

MEMPHIS AND SHELBY COUNTY ZONING BOARD OF ADJUSTMENT

STAFF REPORT

#

DOCKET NUMBER: B.O.A. 13-45 City B.O.A. MEETING: Nov. 20, 2013

LOCATION: 1082 Vollintine Ave.

OWNER/APPLICANT: Estella's Home Care

REQUEST: To allow an elderly care home with up to 14 residents in a RU1 zoning district.

EXISTING LAND USE & ZONING: Residential Use-1 (RU-1) District

**RECOMMENDATION
HOLD**

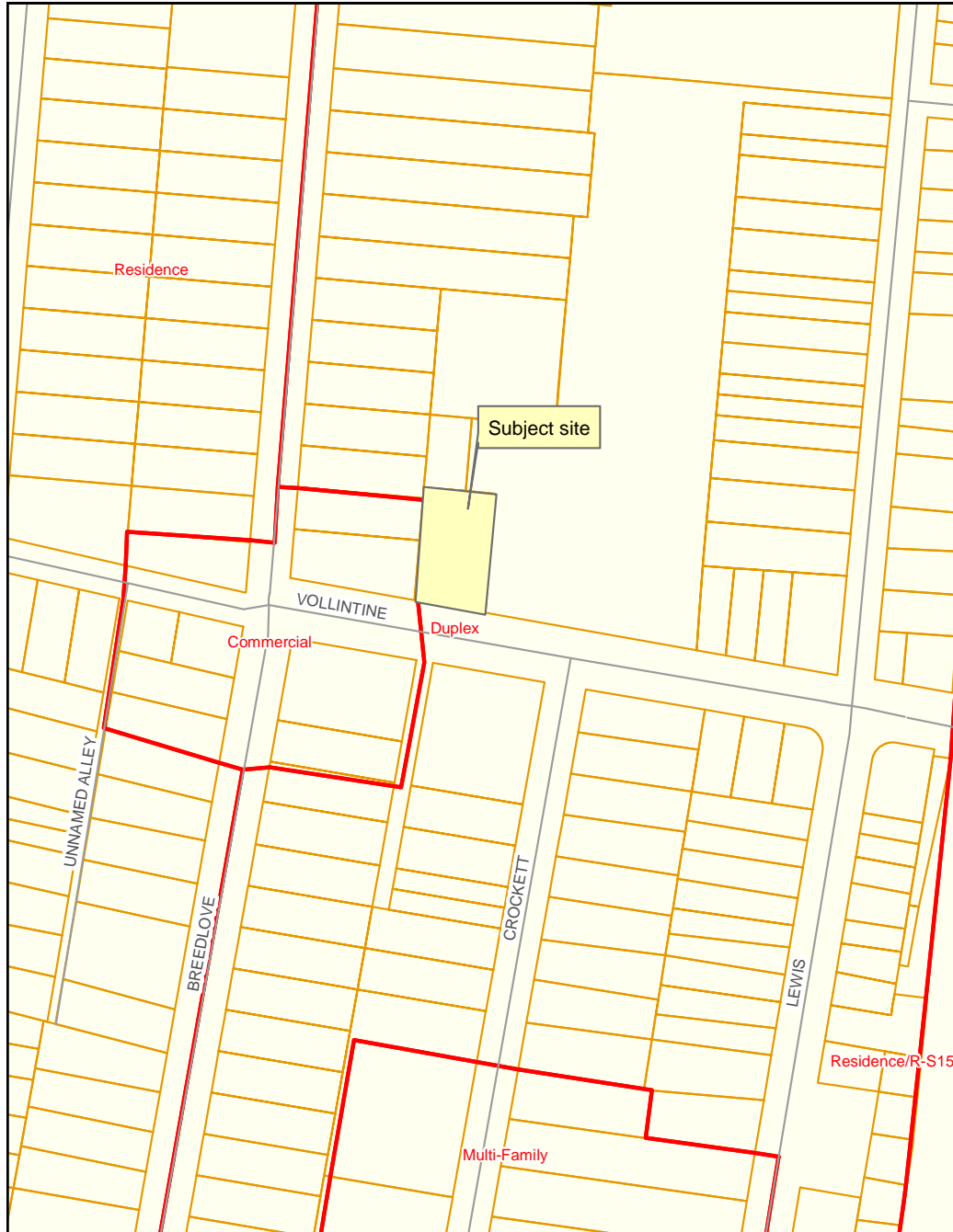
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CONCLUSIONS:

The applicant must provide an adequate site plan that meets the intent of the UDC before the case is heard by the BOA, drafting a revised site plan that may address these stakeholder concerns once they are discussed and fully vetted.

The Office of Planning and Development is concerned with the circulation of the proposed parking lot, parking stalls, parking stalls location and if the ingress/egress are adequate to the site.



SURROUNDING LAND USES AND ZONING:

- North:** Residential
- South:** Commercial
- East:** Commercial – Boys Club
- West:** Commercial



The site has frontage along Vollentine Avenue

STAFF ANALYSIS:

Site Description

The subject site is situated along the north side of Vollintine 150.55' east of Breedlove.

This site is approximately 16,297 square-feet and is occupied by a one-story red brick building which current use is an elderly home and is currently zoned RU-1 (Residential Urban) as are all of the abutting properties and a larger area within close proximity of the site.

This elderly care home was established by Estella's Home Care LLC in 1998; per our records, zoning at the time of construction of the site was RU-1 (Apartment-Shop District) which allowed residential land use and limited office. Because of the building type and architectural components, this site may have been previously used as a residence.

The site is generally surrounded by a combination of RU-1 and CMU-1 land-uses which existed before Estella's Home Care was introduced to the area.

The residential urban districts are intended to accommodate development where the land-use pattern is predominately urban in character or where such a land use pattern is desired in the future. The RU-districts are intended to provide for a variety of housing opportunities at intensities compatible with the surrounding land-uses. The districts are intended to encourage residential infill on single lots and small tracts as well as new development on larger tracts in traditional urban patterns that mimic established portions of surrounding neighborhoods. The RU-districts allow a limited set of corner commercial uses subject to performance measures.

Request

A variance to Item 2.6.1F and 2.5.2 of the Unified Development Code allowing parking in the front yard and an increase in the number of residents from eight (8) to 14 (fourteen) in the RU-1 zoning district.

Review of Request/Conclusion

The Unified Development Code, Paragraph 2.6.1F requires that all parking...shall take place from the rear of the property or shall be sufficiently screened from view set forth in Sub-section F.

In this case, there is a potential hardship in that the structure was initially built to serve commercial and or office purposes judging by the existing structure and its accessory parking lot. As a result, the subject site and the occupying structure are not well suited for residential purposes contrary to most of the surrounding properties (UDC, Paragraph, 9.22.6A(1)).

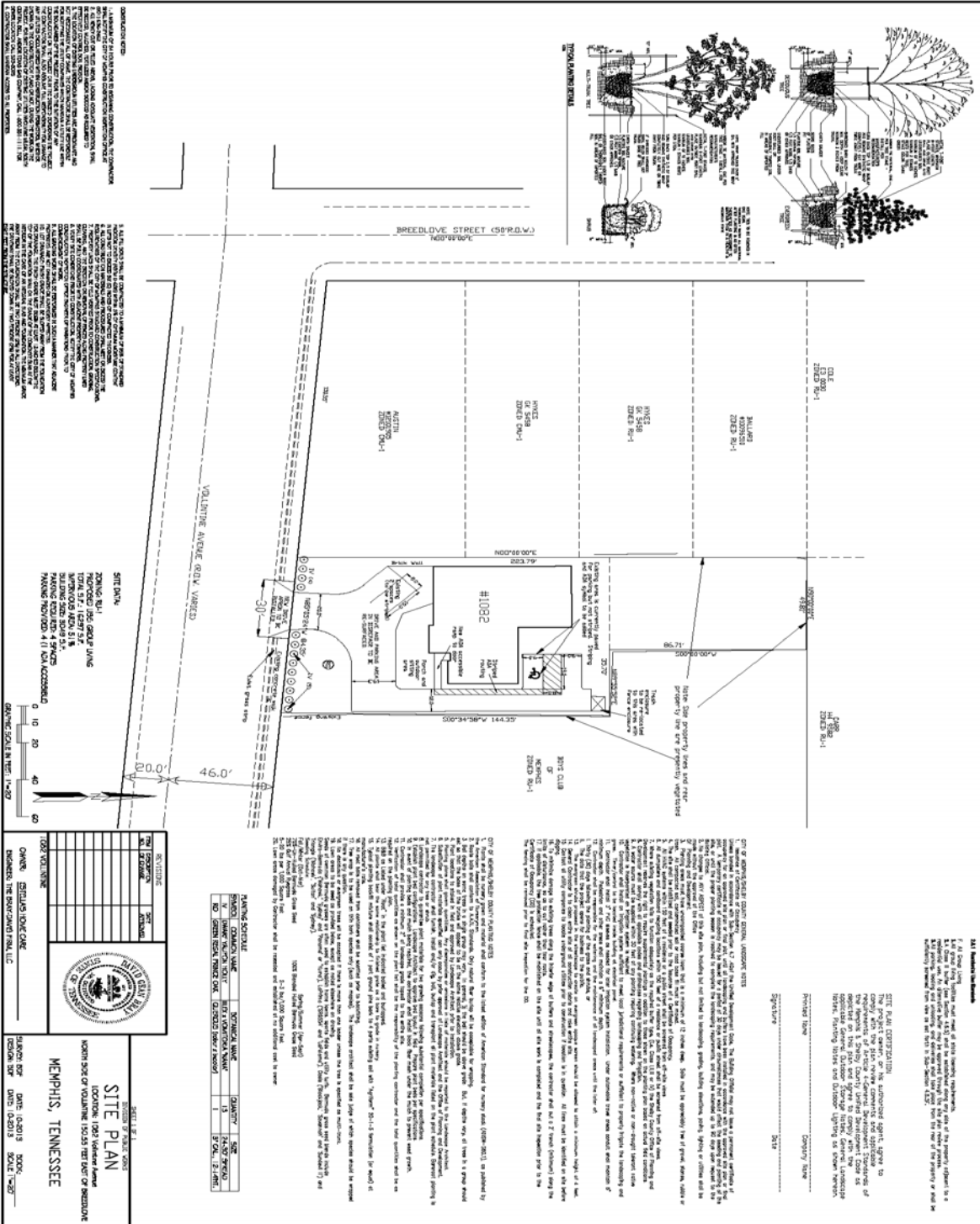
Redeveloping the subject site so that it could be utilized as a residence may prove to be impractical and may impose undue hardship upon the owner.

However, developing this property as detailed in the proposed site plan may not provide a reasonable transition between the existing, nearby residential land uses and the proposed Elderly Care Home with a maximum capacity of 14 residents.

Site Conditions

1. The applicant must comply with site plan as submitted.
2. The applicant must provide a landscape plan to the site before a U and O permit is approved.
3. The dumpster on site must be fully enclosed and screened from abutting properties to include Vollentine.
4. The site shall have a minimum of four (4) parking stalls to include one (1) ADA accessible space and an ADA accessible ramp to the site.
5. Estella's Home Care shall not operate above the maximum of 14 residents.
6. The site and proposed land use shall remain in compliance with all applicable local, state, and federal requirements for Elderly Homes.

Site plan



RECOMMENDATION:

Hold until next BOA meeting

GENERAL INFORMATION:

Street Frontage: Vollintine

Planning District: North Memphis

Zoning History: RU-1

DEPARTMENTAL COMMENTS:

The following comments were provided by agencies to which this application was referred:

City Engineer:	Reviewing site plan
County Engineer:	N/A
Memphis Fire Department:	No Comment
City Board of Education:	
OPD-Plans Development/Landmarks:	No comment received.
OPD-Regional Services/Transportation:	No comment received.
City Real Estate:	No comment received.
OPD-Construction Code Enforcement:	No comment received.
Memphis, Light, Gas & Water:	No comment received.
Memphis & Shelby County Health Department:	No comments
Bell South/ATT:	AT&T Tennessee has no comment.
MATA:	No comment received.

