

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

Wednesday, November 20, 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., October 23, 2019.

**Present:**

Ms.	Mary Baker
Mr.	Carson Claybrook
Ms.	Joy Doss
Mr.	John Jackson, III
Mr.	J.T. Malasri
Dr.	Margaret Pritchard, Alternate
Mr.	Timothy D. Rainey, Chairman
Ms.	Madeline Savage-Townes, Vice Chair

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

Mr.	Brian Bacchus, OPD
Mr.	Brett Davis, OPD
Mr.	Jeffrey Penzes, OPD
Mr.	Brett Ragsdale, OPD
Ms.	Teresa Shelton, OPD
Ms.	Clarke Shupe-Diggs, OPD
Mr.	Lucas Skinner, OPD
Ms.	Somer Smith, OPD
Mrs.	Ayse Tezel, OPD
Mr.	Seth Thomas, OPD

A quorum being present, the Board proceeded to consideration of the day's agenda. Board Member Jackson made the motion to approve the minutes from the October 23, 2019, Board Meeting; Vice-Chair Savage-Townes Seconded the motion. 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.

4. **DOCKET:** **B.O.A. 19-105 (City)**
- APPLICANT(S):** Richard Pearce
- PREMISES AFFECTED:** 5122 Crestview Road
- USE DISTRICT:** Conservation Agriculture (CA), Floodway, Flood Plain Overlay, and Fletchers Creek Overlay
- REQUESTING:** Final Site plan approval for the partial filling of former sand mining operation with limited construction debris, based on conditions of Docket Number BOA 19-39.
- ACTION OF THE BOARD:** Hold for one (1) month
7. **DOCKET:** **B.O.A. 19-110 (City)**
- APPLICANT(S):** Richard B. Gaston/ Charles H. Richardson, Jr.
- PREMISES AFFECTED:** 1032 West Perkins and 1047 Perkins Terrace
- USE DISTRICT:** Residential (R-10)
- REQUESTING:** To appeal an administrative decision by the Office of Construction Code Enforcement to issue a citation for violating Sub-Section 2.6.1F operating a house for recovering addicts.
- ACTION OF THE BOARD:** Hold for one (1) month
8. **DOCKET:** **B.O.A. 19-111 (City)**
- APPLICANT(S):** Clearview Residences
- PREMISES AFFECTED:** 8218, 8222 and 8226 Town and Country
- USE DISTRICT:** Residential Urban (RU-3)
- REQUESTING:** To appeal an administrative decision by the Office of Construction Code Enforcement to issue a citation for violating Sub-Section 2.6.1F operating a house for recovering addicts.
- ACTION OF THE BOARD:** Hold for one (1) month

**14. DOCKET:** **B.O.A. 19-117 (City)**

**APPLICANT(S):** Commerce Center LP/ Grubb Properties, LLC

**PREMISES AFFECTED:** 2542 Broad

**USE DISTRICT:** Employment (EMP)

**REQUESTING:** Modification to Docket BOA 18-32 to modify conditions of approval related to access and parking; and variance from Sub-Section 3.10.2B to allow a 0' front setback, 5' side setbacks, and 5' rear setback

**ACTION OF THE BOARD:** Hold for one (1) month

**5. DOCKET:** **B.O.A. 19-106 (City)**

**APPLICANT(S):** ALSAC

**PREMISES AFFECTED:** Southwest corner of Jackson Avenue and North Manassas Street

**USE DISTRICT:** Uptown Mixed Use (MU)

**REQUESTING:**

- 1.) Variance from Section 7.3.11 to permit one (1) temporary parking lot in the MU District;
- 2.) Variance from Paragraph 7.3.10(1) to except the temporary parking lots from being organized into a series of small bays and permitting the driveways to be wider than 24 feet in width;
- 3.) Variance from Paragraph 4.5.5D(2) to except the temporary parking lots from providing interior landscaping as it applies to the landscaping and types of islands;
- 4.) Variance from Sub-Section 4.4.8 to permit the City Engineer's Office to review and approve the queuing space depth; and
- 5.) Variance from Paragraph 4.6.7E(5) to permit the maximum length of a continuous, unbroken fence or wall abutting a public ROW to exceed 100 feet

**ACTION OF THE BOARD:** Withdrawn

3. **DOCKET:** **B.O.A. 19-103 (City)**
- APPLICANT(S):** Kimbrough LLC/Doug Ketchum
- PREMISES AFFECTED:** 1491 Union Avenue
- USE DISTRICT:** Commercial Mixed Use-3 (CMU-3[H]) and Residential-6 (RU-6[H]), Midtown Overlay, and Central Gardens Historic District Overlay
- REQUESTING:** Variance from Sub-Item 4.9.7D(3)(b)(2) to allow a digital sign that is higher than 10-feet to encroach +/- 4-feet into the required setback of 10-feet and variance from Sub-Item 4.9.7D(2)(b)(2) to allow a monument sign that exceeds the maximum allowed height by +/- 2-feet
- ACTION OF THE BOARD:** Approval with five (5) conditions

**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. The digital sign shall be in compliance with all applicable sections of the UDC pertaining to digital signs.
3. The monument sign shall be in compliance with the landscaping provisions of the UDC pertaining to signs.
4. These signs are also subject to the Memphis Landmarks Commission's review and approval prior to obtaining necessary permits
5. The City Engineering's comments shall be disregarded.

**THE RESOLUTION:**

**WHEREAS**, Kimbrough Towers LLC and Doug Ketchum filed an application with the Board of Adjustment for a Variance from Sub-Item 4.9.7D(3)(b)(2) to allow a digital sign that is higher than 10-feet to encroach +/- 4-feet into the required setback of 10-feet and variance from Sub-Item 4.9.7D(2)(b)(2) to allow a monument sign that exceeds the maximum allowed height by +/- 2- feet, and

**WHEREAS**, a public hearing on this application was held by the Board at its regular meeting on **Wednesday, November 20, 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 are granted, in part, for the requested variances, but its approval is limited to the aforementioned five (5) conditions. 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

FOR MOTION:.....8 (Baker, Claybrook, Doss, Jackson, Malasri, Pritchard, Rainey, and Savage-Townes)

RECUSED: .....0

6. **DOCKET:** **B.O.A. 19-109 (City)**

**APPLICANT(S):** Takisha Murray

**PREMISES AFFECTED:** 1145 Norma Alley

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

**REQUESTING:** Variance from Sub-Section 3.3.1B to permit lot frontage on a 15' wide unpaved private access easement (Norma Alley).

**ACTION OF THE BOARD:** Approval with conditions

**Conditions:**

1. Parcel 6 shall be permitted to use the 15-foot wide area referred to as “Norma Alley” and illustrated on the November 1924 “Heirs Division of the Pocahontas Richardson Subdivision” Unrecorded Subdivision Plat prepared by C.G. Robinson as its approved access to Louise Road in lieu of having abutted public road frontage
2. The 15-foot wide access drive may have a gravel surface in lieu of a dustless, hard-surface drive, as approved by the City Engineer and Memphis Fire Department
3. Maintenance of this access shall be the sole responsibility of the applicant, but the applicant shall have the right to enter into a shared maintenance agreement with any property abutting the 15-foot wide access drive.

**THE RESOLUTION:**

**WHEREAS**, Takisha Murray filed an application with the Board of Adjustment for a variance from Sub-Section 3.3.1B to permit lot frontage on a 15’ wide unpaved private access easement (Norma Alley), and:

**WHEREAS**, a public hearing on this application was held by the Board at its regular meeting on **Wednesday, November 20, 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

FOR MOTION:.....8 (Baker, Claybrook, Doss, Jackson, Malasri, Pritchard, Rainey, and Savage-Townes)

RECUSED: .....0

9. **DOCKET:** **BOA 19-112 (City)**

**LOCATION:** 3343 Central Avenue

**APPLICANT:** Ben Duke

**USE DISTRICT:** Residential Single Family-6 (R-6), BOA 03-22, BOA 08-34, BOA 08-33 and BOA 16-24

**REQUEST:** Variance from Sub-Section 3.6.1 (A) to allow for a decrease in the rear yard setback from 15 feet to 5 feet when the guest house and garage addition is attached to the main house

**ACTION OF THE BOARD:** Approval with conditions

**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. Modifications to the site plan shall be processed as a Minor Modification unless the Planning Director determines that an application for a Major Modification is warranted.

**THE RESOLUTION:**

**WHEREAS,** Ben Duke filed an application with the Board of Adjustment for a variance from Item 3.6.1A to allow for a decrease in the rear yard setback from 15 feet to 5 feet when the guest house and garage addition is attached to the main house; and

**WHEREAS,** a public hearing on this application was held by the Board at its regular meeting on **Wednesday, November 20, 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

FOR MOTION:.....8 (Baker, Claybrook, Doss, Jackson, Malasri, Pritchard, Rainey, and Savage-Townes)

RECUSED: .....0

10. **DOCKET:** **BOA 19-113 (City)**
- LOCATION:** 6211 Shelby Oaks Drive
- APPLICANT:** Memphis Electrical Joint Apprenticeship and Training Trust Fund
- USE DISTRICT:** Employment with Floodplain Overlay and Fletcher Creek Overlay
- REQUEST:** Variance from Sub-Item 4.9.7D(2)(b)(2) to increase the maximum area and height of a detached sign fronting Interstate 40:
- to increase the maximum area from 172.8 square feet to 206.0 square feet.
  - to increase the maximum height from 50 feet to 55 feet.
- ACTION OF THE BOARD:** Approval with Conditions

**Conditions:**

1. The maximum height of the sign fronting Interstate 40 shall be 55 feet, as measured from the elevation of the crown of Shelby Oaks Drive.



2. The maximum area of the sign fronting Interstate 40 shall be 172.8 square feet.
3. A site plan shall be submitted that demonstrates compliance with landscaping requirements, or an equivalent alternative, to be reviewed and approved by the Office of Planning and Development.

**THE RESOLUTION:**

**WHEREAS**, Memphis Electrical Joint Apprenticeship and Training Trust Fund filed an application with the Board of Adjustment for variance from Sub-Item 4.9.7D(2)(b)(2) to increase the maximum area and height of a detached sign fronting Interstate 40:

- to increase the maximum area from 172.8 square feet to 206.0 square feet.
- to increase the maximum height from 50 feet to 55 feet.

**WHEREAS**, a public hearing on this application was held by the Board at its regular meeting on **Wednesday, November 20, 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 sign 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

FOR MOTION:.....8 (Baker, Claybrook Doss, Jackson, Malasri, Pritchard, Rainey, and Savage-Townes)

RECUSED: .....0

12. **DOCKET:** BOA 19-115 (City)
- LOCATION:** 4500 Summer Avenue
- APPLICANT:** Market at Summer Oaks, LLC
- USE DISTRICT:** Commercial Mixed Use (CMU-3) District
- REQUEST:** Variance from Sub-Item 4.9.7D(4)(a)(2) to allow five (5) attached signs on the building façade for one (1) establishment
- ACTION OF THE BOARD:** Approval

**THE RESOLUTION:**

**WHEREAS**, Market at Summer Oaks, LLC filed an application with the Board of Adjustment for a variance from Sub-Item 4.9.7D(4)(a)(2) to allow five (5) attached signs on the building façade for one (1) establishment, and:

**WHEREAS**, a public hearing on this application was held by the Board at its regular meeting on **Wednesday, November 20, 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

FOR MOTION:.....8 (Baker, Claybrook, Doss, Jackson, Malasri,  
Pritchard, Rainey, and Savage-Townes)

RECUSED: .....0

13. **DOCKET:** **B.O.A. 19-116 (City)**

**APPLICANT(S):** Memphis Tourism

**PREMISES AFFECTED:** 3205 Elvis Presley Blvd.

**USE DISTRICT:** Commercial Mixed Use-3 (CMU-3)

**REQUESTING:** Variance from Sub-Item 4.9.7D(3)(b)(2) to allow a sign greater than 10’ to be located closer than 10’ to the right-of-way

**ACTION OF THE BOARD:** Approval with Conditions

**Conditions:**

1. The new sign shall be permitted to encroach 3.5’ into the setback for signs over 10’ high.
2. 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.

**THE RESOLUTION:**

**WHEREAS,** Memphis Tourism filed an application with the Board of Adjustment for a variance from Sub-Item 4.9.7D(3)(b)(2) to allow a sign greater than 10’ to be located closer than 10’ to the right-of-way; and

**WHEREAS,** a public hearing on this application was held by the Board at its regular meeting on **Wednesday, November 20, 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

FOR MOTION:.....8 (Baker, Claybrook, Doss, Jackson, Malasri, Pritchard, Rainey, and Savage-Townes)

RECUSED: .....0

1. **DOCKET:** **B.O.A. 19-95 (City)**
- APPLICANT(S):** Griselda Cortes and Esaul Torres
- PREMISES AFFECTED:** 4934 Tulane Road
- USE DISTRICT:** Residential Single Family (R-6) District
- REQUESTING:** Variances from Section 2.5.2 to allow horses; and from Section 2.7.1 to allow an accessory barn structure
- APPEARANCES:** Support: Tim McCaskill
- Opposition: Charles Wade  
Mary Akin-Aleko  
Renita Lauderdale  
Robert Kirk
- ACTION OF THE BOARD:** Failed

**THE RESOLUTION:**

**WHEREAS**, Esaul Torres and Griselda Cortes filed an application with the Board of Adjustment for variances from Section 2.5.2 to allow horses; and from Section 2.7.1 to allow an accessory barn structure in the Residential Single Family (R-6) District; and

**WHEREAS**, a public hearing on this application was held by the Board at its regular meeting on **Wednesday, November 20, 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 not being 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 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.

AGAINST MOTION OF APPROVAL:.....5 (Baker, Claybrook, Doss, Jackson, and Savage-Townes)

FOR MOTION OF APPROVAL: .....2 (Malasri and Pritchard)

RECUSED: .....1 (Rainey)

- 2. **DOCKET:** **B.O.A. 19-93 (City)**
- APPLICANT(S):** ALSAC
- PREMISES AFFECTED:** Block bounded by Second, Third, Jackson and Overton
- USE DISTRICT:** Uptown Hospital (UH)
- REQUESTING:** Variances from 1.) Sub-Section 4.5.3B to provide a parking ratio of 0.79 per 1-4 bedroom units where 1.5 is required;  
2.) Sub-Section 7.3.8C Uptown Hospital District Density/Intensity to allow 70 units per acre where 30 is required;

- 3.) Sub-Section 7.3.8D Uptown Hospital District Build-to Lines/Setbacks to provide setbacks of 12.5' from Third Street, 4.3' from Overton Ave., 0' from Second Street, and 0' from Jackson Ave.;
- 4.) Sub-Section 7.3.8E Uptown Hospital District Building Height to allow a height of 93'1" where there is no other existing structure of a compatible height and;
- 5.) Sub-Section 7.3.8G Uptown Hospital District Access and Parking to allow a 79.5 ft. driveway where 24 ft. is required

**APPEARANCES:**

Support: Kelly Rayne  
Jennifer Peregoy

Opposition: None

**ACTION OF THE BOARD:**

Passed

**Conditions:**

1. Pedestrian access from the residential portion of the building to Overton is encouraged to increase the site's walkability. If no access is provided to Overton, an additional level shall be added the parking garage so that there is a minimum of one parking stall per dwelling unit.
2. The parking garage shall meet the requirements of Sub-Section 7.3.10B of the Unified Development Code.
3. Street trees planted in wells along the public right of way are encouraged along N. Second. If no street trees are provided, a mural or other form of public art shall be installed along or on the wall of the truck court.
4. Fencing along Overton Ave. shall be limited to the areas around exterior doorways along or near the Overton Ave. façade. Such fencing shall not extend further than ten feet beyond the doorway towards the center of the Overton Ave. façade or around the corners of the building, whichever is further.
5. Blank wall areas along Jackson and Overton shall be activated by trellises or other engaging design elements as approved by staff.
6. All refuse containers shall be completely screened from view from all adjacent properties and all public right-of-way.
7. The City Engineer shall approve the design, number and location of curb cuts through the curb cut permit process.

8. A final site plan with building elevations meeting Conditions 1-8 shall be submitted to the Office of Planning and Development before any building permits or a Certificate of Occupancy are issued.
9. Any change or deviation from the final 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**, ALSAC filed an application with the Board of Adjustment for a 1.) Variance from Sub-Section 4.5.3B to provide a parking ratio of 0.73 per 1-4 bedroom unit where 1.5 is required. 2.) Variance from Sub-Section 7.3.8C Uptown Hospital District Density/ Intensity to allow 70 units per acre where 30 is required. 3.) Variance from Sub-Section 7.3.8D Uptown Hospital District Build-to lines/ Setbacks to provide setbacks of 12.5' from Third Street, 4.3' from Overton Avenue, 0' from Second Street, and 0' from Jackson Avenue. 4.) Variance from Sub-Section 7.3.8E Uptown Hospital District Building Height to allow a height of 93' 1" where there is no other existing structure of a compatible height; and 5.) Variance from Sub-Section 7.3.8G Uptown Hospital District Access and Parking to allow a 79.5 ft. driveway where 24 ft. is required; and

**WHEREAS**, a public hearing on this application was held by the Board at its regular meeting on **Wednesday, November 20, 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 variances. 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

FOR MOTION:.....6 (Baker, Claybrook, Doss, Rainey, Savage-Townes, and Pritchard)

RECUSED: .....1 (Malasri)

ABSTAIN:..... 1 (Jackson)

11. **DOCKET:** **B.O.A. 19-114 (City)**

**APPLICANT(S):** Aundra L. White

**PREMISES AFFECTED:** 956 S. Third Street

**USE DISTRICT:** Commercial Mixed Use-1 (CMU-1) and Residential Urban-3 (RU-3)

**REQUESTING:** Use variance from Section 2.5.2 to allow vehicle sales

**APPEARANCES:** Support: Tawanda Schife

Opposition: None

**ACTION OF THE BOARD:** Hold for one (1) month



**ADJOURMENT:**

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

MINUTES APPROVED: \_\_\_\_\_

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CHAIRMAN

\_\_\_\_\_  
SECRETARY