

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

Wednesday, February 26, 2014

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 2:00 p.m., Wednesday, February 26, 2014.

Present:

Mr.	Jimmy Burditt
Mr.	Frank Colvett, Jr., Chairman
Mr.	Daniel Dow
Mr.	John Jackson III
Mr.	Timothy Rainey, Vice Chairman
Ms.	Lynda Raiford
Ms.	Madeline Savage-Townes
Mr.	Andre Jones

Mr.	Josh Whitehead, Secretary
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Also Present:

Mr.	Calvin Abram, OPD
Mr.	Brian Bacchus, OPD
Mr.	Don Jones, OPD
Mr.	Greg Love, OPD
Mr.	Terry Langlois, OPD
Ms.	Marion Jones, 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 February 26, 2013.

HELD CASES:

1. **DOCKET:** **B.O.A 13-52 (CITY)**
- APPLICANT:** **Marilyn Taylor**
- PREMISES AFFECTED:** **86 W. Falls Rd.**
(North side of Falls Road; +/-299' east of Horn Lake Rd.)
- USE DISTRICT:** R-6
- REQUESTING:**
1. Use Variance to allow a Day Care Center in the Single Family Residential R-6 District
 2. Variances to the Use Standards for Day Care Centers located in Residential Districts. Items 2.6.2 B.(3)(a)& (c)
 3. Section 4.5.3 Parking Ratios for Day Care
- ACTION OF THE BOARD:** Approved
- APPEARANCES:** For Applicant: Roger Coleman (219 West Denver.)
Marilyn Taylor (4540 Lake Vista Dr.)
Brenda Taylor (4540 Lake Vista Dr.)
- For Opposition: None

THE RESOLUTION:

WHEREAS, Marilyn Taylor filed an application with the Board of Adjustment on Wednesday, December 18, 2013 requesting variances to Items 2.6.2 B. (3) (a) & (c) of the Unified Development Code to allow a Children's Day Care Center on residential property that is less than 20,000 square feet in area and does not meet the location criteria for a day care center in a residential zoning district; and

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on Wednesday, February 26, 2014, 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
Burditt, Colvett, Dow, Jones, Jackson, Raiford, Rainey
and Savage-Townes

NOT VOTING: 0

ACTION IS TO APPROVE WITH CONDITIONS:

CONDITIONS

1. A use variance to allow a Day Care Center, maximum number of Children allowed on site at any one time is 24, is hereby permitted subject to an approved site plan and the conditions listed below.
2. The applicant agrees to provide transport for clients to and from the site.
3. Applicant may apply the Type A version of the Class III Buffer modified to substitute a sight-proof wooden fence for the required wall. The finished side of the fence shall be oriented to the abutting properties.
4. Revise the site plan to show hollies to be located along the edges of the proposed turn around in the front yard. Shrubs shall be maintained at a height of 3-4'. In ground irrigation shall not be required.
5. One attached sign shall be permitted. This sign shall not be illuminated either internally or externally.
6. Hours of Operation shall be from 6 AM to 6 PM.

NOW, THEREFORE, Be it resolved that the requested conditional use permit is hereby approved, subject to conditions.

MAIN MOTION

AGAINST MOTION: 0

FOR MOTION: 8
Burditt, Colvett, Dow, Jones, Jackson, Raiford, Rainey
and Savage-Townes

NOT VOTING: 0

ACTION IS TO APPROVE

4. **DOCKET:** **B.O.A 14-02 (CITY)**

APPLICANT: **Jordan A. Danelz**

PREMISES AFFECTED: **2240 Oliver Avenue**
(North side of Oliver Avenue; +/-75 feet west of New York Street)

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

REQUESTING: Variance from Sub-section 3.6.1A to allow an encroachment into the required rear yard setback of fifteen (15) feet for construction of a new addition

ACTION OF THE BOARD: Approve

APPEARANCES: For Applicant: Jordan Danelz, (2240 Oliver)

For Opposition: None

THE RESOLUTION:

WHEREAS, Jordan Danelz filed an application with the Board of Adjustment on Thursday, January 20, 2013, for Variance from Sub-section 3.6.1A to allow an encroachment into the required rear yard setback of fifteen (15) feet for construction of a new addition; and,

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on Wednesday, February 26, 2014, 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 a conditional use permit in Chapter 9.22 of the Unified Development Code are being met; and

WHEREAS, The Board has determined that said conditional use permit would not be unduly detrimental to 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 with conditions; and

NOW, THEREFORE, Be it resolved that the requested conditional use permit is hereby approved, subject to conditions.

AGAINST MOTION: 0

FOR MOTION: 8
Chairman Colvett, Burditt, Dow, Rainey, Raiford,
Jackson, Jones and Savage-Townes

NOT VOTING: 0

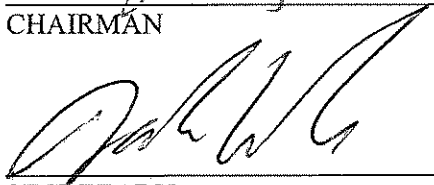
ACTION IS TO APPROVE

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

MINUTES APPROVED: 3-26-14



CHAIRMAN



SECRETARY