

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

October 28, 2015

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, October 28, 2015.

Present:

Mr.	Frank Colvett Jr. (Chairman)
Ms.	Joy Doss
Mr.	Daniel Dow
Mr.	Aaron Petree
Mr.	Timothy Rainey (Vice Chairman)
Ms.	Lynda Raiford
Ms.	Madeleine Savage-Townes
Mr.	John Jackson III

Mr.	Josh Whitehead, Secretary
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Also Present:

Mr.	Gene Burse, OPD
Mr.	Calvin Abram, OPD
Mr.	Chip Saliba, OPD
Mr.	Don Jones, OPD
Mr.	John Walpole, CCE
Mr.	Darek Baskin, 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.

NEW CASE:

1. **DOCKET:** **B.O.A. 15-51 (CITY)**
APPLICANT: City of Memphis
PREMISES AFFECTED: 3720 Knight – Arnold Road
USE DISTRICT: Single Family Residential (R-8) Zoning District
REQUESTING: Use Variance from UDC Section 2.5.2 to construct a 32 acre Municipal and Industrial Complex
ACTION OF THE BOARD: Approve
APPEARANCES: For Applicant: John Jackson III

 For Opposition: Crystal Oliver
 Allen James

THE RESOLUTION:

WHEREAS, City of Memphis, filed an application with the Board of Adjustment on **September 24, 2015,** Use Variance from UDC Section 2.5.2 to construct a 32 acre Municipal and Industrial Complex; and

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on **Wednesday, October 28, 2015** 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.A 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 these requests 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 (9) nine 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 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 (9) CONDITIONS

CONDITIONS:

1. The applicant shall comply with the City of Memphis, Municipal Complex Master Plan to be located at 3720 Knight Arnold Road.
2. The applicant shall submit final plans for each phase of the Municipal Complex to OPD prior to receiving any permits for the phase.
3. Phase 1 of the Municipal Complex shall go through the MOC process.
4. The applicant shall submit and have approved by OPD a landscape plan for the entire project with the Phase 1 final site plan for the development.
5. The applicant shall not install pylon signs onsite.
6. The applicant shall submit a street alley closure application to close Julius Lewis Street, which will provide ingress/egress to the site.
7. The applicant shall have a maximum of one curb cut along Democrat Rd, two curb cuts along Oakville and two curb cuts along Knight-Arnold Road. All curb cuts shall be consistent with the Master Plan as submitted.

AGAINST MOTION: 0

FOR MOTION: 7

Chairman Colvett, Doss, Jackson, Raiford, Petree,
Rainey, and Savage-Townes

NOT VOTING 0

NEW CASE:

2. DOCKET: **B.O.A. 15-52 (CITY)**

APPLICANT: 908 Development Group

PREMISES AFFECTED: 3581 Mynders and 3595 Mynders Avenue

USE DISTRICT: Commercial Mixed Use-1 (CMU-1); University Overlay District

REQUESTING: Variance from UDC 8.3.6A(2) and UDC 8.3.6D Urban Frontage, Building & Parking Placement, [Parking Setback Line, Primary street setback. Min 15 ft. behind ROW line] to establish a gated 104 space surface parking lot.

ACTION OF THE BOARD: Approve

APPEARANCES: For Applicant: Brad Wolf

Opposition: None

THE RESOLUTION:

WHEREAS, 908 Development Group filed an application with the Board of Adjustment on **September 23, 2015**, Variance from UDC 8.3.6A(2) and UDC 8.3.6D [Urban Frontage, Building & Parking Placement, Parking Setback Line, Primary street setback. Min 15 ft. behind ROW line] to establish a gated 104 space surface parking lot.; and

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on Wednesday, **October 28, 2015** 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 (6) six 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 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 (6) CONDITIONS

CONDITIONS:

1. A building permit shall not be issued until a MOC is issued for this site and plans are approved by the City Engineer's office. The City Engineer will require a full set of engineered plans, signed and sealed by a registered engineer in the State of Tennessee.
2. These variances are conditioned upon the site plan and building elevations submitted with this application. 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.
3. A streetscape Type S-1 will be installed along Mynders and a modified streetscape Type S-1 will be installed along Brister Street. The final modified streetscape along Brister must be approved by OPD. Type C trees will be planted 30 feet apart on average in street grates.
4. A two foot landscaping strip between the sidewalk and fence will be installed along Mynders Avenue on subject site and planted with Type-A Shrubs.
5. A detailed landscape plan shall be submitted and approved by OPD prior to issuance of a building permit.
6. Elevations, sections, plans and other drawings as requested by OPD shall be submitted to OPD and approved by OPD prior to receiving a MOC.

AGAINST MOTION:0

FOR MOTION:8

Chairman Colvett, Doss, Jackson, Raiford, Petree,
Dow, Rainey, and Savage-Townes

NOT VOTING0

NEW CASE:

3. **DOCKET:** **B.O.A. 15-53(CITY)**

APPLICANT: Kendra Calico (also known as Kendra Campbell)

PREMISES AFFECTED: 397 N. Bellevue Blvd

USE DISTRICT: Residential Use RU-3

REQUESTING: Variances from Section 3.7.2 of the Unified Development Code to allow encroachments into the required front and side yards and from Section 8.4.7 of the Unified Development Code to allow a prohibited building type (a modular home that is not approved by the State of Tennessee as such)

ACTION OF THE BOARD: Reject

APPEARANCES: For Applicant: Kendra Calico

 Opposition: Edith Dosier
 Brittany Bullock
 Kelvin Kolheim

THE RESOLUTION:

WHEREAS, Kendra Calico filed an application with the Board of Adjustment on **September 23, 2015** for Variances from Section 3.7.2 of the Unified Development Code to allow encroachments into the required front and side yards and from Section 8.4.7 of the Unified Development Code to allow a prohibited building type (a modular home that is not approved by the State of Tennessee as such); and

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on Wednesday, **October 28, 2015**, after due notice; and

WHEREAS, The Board has determined that the site plan 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 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, the appeal is not approved.

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

MOTION TO REJECT

AGAINST MOTION:8
Chairman Colvett, Doss, Dow, Jackson, Raiford,
Petree, Rainey, and Savage-Townes

FOR MOTION:0

NOT VOTING0

NEW CASE:

4. **DOCKET:** **B.O.A. 15-54(CITY)**

APPLICANT: Peck Signs, CJ Johnson

PREMISES AFFECTED: 250 E Raines Road

USE DISTRICT: Employment (EMP) District

REQUESTING: Variance from UDC Section 4.9.7 to construct a L.E.D. sign within a residential zoning district and it exceeds the maximum gross surface area for residential signage

ACTION OF THE BOARD: Approve

APPEARANCES: For Applicant: C. J. Johnson

For Opposition: None

THE RESOLUTION:

WHEREAS, Peck Signs, CJ Johnson filed an application with the Board of Adjustment on **September 24, 2015** Variance from UDC Section 4.9.7 to construct a L.E.D. sign within a residential zoning district and it exceeds the maximum gross surface area for residential signage; and

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on Wednesday, **October 28, 2015**, 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 subject to (4) conditions.

NOW, THEREFORE, Be it resolved that the application be and it hereby is granted Provided, however, that the 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 FOUR (4) CONDITIONS

CONDITIONS:

1. The detached signage must not exceed a cumulative gross surface area of 20 sq. ft.
2. The wattage and lamberts of the new L.E.D. sign must meet the discretion of the Office of Planning and Development.
3. The applicant shall comply with sign plan as submitted to the Office of Planning and Development.
4. The applicant must utilize a technology that is consistent with the places of worship within the immediate vicinity of The Greater New Liberty M.B. Church and St. Joseph Catholic School that is in the area.

AGAINST MOTION:0

FOR MOTION:8

Chairman Colvett, Doss, Jackson, Raiford, Petree,
Dow, Rainey, and Savage-Townes

NOT VOTING0

NEW CASE:

5. **DOCKET:** **B.O.A. 15-59(CITY)**

APPLICANT: Wholesale Auto Dealers of Memphis, Charles Glover

PREMISES AFFECTED: 809 Chelsea Avenue

USE DISTRICT: Mixed Use (MU) District

REQUESTING: Use Variance from UDC Section 7.3.22 to allow auto sales in the Mixed Use (MU) District

ACTION OF THE BOARD: Approve

APPEARANCES: For Applicant: David Bray

 For Opposition: None

THE RESOLUTION:

WHEREAS, Wholesale Auto Dealers of Memphis, Charles Glover, filed an application with the Board of Adjustment on **September 24, 2015** requesting a Use Variance from UDC Section 7.3.22 to allow auto sales in the Mixed Use (MU) District; and

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on Wednesday, **October 28, 2015**, 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 subject to (9) conditions.

NOW, THEREFORE, Be it resolved that the application be and it hereby is granted Provided, however, that the 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 NINE (9) CONDITIONS

CONDITIONS:

1. The approved variances are based on the approved site plan. Changes to the site plan are subject to the review of the Planning Director and may at his/her discretion require a re-application to the Board of Adjustment.
2. Provide a wrought iron metal fence with gate(s) along front of the property. The fence shall extend along the east and west property lines to at least the front façade of the building.
3. Where the site abuts a residential district, a combination of a sight-proof wooden fence and landscaping composed of evergreen materials shall be required subject to the review and approval of the OPD. Otherwise a vinyl coated chain link fence shall be required, or other option that is suitable to the OPD.
4. Applicant shall remove the existing pole sign at the northwest corner of the lot and replace with a monument style sign to be relocated to the northeast section of the site, with required landscaping at the base.
5. Where the former pole sign was located, the concrete bollard shall be removed and replaced with landscaping as shown on the site plan.
6. A detailed landscape plan shall be submitted to the OPD for their review and approval.
7. All required landscaping shall be irrigated.

8. Signage shall be as regulated by Chapter 4.9 of the UDC except that automatic changeable copy signage is not permitted.
9. No additional structure(s) shall be added to the property.

AGAINST MOTION:0

FOR MOTION:8

Chairman Colvett, Doss, Dow, Jackson, Raiford,
Petree and Rainey, Savage-Townes

NOT VOTING0

******This case was moved from Agenda item 5 to item 2******

NEW CASE:

6. **DOCKET:** **B.O.A. 15-60(CITY)**

APPLICANT: John H. Jr. & Nikki N. Aaron

PREMISES AFFECTED: 119 Hollyoke Lane

USE DISTRICT: Residential Single Family (R-10) District

REQUESTING: Variance from Item 3.2.9E (4)(b) to allow an
 encroachment into the required rear yard
 setback of twenty (20) feet for construction of
 an enclosed, covered patio and screen porch
 addition in Residential Single Family(R-10)
 District

ACTION OF THE BOARD: Approve

APPEARANCES: For Applicant: John H. Jr. & Nikki N. Aaron

 For Opposition: None

THE RESOLUTION:

WHEREAS, John H. Jr. & Nikki N. Aaron filed an application with the Board of Adjustment on **September 24, 2015** Variance from Item 3.2.9E (4)(b) to allow an encroachment into the required rear yard setback of twenty (20) feet for construction of an enclosed, covered patio and screen porch addition in Residential Single Family(R-10) District; and

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on Wednesday, **October 28, 2015**, 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.A 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 Provided, however, that the 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

AGAINST MOTION:0

FOR MOTION:6
Rainey, Dow, Jackson, Raiford, Petree,
and Savage-Townes

NOT VOTING0

NEW CASE:

7. **DOCKET:** **B.O.A. 15-61(CITY)**

APPLICANT: AMERCO Real Estate Company

PREMISES AFFECTED: 137-139 Illinois Ave

USE DISTRICT: Bluffview Residential (R-B) District

REQUESTING: Use Variance from UDC Sub-Section 7.2.5C
 to allow self-storage warehouse and truck
 rental

ACTION OF THE BOARD: Approve

APPEARANCES: For Applicant: Carol George

 For Opposition: None

THE RESOLUTION:

WHEREAS, AMERCO Real Estate Company, filed an application with the Board of Adjustment on **September 24, 2015** Use Variance from UDC Sub-Section 7.2.5C to allow self-storage warehouse and truck rental; and

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on Wednesday, **October 28, 2015**, 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 subject to (5) conditions.

NOW, THEREFORE, Be it resolved that the application be and it hereby is granted Provided, however, that the 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 FIVE (5) CONDITION

CONDITIONS:

1. The concept plan and elevations shall be considered the plan for the redevelopment of the site. Changes to either one may, at the discretion of the Planning Director, be returned to the Board of Adjustment with a public hearing.
2. A detailed landscaping plan shall be submitted to the OPD for review and approval but shall, at a minimum, include the following elements:
 - a. Along the W. Illinois Avenue and Kansas Street frontages, a modified S-1, S-3 or S-10 Landscape Plate shall be required. The modification will allow the trees to be planted on private property behind the right-of-way.
 - b. If any new fencing is provided along the street frontages of Pennsylvania Street, Kansas Street, or Illinois Avenue, such fencing shall be composed of either wrought iron or black, vinyl coated chain link. The existing chain link fencing and vegetation shall be removed; this condition does not apply to the fencing along the south property line unless the applicant chooses to remove it.
 - c. Along the Pennsylvania Street frontage, an S-10 Landscape Plate shall be required. The plate may include the wall indicated on the concept plan and elevations.
 - d. If a gate is proposed on either Kansas Street or Pennsylvania Street, that gate shall be setback a minimum of 40 feet.
3. As long as the existing buildings are retained, the building setback shall be as reflected on the Concept plan.

4. The outdoor storage of U-Haul Trucks and related equipment, but not customer storage, shall be regulated by the Employment District requirements.

5. Signs shall be regulated by the Employment District requirements.

AGAINST MOTION:0

FOR MOTION:7

Chairman Colvett, Dow, Jackson, Raiford, Petree,
Rainey, and Savage-Townes

NOT VOTING0

NEW CASE:

8. **DOCKET:** **B.O.A. 15-62(CITY)**

APPLICANT: Marketplace Development, LLC

PREMISES AFFECTED: 1783 Lamar Avenue

USE DISTRICT: Residential Single Family Historic (R-6 [H])
Districts

REQUESTING: Use Variance from Section 2.5.2 to allow a
new one-story 9,180 sq. ft. retail commercial
building in Residential Single Family Historic
(R-6[H]) and Commercial Mixed Use (CMU-
1[H]) Historic Districts

ACTION OF THE BOARD: Hold

APPEARANCES: For Applicant: Wise Smith

For Opposition: Patrick Surratt
Kristen Schelder

MOTION TO HOLD:

AGAINST MOTION:0

FOR MOTION:7
Chairman Colvett, Dow, Jackson, Raiford, Petree,
Rainey, and Savage-Townes

NOT VOTING0

NEW CASE:

9. **DOCKET:** **B.O.A. 15-63(CITY)**

APPLICANT: Peck Signs

PREMISES AFFECTED: 1911 Poplar Avenue

USE DISTRICT: Commercial Mixed Use (CMU-3)

REQUESTING: Appealing an administrative decision by the
 Office of Construction Code Enforcement
 denying a detached sign permit for the Sports
 Junction based on the property being located
 in the Evergreen Historic District

ACTION OF THE BOARD: Reject

APPEARANCES: For Applicant: Scott Peck

 For Opposition: Juanita Freeman

THE RESOLUTION:

WHEREAS, Peck Signs, Peck Signs filed an application with the Board of Adjustment on **September 23, 2015** appealing an administrative decision by the Office of Construction Code Enforcement denying a detached sign permit for the Sports Junction based on the property being located in the Evergreen Historic District; and

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on Wednesday, **October 28, 2015**, after due notice; and

WHEREAS, the Office of Planning and Development reported in its findings that the subject property was not located in the Evergreen Historic District, yet the proposed sign still needed multiple variations as presented; and

WHEREAS, The Board has determined that the proposed detached sign 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 the proposed detached sign 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, the sign is not approved.

NOW, THEREFORE, Be it resolved that the proposed detached sign be and is hereby is denied.

AGAINST MOTION:3
Chairman Colvett, Petree and Savage-Townes

FOR MOTION:3
Dow, Jackson and Rainey

NOT VOTING0

NEW CASE:

10. **DOCKET:** **B.O.A. 15-64(CITY)**

APPLICANT: Treneka Smith

PREMISES AFFECTED: 3772 Ladue Street

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

REQUESTING: Variance to UDC 2.7.2A(4) and 3.9.1C

ACTION OF THE BOARD: Approve

APPEARANCES: For Applicant: Treneka Smith

For Opposition: None

THE RESOLUTION:

WHEREAS, Treneka Smith filed an application with the Board of Adjustment on **September 24, 2015** Variance to UDC 2.7.2A(4) and 3.9.1C; and

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on Wednesday, **October 28, 2015**, 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 subject to (2) conditions.

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

Provided, however, that the 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 TWO (2) CONDITIONS

CONDITIONS:

- I. 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.
- II. 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.

AGAINST MOTION:0

FOR MOTION:6

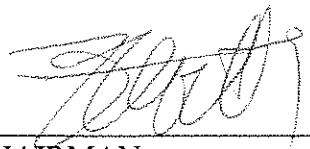
Chairman Colvett , Dow, Jackson, Petree,
Rainey, and Savage-Townes

NOT VOTING0

ADJOURNMENT:

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

MINUTES APPROVED: 11-18-15



CHAIRMAN



SECRETARY

