

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

April 24, 2013

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 24, 2013.

Present:

Mr.	Jimmy Burditt
Mr.	Frank Colvett, Jr., Chairman
Mr.	Dan Dow
Mr.	John Jackson III
Mr.	Andre Jones
Ms.	Lynda Raiford
Mr.	Timothy Rainey, Vice Chairman
Ms.	Madeline Savage-Townes

Mr.	Josh Whitehead, Secretary
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Also Present:

Mr.	Calvin Abram, OPD
Mr.	Brian Bacchus, OPD
Mrs.	Keva Jackson, OPD
Mr.	Don Jones, OPD
Mr.	Terry Langlois, OPD
Mr.	Gregory Love, OPD
Mr.	Chip Saliba, OPD
Mr.	Bob Evans, County Engineering
Mr.	Nate Taylor, City Engineering

A quorum being present, the Board proceeded to consideration of the days agenda. The minutes from the previous 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. The Board approved the minutes from March 22, 2013.

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 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 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.

NOW, THEREFORE, Be it resolved that the requested variation be and it hereby is denied.

AGAINST MOTION: 8
Chairman Colvett, Jr., Burditt,
Dow, Jackson III, Jones, Raiford, Rainey, and Savage-Townes

FOR MOTION: 0

NOT VOTING: 0

ACTION IS TO REJECT

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.

NOW, THEREFORE, Be it resolved that the requested variation be and it hereby is denied.

AGAINST MOTION:

..... 8
Chairman Colvett, Jr., Burditt,
Dow, Jackson III, Jones, Raiford, Rainey, and Savage-Townes

FOR MOTION:

.....0

NOT VOTING:

..... 0

ACTION IS TO REJECT

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.

NOW, THEREFORE, Be it resolved that the requested variation be and it hereby is approved.

AGAINST MOTION: 0

FOR MOTION: 8
 Chairman Colvett, Jr., Burditt,
 Dow, Jackson III, Jones, Raiford, Rainey, and Savage-Townes

NOT VOTING: 0

ACTION IS TO APPROVE

5. **DOCKET:** B.O.A 13-14 (CITY)

APPLICANT: Transfuels, LLC

PREMISES AFFECTED: 3457 Lamar Avenue
*(West side of Lamar Avenue; +/-625 feet north of
Person Road)*

USE DISTRICT: Employment (EMP)

REQUESTING: Relief from Item 2.6.3.J(1)(f) of the Unified Development
Code (UDC) which requires fuel service stations to be located
only on corner lots at intersections with arterial and collector
streets

ACTION OF THE BOARD: (Item withdrawn from Agenda)

APPEARANCES: For Applicant: Buddy Fong (1637 Linden Ave)
David Porter (4821 American Way)

For Opposition: None

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.

NOW, THEREFORE, Be it resolved that the requested variation be and it hereby is approved.

AGAINST MOTION:0

FOR MOTION:7
Chairman Colvett, Jr., Burditt,
Dow, Jackson III, Raiford, Rainey, and Savage-Townes

NOT VOTING: 0

ACTION IS TO APPROVE

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.

NOW, THEREFORE, Be it resolved that the requested variation be and it hereby is approved.

AGAINST MOTION:0

FOR MOTION:7
Chairman Colvett, Jr., Burditt,
Dow, Jackson III, Raiford, Rainey, and Savage-Townes

NOT VOTING: 0

ACTION IS TO APPROVE

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.

NOW, THEREFORE, Be it resolved that the requested variation be and it hereby is approved.

AGAINST MOTION:0

FOR MOTION:7
Chairman Colvett, Jr., Burditt,
Dow, Jackson III, Raiford, Rainey, and Savage-Townes

NOT VOTING: 0

ACTION IS TO APPROVE