

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

November 19, 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, December 17, 2014

Present:

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| Mr. | Jimmy Burditt |
| Mr. | Frank Colvett Jr. (Chairman) |
| Mr. | John Jackson, III |
| Mr. | Andre Jones |
| Ms. | Lynda Raiford |
| Mr. | Timothy Rainey (Vice Chairman) |
| Ms. | Madeleine Savage-Townes |

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

| | |
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| Mr. | Brian Bacchus, OPD |
| Mr. | Troy Frasier, OPD |
| Mr. | Calvin Abram, OPD |
| Mrs. | Marion Jones, OPD |
| Mr. | Don Jones, OPD |
| Mr. | Terry Langlois, OPD |
| Mr. | Nate Taylor, City Engineer |
| Mr. | John Walpole, CCE |
| Mr. | Chip Saliba, OPD |

A quorum being present, the Board proceeded to consideration of the days agenda. The minutes from the previous October 22, 2014, 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.

HELD CASES:

- 1. **DOCKET:** **B.O.A. 14-44 (CITY)**

- APPLICANT:** Jackson National Hospital, Inc.

- PREMISES AFFECTED:** 4400 Yale Rd.; Northeast corner of Yale Road and Coleman Road

- USE DISTRICT:** Residential Single-Family (R-8) District

- REQUESTING:** A variance from UDC Sub-Section 4.9.7B to permit two 12 square foot illuminated, attached signs on property zoned Residential Single-Family (R-8) Districted, but contained in P.U.D. 0-32A and a variance to condition #1 of P.U.D. 0-32A to permit two illuminated signs

- ACTION OF THE BOARD:** Approve

- APPEARANCES:** For Applicant: Tim Rainey

For Opposition: None

THE RESOLUTION:

WHEREAS, Hal Stanley on behalf of Jackson National Hospital, Inc. filed an application with the Board of Adjustment on **September 24, 2014**, requesting a variance from UDC Sub-Section 4.9.7B to permit two 12 square foot illuminated, attached signs on property zoned Residential Single-Family (R-8) District, but contained in P.U.D. 0-32A and a variance to condition #1 of P.U.D. 0-32A to permit two illuminated signs; and

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on Wednesday, **November 19, 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 approved one 12 square foot illuminated, attached sign facing Yale Road.

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 as submitted.

NOW, THEREFORE, Be it resolved that the application be and it hereby is granted. Provided, however, that the variation is granted for the specific purpose herein specified and shall not otherwise be deemed to vary or modify any of the provisions of any Zoning Ordinance, City/County Ordinance or State law applicable to these premises nor to any future use or development of said property, and provided further that a building permit and/or Certificate of Occupancy permit in conformity herewith be obtained from the Memphis and Shelby County Office of Construction Code Enforcement within two (2) years from the granting of the application.

MOTION TO APPROVE WITH EIGHT (8) CONDITIONS

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|-----------------|-------|--|
| AGAINST MOTION: | | 0 |
| FOR MOTION: | | 6 |
| | | Chairman Colvett, Burditt, Jackson, Jones, Raiford, and Savage-Townes |
| NOT VOTING: | | 1 |
| | | Rainey (recused himself) |

CONDITIONS:

1. The conditions recorded in Plat Book 71, page 69 for the Broadmoor Park Office Plaza, Phase I, P.U.D. 0-32A shall remain in full force except that Condition #1 shall read as follows:

(The changes to Condition #1 are bolded below.)

Authorized Uses: Day care nursery, offices for doctors, lawyers, insurance and real estate firms and similar professional occupations. No freestanding identification or advertising signs permitted, attached signs, **(one per business)** may project 18 inches from the building, but may not extend above the building and **shall be of similar style, color and material of back-lighted channel letters not to exceed eighteen (18) inches in height and twelve (12) square feet in area.**

2. **The daycare facility shall be permitted one 12 square foot illuminated, attached sign facing Yale Road.**
3. The applicant shall plant Tree C 25 feet on center in the tree lawn along Yale and Coleman Roads and shall provide the required landscape screen along the north property line or an equivalent alternative approved by the Planning Director.
4. No temporary advertising signs are permitted in the tree lawn and/or along the Yale and Coleman Road frontages.
5. The applicant and his assigns shall turn off the illuminated sign after business hours or when the daycare is not open for business such as on holidays.
6. The submitted concept plan is the approved plan and is to be marked and made part of the records of this case. Such approval is based in part upon the Board's evaluation and conclusion that the plan, as approved, eliminates or minimizes the potentially harmful characteristics or impact upon the surrounding properties.
7. Any change or deviation from this plan, shall, upon the determination of the Planning Director, be resubmitted to the Board for its review and reaffirmation or addressed administratively by the Office of Planning and Development.
8. The final plan for Broadmoor Park Office Plaza, Phase I shall be re-recorded to reflect the conditions approved by the Memphis and Shelby County Board of Adjustment on November 19, 2014.

2. **DOCKET:** **B.O.A. 14-46 (CITY)**

APPLICANT: George Karkatsugas

PREMISES AFFECTED: 3030 Summer Ave.

USE DISTRICT: CMU-3

REQUESTING: An existing non-conforming, detached sign to remain subject to setback variations from the Unified Development Code

ACTION OF THE BOARD: Hold

APPEARANCES: For Applicant: Brenda Solomito - Bagar

Opposition: None

MOTION WAS TO HOLD

AGAINST MOTION:0

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

NOT VOTING0

NEW CASE:

- 3. **DOCKET:** **B.O.A. 14-39 (CITY)**

- APPLICANT:** Burelz Investments

- PREMISES AFFECTED:** 5167 Poplar Avenue
 (South side of Poplar Avenue; +/-336.14 feet west
 of White Station Road)

- USE DISTRICT:** Commercial Mixed Use (CMU-1) District

- REQUESTING:** Variances from UDC Sub-Sections 4.9.8.M(3) and
 4.9.15.E to remove, change or alter a legal
 nonconforming off-permise (billboard) sign to allow
 digital video technology

- ACTION OF THE BOARD:** Approve with (3) conditions

- APPEARANCES:** For Applicant: Ron Harkavy
 Brenda Solomito

 For Opposition: None

THE RESOLUTION:

WHEREAS, Burelz Investment filed an application with the Board of Adjustment on Friday **October 10, 2014** for a variances from UDC Sub-Sections 4.9.8.M(3) and 4.9.15.E to remove, change or alter a legal nonconforming off-permise (billboard) sign to allow digital video technology; and

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on Wednesday, **November 19, 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 Sub-Section 9.22.6.B of the Unified Development Code are being met; 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 City of Memphis and County of Shelby; and, therefore, this application is approved with three (3) conditions.

NOW, THEREFORE, Be it resolved that the application be and it hereby is granted and that the decision of the Memphis and Shelby County Building Official be and hereby is overruled. Provided, however, that the Use Variance is granted for the specific purpose herein specified and shall not otherwise be deemed to vary or modify any of the provisions of any Zoning Ordinance, City/County Ordinance or State law applicable to these premises nor to any future use or development of said property, and provided further that a sign in conformity herewith be obtained from the Memphis and Shelby County Office of Construction Code Enforcement within two (2) years from the granting of the application.

MOTION TO APPROVE

AGAINST MOTION:1
Chairman Colvett

FOR MOTION:6
Burditt, Jones, Pritchard, Raiford,
Rainey, and Savage-Townes

NOT VOTING0

ACTION IS TO APPROVE WITH THREE (3) CONDITIONS

CONDITIONS:

1. The outdoor advertising sign shall remain as a Nonconforming Off-Premise Sign in accordance with Subsection 4.9.8.H and Section 4.9.15 of the zoning code.
2. The sign shall be modified with site improvements and landscaping as illustrated on the Landscape Improvement Plan to a maximum height of forty-eight (48) feet.
3. The variances are conditioned upon the approved site plan. Any modification shall be submitted to the Office of Planning & Development for review. Any major modification shall be approved by the Board of Adjustment.

NEW CASE:

4. **DOCKET:** **B.O.A. 14-47 (CITY)**

APPLICANT: Michael and Joan Heflin

PREMISES AFFECTED: 400 River Oaks Road

USE DISTRICT: P.D. R-145

REQUESTING: A variance from UDC Item 4.6.5J(1)(a) to permit a 12 foot tall wall near the rear property line where a maximum of 9 feet is permitted

ACTION OF THE BOARD: Approve

APPEARANCES: For Applicant: Todd Tinder
Joan Heflin

For Opposition: None

THE RESOLUTION:

WHEREAS, Michael and Joan Heflin filed an application with the Board of Adjustment on **October 1, 2014**, requesting a variance from UDC Item 4.6.5J(1)(a) to permit a 12 foot tall wall near the rear property line where a maximum of 9 feet is permitted; and

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on Wednesday, **November 19, 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 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 as submitted.

NOW, THEREFORE, Be it resolved that the application be and it hereby is granted. Provided, however, that the variation is granted for the specific purpose herein specified and shall not otherwise be deemed to vary or modify any of the provisions of any Zoning Ordinance, City/County Ordinance or State law applicable to these premises nor to any future use or development of said property, and provided further that a building permit and/or Certificate of Occupancy permit in conformity herewith be obtained from the Memphis and Shelby County Office of Construction Code Enforcement within two (2) years from the granting of the application.

MOTION TO APPROVE

AGAINST MOTION:0

FOR MOTION:7

Chairman Colvett, Burditt, Jackson, Rainey, Raiford,
Jones and Savage-Townes

NOT VOTING0

Conditions

1. The applicant is required to demonstrate provision for access and maintenance of landscaping and the wall structure at the time of landscape plan (site plan) approval.
2. The approved variance is based on the site plan, and elevations of the proposed structure. Any changes to the site plan, shall be reviewed by the Planning Director or his designee, who shall in turn determine whether or not any changes can be approved administratively or sent back to the Board of Adjustment for their review.

NEW CASE:

5. **DOCKET:** **B.O.A. 14-48 (CITY)**

APPLICANT: Charles Shipp

PREMISES AFFECTED: 4260 Nellwood Lane

USE DISTRICT: Residential-10 (U-10) District

REQUESTING: A variance from UDC Sub-Section 3.2.9 (Building Setbacks) to allow encroachment into a required setback for the addition of a screened porch on an existing residence

ACTION OF THE BOARD: Approve

APPEARANCES: For Applicant: Charles Shipp

 For Opposition: None

THE RESOLUTION:

WHEREAS, Charles Shipp filed an application with the Board of Adjustment on **October 22, 2014** for a variance from UDC Sub-Section 3.2.9 (Building Setbacks) to allow encroachment into a required setback for the addition of a screened porch on an existing residence; and

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on Wednesday, **November 19, 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 Variance in Sub-Section 9.22.6.B 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 City of Memphis and County of Shelby; and, therefore, this application is approved.

NOW, THEREFORE, Be it resolved that the application be and it hereby is granted and that the decision of the Memphis and Shelby County Building Official be and hereby is overruled. Provided, however, that the Use Variance is granted for the specific purpose herein specified and shall not otherwise be deemed to vary or modify any of the provisions of any Zoning Ordinance, City/County Ordinance or State law applicable to these premises nor to any future use or development of said property, and provided further that a building permit and/or Certificate of Occupancy permit in conformity herewith be obtained from the Memphis and Shelby County Office of Construction Code Enforcement within two (2) years from the granting of the application.

MOTION TO APPROVE WITH (3) THREE CONDITIONS

AGAINST MOTION:0

FOR MOTION:7

Chairman Colvett, Burditt, Jackson, Rainey, Raiford,
Jones and Savage-Townes

NOT VOTING0

CONDITIONS:

1. The screen porch shall be built in accordance with the submitted site plan.
2. The design of the addition shall be compatible with the architectural character of the principal structure.
3. The porch structure shall not be more than 20 feet in height.

NEW CASE:

6. **DOCKET:** **B.O.A. 14-49 (CITY)**
- APPLICANT:** Charles Lawing
- PREMISES AFFECTED:** 2323 Monroe Avenue
- USE DISTRICT:** Residential Urban (RU-3) District
- REQUESTING:** Conditional Use Permit for a Significant Neighborhood Structure located at the southwest corner of East Parkway and Monroe Ave. to allow a audio and video training facility
- ACTION OF THE BOARD:** Approve
- APPEARANCES:** For Applicant: Charles Lawing
- For Opposition: None

THE RESOLUTION:

WHEREAS, Charles Lawing filed an application with the Board of Adjustment on **October 22, 2014** for a Conditional Use Permit as a Significant Neighborhood Structure located at the southwest corner of East Parkway and Monroe Ave. to allow the structure's reuse as a training facility for audio/visual equipment to be used by churches; and

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on Wednesday, **November 19, 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 Sub-Section 9.24.6 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 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 City of Memphis and County of Shelby; and, therefore, this application is approved with (5) conditions.

NOW, THEREFORE, Be it resolved that the application be and it hereby is granted and that the decision of the Memphis and Shelby County Building Official be and hereby is overruled. Provided, however, that the Use Variance is granted for the specific purpose herein specified and shall not otherwise be deemed to vary or modify any of the provisions of any Zoning Ordinance, City/County Ordinance or State law applicable to these premises nor to any future use or development of said property, and provided further that a building permit and/or Certificate of Occupancy permit in conformity herewith be obtained from the Memphis and Shelby County Office of Construction Code Enforcement within two (2) years from the granting of the application.

MOTION TO WITH FIVE (5) CONDITIONS

AGAINST MOTION:0

FOR MOTION:7

Chairman Colvett, Burditt, Jackson, Rainey, Raiford,
Jones and Savage-Townes

NOT VOTING0

CONDITIONS:

1. Hours of Operation: 8 am to 10 pm
2. Revise site plan to show parking and drive aisles consistent with the UDC.
3. Repair and restore parking area to a useable condition.
4. The approved site plan shall be stamped as the official copy. Any change to the site plan, may, at the discretion of the Planning Director be presented to the Board of Adjustment for their re-approval.
5. Any modifications to the exterior façade of the building shall be presented to the Office of Planning and Development for their review and approval prior to the modification being implemented.

NEW CASE:

7. **DOCKET:** **B.O.A. 14-50 (CITY)**

APPLICANT: Max Bonnin

PREMISES AFFECTED: 295 Tilton Road (Private)
 Northwest corner of Tilton and Central Ave.

USE DISTRICT:

REQUESTING: A variance from the Chickasaw Gardens
 Subdivision found in Plat Book 9, Page 18 & 19 to
 allow a reduction in the side yard setback from 40
 feet to 30 feet (UDC, Sub-Section 3.2.9F)

ACTION OF THE BOARD: Approve

APPEARANCES: For Applicant: Max Bonnin

 For Opposition: None

THE RESOLUTION:

WHEREAS, Max Bonnin filed an application with the Board of Adjustment on **October 22, 2014** for a variance from the Chickasaw Gardens Subdivision found in Plat Book 9, Page 18 & 19 to allow a reduction in the side yard setback from 40 feet to 30 feet (UDC, Sub-Section 3.2.9F); and

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on Wednesday, **November 19, 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 Variance in Sub-Section 9.22.6.B 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 City of Memphis and County of Shelby; and, therefore, this application is approved (2) conditions.

NOW, THEREFORE, Be it resolved that the application be and it hereby is granted and that the decision of the Memphis and Shelby County Building Official be and hereby is overruled. Provided, however, that the Use Variance is granted for the specific purpose herein specified and shall not otherwise be deemed to vary or modify any of the provisions of any Zoning Ordinance, City/County Ordinance or State law applicable to these premises nor to any future use or development of said property, and provided further that a building permit and/or Certificate of Occupancy permit in conformity herewith be obtained from the Memphis and Shelby County Office of Construction Code Enforcement within two (2) years from the granting of the application.

MOTION TO WITH TWO (2) CONDITIONS

AGAINST MOTION:0

FOR MOTION:7

Chairman Colvett, Burditt, Jackson, Rainey, Raiford,
Jones and Savage-Townes

NOT VOTING0

CONDITIONS:

1. There shall be no encroachment along the south property line.
2. The vegetation along the properties southern property line shall remain as is, if the existing buffer decreases by natural circumstance or otherwise, said screening shall be replaced and meet the approval of the Office of Planning and Development.

NEW CASE:

8. **DOCKET:** **B.O.A. 14-51 (CITY)**

APPLICANT: Anni and William Walker

PREMISES AFFECTED: 621 S. McLean Blvd

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

REQUESTING: A variance from UDC Section 3.8.6C to allow an 18-inch encroachment into the side yard setback

ACTION OF THE BOARD: Approve

APPEARANCES: For Applicant: Peter Warren

For Opposition: None

THE RESOLUTION:

WHEREAS, Anni and William Walker filed an application with the Board of Adjustment on **October 22, 2014** for a variance from UDC Section 3.8.6C to allow an 18-inch encroachment into the side yard setback; and

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on Wednesday, **November 19, 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 Variance in Sub-Section 9.22.6.B 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 City of Memphis and County of Shelby; and, therefore, this application is approved with (2) conditions.

NOW, THEREFORE, Be it resolved that the application be and it hereby is granted and that the decision of the Memphis and Shelby County Building Official be and hereby is overruled. Provided, however, that the Use Variance is granted for the specific purpose herein specified and shall not otherwise be deemed to vary or modify any of the provisions of any Zoning Ordinance, City/County Ordinance or State law applicable to these premises nor to any future use or development of said property, and provided further that a building permit and/or Certificate of Occupancy permit in conformity herewith be obtained from the Memphis and Shelby County Office of Construction Code Enforcement within two (2) years from the granting of the application.

MOTION TO WITH TWO (2) CONDITIONS

AGAINST MOTION:0

FOR MOTION:7

Chairman Colvett, Burditt, Jackson, Rainey, Raiford,
Jones and Savage-Townes

NOT VOTING0

CONDITIONS:

1. The applicant shall comply with the site plan and elevations as approved by OPD. Any changes shall be submitted to OPD and minor alterations may be approved by OPD; although, major alterations may necessitate further approval by the Board of Adjustment.
2. The applicant's bedroom shall not encroach into the side yard setback in more than 20-inches.

NEW CASE:

9. **DOCKET:** **B.O.A. 14-52 (CITY)**
- APPLICANT:** Nationwide Surplus Holding, LLC (Rick Krug)
- PREMISES AFFECTED:** 710 S. Fourth St.
- USE DISTRICT:** South Downtown Business Park (SDBP) District
- REQUESTING:** A variance from UDC Sub-Section 7.2.6C (Permit Uses) to allow for indoor recycling of computers and computer components
- ACTION OF THE BOARD:** Approve
- APPEARANCES:** For Applicant: David Porter
Chris Ko
Rick King
- For Opposition: None

THE RESOLUTION:

WHEREAS, Nationwide Surplus Holding, LLC (Rick Krug) filed an application with the Board of Adjustment on **October 22, 2014** for a variance from UDC Sub-Section 7.2.6C (Permit Uses) to allow for indoor recycling of computers and computer components; and

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on Wednesday, **November 19, 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 Use Variance in Sub-Section 9.22.6.B of the Unified Development Code are being met; and;

WHEREAS, The Board has determined that said Use 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 City of Memphis and County of Shelby; and, therefore, this application is approved with (1) condition.

NOW, THEREFORE, Be it resolved that the application be and it hereby is granted and that the decision of the Memphis and Shelby County Building Official be and hereby is overruled. Provided, however, that the Use Variance is granted for the specific purpose herein specified and shall not otherwise be deemed to vary or modify any of the provisions of any Zoning Ordinance, City/County Ordinance or State law applicable to these premises nor to any future use or development of said property, and provided further that a building permit and/or Certificate of Occupancy permit in conformity herewith be obtained from the Memphis and Shelby County Office of Construction Code Enforcement within two (2) years from the granting of the application.

MOTION TO WITH ONE (1) CONDITION

AGAINST MOTION:0

FOR MOTION:7

Chairman Colvett, Burditt, Jackson, Rainey, Raiford,
Jones and Savage-Townes

NOT VOTING0

CONDITION:

1. No outdoor storage allowed

NEW CASE:

10. **DOCKET:** **B.O.A. 14-53 (CITY)**

APPLICANT: Frank Dowdy

PREMISES AFFECTED: 4046 Mallory Avenue

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

REQUESTING: A variance from UDC Sub-Section 2.7.2 C to
 permit a storage building in the R-6 District that
 exceeds the maximum accessory structure size of
 75% of the principal structure

ACTION OF THE BOARD: Rejected

APPEARANCES: For Applicant: Frank Dowdy

 For Opposition: None

THE RESOLUTION:

WHEREAS, Frank Dowdy filed an application with the Board of Adjustment on **October 23, 2014** for a variance from UDC Sub-Section 2.7.2 C to permit a storage building in the R-6 District that exceeds the maximum accessory structure size of 75% of the principal structure; and

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on Wednesday, **November 19, 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 Use Variance in Sub-Section 9.22.6.B of the Unified Development Code are not being met; 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 City of Memphis and County of Shelby; and, therefore, this application is rejected.

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

MOTION TO REJECT

AGAINST MOTION:7

Chairman Colvett, Burditt, Jackson, Rainey, Raiford,
Jones and Savage-Townes

FOR MOTION:0

NOT VOTING0

NEW CASE:

11. **DOCKET:** B.O.A. 14-54 (CITY)

APPLICANT: Adams & Washington Properties Inc.

PREMISES AFFECTED: 275 Washington Ave.

USE DISTRICT: CDB

REQUESTING: A Use Variance from UDC Sub-Section 2.5.2 to allow indoor storage of rolling stock to include, boats, trailers, recreational vehicles, etc.

ACTION OF THE BOARD: Hold

APPEARANCES: For Applicant: Robert Moore

For Opposition: None

MOTION TO HOLD

AGAINST MOTION:0

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

NOT VOTING0

NEW CASE:

12. **DOCKET:** **B.O.A. 14-55 (CITY)**
- APPLICANT:** Cordova Property Investment, LLC
- PREMISES AFFECTED:** 955 Germantown Parkway
- USE DISTRICT:** Residential Urban-2 District
- REQUESTING:** Modifications to the previously approved site plan for a Use Variance
- ACTION OF THE BOARD:** Approve
- APPEARANCES:** For Applicant: Harvey Marcom
- For Opposition: Brandy Vines

THE RESOLUTION:

WHEREAS, Cordova Property Investment, LLC filed an application with the Board of Adjustment on **October 22, 2014** for Modifications to the previously approved site plan for a Use Variance; and

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on Wednesday, **November 19, 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 Use Variance in Sub-Section 9.22.6.B of the Unified Development Code are being met; and,

WHEREAS, The Board has determined that said Use 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 City of Memphis and County of Shelby; and, therefore, this application is approved with (4) conditions.

NOW, THEREFORE, Be it resolved that the application be and it hereby is granted and that the decision of the Memphis and Shelby County Building Official be and hereby is overruled. Provided, however, that the Use Variance is granted for the specific purpose herein specified and shall not otherwise be deemed to vary or modify any of the provisions of any Zoning Ordinance, City/County Ordinance or State law applicable to these premises nor to any future use or development of said property, and provided further that a building permit and/or Certificate of Occupancy permit in conformity herewith be obtained from the Memphis and Shelby County Office of Construction Code Enforcement within two (2) years from the granting of the application.

MOTION TO WITH FOUR (4) CONDITIONS

AGAINST MOTION:0

FOR MOTION:7

Chairman Colvett, Burditt, Jackson, Rainey, Raiford,
Jones and Savage-Townes

NOT VOTING0

CONDITIONS:

1. The dumpster area will be screened with a 6' sight-proof wood fence.
2. The applicant will install a modified Type II buffer along the street frontage of Macon Road that abuts a residential. Existing vegetation will count towards this requirement, and the landscaping plan will need final approval from OPD.
3. A revised site plan that includes the above conditions will be submitted for final approval.
4. Any modifications to this plan, shall, upon the determination of the Planning Director, be resubmitted to the Board of Adjustment for its review and reaffirmation or addressed administratively by the Office of Planning and Development.

NEW CASE:

13. **DOCKET:** **B.O.A. 14-56 (CITY)**

APPLICANT: Olympic Industries

PREMISES AFFECTED: 8696 Macon Road

USE DISTRICT: Commercial Mixed Use-1 (CMU-1)

REQUESTING: A Use Variance to allow for the expansion of Olympic Industries

ACTION OF THE BOARD: Hold

APPEARANCES: For Applicant: Brenda Solimito-Basar

For Opposition: None

MOTION TO HOLD

AGAINST MOTION:0

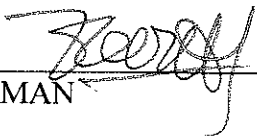
FOR MOTION:7
Chairman Colvett, Burditt, Jackson, Rainey, Raiford,
Jones and Savage-Townes

NOT VOTING0

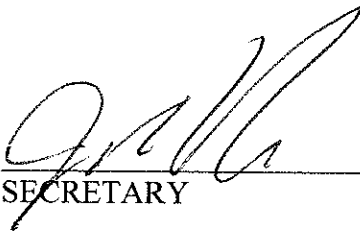
ADJOURNMENT:

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

MINUTES APPROVED: 12/17/14



CHAIRMAN



SECRETARY