

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT #1**

CASE NUMBER: BOA 14-01 **B.O.A. MEETING:** Feb. 26, 2014

DEVELOPMENT NAME: 236 Stonewall

LOCATION: 236 Stonewall Street

OWNER OF RECORD/APPLICANT: Aaron J & Gigi Wolfe

REPRESENTATIVE: Aaron Wolfe

REQUEST: To allow an accessory structure to exceed the 75 percent total square-footage of the primary structure.

AREA: .34 acres

EXISTING LAND USE & ZONING: Residential (R-6), Evergreen Historic Dis

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

Approval with Conditions

Staff Planner: Calvin Abram

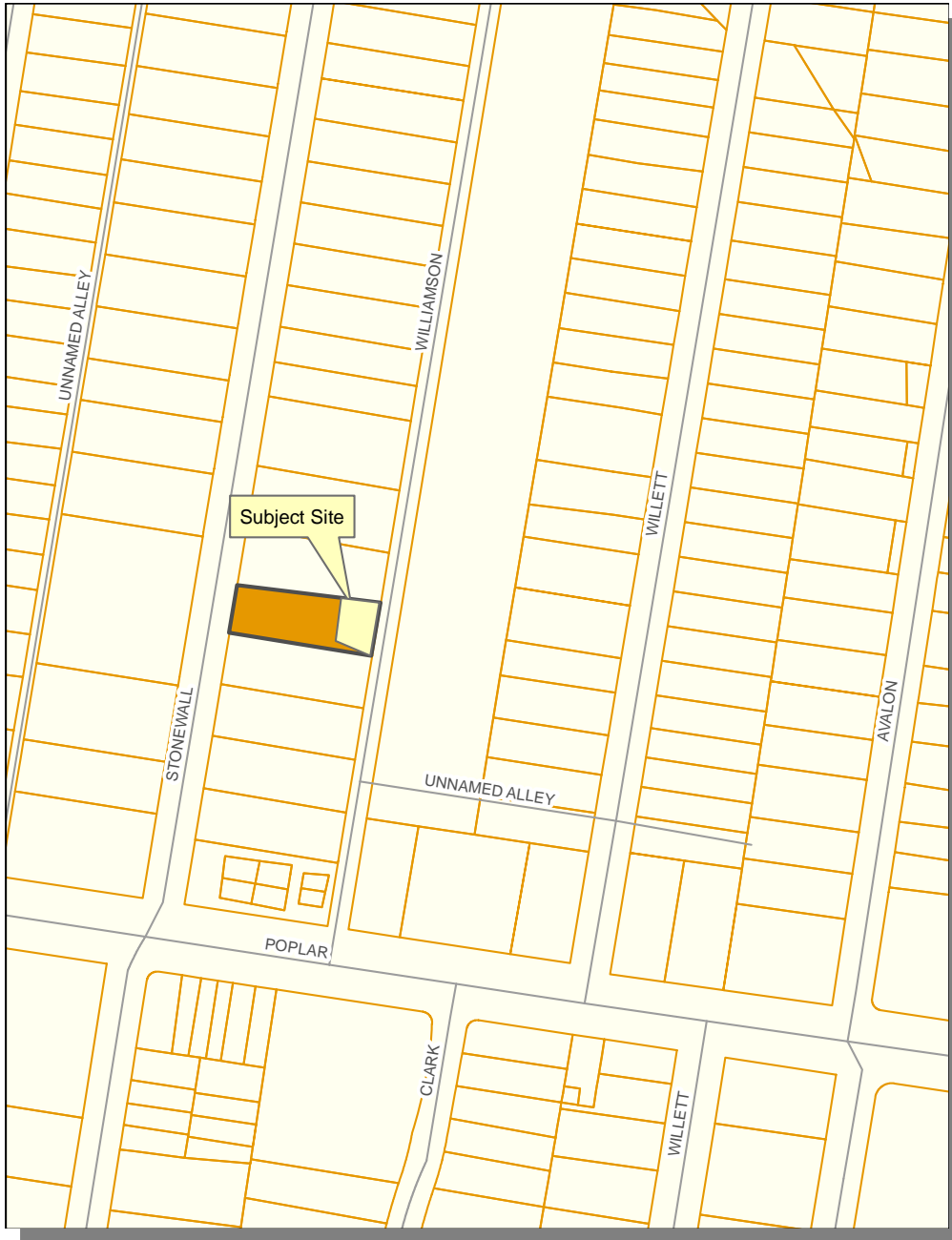
calvin.abram@memphistn.gov

CONCLUSIONS:

The applicant is requesting a variance from the UDC Subsection 2.7.2C to allow the cumulative square footage of an accessory structure to exceed 75% of the total square footage of the principle structure. The applicant proposes to renovate the existing accessory structure which has no excess to the second floor and install a stairwell in the interior of the structure to provide access to the second floor. The placement of the stairwell to the interior of the accessory structure requires the applicants design plan to exceed the 75% threshold by three percent or 97-square-feet. The applicant's home and accessory structure were built in 1922 and the rear yard spacing requirements does not meet the current UDC standards. The rear yard spacing of an accessory structure shall also be considered as part of this BOA application.

Due to the surrounding historical homes, the shallowness of the parcel on which the home is located, the applicant does display a hardship and the proposed plan will not be inconsistent with the character and integrity of the community.

LAND USE AND ZONING MAP



SURROUNDING LAND USES AND ZONING:

- North:** Single-family
- East:** Single-family
- South:** Single-family
- West:** Single-family

Aerial of Site



The subject site has frontage along Stonewall and Williamson.

The single-family residential districts are intended to accommodate one single-family detached principal dwelling unit per lot. These districts should be applied in areas where the land-use pattern is predominately single-family residential or where such a land use pattern is desired in the future. Five single-family residential districts are established – R-15, R -10, R-8, R-6, and R-3 – which are differentiated primarily on the basis of minimum lot area and setback requirements.

The applicant is requesting variances from the BOA being the subject property does not meet the rear yard spacing requirements of five-feet between structures for the R-6 zoning district, the applicant is requesting relief from Subsection 2.7.2C of the UDC, which would allow an accessory structure to exceed 75% of the total square footage of the principle structure; the property is also within in the Evergreen Landmarks Preservation District. This project will be heard before the Landmarks Commission on February 27, 2014.

Variances:

Accessory structure exceeding 75% of primary structure:

The applicant is requesting to construct an accessory structure that will be approximately 2,508-square-feet. The proposed square-footage would exceed the maximum square-footage allowed by subsection 2.7.2C of the UDC by three percent. The primary structure is approximately 3,215-square-feet. The existing accessory structure is a two-story structure that lacks access to the second story of the structure. The applicant provided a design plan to OPD in which details an internal stairwell to the accessory structure and this internal stairwell results in the accessory structure exceeding the 75% threshold by three percent. The current accessory structure appears to have been erected with the home in 1922 and is in need of both repair and renovation.

The design plan the applicant proposes improves the view of the property from Williamson Street and allows the accessory structure to be more in tuned with the historical character of the neighborhood. The applicant also proposes to plant one additional tree along Stonewall in order to shield any possible view of the accessory structure from Stonewall; however, staff could not see the existing accessory structure from Stonewall and feels it is highly unlikely the addition as designed will be noticeable from Stonewall.

Spacing of accessory structures:

Accessory structures must maintain a five-foot setback from the property line; however, the applicant is requesting a variance which would be consistent with the existing historic homes along the block which is a minimum of three (3)-feet, accessory structure to property line. Being the rear yard of each residence backs up to Williamson, each historic home in this area fails to meet the spacing requirement for accessory structures along this frontage. This proposal is consistent with the existing historic homes along the block which were constructed in the 1900's.





236
Stonewall



View into
rear yard of
home



Williamson
frontage of
accessory structure



Accessory structure
built in 1922 fails to
meet current UDC
spacing req.

STAFF ANALYSIS:

The proposal meets the integrity and character of the surrounding land-uses. The proposal is supported by the UDC Paragraphs 9.22.6A(2)

- Practical difficulties or undue hardship. By reason of the unusual characteristic found to apply in Paragraph 1, the strict application of any regulation found in this Code would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of such property;

RECOMMENDATION: Approval with Conditions

Conditions BOA14-01:

1. The applicant shall comply with the site plan and elevations as submitted.
2. The applicant shall plant an additional maple tree along Stonewall Street upon completion of the accessory structure.
3. The accessory structure shall not exceed 2,510 square feet or 78% of the cumulative footage of the primary structure.
4. The building materials of the accessory structure shall be comparable to the other accessory structures fronting Williamson Street.
5. The accessory structure shall be of comparable colors as the primary structure on the property.
6. The applicant shall improve the subject property's wooden fence fronting on Williamson Street.
7. The applicant shall be allowed to construct the accessory structure at a maximum of three feet from the property line.
8. The applicant shall provide a legal survey and submit to OPD prior to receiving a building permit. The survey shall be conducted within the last 365 days from date of BOA hearing.
9. The applicant shall comply with the design standards per the Landmarks Historic Preservation District.

GENERAL INFORMATION:

Street Frontage: Stonewall

Planning District: Memphis Midtown Development Dev

Zoning History: R-6

DEPARTMENTAL COMMENTS:

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

City Engineer: Comment received.

The City Engineer cannot adequately perform this variance review given the documents submitted and the lack of a legal survey. The proposed construction appears to abut public right of way and neighboring homes. There may be sewer and drainage lines in the construction area.

County Engineer: No comment received.

Memphis Fire Department: No comment received.

City Board of Education: No comment received.

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: Comment Received.

It is the responsibility of the owner/applicant to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities. No permanent structures will be allowed within any utility easements.

It is the responsibility of the owner/applicant to contact **TN-1-CALL @ 1.800.351.1111**, before digging, and to determine the location of any underground utilities including electric, gas, water, CATV, telephone, etc.

It is the responsibility of the owner/applicant to pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development.

It is the responsibility of the owner/applicant to comply with the **National Electric Safety Code (NESC)** and maintain minimum horizontal/vertical clearances between existing overhead electric facilities and any proposed structures.

Landscaping is prohibited within any MLGW easement or dedicated utility easement without prior MLGW approval.

It is the responsibility of the owner/applicant to submit a detailed plan to MLGW Engineering for the purposes of determining the availability and capacity of existing utility services to serve any proposed or future development(s). Application for utility service is necessary before plats can be recorded.

o All residential developers must contact MLGW's Residential Engineer at Builder Services: (901) 729-8675 to initiate the utility application process.

o All commercial developers must contact MLGW's Builder Services line at 729-8630 (select option 2) to initiate the utility application process.

It is the responsibility of the owner/applicant to pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

Memphis & Shelby County

Health Department:

No comments by the *Water Quality Branch & Septic Tank Program*.

Bell South/ATT:

No comment received.

MATA:

No comment received.

NEIGHBORHOOD ASSOCIATIONS NAMES: