

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

Wednesday, February 27, 2019

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., February 27, 2019

**Present:**

Ms.	Joy Doss
Mr.	John Jackson III
Mr.	JT Malasri
Mr.	Aaron Petree
Ms.	Madeleine Savage-Townes, Vice Chairwoman
Ms.	Portia Trass Scurlock

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

Mr.	Brian Bacchus, OPD
Mr.	Don Jones, OPD
Ms.	Marion Jones, OPD
Mr.	Jeffrey Penzes, OPD
Ms.	Somer Smith, OPD
Ms.	Staci Tillman, OPD

A quorum being present, the Board proceeded to consideration of the day's agenda. The Minutes from the previous meeting were approved.

In some of the following cases, the application for a building permit or sign permit was rejected by the Memphis and Shelby County Building Official or Planning Director 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.

1. **DOCKET:** B.O.A. 19-03
- APPLICANT:** Pinnacle Development Group
- PREMISES AFFECTED:** 3601 Midland
- USE DISTRICT:** Residential Single Family – 6 (R-6)
- REQUESTING:** Variance from Section 8.3.8 to waive University District bulk plane restrictions; use variance from Section 8.3.11 to permit a dormitory not associated with an educational institution in the University District
- APPERANCES:** Support: Harvey Marcom  
George Reeves
- Opposition: Brian Bacchus
- ACTION OF THE BOARD:** Approved

**THE RESOLUTION:**

**WHEREAS,** Pinnacle Development Group filed an application with the Board of Adjustment for a Variance from Section 8.3.8 to waive University District bulk plane restrictions; use variance from Section 8.3.11 to permit a dormitory not associated with an educational institution in the University District; and

**WHEREAS,** a public hearing on this application was held by the Board at its regular meeting on **February 27, 2019** after due notice; and

**WHEREAS,** The Board is of the opinion, and finds from the sworn testimony of the witnesses at the hearing, and the records on file, that the standards for a variance in 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 the 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.

**NOW THEREFORE,** Be it resolved that the application be and it hereby is granted for the requested variance. 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 shall be obtained from the Memphis and Shelby County Office of Construction Code Enforcement within two (2) years.

AGAINST MOTION: .....0  
RECUSED .....~~1~~ MALASRI  
FOR MOTION: .....6 (Doss, Jackson, Malasri, Pteree, Savage-Townes and Scurlock)  
ABSENT: .....2 (Claybrook and Rainey)

2. **DOCKET:** B.O.A. 19-06  
**APPLICANT:** Tony Deberry  
**PREMISES AFFECTED:** 602 Looney Ave  
**USE DISTRICT:** Moderate Density Residential (MDR) District  
**REQUESTING:** Variance from Section 7.3.11, Uptown Special Purpose District, Land Use Zoning Matrix, to permit an existing church building to be used as a maintenance office and indoor storage for a lawn maintenance company  
**APPEARANCES:** Support: Tony Deberry  
Opposition: Lawrence Reed  
Franklin Perry  
Judie Chambers  
**ACTION OF THE BOARD:** Rejection

**THE RESOLUTION:**

**WHEREAS**, Tony Deberry filed an application with the Board of Adjustment for a variance from Section 7.3.11, Uptown Special Purpose District, Land Use Zoning Matrix, to permit an existing church building to be used as a maintenance office and indoor storage for a lawn maintenance company; and

**WHEREAS**, a public hearing on this application was held by the Board at its regular meeting on **February 27, 2019** after due notice; and

**WHEREAS**, The Board is of the opinion, and finds from the sworn testimony of the witnesses at the hearing, and the records on file, that the standards for a variance in the Unified Development Code are not being met; and;

**WHEREAS**, The Board has determined that said variance 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 the 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 City of Memphis and County of Shelby; and, therefore, this application is rejected.

**NOW THEREFORE**, Be it resolved that the application be and it hereby is not granted for the requested variance.

**MOTION FAILED**

AGAINST MOTION:	.....6 (Doss, Jackson, Malasri, Petree, Savage-Townes and Scurlock)
RECUSED	.....0
FOR MOTION:	.....0
ABSENT:	.....2 (Claybrook and Rainey)

<b>3. DOCKET:</b>	<b><u>B.O.A. 19-07(City)</u></b>
<b>APPLICANT:</b>	Judi D. & Corey S. Riggs

**PREMISES AFFECTED:** 730 Radiance Drive  
**USE DISTRICT:** Residential Single Family(R-8) District  
**REQUESTING:** Variance from Item 4.5.2.C(1)(b) to allow the location of required parking spaces within the required thirty (30) feet front yard building setback line  
**APPEARANCES:** None  
**ACTION OF THE BOARD:** Approved with Conditions (Consent)

**Conditions:**

1. A non-use variance shall be granted to allow two (2) required parking spaces within the required front yard setback line of thirty (30) feet as illustrated on the survey/site plan.
2. Any home occupation shall be in accordance with Section 2.7.4 of the zoning code.
3. Any change or deviation to the survey/site plan upon the determination of the Planning Director shall be submitted to the Board of Adjustment for review and approval or administrative review and approval by the Office of Planning and Development.

**THE RESOLUTION:**

**WHEREAS,** Judi D. & Corey S. Riggs filed an application with the Board of Adjustment for a variance from Item 4.5.2.C(1)(b) to allow the location of required parking spaces within the required thirty (30) feet front yard building setback line; and

**WHEREAS,** a public hearing on this application was held by the Board at its regular meeting on **Wednesday, February 27, 2019** after due notice; and

**WHEREAS,** The Board is of the opinion, and finds from the records on file, that the standards for variances in 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 the 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 conditions on the consent agenda.

**NOW THEREFORE,** Be it resolved that the application be and it hereby is granted for the requested variance. 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 shall be obtained from the Memphis and Shelby County Office of Construction Code Enforcement within two (2) years.

AGAINST MOTION: .....0  
 RECUSED .....0  
 FOR MOTION: .....6 (Doss, Jackson, Malasri, Petree, Savage-Townes and Scurlock)  
 ABSENT: .....2 (Claybrook and Rainey)

4. **DOCKET:** B.O.A. 19-08  
**APPLICANT:** Marc Darby  
**PREMISES AFFECTED:** 8780 Chaffee Rd. and 8783 Phillip St.  
**USE DISTRICT:** Employment (EMP)  
**REQUESTING:** Use variance from Section 2.5.2 to allow single-family residential use in an EMP zone; variance from Paragraph 2.7.2.A(1) to waive minimum setback requirement for an accessory structure; variance from Sub-Section 3.9.1.C to waive minimum setback requirement for an attached garage; variance from Sub-Section 3.10.2C to waive minimum rear setback requirement for a residential use in an industrial district  
**APPEARANCES:** None

**ACTION OF THE BOARD:**        Approved (Consent)

**THE RESOLUTION:**

**WHEREAS,** Marc Darby filed an application with the Board of Adjustment for a Use variance from Section 2.5.2 to allow single-family residential use in an EMP zone; variance from Paragraph 2.7.2.A(1) to waive minimum setback requirement for an accessory structure; variance from Sub-Section 3.9.1.C to waive minimum setback requirement for an attached garage; variance from Sub-Section 3.10.2C to waive minimum rear setback requirement for a residential use in an industrial district; and

**WHEREAS,** a public hearing on this application was held by the Board at its regular meeting on **February 27, 2019** 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 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 the 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.

**NOW THEREFORE,** Be it resolved that the application be and it hereby is granted for the requested variance. 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 shall be obtained from the Memphis and Shelby County Office of Construction Code Enforcement within two (2) years.

AGAINST MOTION:                    .....0

RECUSED                                .....0

FOR MOTION:                         .....6 (Doss, Jackson, Malasri, Petree, Savage-Townes and Scurlock)

ABSENT:                                .....2 (Claybrook and Rainey)0

**5. DOCKET:** **B.O.A. 19-09(City)**

**APPLICANT:** Grace Community Evangelical Methodist Church

**PREMISES AFFECTED:** 2018 Bartlett Road

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

**REQUESTING:** Variance from Sub-Item 4.9.6.E(2)(g)(iii) and Item 4.9.6.E(2)(h)(4) to allow a changeable copy sign less than 20 sq. ft. in area with video technology and an electric or electronic message board within 100 feet of any residential property or district

**APPEARANCES:** None

**ACTION OF THE BOARD:** Approved with Conditions (Consent)

**Conditions:**

1. A non-use variance shall be granted for a changeable copy sign less than 20 sq. ft. in area with video technology and an electronic message board within 100 feet of any residential property as illustrated on the sign plan.
2. Another non-use variance shall be granted to allow the accessory parsonage structure to be located forward or beyond the front setback of the principal church building.
3. Any change or deviation to the survey/site plan upon the determination of the Planning Director shall be submitted to the Board of Adjustment for review and approval or administrative review and approval by the Office of Planning and Development.

**THE RESOLUTION:**

**WHEREAS,** Grace Community Evangelical Methodist Church filed an application with the Board of Adjustment for variances from Sub-Item 4.9.6.E(2)(g)(iii) and Item 4.9.6.E(2)(h)(4) to allow a changeable copy sign less than 20 sq. ft. in area with video technology and an electric or electronic message board within 100 feet of any residential property or district; and



**WHEREAS**, a public hearing on this application was held by the Board at its regular meeting on **Wednesday, February 27, 2019** after due notice; and

**WHEREAS**, The Board is of the opinion, and finds from the records on file, that the standards for variances in 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 the 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 conditions on the consent agenda.

**NOW THEREFORE**, Be it resolved that the application be and it hereby is granted for the requested variances. Provided, however, that the variances are 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 shall be obtained from the Memphis and Shelby County Office of Construction Code Enforcement within two (2) years.

AGAINST MOTION: .....0  
RECUSED: .....0  
FOR MOTION: .....6 (Doss, Jackson, Malasri, Petree, Savage-Townes and Scurlock)  
ABSENT: .....2 (Claybrook and Rainey)

6. **DOCKET:** **B.O.A. 19-10**  
**APPLICANT:** Bruce Prewett, Prewett Holdings, LLD/Gary Welch  
**PREMISES AFFECTED:** West of US Hwy 61, East of CN/Illinois Central Railroad at the TN/MS Stateline  
**USE DISTRICT:** Heavy Industrial (IH)

**REQUESTING:** Site plan for outdoor shooting range per conditions to Docket BOA 18-96

**APPEARANCES:**

Support: Harvey Marcom  
George Reaves  
Gary Welch

Opposition: Reid Hedgepeth  
Cera Nichol  
Bob Turner

**ACTION OF THE BOARD:** Hold for one month

AGAINST MOTION: .....1 (Petree)

RECUSED: .....0

FOR MOTION: .....5 (Doss, Jackson, Malasri, Savage-Townes, Scurlock)

ABSENT: .....2 (Claybrook and Rainey)

7. **DOCKET:** B.O.A. 19-11

**APPLICANT:** Ann L. Schiller / same as owner

**PREMISES AFFECTED:** 4859 Hummingbird Lane

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

**REQUESTING:** Variance from Item 2.7.3B(1)(a) to allow an accessory dwelling unit on a residential lot of less than 10,000 square feet and Paragraph 2.7.3B(2) to allow zero additional parking associated with the accessory dwelling unit

**APPEARANCES:**

Support: John Behnke

Opposition: Amelia Carhuff

**ACTION OF THE BOARD:**           Approved (Consent)

**THE RESOLUTION:**

**WHEREAS,** Ann L. Schiller filed an application with the Board of Adjustment for a Variance from Item 2.7.3B(1)(a) to allow an accessory dwelling unit on a residential lot of less than 10,000 square feet and Paragraph 2.7.3B(2) to allow zero additional parking associated with the accessory dwelling unit; and

**WHEREAS,** a public hearing on this application was held by the Board at its regular meeting on **February 27, 2019** 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 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 the 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.

**NOW THEREFORE,** Be it resolved that the application be and it hereby is granted for the requested variance. 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 shall be obtained from the Memphis and Shelby County Office of Construction Code Enforcement within two (2) years.

AGAINST MOTION:                   .....0

RECUSED:                           .....0

FOR MOTION:                       .....6 (Doss, Jackson, Malasri, Petree, Savage-Townes and Scurlock)

ABSENT:                             .....2 (Claybrook and Rainey)

8. **DOCKET:** B.O.A. 19-12

**APPLICANT:** Robin Varnadoe

**PREMISES AFFECTED:** 5349 OK Robertson Road

**USE DISTRICT:** Conservation Agriculture (CA) District

**REQUESTING:** Variance from Section 3.6.1 to allow a lot of 1.86 acres with public water and an approved individual treatment facility in the Conservation Agriculture District

**APPEARANCES:** None

**ACTION OF THE BOARD:** Approved (Consent)

**THE RESOLUTION:**

**WHEREAS,** Robin Varnadoe filed an application with the Board of Adjustment for a Variance from Section 3.6.1 to allow a lot of 1.86 acres with public water and an approved individual treatment facility in the Conservation Agriculture District; and

**WHEREAS,** a public hearing on this application was held by the Board at its regular meeting on **February 27, 2019** 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 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 the 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.

**NOW THEREFORE,** Be it resolved that the application be and it hereby is granted for the requested variance. 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 shall be obtained from the Memphis and Shelby County Office of Construction Code Enforcement within two (2) years.

AGAINST MOTION: .....0  
RECUSED: .....0  
FOR MOTION: .....6 (Doss, Jackson, Malasri, Petree, Savage-Townes and Scurlock)  
ABSENT: .....2 (Claybrook and Rainey)

- 9. **DOCKET:** **B.O.A. 19-13**
- APPLICANT:** One Stop Housing LLC
- PREMISES AFFECTED:** 2949 Airways – Northwest Corner of Airways Blvd & Directors Row
- USE DISTRICT:** Employment (EMP)
- REQUESTING:** Use variance from Section 2.5.2 to convert an existing motel to residential apartments
- APPEARANCES:** None
- ACTION OF THE BOARD:** Approved (Consent)

**THE RESOLUTION:**

**WHEREAS**, One Stop Housing LLC filed an application with the Board of Adjustment for a Use variance from Section 2.5.2 to convert an existing motel to residential apartments; and

**WHEREAS**, a public hearing on this application was held by the Board at its regular meeting on **February 27, 2019** 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 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 the 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.

**NOW THEREFORE,** Be it resolved that the application be and it hereby is granted for the requested variance. 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 shall be obtained from the Memphis and Shelby County Office of Construction Code Enforcement within two (2) years.

**Conditions:**

1. This Use Variance is granted to One Stop Housing LLC for the conversion of a motel to 145 residential, studio style apartments to serve affordable workforce housing.
2. Each unit shall include a sleeping area, a kitchen area and a bathroom.
3. Provide an S-10 Streetscape Plate or an equivalent along Director's Row and Director's Cove or an equivalent that is acceptable to the Office of Planning and Development.
4. Provide a sight-proof fence, a minimum of six feet in height along the east property line to provide privacy for the rental units.
5. Applicant will work with staff to provide a landscape and screening plan along the balance of the east property line adjacent with the former restaurant use.
6. Remove the existing chain link and barbed wire.
7. Fencing along Director's Row shall include wrought iron or a similar decorative material.
8. Fencing along Director's Cove may be wrought iron or decorative metal. However, staff will consider alternatives to fencing for this frontage based on the addition of landscaping material.

- 9. The site plan shall indicate all curb cuts. Any curb cut that is not in use shall be closed and reconstructed with curb, gutter and sidewalk.
- 10. The stamped site plan is the official plan. Any changes to the plan shall be presented to the planning director or his designee to determine the appropriate process for review.

AGAINST MOTION: .....0

RECUSED: .....0

FOR MOTION: .....6 (Doss, Jackson, Malasri, Petree, Savage-Townes and Scurlock)

ABSENT: .....2 (Claybrook and Rainey)

10. **DOCKET:** **B.O.A. 19-14**

**APPLICANT:** Frederik Kolderup

**PREMISES AFFECTED:** 736 Echles Street

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

**REQUESTING:** Variance from Item 2.7.3B(1)(a) to allow an accessory dwelling unit on a residential lot of less than 10,000 square feet; variance from Paragraph 2.7.3B(6) to allow non-clerestory windows along a wall of an accessory dwelling unit within 10 feet of an abutting parcel zoned single-family residential

**APPEARANCES:** None

**ACTION OF THE BOARD:** Approved (Consent)

**THE RESOLUTION:**

**WHEREAS,** Frederik Kolderup filed an application with the Board of Adjustment for a Variance from Item 2.7.3B(1)(a) to allow an accessory dwelling unit on a residential lot of less than 10,000 square feet; variance from Paragraph 2.7.3B(6) to allow non-clerestory windows

along a wall of an accessory dwelling unit within 10 feet of an abutting parcel zoned single-family residential; and

**WHEREAS**, a public hearing on this application was held by the Board at its regular meeting on **February 27, 2019** 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 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 the 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.

**NOW THEREFORE**, Be it resolved that the application be and it hereby is granted for the requested variance. 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 shall be obtained from the Memphis and Shelby County Office of Construction Code Enforcement within two (2) years.

**Conditions:**

1. This Use Variance is granted to One Stop Housing LLC for the conversion of a motel to 140 residential, studio style apartments to serve affordable workforce housing.
2. Each unit shall include a sleeping area, a kitchen area and a bathroom
3. Provide an S-12 Streetscape Plate along Stonebrook Circle or an equivalent that is acceptable to the Office of Planning and Development
4. Provide an S-10 Streetscape Plate along Sandbrook Street Springbrook Avenue or an equivalent that is acceptable to the Office of Planning and Development
5. Remove the existing chain link and barbed wire



- 6. Fencing along Sandbrook Street and Stonebrook Circle shall include either a wrought iron fence with landscaping or a sight proof wooden fence with cap
- 7. Fencing along Springbrook Avenue shall be wrought iron or similar material
- 8. The site plan shall indicate all curb cuts. Any curb cut that is not in use shall be closed and reconstructed with curb, gutter and sidewalk
- 9. The stamped site plan is the official plan. Any changes to the plan shall be presented to the planning director or his designee to determine the appropriate process for review

AGAINST MOTION: .....0

RECUSED: .....0

FOR MOTION: .....6 (Doss, Jackson, Malasri, Petree, Savage-Townes and Scurlock)

ABSENT: .....2 (Claybrook and Rainey)

11. **DOCKET:** **B.O.A. 19-15**

**APPLICANT:** One Stop Housing LLC

**PREMISES AFFECTED:** 1360 Springbrook Cove, Northwest corner of Springbrook Ave and Sandbrook St.

**USE DISTRICT:** Employment (EMP)

**REQUESTING:** Use variance from Section 2.5.2 to convert an existing Motel use to residential apartments

**APPEARANCES:** None

**ACTION OF THE BOARD:** Approved (Consent)

**THE RESOLUTION:**

**WHEREAS**, One Stop Housing LLC filed an application with the Board of Adjustment for a Use variance from Section 2.5.2 to convert an existing Motel use to residential apartments; and

**WHEREAS**, a public hearing on this application was held by the Board at its regular meeting on **February 27, 2019** 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 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 the 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.

**NOW THEREFORE**, Be it resolved that the application be and it hereby is granted for the requested variance. 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 shall be obtained from the Memphis and Shelby County Office of Construction Code Enforcement within two (2) years.

**Conditions:**

1. This Use Variance is granted to One Stop Housing LLC for the conversion of a motel to 140 residential, studio style apartments to serve affordable workforce housing.
2. Each unit shall include a sleeping area, a kitchen area and a bathroom.
3. Provide an S-12 Streetscape Plate along Stonebrook Circle or an equivalent that is acceptable to the Office of Planning and Development.

- 4. Provide an S-10 Streetscape Plate along Sandbrook Street Springbrook Avenue or an equivalent that is acceptable to the Office of Planning and Development.
- 5. Remove the existing chain link and barbed wire.
- 6. Fencing along Sandbrook Street and Stonebrook Circle shall include either a wrought iron fence with landscaping or a sight proof wooden fence with cap.
- 7. Fencing along Springbrook Avenue shall be wrought iron or similar material.
- 8. The site plan shall indicate all curb cuts. Any curb cut that is not in use shall be closed and reconstructed with curb, gutter and sidewalk.
- 9. The stamped site plan is the official plan. Any changes to the plan shall be presented to the planning director or his designee to determine the appropriate process for review.

AGAINST MOTION: .....0

RECUSED: .....0

FOR MOTION: .....6 (Doss, Jackson, Malasri, Petree, Savage-Townes and Scurlock)

ABSENT: .....2 (Claybrook and Rainey)

12. **DOCKET:** B.O.A. 19-16

**APPLICANT:** Payne Chapel AME Church / same as owner

**PREMISES AFFECTED:** 1087 N. Watkins ST & O South Lexington Circle

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

**REQUESTING:** Variance from Paragraph 2.6.2G(3) to allow off-site parking for places of worship, Paragraph 2.6.2G(4) and Item 4.5.2C(2)b to allow required parking spaces in the required front yard setback in a residential district for places of worship, and a

variance from Section 4.5.3 to allow a reduction in the required number of off-street parking spaces

**APPEARANCES:** None

**ACTION OF THE BOARD:** Approved (Consent)

**THE RESOLUTION:**

**WHEREAS,** Payne Chapel AME Church filed an application with the Board of Adjustment for a Variance from Paragraph 2.6.2G(3) to allow off-site parking for places of worship, Paragraph 2.6.2G(4) and Item 4.5.2C(2)b to allow required parking spaces in the required front yard setback in a residential district for places of worship, and a variance from Section 4.5.3 to allow a reduction in the required number of off-street parking spaces; and

**WHEREAS,** a public hearing on this application was held by the Board at its regular meeting on **February 27, 2019** 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 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 the 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.

**NOW THEREFORE,** Be it resolved that the application be and it hereby is granted for the requested variance. 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 shall be obtained from the Memphis and Shelby County Office of Construction Code Enforcement within two (2) years.

AGAINST MOTION: .....0  
 RECUSED: .....0  
 FOR MOTION: .....6 (Doss, Jackson, Malasri, Petree, Savage-Townes and Scurlock)  
 ABSENT: .....2 (Claybrook and Rainey)

13. **DOCKET:** **B.O.A. 19-17**  
**APPLICANT:** Stephen Stewart  
**PREMISES AFFECTED:** 3552 Macon Road  
**USE DISTRICT:** Residential  
**REQUESTING:** Use variance from Section 2.5.2 to allow an existing triplex  
**APPEARANCES:** None  
**ACTION OF THE BOARD:** Approved (Consent)

**THE RESOLUTION:**

**WHEREAS,** Stephen Stewart filed an application with the Board of Adjustment for a Use variance from Section 2.5.2 to allow an existing triplex; and

**WHEREAS,** a public hearing on this application was held by the Board at its regular meeting on **February 27, 2019** 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 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 the 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.

**NOW THEREFORE,** Be it resolved that the application be and it hereby is granted for the requested variance. 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 shall be obtained from the Memphis and Shelby County Office of Construction Code Enforcement within two (2) years.

**Conditions:**

1. Any change or deviation from the site plan upon the determination of the Planning Director shall be submitted to the Board of Adjustment for review and approval or administrative review and approval by the Office of Planning and Development.
2. In regard to the concrete driveway that connects to Macon Road as shown on the site plan, the applicant must obtain a curb cut permit and approval from City Engineering and install said curb cut or the applicant must reduce the concreted driveway to five (5) feet in width so that is converted for use solely as a pedestrian walkway. If the latter option is chosen a revised site plan must be submitted to the Office of Planning and Development reflecting this pedestrian walkway and the removal of the curb cut.

AGAINST MOTION: .....0

RECUSED: .....0

FOR MOTION: .....6 (Doss, Jackson, Malasri, Petree, Savage-Townes and Scurlock)

ABSENT: .....2 (Claybrook and Rainey)

14. **DOCKET:** **B.O.A. 19-18**

**APPLICANT:** New Development LLC

**PREMISES AFFECTED:** 4830 Poplar Avenue

**USE DISTRICT:** Commercial Mixed Use – 1 (CMU-1)

**REQUESTING:** Variance from Item 2.6.3J(1)(f) to allow the expansion of a nonconforming gas station that was previously approved under Docket BOA 88-27 and to allow the existing illegal on-premise detached sign height to remain at 35 feet

**APPEARANCES:** Support: David Brny

**ACTION OF THE BOARD:** Approved

**THE RESOLUTION:**

**WHEREAS,** New Development LLC filed an application with the Board of Adjustment for a variance from Item 2.7.3B(1)(a) to allow an accessory dwelling unit on a residential lot of less than 10,000 square feet: variance from Paragraph 2.7.3B(6) to allow non-clerestory windows along a wall of an accessory dwelling unit within 10 feet of an abutting parcel zoned single-family residential; and

**WHEREAS,** a public hearing on this application was held by the Board at its regular meeting on **February 27, 2019** 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 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 the 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.

**NOW THEREFORE,** Be it resolved that the application be and it hereby is granted for the requested variance. 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 shall be obtained from the Memphis and Shelby County Office of Construction Code Enforcement within two (2) years.

**Conditions:**

1. Any change or deviation from the site plan upon the determination of the Planning Director shall be submitted to the Board of Adjustment for review and approval or administrative review and approval by the Office of Planning and Development.
2. A landscape plan must be submitted for administrative review and approval by the Office of Planning and Development.
3. All lighting fixtures must be concealed or shielded to prevent glare and off-site impacts on abutting properties, most significantly in regard to the residential property to the north. Furthermore, all outdoor site lighting shall be treated as new lighting and must be retrofitted, upgraded, or replaced to come into full compliance with Chapter 4.7 of the Unified Development Code. A lighting plan detailing the location, height, style, direction, etc. of all outdoor lighting and a photometric plan must be submitted for administrative review and approval by the Office of Planning and Development.
4. The easternmost curb cut along Poplar Avenue must be closed with curb, gutter, and sidewalk.
5. The southernmost curb cut along Saint Nick Drive must be closed with curb, gutter, and sidewalk.
6. All sidewalks must be repaired and made ADA compliant.
7. An 8-foot in height brick wall must be installed along the length of the northern property line not adjacent to the principal structure.
8. The existing fuel canopy must be remodeled or replaced to be architecturally compatible with the design of the principal structure and it must be constructed of the same materials as seen in the proposed elevations for the principal structure. The remodeled canopy must not be more than 20 feet in height. Elevations of the remodeled canopy must be submitted for administrative review and approval by the Office of Planning and Development.
9. The height variance in regard to the on-premise detached sign is hereby denied. An on-premise detached sign is permitted, however, it must be a monument style sign with a maximum height of 12 feet and it must be architecturally compatible with the design of the principal structure and it must be constructed of the same materials as seen in the proposed elevations for the principal structure.
10. A final site plan, landscaping plan, lighting plan, photometric plan, and elevations in



conformance with the conditions above must be submitted for administrative review and approval by the Office of Planning and Development.

AGAINST MOTION: .....0

RECUSED: .....0

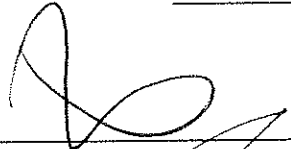
FOR MOTION: .....6 (Doss, Jackson, Malasri, Petree, Savage-Townes and Scurlock)

ABSENT: .....2 (Claybrook and Rainey)

**ADJOURMENT:**

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

MINUTES APPROVED: March 27, 2019

  
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CHAIRMAN

  
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SECRETARY