

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

January 25, 2012

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, January 25, 2012

**Present:**

Mr.	Raymond Brown
Mr.	Andre Jones
Ms.	Lynda Raiford
Mr.	Timothy Rainey
Mr.	Andrew Trippel

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

Mr.	Brian Bacchus, OPD
Mr.	Donald Jones, OPD
Mr.	Nate Taylor, City Engineer
Mr.	Josh Whitehead

A quorum being present, the Board proceeded to consideration of the days agenda. The minutes from the previous December 14, 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:** B.O.A 09-07 (CITY)
- APPLICANT:** Harbor View Properties, Inc.
- PREMISES AFFECTED:** 1471 N. Second Street  
(*West side of North Second Street @ Plum and Pear Avenue*)
- USE DISTRICT:** Mixed Use Flood Plain (MU [FP]) District
- REQUESTING:** Two-year time extension of a front yard build-to-line of fifty (50) feet to construct an eighteen (18) bed hospital
- ACTION OF THE BOARD:** Approval
- APPEARANCES:** For Applicant: Cindy Reaves  
For Opposition: None

**THE RESOLUTION:**

**WHEREAS**, Harbor View Properties, Inc. requesting a two-year time extension of a front yard build-to-line of fifty (50) feet to construct an eighteen (18) bed hospital; and

**WHEREAS** Harbor View Properties, Inc. filed an application with the Board of Adjustment on January 3, 2012 by requesting a two-year time extension of a front yard build-to-line of fifty (50) feet to construct an eighteen (18) bed hospital; and

**WHEREAS**, a public hearing on this application was held by the Board at its regular meeting on Wednesday, January 25, 2012 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 Article 9.22.7. & 8 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 two-year time extension 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 Memphis and Shelby County Building Official shall issue requested permits. 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 this application.

**MOTION TO APPROVE**

AGAINST MOTION: .....0  
  
FOR MOTION: Chairman Raiford, Brown, Jones, Rainey and Trippel  
.....5  
  
NOT VOTING .....0

**ACTION IS TO APPROVE**

**NEW CASE:**

1. **DOCKET:** 11-27 (CITY)

**APPLICANT:**

Edward Saig

**PREMISES AFFECTED:**

**1029 Frayser Boulevard**  
*(South side of Frayser Boulevard, approximately 158.36' east of Thomas Street)*

**USE DISTRICT:**

Commercial Mixed Use-1 (CMU-1)

**REQUESTING:**

A use variance from Commercial Mixed Use-1 (CMU-1) Zoning to allow the continued operation of a vehicle service and repair shop

**ACTION OF THE BOARD:**

Approved

**APPEARANCES:**

For Applicant: David Porter

For Opposition: None

**THE RESOLUTION:**

**WHEREAS**, Edward Saig filed an application with the Board of Adjustment on December 19, 2011 by requesting a variance from Commercial Mixed Use-1 (CMU-1) Zoning to allow the continued operation of a vehicle service and repair shop; and

**WHEREAS**, a public hearing on this application was held by the Board at its regular meeting on Wednesday, January 25, 2012 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, subject to seven (7) 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 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: Chairman Raiford, Brown, Jones, Rainey and Trippel  
.....5

NOT VOTING ..... 0

**ACTION IS TO APPROVE WITH CONDITIONS:**

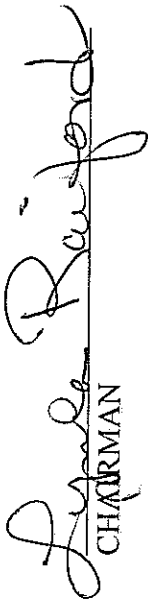
**CONDITIONS:**

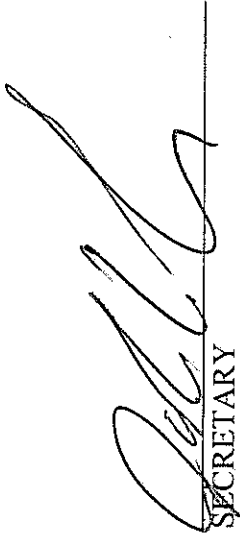
1. This Use Variance is granted for engine repair only. Body repair is not permitted.
2. Provide a minimum of two parking spaces perpendicular (90 degree) to the west property line.
3. Provide three parallel spaces (0 degrees) along the east property line.
4. The practice of parking vehicles and tow trucks in front of the bays shall be discontinued.
5. No overnight parking of vehicles between the building and the sidewalk shall be permitted.
6. If the outdoor storage of vehicles awaiting repair is desired in the rear yard, the yard shall be improved to include an acceptable parking surface and the rear yard shall be screened with the use of a sight-proof wooden fence with cap.
7. Wrecked, dismantled or otherwise inoperable vehicles, not awaiting repair as stipulated in Condition 1 above, shall not be permitted to be stored on this site.

ADJOURNMENT:

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

MINUTES APPROVED: Feb 22, 2012

  
CHARMAN

  
SECRETARY