

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

Wednesday, September 28, 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, September 28, 2016.

Present:

Mr.	Daniel Dow
Mr.	John Jackson
Mr.	Aaron Petree
Mr.	Timothy Rainey (Chair)
Ms.	Madeleine Savage-Townes (Vice Chair)

Mr.	Josh Whitehead, Secretary
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Also Present:

Mr.	Brian Bacchus, OPD
Mr.	Gene Burse, OPD
Mr.	Don Jones, OPD
Mr.	Chip Saliba, OPD
Mr.	John Walpole, OCCE
Ms.	Iris Robinson, 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 CASES:

1. **DOCKET:** **B.O.A. 16-60 (CITY)**
- APPLICANT:** OUTMemphis (Stephanie Reyes)
- PREMISES AFFECTED:** 2055 Southern Avenue
- USE DISTRICT:** Residential Urban-1 (RU-1) District
- REQUESTING:** Conditional Use Variance from Section 7.5.2 to shipping containers to be modified into a single residential dwelling unit
- ACTION OF THE BOARD** Approval
- APPEARANCES:** For Applicant: OUTMemphis (Stephanie Reyes)
- Opposition: None

THE RESOLUTION:

WHEREAS, OUTMemphis (Stephanie Reyes), filed an application with the Board of Adjustment on **Friday, August 19, 2016** for Conditional Use Variance from Section 7.5.2 to shipping containers to be modified into a single residential dwelling unit; and

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on **Wednesday, September 28, 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 9.22.6A 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 four (4) conditions.

NOW, THEREFORE, Be it resolved that the application be and it hereby is granted for the requested sign 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 date of granting the variance.

MOTION TO APPROVE ON CONSENT WITH (4) FOUR CONDCTIONS

CONDITIONS:

1. Elevations
 - a. The north, east and west facing elevations shall be composed of one or more of the following materials: brick, stone, wood or equivalent such as hardy board, or stucco or a similar material deemed suitable by the OPD. If a wood equivalent it shall be attached horizontally to resemble wood siding.
 - b. The above materials shall make up a minimum of 75 percent of the façade exclusive of openings for doors and windows.
 - c. Exposed metal shall be limited to the trim around the door, window or roof.
2. Building Elements
 - a. The north elevation shall include a porch, a minimum of eight feet in width, with a roof.
 - b. The porch shall be designed to provide the appearance of a raised foundation and include a minimum of two steps.
 - c. The north elevation shall include a pitched roof and a dormer with window.

3. Driveway

- a. The throat of the driveway, that area between the street and the front façade of the building, shall be limited to a width of 12 feet. At that front façade, the driveway may be widened as indicated on the site plan to accommodate 90 degree parking.
- b. At the point where the driveway widens out on the lot, landscaping in the form of an evergreen shrub shall be required to screen the parking from the street view. Said shrubs shall be a species of Holly and shall be planted on either side of the driveway throat at 3 feet on center. The shrubs may be one gallon size at installation and maintained at a height of 4 feet.

4. This Conditional Use Permit is specific to Parcels 03111300006 and 03111300007. Any changes to the approved site plan or approved conditions are subject to the review and approval of the Planning Director.

AGAINST MOTION:0

FOR MOTION:5

Dow, Jackson, Petree, Rainey & Savage-Townes

NOT VOTING0

NEW CASE:

2. **DOCKET:** **B.O.A. 16-61 (City)**

APPLICANT: Brent Ragsdale

PREMISES AFFECTED: 6200 Haley Segich Road

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

REQUESTING: Use variance from section 2.5.2 for Shelby County Fleet Maintenance Facility located at Shelby Farms

ACTION OF THE BOARD: Approve

APPEARANCES: For Applicant: Brent Ragsdale

 Opposition: None

THE RESOLUTION:

WHEREAS, Brent Ragsdale, filed an application with the Board of Adjustment on **Tuesday, August 30, 2016** for a Use variance from section 2.5.2 for Shelby County Fleet Maintenance Facility located at Shelby Farms; and

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on **Wednesday, September 28, 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 9.22.6A 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 one (1) condition.

NOW, THEREFORE, Be it resolved that the application be and it hereby is granted for the requested sign 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 date of granting the variance.

MOTION TO APPROVE ON CONSENT WITH (1) ONE CONDITON

CONDITION:

1. 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.

AGAINST MOTION:0

FOR MOTION:5
Dow, Jackson, Petree, Rainey & Savage-Townes

NOT VOTING0

NEW CASE:

3. **DOCKET:** **B.O.A. 16-62(City)**

APPLICANT: Jennifer Bellheimer & Alisha Wall

PREMISES AFFECTED: 1702 Lawrence Avenue

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

REQUESTING: Variance from Paragraph 2.7.2A (4) to allow
 construction of a covered walkway connecting
 garage and rear porch to encroach into a required
 side yard setback line of five (5) feet

ACTION OF THE BOARD: Hold

APPEARANCES: For Applicant: Jennifer Bellheimer & Alisha Wall

 Opposition: None

AGAINST MOTION: 0

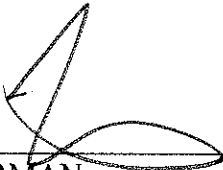
FOR MOTION: 5
 Dow, Jackson, Petree, Rainey & Savage-Townes

NOT VOTING 0


ADJOURNMENT:

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

MINUTES APPROVED: OCTOBER 26, 2016



CHAIRMAN



SECRETARY