

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

Wednesday, July 22, 2020

***PURSUANT TO STATE OF TENNESSEE EXECUTIVE ORDER NO. 34 SIGNED BY
GOVERNOR BILL LEE ON JULY 22, 2020, THIS WAS A STREAMED MEETING WITH
ELECTRONIC VOTING***

Present:

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| 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 |
| Ms. | Portia Trass Scurlock |

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

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| Mr. | Brian Bacchus, OPD |
| Mr. | Brett Davis, OPD |
| Mr. | Jeffrey Penzes, OPD |
| Mr. | Brett Ragsdale, OPD |
| Mr. | Lucas Skinner, OPD |
| Mr. | Bradley Thomas, OPD |
| Mr. | Seth Thomas, 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 June 24, 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. 20-43 (City)**

APPLICANT(S): Reconnect Memphis, LLC

PREMISES AFFECTED: SE corner of Broad and Hollywood

USE DISTRICT: Commercial Mixed Use -1 (CMU-1) and Single Family Residential -6 (R-6), Historic District Overlay (H)

REQUESTING: Use variance from Section 2.5.2 allow accessory uses for a gas station to be located in the R-6 (H) District

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

2. **DOCKET:** **B.O.A. 20-55 (County)**

APPLICANT(S): Charles and Sally Watson

PREMISES AFFECTED: 10515 Raleigh-LaGrange Road

USE DISTRICT: Conservation Agriculture (CA)

REQUESTING: Variance from Sub-Section 3.6.1A to allow a lot that exists within a CA on less than 4 acres to be brought into conformity

ACTION OF THE BOARD: Approval

THE RESOLUTION:

WHEREAS, Charles and Sally Watson filed an application with the Board of Adjustment for a variance from Sub-Section 3.6.1A to allow a lot that exists within a CA on less than 4 acres to be brought into conformity and;

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on **Wednesday, July 22, 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 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 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. 20-57 (City)**
- APPLICANT(S):** James Skefos and Harry Valsamis
- PREMISES AFFECTED:** 1348 Madison Avenue
- USE DISTRICT:** Commercial Mixed Use -3 with Medical District Overlay
- REQUESTING:** Variance from Sub-Section 4.5.3B to reduce the minimum number of required parking spaces on Lot 1 of the proposed New Madison Heights Subdivision
- ACTION OF THE BOARD:** Approval with conditions

Conditions:

1. All chain link fencing and gates shall be removed. No chain link or barbed wire shall be permitted on this site. (Please note than any future fencing requires a building permit.)
2. The minimum number of required parking spaces for Lot 1 of the proposed New Madison Heights Subdivision shall be equivalent to the number of spaces within said lot's parking area.
3. The minimum number of required parking spaces for Lot 2 of the proposed New Madison Heights Subdivision shall be subject to the ratios found in Unified Development Code Sub-Section 4.5.3B. Such parking spaces may be provided off-site in accordance with the standards of UDC Item 4.5.2C(1)(e).
4. Bicycle parking for both lots of the proposed New Madison Heights Subdivision shall be provided in accordance with the minimum ratios and standards found in Unified Development Code Sub-Section 4.5.3C.

THE RESOLUTION:

WHEREAS, James Skefos and Harry Valsamis filed an application with the Board of Adjustment for a variance from Sub-Section 4.5.3B to reduce the minimum number of required parking spaces on Lot 1 of the proposed New Madison Heights Subdivision, and;

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on **Wednesday, July 22, 2020**, after due notice; and

WHEREAS, The Board is of the opinion, and finds from the records on file, that the standards for 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 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. 20-60 (City)**

APPLICANT(S): D. R. Horton, Inc.

PREMISES AFFECTED: South side of Gemstone Way, approximately 199 feet east of the intersection of Gemstone and Crossfield

USE DISTRICT: Residential – 6 with Planned Development 99-380

REQUESTING: Variance to encroach two feet into the planned 30-foot front setback, per Sub-Section 3.2.9F

ACTION OF THE BOARD: Approval with conditions

Conditions:

1. The driveway shall be no wider than 16 feet at the right-of-way.
2. Streetscape plate S-14, including two native Type A trees, shall be installed.
3. A revised site plan shall be submitted that demonstrates compliance with conditions 1 and 2 – or an equivalent alternative – to be reviewed and approved by the Office of Planning and Development.

THE RESOLUTION:

WHEREAS, D. R. Horton, Inc., filed an application with the Board of Adjustment for a variance to encroach two feet into the planned 30-foot front setback, per Sub-Section 3.2.9F and;

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on **Wednesday, July 22, 2020**, after due notice and;

WHEREAS, The Board is of the opinion, and finds from the records on file, that the standards for 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 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. 20-61 (City)**

APPLICANT(S): Richard Pearce

PREMISES AFFECTED: 5122 Crestview Road

USE DISTRICT: Conservation Agriculture, Floodway, Floodplain Overlay, Fletcher Creek Overlay, BOA 19-39, BOA 17-83, BOA 86-93, and SUP 3413

REQUESTING: Final site plan approval for the partial filling of former sand mining operation with limited construction debris, based on the conditions of Docket Number BOA 19-39

ACTION OF THE BOARD: Hold for three (3) months

AGAINST MOTION:.....0

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

RECUSED:0

9. DOCKET: **B.O.A. 20-62 (City)**

APPLICANT(S): Dickey S. Escue

PREMISES AFFECTED: 190 S. Idlewild Street

USE DISTRICT: Two-story single-family home in “G.J. Campbell” subdivision in Central Gardens Residential Single Family Historic (R-6[H]) District

REQUESTING: Variance pursuant to Sub-Section 3.6.1A to allow a porte-cochere` to encroach the required side yard setback of five (5) feet

ACTION OF THE BOARD: Approval with conditions

Conditions:

1. A non-use variance shall be allowed for a porte-cochere` to encroach into the required side yard setback as illustrated on the site 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 the determination of the Planning and 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, Dickey S. Escue filed an application with the Board of Adjustment for a variance pursuant to Sub-Section 3.6.1A to allow a porte-cochere` to encroach the required side yard setback of five (5) feet and;

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on **Wednesday, July 22, 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 to 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 was hereby 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

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| 10. DOCKET: | <u>B.O.A. 20-63 (City)</u> |
| APPLICANT(S): | MRP Properties, LLC |
| PREMISES AFFECTED: | 5239 Highway 61 (South Third St.) |
| USE DISTRICT: | Commercial Mixed Use -3 (CMU-3) and BOA 1950-038-CO |

REQUESTING: Variance from Sub-Section 3.10.2B to allow an existing building to encroach 2.3ft. into the 5ft. side setback

ACTION OF THE BOARD: Approval with conditions

Conditions:

1. Approval is conditioned upon the submitted site plan. Any modifications shall be submitted to the Planning Director for review.
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, MRP Properties, LLC filed an application with the Board of Adjustment for variance from Sub-Section 3.10.2B to allow an existing building to encroach 2.3ft. into the 5ft. side setback and;

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on **Wednesday, July 22, 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

3. DOCKET: **B.O.A. 20-56 (City)**

APPLICANT(S): Octapharma plasma, INC.

PREMISES AFFECTED: 3329 Austin Peay Highway

USE DISTRICT: Commercial Mixed Use -2 (CMU-2), BOA 1970-52

REQUESTING: Conditional use permit for a blood plasma center

ACTION OF THE BOARD: Approval with conditions

APPEARANCES: Support: Nathan Bicks

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. Prior to any permits being granted by the Office of Construction Code Enforcement, the applicant shall submit a final site plan for review from the Office of Planning and Development.
3. Per Section 4.6.5 of the UDC, the site shall have either a Class III Type B or Class III C landscape barrier along the northwestern property line abutting the residential lines.
4. Per Section 4.5.3 of the UDC, the blood plasma donation center shall provide at a rate of 1.0 space per 300 square feet of floor area.
5. The remaining square footage of the site can be allowed for other permitted CMU-2 uses excluding:
 - a. Any commercial use involving the sale of alcohol or
 - b. Convenience store without gas pumps

THE RESOLUTION:

WHEREAS, Octapharma Plasma, INC. filed an application with the Board of Adjustment for a conditional use permit for a blood plasma center and;

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on **Wednesday, July 22, 2020**, after due notice; and

WHEREAS, The Board is of the opinion, and finds from the records on file, that the standards for a conditional use permit in the Unified Development Code are being met; and;

WHEREAS, The Board has determined that said conditional use permit 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 conditional use permit. Provided, however, that the conditional use permit 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 TO APPROVE:0

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

RECUSED:0

5. **DOCKET:** **B.O.A. 20-58 (City)**
- APPLICANT(S):** Mallory Alexander International Logistics LLC
- PREMISES AFFECTED:** 32.66-acre vacant property (known as parcel IDs 060176 00306 and 060176 00170) located north of and abutting 4294 Swinnea Road
- USE DISTRICT:** Residential Urban – 2 (RU-2) and Residential Single-Family -8 (R-8)

REQUESTING: Use variance from Section 2.5.2 and bulk variances from Section 3.6.1 and 3.7.3 to allow a warehouse & distribution facility

ACTION OF THE BOARD: Approval as amended with conditions

APPEARANCES: Support: Cory Brady
Opposition: Gail Porter
Valerie Whitlow
Juelene White

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 final site plan, elevations, landscape plan, etc. shall be submitted for administrative review and approval by the Office of Planning and Development.
3. A warehouse and distribution facility shall be permitted.
4. The maximum height shall be sixty (60) feet.
5. The minimum front, side, and rear setbacks shall be as indicated on the final site plan.
6. Raines Road shall not be connected through this site.

THE RESOLUTION:

WHEREAS, Mallory Alexander International Logistics LLC filed an application with the Board of Adjustment for a use variance from Section 2.5.2 and bulk variances from Sections 3.6.1 and 3.7.3 to allow a warehouse & distribution facility and;

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on **Wednesday, July 22, 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 TO APPROVE:3 (Doss, Savage-Townes, and Scurlock)

FOR MOTION TO APPROVE:5 (Baker, Claybrook, Jackson, Malasri, and Rainey)

RECUSED:0

6. **DOCKET:** **B.O.A. 20-59 (City)**
- APPLICANT(S):** Jarad Bingham
- PREMISES AFFECTED:** 1502 Harbert Avenue
- USE DISTRICT:** Two-story single-family home in “Matthews Park” subdivision in Central Gardens Residential Single Family Historic (R-6[H]) District
- REQUESTING:** Variance pursuant to Section 2.7.6 to allow a swimming/lap pool to encroach the required side yard setback of five (5) feet
- APPEARANCES:** Support: Jarad Bingham
Opposition: Shelley Rainwater
- ACTION OF THE BOARD:** Hold for one (1) month

AGAINST MOTION TO HOLD:0

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

RECUSED:0

11. **DOCKET:** **BOA 20-64 (City)**

LOCATION: At the southwest corner of Chelsea Avenue and North Fourth Street

APPLICANT(S): Bernard Lipsey and Sue Lipsey Living Trust/Charles Lott

USE DISTRICT: Uptown MU- (Mixed Use)

REQUEST: Variance from Sub-Section 7.3.4C to allow a single-family home in a MU (Uptown) district and 7.3.7C(1) to allow for a bulk variance

APPEARANCES: Support: David Bray

Opposition: None

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. All design standards, except for the bulk variances granted herein, must be adhered to.

THE RESOLUTION:

WHEREAS, Bernard Lipsey and Sue Lipsey Living Trust/Charles Lott filed an application with the Board of Adjustment for a variance from Sub-Section 7.3.4C to allow a single-family home in a MU (Uptown) district and 7.3.7C(1) to allow for a bulk variance and;

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on **Wednesday, July 22, 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 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 TO APPROVE:0

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

RECUSED:.....0

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| 12. DOCKET: | <u>B.O.A. 20-66 (City)</u> |
| APPLICANT(S): | Front Street Devco, LLC |
| PREMISES AFFECTED: | 7 Vance Avenue |
| USE DISTRICT: | South Main (South Central Business Improvement District) |
| REQUESTING: | Variance from Item 7.2.2E(2)(a) to permit an apartment building with 210 units |
| ACTION OF THE BOARD: | Approval with conditions |
| APPEARANCES: | Support: David Lewis |
| | Opposition: Deborah Hester Harrison Jill Schmitt |

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. Per Section 7.2.2 of the UDC, if parking is viewable from street level (i.e. garage, parking lot) then it shall be screened with either an A-6 or A-7 landscape buffer (see Section 7.2.8 for examples).
3. Per Section 7.2.2 of the UDC, facades along Vance Avenue, Wagner Place, and Talbot Avenue shall be articulated to provide visual interest and a human scale by incorporating any combination of the following features: columns, pilasters, balconies, piers, variation of material building and setback variations of at least 3 feet.
4. Prior to any permits being granted from the Office of Construction Code Enforcement, the applicant shall submit a final site plan for review from the Office of Planning and Development.

THE RESOLUTION:

WHEREAS, Front Street Devco, LLC filed an application with the Board of Adjustment for a variance from Item 7.2.2E(2)(a) to permit an apartment building with 210 units and;

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on **Wednesday, July 22, 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 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 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 TO APPROVE:0

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

RECUSED:0

CASE REHEARD

- 13. **DOCKET:** **BOA 20-51 (City)**
- LOCATION:** 2432 Summer Avenue
- APPLICANT:** Townsend Development, LLC
- USE DISTRICT:** Commercial Mixed Use -3 (CMU-3) and Residential Urban (RU-1) District
- REQUEST:** Rehear a request for a use variance from Section 2.5.2 to allow the continued use of a commercial structure
- ACTION OF THE BOARD:** Approval of rehearing request
- APPEARANCES:** Support: None
Opposition: None

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