

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

Wednesday, June 24, 2020

***PURSUANT TO STATE OF TENNESSEE EXECUTIVE ORDER NO. 34 SIGNED BY GOVERNOR
BILL LEE ON JUNE 24, 2020, THIS WAS A STREAMED MEETING WITH ELECTRONIC
VOTING***

The telephonic meeting of the Memphis & Shelby County Board of Adjustment was held at 2:00p.m., June 24, 2020.

Present:

Ms.	Mary Baker
Mr.	Carson Claybrook
Ms.	Joy Doss
Mr.	John Jackson
Mr.	J.T. Malasri
Mr.	Timothy D. Rainey, Chairman
Ms.	Madeline Savage-Townes, Vice Chair
Ms.	Portia Trass Scurlock

Mr.	Josh Whitehead, Secretary
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Also Present:

Mr.	Jeffrey Penzes, OPD
Mr.	Brett Ragsdale, OPD
Ms.	Somer Smith, OPD
Mr.	John Zeanah, DPD

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 May 27, 2020, Board Meeting; Baker 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.

1. **DOCKET:** **B.O.A. 20-42 (City)**

APPLICANT(S): Vanderbilt Park Developers represented by Wayne Stokeling

PREMISES AFFECTED: West side of New Allen between Ridgemont and Egypt-Central

USE DISTRICT: Residential Single-Family -8 (R-8) and Residential Single-Family -8 (Floodplain) (R-8 (FP))

REQUESTING: Variance from Paragraph 9.7.71(5) to allow for completion of an 14-lot subdivision after the expiration of a preliminary plan

ACTION OF THE BOARD: Approval on consent

THE RESOLUTION:

WHEREAS, Vanderbilt Park Developers represented by Wayne Stokeling, filed an application with the Board of Adjustment for variance from Paragraph 9.7.71(5) to allow for the completion of an 14-lot subdivision after the expiration of a preliminary plan, and:

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on **Wednesday, June 24, 2020**, 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, Rainey, Savage-Townes, and Scurlock)

RECUSED:0

2. DOCKET: B.O.A. 20-43 (City)

APPLICANT(S): Reconnect Memphis, LLC represented by Jason Jackson

PREMISES AFFECTED: 2471 Broad Avenue

USE DISTRICT: Commercial Mixed use -1 (CMU-1) and Residential Single-Family -6 (H) (R-6 (H))

REQUESTING: Use variance from Section 2.5.2 to allow a convenience store with gas pump

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

AGAINST MOTION:.....0

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

RECUSED:0

3. DOCKET:

B.O.A. 20-45 (City)

APPLICANT(S):

Destiny Development Corp. represented by Chauncy Gray and Tim McCaskill

PREMISES AFFECTED:

West side of Epping Way on the south side of Northcliffe

USE DISTRICT:

Residential Urban -2 (RU-2)

REQUESTING:

Variance from Paragraph 9.7.71(5) to allow for the completion of an 11-lot subdivision after the expiration of a preliminary plan

ACTION OF THE BOARD:

Approval

THE RESOLUTION:

WHEREAS, Destiny Development Corp. represented by Chauncy Gray and Tim McCaskill filed an application with the Board of Adjustment for a variance from Paragraph 9.7.71(5) to allow for the completion of an 11-lot subdivision after the expiration of an preliminary plan and;

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on **Wednesday, June 24, 2020**, 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, Rainey, Savage-Townes, and Scurlock)

RECUSED:0

4. DOCKET: B.O.A. 20-46 (City)

APPLICANT(S): City, LLC, represented by Bart Thomas

PREMISES AFFECTED: 500 S. Goodlett Street

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

REQUESTING: Variance pursuant to Sub-Section Sub-Section 3.2.9F to allow an encroachment into a required five (5) foot platted side yard setback

ACTION OF THE BOARD: Approval with conditions

Conditions:

1. Non-use variances shall be allowed for a porte-cochere’ to encroach into the required side yard setback; an attached garage to encroach into the required rear yard setback; and to allow one (1) guest parking space in the required front yard setback line as illustrated site/survey plan.
2. The final site plan shall be subject to review and approval by the staff and any change or deviation to the site plan upon 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, City, LLC represented by Bart Thomas filed an application with the Board of Adjustment for a variance pursuant to Sub-Section Sub-Section 3.2.9F to allow an encroachment into a required five (5) foot platted side yard setback and;

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on **Wednesday, June 24, 2020**, 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, Rainey, Savage-Townes, and Scurlock)

RECUSED:0

6. DOCKET: **B.O.A. 20-49 (City)**

APPLICANT(S): Habitat for Humanity of Greater Memphis represented by Cindy Reaves

PREMISES AFFECTED: 748 Lane

USE DISTRICT: Moderate Density Residential (MDR)

REQUESTING: Variance from Items 7.3.5C(1)(a) and 7.5.5(1)(b) to allow front and side yards to exceed the maximum setbacks

ACTION OF THE BOARD: Approval with conditions

Conditions:

1. A full-width front porch shall be provided, subject to review and approval by the Memphis Landmarks Commission to allow for a reduced front yard setback of twenty (20) feet measured from the leading edge of the front porch.

2. The front façade of the home, excluding the full-width front porch shall be setback thirty (30) feet from the right-of-way line of Buena Vista Place. Non-use variances shall be also be allowed for a side yard setback of three-and-a-half (3 ½) feet along the north property line for the single-family home and the detached garage/office structures.
3. The final site plan shall be subject to review and approval by the Memphis Landmarks Commission and any change or deviation to the site plan upon the determination of the Planning Director shall be submitted to the Board of Adjustment and the Memphis Landmarks Commission for review and approval or administrative review and approval by the Office of Planning and development.

THE RESOLUTION:

WHEREAS, Habitat for Humanity of Greater Memphis represented by Cindy Reaves filed an application with the Board of Adjustment for a variance from Items 7.3.5C(1)(a) and 7.3.5(1)(b) to allow front and side yards to exceed the maximum setbacks and;

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on **Wednesday, June 24, 2020**, 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, Rainey, Savage-Townes, and Scurlock)

RECUSED:0

7. **DOCKET:** **B.O.A. 20-50 (City)**
- APPLICANT(S):** Dr. Jeffrey & Katherine C. Warren represented Pruet Architects
- PREMISES AFFECTED:** 223 Buena Vista Place
- USE DISTRICT:** Residential Single-Family Historic (R-6[H]) District
- REQUESTING:** Variance from Sub-section 3.9.2E to allow a front yard setback of twenty (20) feet for a new single-family home
- ACTION OF THE BOARD:** Approval with conditions

Conditions:

1. A full-width front porch shall be provided, subject to review and approval by the Memphis Landmarks Commission to allow for a reduced front yard setback of twenty (20) feet measured from the leading edge of the front porch.
2. The front façade of the home, excluding the full-width front porch shall be setback thirty (30) feet from the right-of-way line of Buena Vista Place. Non-use variances shall be also be allowed for a side yard setback of three-and-a-half (3 ½) feet along the north property line for the single-family home and the detached garage/office structures.
3. The final site plan shall be subject to review and approval by the Memphis Landmarks Commission and any change or deviation to the site plan upon the determination of the Planning Director shall be submitted to the Board of Adjustment and the Memphis Landmarks Commission for review and approval or administrative review and approval by the Office of Planning and development.

THE RESOLUTION:

WHEREAS, Dr. Jeffrey & Katherine C. Warren represented by Pruet Architects filed an application with the Board of Adjustment for a variance from Sub-section 3.9.2E to allow a front yard setback of twenty (20) feet for a new single-family home and;

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on **Wednesday, June 24, 2020**, 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, Rainey, Savage-Townes, and Scurlock)

RECUSED:0

9. **DOCKET:** **BOA 20-52 (County)**

APPLICANT(S): Kimberly Lightfoot

LOCATION: 0 Ward Road (west of Ward Road, north of Garnet road, and South of Russell Bond Road; note the site is known as Parcel ID Number D0124 00582 and is adjacent to the southeast of 7426 Ward Road)

USE DISTRICT: Conservation Agriculture

REQUEST: Use variance from Section 2.5.2 to allow a farmer's market and a variance from Sub-Section 3.3.1B to allow a lot without frontage

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. An ingress/egress access easement shall be recorded with the Register of Deeds and a copy provided to the Office of Planning and Development for the case file record.
3. A final site plan shall be submitted for administrative review and approval by the Office of Planning and Development.
4. All applicable regulations enforced by the Shelby county health Department must be met prior to the issuance of any building permit.

THE RESOLUTION:

WHEREAS, Kimberly Lightfoot filed an application with the Board of Adjustment for Use variances from Section 2.5.2 to allow a farmer's market and a variance from Sub-Section 3.3.1B to allow a lot without frontage and;

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on **Wednesday, June 24, 2020**, 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,
Rainey, Savage-Townes, and Scurlock)

RECUSED:0

- 10. **DOCKET:** **BOA 20-53 (City)**
- LOCATION:** 4642 Quince Road
- APPLICANT:** McDonald’s USA represented by Margaret Grissom
- USE DISTRICT:** Commercial-Mixed Use -1 (CMU-1)
- REQUEST:** Site Plan Modification to Docket Number BOA 98-40 and variance from Paragraph 4.6.8A(2) to allow a portion of a drive-through lane
- 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.

THE RESOLUTION:

WHEREAS, McDonald’s USA represented by Margaret Grissom filed an application with the Board of Adjustment for a Site Plan Modification to Docket Number BOA 98-40 and variance from Paragraph 4.6.8A(2) to allow a portion of a drive-through lane between the principal structure and the street and;

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on **Wednesday, June 24, 2020**, 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,
Rainey, Savage-Townes, and Scurlock)

RECUSED:0

THE RESOLUTION:

WHEREAS, St. Charles Place, LLC-Charles Boone filed an petition with the Board of Adjustment for a request to rehear the Board’s rejection of a variance from Paragraph 4.9.8A (4) to allow the accessory use of parking on a lot that contains the principal use of an off-premise advertising sign (billboard) and;

WHEREAS, The Board heard testimony from the applicant during its regular meeting on June 24, 2020; and

NOW THEREFORE, Be it resolved that the petition for reheard is hereby granted.

AGAINST MOTION:.....0

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

RECUSED:0

5. **DOCKET:** **B.O.A. 20-47 (City)**
- APPLICANT(S):** Ave Maria Home represented by Marty Regan and Tim McCaskill
- PREMISES AFFECTED:** 2673 Yale Avenue
- USE DISTRICT:** Employment (EMP)
- REQUESTING:** Use variance from Section 2.5.2 to allow a nursing home, variance from Item 2.7.2F(2)(b) for a streetscape plate along front parking lot
- ACTION OF THE BOARD:** Approval with conditions
- APPEARANCES:** Support: Tim McCaskill and Marty Regan
- Opposition: Johnathan Mosley

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 applicant shall incorporate the maneuvering of emergency vehicles (i.e. turning around) into the design of the parking lot or parking along Yale Avenue.
3. The applicant shall install a Class III, Type A landscape buffer along the northern line of the western parking lot (larger parking lot) adjacent from the residential uses to screen vehicles. The existing chain link fence may be utilized to satisfy this condition.

THE RESOLUTION:

WHEREAS, Ave Maria Home represented by Marty Regan and Tim McCaskill filed an application with the Board of Adjustment for a Use variance from Section 2.5.2 to allow a nursing home, variance from Item 2.7.2F(2)(b) for a streetscape plate along front parking lot and;

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on **Wednesday, June 24, 2020**, 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, Rainey, Savage-Townes, and Scurlock)

RECUSED:0

8. DOCKET: B.O.A. 20-51 (City)

APPLICANT(S): Townsend Development, LLC represented by Scott Blake

PREMISES AFFECTED: 2432 Summer Avenue

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

REQUESTING: Use variance from Section 2.5.2 to allow continued use of commercial structure

ACTION OF THE BOARD: Rejection

APPEARANCES: Support: Scott Blake and Bill Townsend

Opposition: None

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 applicant shall improve the curb cut on Faxon Avenue to meet City of Memphis standards.
3. The applicant shall replace the curb and gutter along Summer Avenue.
4. The applicant shall install a Class III Type A landscape buffer, or equivalent, along the northern property line of the rear parking lot screen vehicles from the adjacent residential uses. The existing chain link fence may be utilized to satisfy this condition.

THE RESOLUTION:

WHEREAS, Townsend Development, LLC represented by Scott Blake filed an application with the Board of Adjustment for a Use variance from Section 2.5.2 to allow continued use of a commercial structure and;

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on **Wednesday, June 24, 2020**, 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 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.

AGAINST MOTION:.....4 (Baker, Jackson, Savage-Townes, and Scurlock)

FOR MOTION:.....4 (Claybrook, Doss, Malasri, and Rainey)

RECUSED:0

CASE REHEARD

11. **DOCKET:** **BOA 20-37 (City)**

LOCATION: 2798 New Brunswick Road

APPLICANT: St. Charles Place, LLC-Charles Boone

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

REQUEST: Request to rehear the Board’s rejection of a variance from Paragraph 4.9.8A (4) to allow the accessory use of parking on a lot that contains the principal use of an Off-premise advertising sign (billboard)

ACTION OF THE BOARD: Approval

APPEARANCES: Support: Charles Boone

Opposition: None

THE RESOLUTION:

WHEREAS, St. Charles Place, LLC-Charles Boone filed an application with the Board of Adjustment for a request to rehear the Board’s rejection of a variance from Paragraph 4.9.8A (4) to allow the accessory use of parking on a lot that contains the principal use of an off-premise advertising sign (billboard) and;

WHEREAS, The Board heard testimony from the applicant during its regular meeting on **Wednesday, June 24, 2020;** and

NOW THEREFORE, Be it resolved that the petition for reheard is hereby granted.

AGAINST MOTION:.....0

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

RECUSED:0

ADJOURMENT:

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

MINUTES APPROVED: _____

CHAIRMAN

SECRETARY