

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

December 14, 2011

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 1:30 p.m., Wednesday, December 14, 2011

**Present:**

Mr.	Daniel Dow
Ms.	Olliette Murray-Drobot
Ms.	Mary Sharp
Mr.	Timothy Rainey
Mr.	Andrew Trippel

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Mr. Josh Whitehead, Secretary

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**Also Present:**

Mr.	Gregory Love, OPD
Mr.	Nate Taylor, City Engineer
Mr.	Robert Rolwing, County Attorney
Mr.	Josh Whitehead

A quorum being present, the Board proceeded to consideration of the days agenda. The minutes from the previous October 26, 2011 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.

**CORRESPONDENCE CASE:**

1. **DOCKET:**

**72-8 (CITY)**

**APPLICANT:**

**Marjorie and Ralph Gore**

**PREMISES AFFECTED:**

**3417 Fontaine Road (West side of Fontaine Road, +/-286 feet north of Winchester Road)**

**USE DISTRICT:**

**Employment (EMP) District**

**REQUESTING:**

1. To decrease the required front setback from 30 feet to 13.5 feet
2. To revise the previously submitted site plan to reflect corrections to setbacks and to accurately illustrate current improvements

**ACTION OF THE BOARD:**

**Approval**

**APPEARANCES:**

**For Applicant: Cindy Reaves**

**For Opposition: None**

**THE RESOLUTION:**

**WHEREAS**, Marjorie and Ralph Gore filed an application with the Board of Adjustment on November 23, 2011 within the EMP Zoning District by requesting site plan modifications and a decrease in the required front yard setback from 30 feet to 13.5 feet ; and

**WHEREAS**, a public hearing on this application was held by the Board at its regular meeting on Wednesday, December 14, 2011 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 Section 9 of the Unified Development Code are being met; 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 and that the decision of the Memphis and Shelby County Building Official be and hereby is overruled. 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:

Dow, Murray-Drobot, Rainey, Sharp, and Trippel  
.....5  
.....0

NOT VOTING

**ACTION IS TO APPROVE**

**ADJOURNMENT:**

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

MINUTES APPROVED: Agreement 25, 2012

Lynla Crawford  
CHAIRMAN

[Signature]  
SECRETARY