

MEMPHIS AND SHELBY COUNTY ZONING BOARD OF ADJUSTMENT

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STAFF REPORT

REQUEST: Amendment to the Memphis and Shelby County Board of Adjustment Rules of Procedure to amend Rule IX(3)(c) to clarify mailed notice requirements.

**RECOMMENDATION:
APPROVAL**

Staff: Josh Whitehead

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STAFF ANALYSIS:

On Tuesday, September 24, 2013, staff was made aware by a citizen that a conflict exists between the Unified Development Code (the "UDC") and the Board's Rules of Procedure concerning notice. This conflict was thereafter discussed during the Board meeting on Wednesday, September 25. Under Section 9.3.4D of the UDC, notice shall be mailed no more than 30 days and no less than 10 days prior to the Board meeting. Under Rule IX(3)(c) of the Board's Rules, notice shall be mailed no later than 15 days prior to the Board's meeting. The Office of Planning and Development recommends Rule IX(3)(c) be changed to reference the UDC so that the Board's notice is consistent with notice for other zoning requests.

Proposed language (additions indicated in **bold, underline**; deletions indicated in ~~strikethrough~~):

IX(3)(c) The Secretary shall send a letter of notice to all owners of property, from a list supplied by the applicant, **in accordance with Section 9.3.4 of the Memphis and Shelby County Unified Development Code.** ~~within a radius of five hundred (500) feet of the premises affected by the appeal or application when such property is situated within the City of Memphis; and within a radius of fifteen hundred (1500) feet of property located in the unincorporated area of Shelby County, by depositing written notices in the United States Mail not later than fifteen (15) days prior to the hearing by the Board at a regular meeting, and not later than seven (7) days prior to the hearing by the Board at a special meeting.~~ Said notices to be addressed to such persons at their last known addresses, or places of residence, and to state the time and place of hearing, and the nature of the appeal or application before the Board.

Per Rule XII, amendments to the Rules and Procedure must be presented to the Board in writing during one of its regular meetings. Action by the Board on the amendment may only be taken at a subsequent meeting. This item was heard by the Board on October 23, 2013.

A copy of the entire Board of Adjustment Rules of Procedure is available on the Board's website: <http://www.shelbycountyttn.gov/index.aspx?NID=115>

RECOMMENDATION: APPROVAL

B.O.A. MEETING: November 20, 2013