

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

Wednesday, September 25, 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, September 25, 2013.

Present:

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| Mr. | Jimmy Burditt |
| Mr. | Frank Colvett, Jr., Chairman |
| Mr. | Daniel Dow |
| Ms. | Lynda Raiford |
| Mr. | Timothy Rainey, Vice Chairman |
| Mr. | John Jackson III |
| Ms. | Madeline Savage-Townes |
| Ms. | Mary Sharp (Alternate) |

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| Mr. | Josh Whitehead, Secretary |
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Also Present:

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| Mr. | Calvin Abram, OPD |
| Mr. | Brian Bacchus, OPD |
| Mr. | Don Jones, OPD |
| Mr. | Terry Langlois, 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 August 28, 2013.

HELD CASE:

1. **DOCKET:** B.O.A 13-32 (CITY)
- APPLICANT:** Overton Park Avenue
- PREMISES AFFECTED:** 1914 Poplar Avenue
(Northwest corner of Poplar Avenue and East Parkway-North)
- USE DISTRICT:** Residential Single Family(R-15) District
- REQUESTING:** Variance to Subsection 4.9.15.E for relocation of an existing nonconforming sign along East Parkway-North at Sam Cooper Boulevard
- ACTION OF THE BOARD:** Approved
- APPEARANCES:** For Applicant: Bill Ferguson
For Opposition: None

THE RESOLUTION:

WHEREAS, Overton Park Conservancy filed an application with the Board of Adjustment on Wednesday, July 31, 2013. A variance to Subsection 4.9.15.E for relocation of an existing nonconforming sign along East Parkway-North at Sam Cooper Boulevard; and

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on Wednesday, September 25, 2013, after due notice; and

WHEREAS, The Board is of the opinion, and finds from the sworn testimony of the witness 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 not 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 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: 8
Chairman Colvett, Bruditt, Dow, Jackson III, Raiford,
Rainey and Sharp

NOT VOTING: 0

ACTION IS TO APPROVE

NEW CASES:

2. **DOCKET:** **B.O.A 13-36 (CITY)**

APPLICANT: **Lisa Romero**

PREMISES AFFECTED: **3729 Elliston Road
(411 feet east of Robin Hood Lane)**

USE DISTRICT: Residential Single Family(R-6) District

REQUESTING: Use variance from Chapter 2.5 for a dog rescue organization

ACTION OF THE BOARD: Rejected

APPEARANCES: For Applicant: Lisa Romero (3729 Elliston)

For Opposition: Randy Hipp (3747 Elliston)

THE RESOLUTION:

WHEREAS, Lisa Romero filed an application with the Board of Adjustment on Thursday, August 30, 2013, requesting a use variance from Chapter 2.5 for a dog rescue organization; and,

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on Wednesday, September 25, 2013, after due notice; and

WHEREAS, The Board is of the opinion, and finds from the sworn testimony of the witness at the hearing, and the records on file, that the standards for variances in Chapter 9.22 of the Unified Development Code are not being met; and

WHEREAS, The Board has determined that said variance 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 this 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 impair the public health, safety, comfort, morals or welfare of the inhabitants of the County of Shelby; and, therefore, this application is rejected.

NOW, THEREFORE, Be it resolved that the requested variation be and it hereby is denied.

AGAINST MOTION:

8

Chairman Colvett, Burditt, Dow, Jackson III, Raiford, Rainey, Pritchard, and Sharp

FOR MOTION:

0

NOT VOTING:

0

ACTION IS TO REJECT

3. **DOCKET:** B.O.A 13-37 (CITY)

APPLICANT: Filament, LLC (Todd Walker)

PREMISES AFFECTED: 236 S. Watkins
(Southeast corner of S. Watkins Street & Eastmoreland Avenue)

USE DISTRICT: Residential Single Family (R-6) District

REQUESTING:

1. A Use Variance to Chapter 2.5 to permit the conversion of an existing Church Building to allow a maximum of seven (7) residential units in the Residential Single Family-6 (R-6), and Central Gardens Historic District (H) Overlay Districts.
2. A variance to Paragraph 4.6.5 E.(3) to substitute a sight-proof, wooden fence for the required masonry wall.
3. A variance from Section 4.5.5 Minimum Dimensions Table for a zero Degree Parking stall.

ACTION OF THE BOARD: Approved

APPEARANCES:

For Applicant: Cindy Reaves (Representative)
June West
Todd Walker (Applicant)

For Opposition: Pastor Garvis Robinson
Peter Amminger
Jane Baker
Erin Parish
Wealthia P. Mitchell – Hinton
Greg Adams

THE RESOLUTION:

WHEREAS, Todd Walker filed an application with the Board of Adjustment Wednesday, August 28, 2013, requesting:

1. A use variance to chapter 2.5 to permit the conversion of an existing Church Building to allow a maximum of seven (7) residential units in the Residential Single Family-6 (R-6), and Central Gardens Historic District (H) Overlay Districts.
2. A variance to Paragraph 4.6.5 E.(3) to substitute a sight-proof, wooden fence for the required masonry wall
3. A variance from Section 4.5.5 Minimum Dimensions Table for a zero Degree Parking stall; and,

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on Wednesday, September 25, 2013, after due notice; and

WHEREAS, The Board is of the opinion, and finds from the sworn testimony of the witness 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 determined that the variance to paragraph 4.6.5E.(3) to substitute a sight-proof wooden fence for the required masonry wall was not warranted; and

WHEREAS, A motion to revise that variance request was made and said motion was approved; and

WHEREAS, The Board has determined that said variances would not 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 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 variations be and hereby are approved

MAIN MOTION

AGAINST MOTION: 3
Burditt, Rainey, Sharp

FOR MOTION: 5
Chairman Colvett, Jackson II, Raiford,
Savage-Townes, Dow

NOT VOTING: 0

ACTION IS TO APPROVE WITH CONDITIONS (see below)

SECOND MOTION: Amend Condition 3 to require a Masonry Wall

AGAINST MOTION: 1
Dow

FOR MOTION: 7
Chairman Colvett, Burditt, Jackson II, Raiford, Rainey,
Sharp, and Savage-Townes

NOT VOTING:

0

ACTION IS TO APPROVE

CONDITIONS

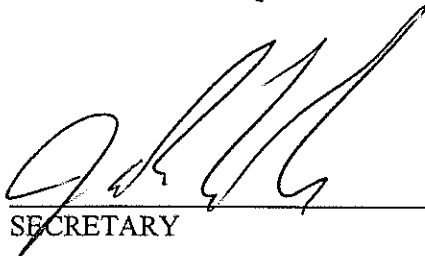
1. A Use Variance for the adaptive re-use of the interior of the existing Church structure is hereby permitted. The existing church building in its current exterior form shall be retained. Any changes to the exterior of the building shall be subject to the review and approval of the Memphis Landmarks Commission.
2. A maximum of 7 multiple dwelling, one bedroom units, shall be permitted.
3. Construct a six foot tall, masonry wall that is acceptable to the Memphis Landmarks Commission and the OPD along or in close proximity to the south and east property lines. Final approval of the fence design shall be required before the Final Site Plan is sent to the Office of Construction Code Enforcement.
4. A detail of the gate treatment along the Eastmoreland Avenue, and S. Watkins Street frontages shall be submitted to the Memphis Landmarks Commission for their review and approval. Said approval shall be required prior to the forwarding of the Final Site Plan to the Office of Construction Code Enforcement, and the approved treatment shall be shown on the Final Site Plan.
5. A detailed landscape plan, consistent with the requirements of 4.6.5 shall be submitted for the review and approval of the OPD. The approved landscape plan shall be shown on the Final Site Plan.

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

MINUTES APPROVED: October 23, 2013



CHAIRMAN



SECRETARY

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYS 441

PHYS 441