



BOARD OF ADJUSTMENT

City Board Est. in 1925 - County Board Est. in 1931 - Merged, 1970
Josh Whitehead, AICP, Secretary



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AGENDA

Wednesday, September 22, 2021

City Council Chambers, City Hall, 125 N. Main St.

View the Meeting Streaming Live on [THIS LINK](https://www.youtube.com/c/divisionofplanninganddevelopment)
(<https://www.youtube.com/c/divisionofplanninganddevelopment>)

A. Public Session: 2:00 PM

B. Approval of [Minutes from the Previous Meeting](#)

C. Secretary's Report

D. Approval of Consent Agenda

The purpose of the Consent Agenda is to expedite approval of those cases where there is agreement among all parties over the recommendations and conditions placed by staff. All cases placed on the Consent Agenda will be voted on by the Board as a group. As the Consent Agenda is established during the beginning of the meeting, the Secretary will ask if any member of the Board, staff or public objects, by a show of hands, to a case or the conditions as outlined in the case's Staff Report. If so, that case will be ineligible to be placed on the Consent Agenda. Also, ineligible to be placed on the Consent Agenda are those cases where staff has made a recommendation of rejection and those cases on behalf of which opposition speakers' cards have been submitted.

E. Regular Agenda

All section numbers below are references to the Memphis and Shelby County Unified Development Code (City of Memphis Ordinance No. 5367 adopted August 10, 2010/Shelby County Ordinance No. 397 adopted August 9, 2010, as amended).

Held Cases

- DOCKET: [BOA 2021-89 \(City\)](#)
LOCATION: 2100 Elvis Presley Boulevard
(northeast corner of Elvis Presley and Elliston)
APPLICANT: Robert McCormick
USE DISTRICT: Commercial Mixed Use 3 (CMU-3)
REQUEST: Variance from Section 4.8.3 to allow outdoor storage of tractor trailers and heavy trucks
STAFF PLANNER: Clarke Shupe-Diggs
STAFF RECOMMENDATION: Rejection
This matter is currently pending in Environmental Court. It was held in abeyance by the Board during its meeting on August 25, 2021.

2. DOCKET: [BOA 2021-94 \(City\)](#)
LOCATION: 1956 Dunn Avenue
APPLICANT: Charles C. Shoaf, III
USE DISTRICT: Residential Single Family (R-6) District
REQUEST: Use Variance from Section 2.5.2 to legitimize an existing used commercial trucking business

STAFF PLANNER: Brian Bacchus
STAFF RECOMMENDATION: Rejection
This matter is currently pending in Environmental Court. It was previously heard by the Board as Docket BOA 2019-102 (City) on October 23, 2019. The six-month probation period during which re-filing the same request is prohibited, as outlined in Article VII, Sec. 2 of the Board's Rules of Procedure, has passed. The applicant was not present during the August 25, 2021, so it was re-docketed on this agenda.

New Cases

3. DOCKET: [BOA 2021-97 \(City\)](#)
LOCATION: 386 S. Main Street
APPLICANT: 18 Main, LLC
(Representative: John Halford)

USE DISTRICT: South Main within the South Main Historic Overlay (SM[H])
REQUEST: Variance from Paragraph 7.2.2E to allow 32 dwelling units in an apartment building

STAFF PLANNER: Lucas Skinner
STAFF RECOMMENDATION: Approval with conditions
The Board approved a variance for this project during its May 27, 2021, meeting, but that approval was limited to the 30 units requested by the applicant at that time.
4. DOCKET: [BOA 2021-101 \(City\)](#)
LOCATION: 534 McLemore Avenue
APPLICANT: Mark Namyad
USE DISTRICT: Residential 6 (R-6)
REQUEST: Use variance from Section 2.5.2 to allow a quadplex
STAFF PLANNER: Lucas Skinner
STAFF RECOMMENDATION: Approval with conditions
5. DOCKET: [BOA 2021-104 \(City\)](#)
LOCATION: 4661 Burbank Road
APPLICANT: Jordan Aluminum Extrusion Company
(Representative: David Harper)

USE DISTRICT: Employment (EMP)
REQUEST: Variance from Section 3.10.2 to allow an encroachment into a rear yard setback

STAFF PLANNER: Clarke Shupe-Diggs
STAFF RECOMMENDATION: Approval with conditions

6. DOCKET: [BOA 2021-106 \(City\)](#)
LOCATION: North side of Democrat Road, 300 feet west of Tchulahoma
APPLICANT: Federal Express Corporation
(Representative: Jennifer Peregoy, Kimley-Horn)
USE DISTRICT: Employment (EMP)
REQUEST: Variance from Sub-Section 4.5.5D to allow a surface parking lot with reduced interior landscaping
STAFF PLANNER: Jeffrey Penzes
STAFF RECOMMENDATION: Approval with conditions
7. DOCKET: [BOA 2021-109 \(County\)](#)
LOCATION: 5884 U.S. Highway 51
APPLICANT: Jeffrey McCoy
(Representative: David Bray)
USE DISTRICT: Employment (EMP)
REQUEST: Use variance from Section 2.5.2 to allow a single-family residence
STAFF PLANNER: Teresa Shelton
STAFF RECOMMENDATION: Approval with conditions
8. DOCKET: [B.O.A. 2021-110 \(City\) \(Correspondence to B.O.A. 21-38 {City}\)](#)
LOCATION: 4048 Minden Road
APPLICANT: Timothy R. & Christine W. Taylor
(Representative: Don Conway)
USE DISTRICT: Residential Single Family (R-10) District
REQUEST: Modification to conditions of approval for Docket B.O.A. 21-38 (City) to not plant evergreen trees along the west/northwest property line
STAFF PLANNER: Brian Bacchus
STAFF RECOMMENDATION: Take whatever action the Board deems advisable
9. DOCKET: [B.O.A. 2021-111 \(City\) \(Companion Case: S.U.P. 21-18\)](#)
LOCATION: 3744 Sturgeon Avenue
APPLICANT: Tonya Walker-Barnes
USE DISTRICT: Residential Single Family (R-6) District
REQUEST: Variance from Item 2.6.2B(2) to allow a group day care home on a minor local street not within 150 feet of an arterial street
STAFF PLANNER: Brian Bacchus
STAFF RECOMMENDATION: Approval with Conditions
10. DOCKET: [BOA 2021-112 \(City\)](#)
LOCATION: North side of Highland Park Place, just east of Holmes
APPLICANT: Ed Apple
(Representative: Charles Waters)
USE DISTRICT: Residential 6 (R-6)
REQUEST: Variance from Item 3.6.1 and Sub-Section 3.9.2H to allow a front facing garage and a reduction in the front yard setback
STAFF PLANNER: Seth Thomas
STAFF RECOMMENDATION: Approval with conditions

Other Business

11. REQUESTS:

[Amend Articles VI and XI of the Board's Rules of Procedure to explicitly spell out the process by which Board-initiated reconsiderations are processed and amend Article XII to state that Robert's Rules of Order governs in instances where the Board's Rules are silent](#)

STAFF PLANNER:

Josh Whitehead

STAFF RECOMMENDATION:

Approval