

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

January 27, 2016

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, January 27, 2016.

Present:

Ms.	Joy Doss
Mr.	Daniel Dow
Mr.	John Jackson III
Mr.	Aaron Petree
Mr.	Timothy Rainey (Chairman)
Ms.	Madeleine Savage-Townes

Mr.	Josh Whitehead, Secretary
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Also Present:

Mr.	C.J. Finkley, OPD
Mr.	John Walpole, OCCE
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. 16-01 (CITY)**
- APPLICANT:** Susan Andrews
- PREMISES AFFECTED:** 2013 Courtland Place
- USE DISTRICT:** Single-Family residence within the Residential
 Urban-1 (RU-1) District
- REQUESTING:** A variance from Sub-section 3.10.2C of the Unified
 Development Code (UDC) to allow an addition
 within 3.9' of the side yard property line
- ACTION OF THE BOARD:** Approve
- APPEARANCES:** For Applicant: William Andrews
- For Opposition: None

THE RESOLUTION:

WHEREAS, Susan Andrews, filed an application with the Board of Adjustment on **December 11, 2015** Use variance from Sub-section 3.10.2C of the Unified Development Code (UDC) to allow an addition within 3.9' of the side yard property line; and

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on Wednesday, **January 27, 2016** 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.

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

AGAINST MOTION:0

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

NOT VOTING0

NEW CASE:

2. **DOCKET:** **B.O.A. 16-02 (County)**
- APPLICANT:** Gary Pickens
- PREMISES AFFECTED:** South side of East Holmes Road, 792'+/- east of
 Byhalia Road
- USE DISTRICT:**
- REQUESTING:** Variance from Sub-section 3.6.1.A. of the UDC to
 allow a single-family residence on a sub-4 acre lot
 (3.64+/- acres)
- ACTION OF THE BOARD:** Approve
- APPEARANCES:** For Applicant: Gary Pickens
 Mathew Bishop
- Opposition: Thelma Starnes
 Jeff Klaus

THE RESOLUTION:

WHEREAS, Gary Pickens, filed an application with the Board of Adjustment on **December 23, 2015** a variance from Sub-Section 3.6.1.A to allow a single-family residence on a sub-4 acre lot (3.64+/- acres); and

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on Wednesday, **January 27, 2016** 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 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 (2) CONDITIONS

CONDITIONS:

1. Compliance with Shelby County Health Department comments: 1. Based on the High intensity Soil map that was done on June 10, 2013 this lot is suitable for the installation of a subsurface sewage disposal system on it. An interceptor drain must be installed on it around the absorption field bed area to remove the excess water in the soil so that a subsurface sewage disposal system can operate in an efficient manner. 2. Prior to any construction of a structure, mobile or permanent, the plans for the exact building location must be approved and a permit for construction of a subsurface sewage disposal system issued by the *Shelby County Health Department*. All structures, water lines, underground utilities and driveways should be located out of usable soil areas unless approved by the *Health Department*. 3. In order to obtain a variance for a well the plans specifying the exact building location must be sent to the *Water Quality Branch & Septic Tank Program* along with a complete application set requesting the installation of water well. 4. After the permit denial, since the lot is less than four (4) acres in size, an appeal will be arranged with the *Ground Water Quality Control Board (GWQCB)* for Shelby County to hear the variance request. 5. The only agency that can approve a well on less than four (4) acres is the *Ground Water Quality Control Board (GWQCB)*. 6. In the *Shelby County Well Construction Code Section 12(H) 2 and (J)* deals with the four acre minimum lot size requirement for a well and subsurface surface sewage disposal system to be properly used on any lot within Shelby County); and
2. No subdivision of this parcel is allowed.

AGAINST MOTION:0

FOR MOTION:6

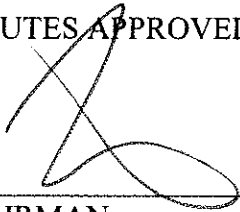
Dow, Doss Jackson, Petree,
Rainey and Savage-Townes

NOT VOTING0

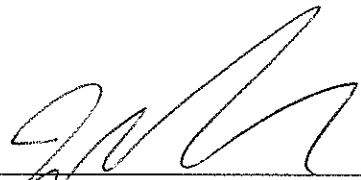
ADJOURNMENT:

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

MINUTES APPROVED: 2-24-16



CHAIRMAN



SECRETARY