

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

Wednesday, October 28, 2020

***PURSUANT TO STATE OF TENNESSEE EXECUTIVE ORDER NO. 34 SIGNED BY
GOVERNOR BILL LEE ON AUGUST 26, 2020, THIS WAS A STREAMED MEETING WITH
ELECTRONIC VOTING***

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.	Brian Bacchus, OPD
Mr.	Jeffrey Penzes, OPD
Ms.	Teresa Shelton, OPD
Ms.	Lucas Skinner, 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 September 23, 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.

3. **DOCKET:** **B.O.A. 20-69 (City)**

APPLICANT(S): Luis Toro

PREMISES AFFECTED: 2655 Broad Avenue

USE DISTRICT: Commercial Mixed Use – 1 (CMU-1)

REQUESTING: Variance from Sub-Section 4.9.6C and Section 4.9.14

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, Luis Toro filed an application with the Board of Adjustment for a variance from Sub-Section 4.9.6C and Section 4.9.14 and;

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on **Wednesday, October 28, 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 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 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:.....0

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

RECUSED:0

4. DOCKET: B.O.A. 20-92 (City)

APPLICANT(S): James Shepherd, Jr.

PREMISES AFFECTED: 2933 and 2935 Tishomingo Lane

USE DISTRICT: Residential-6

REQUESTING: Use variance from Section 2.5.2 to permit an addition to a legal nonconforming

ACTION OF THE BOARD: Approval with one (1) condition

Conditions:

1. Modifications to the approved site plan shall be subject to the approval of the Zoning Administrator per Section 9.22.9.

THE RESOLUTION:

WHEREAS, James Shepherd, Jr filed an application with the Board of Adjustment for a variance from Section 2.5.2 and;

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on **Wednesday, October 28, 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 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 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:.....0

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

RECUSED:0

5. DOCKET:	<u>B.O.A. 20-93 (City)</u>
APPLICANT(S):	T. Douglas & Ashley L. Gilland
PREMISES AFFECTED:	285 Waring Road <i>(Southwest corner of Chickasaw and Waring Roads)</i>
USE DISTRICT:	Residential Single Family (R-10) District
REQUESTING:	Variance pursuant to Sub-Section 3.2.9F to allow a one-hundred fifty (150) foot encroachment into a three-hundred (300) foot recorded front yard setback
ACTION OF THE BOARD:	Approval with Conditions

Conditions:

1. Non-use variances shall be allowed for a front yard setback of 175 feet and to allow guest parking spaces in the platted front yard setback line. The concrete foundation shall be removed and sodded with slope to finish grade.
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 Zoning Administrator 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, T. Douglas & Ashley L. Gilland filed an application with the Board of Adjustment for a variance pursuant to Sub-Section 3.2.9.F to allow a one-hundred fifty (150) foot encroachment into a three-hundred (300) foot recorded front yard setback and;

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on **Wednesday, October 28, 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 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 non-use 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 of approval by the Board of Adjustment.

AGAINST MOTION:.....0

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

RECUSED:0

- 7. DOCKET:** **B.O.A. 20-95 (City)**
- APPLICANT(S):** Megan Banaszek (Carpenter Art Garden)
- PREMISES AFFECTED:** 516 Tillman Street
- USE DISTRICT:** Residential -6 (R-6), PD 15-315, BOA 1953-033, and Z 03-122
- REQUESTING:** Variance from Item 4.9.7A(2) to allow a welcome sign at the Binghamton Gateway Shopping Center at the SE corner of Sam Cooper Blvd. and Tillman Street
- ACTION OF THE BOARD:** Approval with Four (4) conditions

Conditions:

1. The plat shall be re-recorded to reflect the Board of Adjustment's approval of this sign.
2. The overall sign dimensions shall not exceed in nine (9) feet in height or sixteen (16) feet in width.
3. A landscape plan in accordance with 4.9.6(M)(2)(3) shall be submitted for administrative review and approval by the Division of Planning and Development.
4. Any change or deviation from the site plan upon the determination of the Zoning Administrator shall be submitted to the Board of Adjustment for review and approval or administrative review and approval by the Division of Planning and Development.

THE RESOLUTION:

WHEREAS, Megan Banaszek (Carpenter Art Garden) filed an application with the Board of Adjustment for a variance from Item 4.9.7A(2) to allow a welcome sign at the Binghamton Gateway Shopping Center and;

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on **Wednesday, October 28, 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 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 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:.....0

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

RECUSED:0

10. DOCKET:	<u>B.O.A. 20-98 (County)</u>
APPLICANT(S):	Rick Busey
PREMISES AFFECTED:	800 S. Collierville-Arlington Road
USE DISTRICT:	Conservation Agriculture
REQUESTING:	Variance from 2.7.6 to allow a swimming pool to be located in the front yard of a property
ACTION OF THE BOARD:	Approval with conditions

Conditions:

1. Any change or deviation from the site plan upon the determination of the Zoning Administrator shall be submitted to the Board of Adjustment for review and approval or administrative review and approval by the Division of Planning and Development.

THE RESOLUTION:

WHEREAS, Rick Busey filed an application with the Board of Adjustment for a variance from 2.7.6 to allow a swimming pool to be located in the front yard of a property and;

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on **Wednesday, October 28, 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 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 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:.....0

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

RECUSED:0

12. DOCKET: **B.O.A. 20-100 (City)**

APPLICANT(S): Edwin & Rhea Crenshaw/ Connie & Lou Adams

PREMISES AFFECTED: 185 S. Goodlett Street

USE DISTRICT: Residential -10

REQUESTING: A variance from Sub-Section 3.6.1A to allow an encroachment into the front setback of 15 feet. A variance from Paragraph 2.7.2A(3) to allow an existing pool and a garage to be located in front of a home.

ACTION OF THE BOARD: Approval with conditions

Conditions:

1. Any change or deviation from the site plan upon the determination of the Zoning Administrator shall be submitted to the Board of Adjustment for review and approval or administrative review and approval by the Division of Planning and Development.

THE RESOLUTION:

WHEREAS, Edwin & Rhea Crenshaw/ Connie & Lou Adams filed an application with the Board of Adjustment for a variance from Sub-Section 3.6.1A to allow an encroachment into the front setback of 15 feet. A variance from Paragraph 2.7.2A(3) to allow an existing pool and a garage to be located in front of a home and;

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on **Wednesday, October 28, 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 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 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:.....0

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

RECUSED:0

13. DOCKET:

B.O.A. 20-101 (City)

APPLICANT(S):

MGR Memphis 3, LLC

PREMISES AFFECTED:

210 Hawthorne Street

USE DISTRICT:

Residential Urban Historic (RU-3[H]) District

REQUESTING:

Variance from Item 4.5.2C(1)(b) to allow parking within the required front yard setback

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. 20-68 (City)**

APPLICANT(S): NCE Realty LLC

PREMISES AFFECTED: 528 East Parkway

USE DISTRICT: Residential Urban – 3 (RU-3)

REQUESTING: Variance from Item 4.5.2C(2)(c) to allow front yard parking for an apartment complex located within a RU-3 zoning district

ACTION OF THE BOARD: Approval with conditions

APPEARANCES: Support: Jeffrey Smith, Kirk Caraway and Archie Wolfe

Opposition: None

Conditions:

1. Any change or deviation from the site plan upon the determination of the Zoning Administrator shall be submitted to the Board of Adjustment for review and approval or administrative review and approval by the Division of Planning and Development.
2. The developer must establish plantings to constitute a Class 2 Type buffer around East Parkway Side of the parking area.

THE RESOLUTION:

WHEREAS, NCE Realty LLC filed an application with the Board of Adjustment for a variance from Item 4.5.2C(2)(c) to allow front yard parking for an apartment complex and;

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on **Wednesday, October 28, 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 hereby approved with conditions.

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:.....0

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

RECUSED:0

6. DOCKET: **B.O.A. 20-94 (City)**

APPLICANT(S): Turner Holdings, LLC

PREMISES AFFECTED: 2018 Court Avenue (subject property)
2040 Madison Avenue (abutting EMP zoned dairy site)

USE DISTRICT: Commercial Mixed Use – 3 for the subject property while the abutting dairy site is zoned Employment (EMP)

REQUESTING: Use variance from Section 2.5.2 to allow certain uses accessory, trailer parking and storage of products, to an industrial use, a dairy, in a commercial district

ACTION OF THE BOARD: Rejection

APPEARANCES: Support: Nathan Bicks
Opposition: Porche Stevens, Gordon Alexander and Laurie Stark

THE RESOLUTION:

WHEREAS, Turner Holdings, LLC filed an application with the Board of Adjustment for a use variance from Section 2.5.2 to allow certain uses accessory, trailer parking and storage of products, to an industrial use, a dairy, in a commercial district and;

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on **Wednesday, October 28, 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 not 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 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 is hereby denied.

AGAINST MOTION OF APPROVAL:.....7 (Baker, Claybrook, Doss, Jackson, Malasri, Savage-Townes and Scurlock)

FOR MOTION OF APPROVAL:1 (Rainey)

RECUSED:0

8. DOCKET:

B.O.A. 20-96 (City)

APPLICANT(S):

Benfield Investments / Larri Roland-901 Towing & Recovery

PREMISES AFFECTED:

297 Jefferson Avenue

USE DISTRICT:

Central Business District

REQUESTING:

Use variance from Section 2.5.2 to allow a nonconforming towing operation to reopen after a cessation of more than 365 days

ACTION OF THE BOARD:

Approval with conditions

APPEARANCES:

Support: David Bray and Larri Roland

Opposition: Jana Mitchell

Conditions:

1. Any change or deviation from the site plan upon the determination of the Zoning Administrator shall be submitted to the Board of Adjustment for review and approval or administrative review and approval by the Division of Planning and Development

2. There shall be a Concrete Panel Fence installed on two sides, 5'x5 x4' around the trash rollout towards the front of the driveway on the side of the building with one (1) Teddy Bear Southern Magnolia and two (2) White Cloud Muhly Grass to shield it from the Jefferson Avenue street view.
3. All existing fencing shall be replaced with eight (8) feet concrete panels around the vehicle storage area. The gate entrance shall be replaced by a five (5) feet concrete panel fence with an eighteen (18) feet wide double swing gate color coated in either black, dark green or dark brown color coatings. *(Concrete Panels should match the color of the existing building)
4. There shall be two (2) parking spaces in the back of the building for employee/s and the driveway shall be repaved.

THE RESOLUTION:

WHEREAS, Benfield Investments and Larri Roalnd-901 Towing & Recovery filed an application with the Board of Adjustment for a use variance from Section 2.5.2 to allow a nonconforming towing operation to reopen after a cessation of more than 365 days and;

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on **Wednesday, October 28, 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 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 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

- 9. DOCKET:** **B.O.A. 20-97 (City)**
- APPLICANT(S):** Herbi-Systems Inc.
- PREMISES AFFECTED:** 2240 Covington Pike
- USE DISTRICT:** Employment - EMP
- REQUESTING:** Variance from item 4.9.15(F)(c)(i) to allow the reuse of an existing non-conforming on-premise sign past the three-hundred sixty-five (365) day abandonment period for a non-conforming on-premise sign
- ACTION OF THE BOARD:** Approval with conditions
- APPEARANCES:** Support: Jerry Roberts and Kenny Crenshaw
Opposition: None

Conditions:

1. The maximum height of the proposed sign shall not exceed thirty-five (35) feet and the maximum square footage shall not exceed three-hundred (300) square-feet, as to adhere to Table 1 of Section 4.9.14.
2. The ten (10) foot minimum setback for detached signs in an Industrial District, described in Sub-Section 4.9.7(D)(3)(b)(2) shall be maintained.
3. A final site plan with a landscape plan for the required landscaped area around the base of the detached sign shall be submitted for administrative review and approval by the Division of Planning and Development.
4. Any change or deviation from the site plan upon the determination of the Zoning Administrator shall be submitted to the Board of Adjustment for review and approval or administrative review and approval by the Division of Planning and Development.

THE RESOLUTION:

WHEREAS, Herbi-Systems Inc. filed an application with the Board of Adjustment for a variance from 4.9.15(F)(c)(i) to allow the reuse of an existing non-conforming on-premise sign

past the three-hundred sixty-five (365) day abandonment period for a non-conforming on-premise sign and;

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on **Wednesday, October 28, 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 is hereby approved with conditions.

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:.....1 (Baker)

FOR MOTION:.....7 (Claybrook, Doss, Jackson, Malasri, Rainey, Savage-Townes and Scurlock)

RECUSED:0

- 11. **DOCKET:** **B.O.A. 20-99 (City)**
- APPLICANT(S):** Jim Ethridge
- PREMISES AFFECTED:** +/-172.21 feet west of Macon Hall Road at Macon Oak Road
- USE DISTRICT:** Conservation Agriculture (CA) and PD 09-313
- REQUESTING:** Variance from Sub-Section 3.3.1B to allow a lot without road frontage
- ACTION OF THE BOARD:** Approval with conditions

APPEARANCES:

Support: Cindy Reaves

Opposition: Cathy Wallace, Ron Williams,
Brian Shelby and Allen Keeton

THE RESOLUTION:

WHEREAS, Jim Ethridge filed an application with the Board of Adjustment for a variance from Sub-Section 3.3.1B to allow a lot without road frontage and;

WHEREAS, a public hearing on this application was held by the Board at its regular meeting on **Wednesday, October 28, 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 hereby denied.

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

FOR MOTION OF APPROVAL:2 (Claybrook and Malasri)

RECUSED:0

14. **DOCKET:** **B.O.A. 20-102 (City)**

APPLICANT(S): Front Street Devco, LLC

PREMISES AFFECTED: 7 Vance Avenue

USE DISTRICT: South Main (South Central Business Improvement District), BOA 20-66

REQUESTING: Variance from Sub-Section 7.2.2E(2) to allow an additional 19 apartments units, for a total of up to 229 units

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

APPEARANCES: Support: David Lewis

Opposition: Holly Fulkerson, Joey Hagen, Anne
Edgar, Dana Gabrion and Bob
Craddock

AGAINST MOTION:.....0

FOR MOTION:.....7 (Baker, Claybrook, Jackson, Malasri, Rainey,
Savage-Townes and Scurlock)

RECUSED:.....0

ADJOURMENT:

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

MINUTES APPROVED:_____

CHAIRMAN

SECRETARY