.

**AGENDA ITEM:** 4  
**DOCKET:** [BOA 2021-71 \(City\)](#)  
**LOCATION:** 475 North Main Street  
*Southwest corner of Main Street and Sycamore Avenue*  
**APPLICANT:** November 6 Investments, LLC  
 (Representative: Mike Fahy with Prime Development Group)  
**USE DISTRICT:** Mixed Use (MU)  
**REQUEST:** Use variance from Section 7.3.11 to allow indoor multi-story self-service storage facility  
**STAFF PLANNER:** Jeffrey Penzes  
**STAFF RECOMMENDATION:** Approval with conditions  
**TESTIMONY PROVIDED BY:** **Mike Fahy (for applicant)**  
**Craig Mednikow (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: 0  
 AGAINST MOTION: 6 (Baker, Claybrook, Jackson, Malasri, Rainey and Scurlock)  
 RECUSALS: 0  
 ABSTENTIONS: 0

Motion **passes**.

**AGENDA ITEM:** 6  
**DOCKET:** [BOA 2021-73 \(City\)](#)  
**LOCATION:** 164 Keel Avenue  
**APPLICANT:** Jones Urban Development, LLC  
 (Representative: Cindy Reaves with SR Consulting)  
**USE DISTRICT:** Moderate Density Residential (MDR) District  
**REQUEST:** Variances from Sub-Section 2.7.1A; Item 2.7.2D(1)(a); and Item 7.3.5C(1)(b) to allow accessory dwelling units on lots less than 10,000 square feet and to increase side yards pursuant to Sub-Section 3.2.9F regarding platted build-to-line setbacks  
**STAFF PLANNER:** Brian Bacchus  
**STAFF RECOMMENDATION:** Approval with conditions  
**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: **none**.

Motion to **approve**.

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

Motion **passes**.



**AGENDA ITEM:** 16  
**DOCKET:** [BOA 2021-83 \(City\)](#)  
**LOCATION:** 587-619 Houston Street  
**APPLICANT:** Houston Street Properties, LLC  
(Representative: Cindy Reaves with SR Consulting)  
**USE DISTRICT:** Commercial Mixed Use 1 (CMU-1)  
**REQUEST:** Variances from Sub-Section 8.3.6D, Paragraph 8.3.10B(3), 8.3.10C(4), 8.3.10E(3), Sub-Item 8.3.12G(2)(a)(ii) and Sub-Section 4.6.5B related to an apartment building  
**STAFF PLANNER:** Clarke Shupe-Diggs  
**STAFF RECOMMENDATION:** Rejection  
**TESTIMONY PROVIDED BY:** **Cindy Reaves (for applicant)**  
**Victor Buchholz (for applicant)**  
**Zach Channing (for applicant)**  
**Cecil Humphreys (for opposition)**  
**Vaughan Dewar (for opposition)**  
**ACTION BY THE BOARD:** Hold for one (1) month

ADJOURNMENT:

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

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

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
SECRETARY