

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

JULY 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, June 27, 2012

Present:

Mr.	Raymond Brown
Mr.	Frank Colvett, Jr.
Ms.	Lynda Raiford
Mr.	Timothy Rainey
Ms.	Olliette Murry-Drobot
Ms.	Margaret Pritchard
Ms.	Mary Sharp

Mr. Josh Whitehead, Secretary

Also Present:

Mr.	Terry Langlois, OPD
Mr.	Don Jones, OPD
Mr.	Josh Whitehead, Secretary
Mr.	Nate Taylor, City Engineer
Mr.	Robert Rolwing, County Attorney

A quorum being present, the Board proceeded to consideration of the days agenda. The minutes from the previous June 27, 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.

CORRESPONDENCE CASE:

1. **DOCKET:** B.O.A 85-176 (CITY)
- APPLICANT:** E.W.P. LLC
- PREMISES AFFECTED:** 1027 S. Yates
(West side of S. Yates Road; +/-122.49' north of Murray Road)
- USE DISTRICT:** O-G (General Office) District
- REQUESTING:** Revise the approved site plan to reflect an adjustment to the Ingress/Egress Easement
- ACTION OF THE BOARD:** Approved
- APPEARANCES:** For Applicant: Michael O. Christoff
For Opposition: None

THE RESOLUTION:

WHEREAS, E.W.P. LLC filed an application with the Board of Adjustment on July 6, 2012 requesting to revise the approved site plan to reflect an adjustment to the Ingress/Egress Easement; and

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on Wednesday, July 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 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 County of Shelby; and, therefore, this application is approved as submitted.

NOW, THEREFORE, Be it resolved that the requested revision to the approved site plan be and it hereby is granted. 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.

NEW CASE:

2. **DOCKET:** B.O.A. 12-21 (CITY)
APPLICANT: Wes Kraker
PREMISES AFFECTED: 214 Fleur De Lis Cove
(Approximately 627 feet west of White Station Road)

USE DISTRICT: Residential Single Family-10 (R-10) District

REQUESTING: A variance to allow 4' +/- variation from front setback and a 3' -4' +/- variation for part of the south side in order to accommodate an open air partially roofed arbor

ACTION OF THE BOARD: Hold for 30 days

APPEARANCES: For Applicant: Tim D. Salvo
For Opposition: Two persons present. Turned in appearance cards.

THE RESOLUTION:

HELD

AGAINST MOTION:0

FOR MOTION:7
Chairman Raiford, Brown, Dow, Colvett, Jr., Murry-Drobot, Raiford, and Rainey

NOT VOTING:0

NEW CASE:

3. **DOCKET:** **B.O.A. 12-22 (CITY)**

APPLICANT:

Aaron Snowden

PREMISES AFFECTED:

1214 Fountain Ct
(*Southwest corner of Fountain Court and Stafford Street*)

USE DISTRICT:

Residential Single Family-6 (RS-6) District

REQUESTING:

A variance to the required side yard setback

ACTION OF THE BOARD:

Approved

APPEARANCES:

For Applicant: Aaron Snowden

For Opposition: None

THE RESOLUTION:

WHEREAS, Aaron Snowden filed an application with the Board of Adjustment on July 5, 2012 requesting a variance to the required side yard setback; and

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on Wednesday, July 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 9.6 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.

NOW, THEREFORE, Be it resolved that the application be and it hereby is granted. 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.

ACTION IS TO APPROVE

AGAINST MOTION:0

FOR MOTION:7

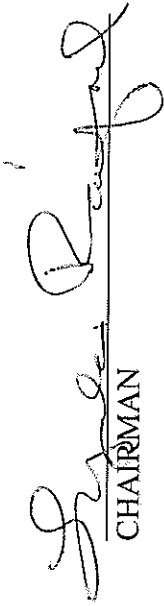
Chairman Raiford, Brown, Dow, Colvett, Jr., Murry-Drobot,
Raiford, and Rainey

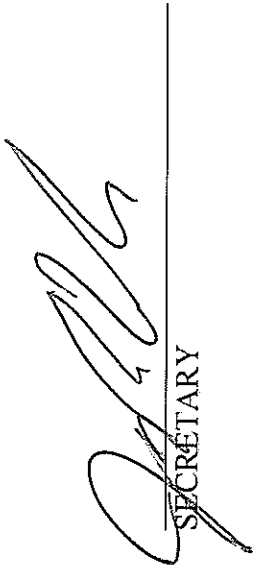
NOT VOTING:0

ADJOURNMENT:

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

MINUTES APPROVED: August 22, 2012


CHAIRMAN


SECRETARY