

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

April 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, April 25, 2012.

Present:

Mr.	Raymond Brown
Mr.	Daniel Dow
Ms.	Lynda Raiford
Mr.	Timothy Rainey
Mr.	Andre Jones
Mr.	Jimmy Burditt

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Mr. Josh Whitehead, Secretary

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Also Present:

Mr.	Donald Jones, OPD
Mr.	Nate Taylor, City Engineer
Mr.	Gregory Love, OPD
Mr.	Terry Langlois, OPD

A quorum being present, the Board proceeded to consideration of the days agenda. The minutes from the previous March 28, 2012 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. 12-16 (CITY)  
**APPLICANT:** Duncan Williams, Inc.  
**PREMISES AFFECTED:** 6750 Poplar Avenue  
(Northeast corner of Poplar Avenue and Kirby Parkway)  
**USE DISTRICT:** O-G (General Office) District  
**REQUESTING:** Increase the number and maximum size of attached signs allowed within O-G (General Office) District  
**ACTION OF THE BOARD:** Hold for 30 days  
**APPEARANCES:** For Applicant: None  
For Opposition: None

THE RESOLUTION:

**WHEREAS**, Duncan Williams, Inc. filed an application with the Board of Adjustment on April 5, 2012 by requesting a variance to Increase the number and maximum size of attached signs allowed within O-G (General Office) District; and

**WHEREAS**, a public hearing on this application was held by the Board at its regular meeting on Wednesday, April 25, 2012 after due notice; and

**WHEREAS**, The Board voted to hold the case for 30 days; and

MOTION TO HOLD FOR 30 DAYS

AGAINST MOTION: ..... 0

FOR MOTION: .....  
Chairman Raiford, Brown, Burditt, Dow, Colvett, Jr., Jones,  
and Rainey  
.....7

NOT VOTING ..... 0

**ACTION IS TO HOLD FOR 30 DAYS**

**NEW CASE:**

2. **DOCKET:** **B.O.A. 12-14 (City)**  
**APPLICANT:** Shayne Nelson  
**PREMISES AFFECTED:** 4192 Macon Road  
(Northwest corner of Macon Road and Vaughn Road)

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

**REQUESTING:** A variance for a galvanized steel fence

**ACTION OF THE BOARD:** Rejection

**APPEARANCES:** For Applicant: Shayne and Dottie Nelson

For Opposition: Sam Tune, Edwin Butler,  
and Mr. Crain

**THE RESOLUTION:**

**WHEREAS**, Shayne Nelson filed an application with the Board of Adjustment on April 2, 2012 by requesting a variance for a galvanized steel fence; and

**WHEREAS**, a public hearing on this application was held by the Board at its regular meeting on Wednesday, April 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 found in Section 9.22.6 of the Unified Development Code have not been met; and

**WHEREAS**, The Board has determined that said variances 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 to allow 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, this application is rejected as submitted.

**NOW, THEREFORE,** Be it resolved that the application is hereby rejected and that the decision of the Memphis and Shelby County Building Official be sustained. 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 REJECT**

AGAINST MOTION:

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Chairman Raiford, Brown, Burditt, Dow, Colvett, Jr., Jones,  
and Rainey  
.....7

FOR MOTION:

.....  
0

NOT VOTING

..... 0

**ACTION IS TO REJECT**

**NEW CASE:**

3. **DOCKET:**

**B.O.A. 12-15 (City)**

**APPLICANT:**

Laurelwood Shopping Center (Leonard Lurie)

**PREMISES AFFECTED:**

4550 Poplar Avenue  
(*Northeast corner of Poplar Avenue and Grove Park*)

**USE DISTRICT:**

Commercial Mixed Use-3 (CMU-3) District

**REQUESTING:**

A variance to allow an Electronic Message Center in excess of 20 sq. ft. in area within 200 feet from residentially zoned property

**ACTION OF THE BOARD:**

Approved

**APPEARANCES:**

For Applicant: Chris Haskins, Balton Signs

For Opposition: None

**THE RESOLUTION:**

**WHEREAS**, Laurelwood Shopping Center filed an application with the Board of Adjustment on April 3, 2012 by requesting a variance to allow an Electronic Message Center in excess of 20 sq. ft. in area within 200 feet from residentially zoned property; and

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



NEW CASE:

4. **DOCKET:** COMPANION CASE TO ZTA 12-001  
**APPLICANT:** Memphis and Shelby County Office of Planning and Development

**REPRESENTATIVE:** Josh Whitehead

**REQUESTING:** Recommended approval of the Land Use Controls Section of the Office of Planning and Development Fee Schedule

**ACTION OF THE BOARD:** Approve

**APPEARANCES:** For Applicant: Josh Whitehead

For Opposition: None

THE RESOLUTION:

**WHEREAS**, Memphis and Shelby Office of Planning and Development filed an application with the Board of Adjustment on April 5, 2012 by requesting recommendation approval of the Land Use Controls Section of the Office of Planning Development Fee Schedule; and

**WHEREAS**, a public hearing on this application was held by the Board at its regular meeting on Wednesday, March 28, 2012 after due notice;

**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 of the Unified Development Code are being met; and

**NOW, THEREFORE**, Be it resolved that the Board hereby recommends that the fee schedule be approved by the Memphis City Council and Shelby County Board of Commissioners.

MOTION TO APPROVE

AGAINST MOTION: ..... 0

FOR MOTION: .....  
Chairman Raiford, Brown, Burditt, Dow, Colvett, Jr., Jones,  
and Rainey .....7

NOT VOTING ..... 0

**ACTION IS TO APPROVE**

ADJOURNMENT:

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

MINUTES APPROVED: May 23, 2012

*Lynnda Ruffolo*  
CHAIRMAN

*Johanna*  
SECRETARY