

MEMPHIS AND SHELBY COUNTY ZONING BOARD OF ADJUSTMENT

STAFF REPORT

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DOCKET NUMBER: B.O.A. 13-51 City B.O.A. MEETING: Dec. 18, 2013

LOCATION: 1738 Galloway Avenue

OWNER/APPLICANT: Trinity United Methodist Church

REQUEST: To allow relief from the five (5) acre requirement of Section 2.7.5D of the UDC

EXISTING LAND USE & ZONING: Residential -6 (R-6) District

RECOMMENDATION
Approval with Conditions

Staff Writer: Calvin Abram

Email: calvin.abram@memphistn.gov

CONCLUSIONS:

The applicant is requesting relief from the five (5) acre requirement of Subsection 2.7.5D of the UDC that limits overnight accommodations for visitors and non-paying guests by the place of worship.

Trinity United Methodist Church partners with other philanthropic organizations to provide a social service to the less fortunate as well as spiritual edification. The request the applicant seeks relief from is a service being offered at other places of worship within the City of Memphis and through the information provided by Trinity United, to not allow such an egalitarian service may not meet the intent of the UDC.



SURROUNDING LAND USES AND ZONING:

- North:** Residential
- South:** Residential
- East:** Residential
- West:** Residential



The site has frontage along Galloway Avenue and Evergreen Street



Trinity United Methodist Church, looking south from Galloway



Accessory building housing Church program services; looking north from Galloway Avenue.



Sign-in station and entrance to female bay



Female bay



STAFF ANALYSIS:

Site Description

The subject site is situated at 1738 Galloway Avenue and is the accessory structure for Trinity United Methodist Church

This site is less than five (5) acres and is occupied by a one-story red brick building which current use houses several programs for the main structure located at the southwest corner of Galloway Avenue and is currently zoned R-6 (Residential-6) as are all of the abutting properties to the site.

The primary structure of Trinity United Methodist Church was erected in 1920's; it is two-stories in height and has 23,995 square-feet of heated space. The Church was erected prior to the approval of the five acre requirement of the current UDC and the Church has been fully operational and active within the Evergreen Community and the City of Memphis to this date.

The site is surrounded by residential land-uses.

The residential districts are intended to create, maintain and promote a variety of housing opportunities for individual households and to maintain the desired physical character of existing neighborhoods. While the districts primarily accommodate residential uses, nonresidential uses that are compatible with residential neighborhoods are also allowed.

Request

A variance to Subsection 2.7.5D of the Unified Development Code allowing the overnight sheltering of up to twelve (12) patrons in a place of worship.

The operations of the program will work in such a manner that all patrons to the site will be screened and vetted by Manna House; next, Trinity Methodist Church will provide transportation from the pick-up location (Church Van) to the shelter area located at 1738 Galloway Avenue at 5:30 p.m. until 6:30 a.m. The patrons will sign in, belongings secured and separated by gender. All patrons sheltered at the Church will be monitored at all times and secluded to three areas of the shelter:

1. The bathroom
2. The dining facility
3. The open sleeping bays

The Church will have at a maximum of 20 volunteers to the site to assist with the sheltering program and a minimum of 3 (three) staffers/volunteers spending the night to oversee the participants. The program allows time for fellowshiping, dining and a safe place to sleep two nights per month during the winter season. Trinity United Methodist Church has held several meetings sharing its mission for this program with the community and/or other stakeholders.

Review of Request/Conclusion

The Unified Development Code, Subsection 2.7.5D requires that all places of worship reside on a minimum of five (5) acre lot in order to allow visitors and nonpaying guests overnight stay at a place of worship.

In this case, applying the five (5) acre requirement is impractical, since the Church was built in the 1920's prior to the approval of the UDC. The Church also partners with other places of worship and nongovernmental organizations to manage and implement the program. The other organizations either assist by screening, vetting or providing similar programs as Trinity United Methodist Church.

The Church's request is also unique being the Primary building and secondary building are separated by both Galloway Avenue and Evergreen Avenue and when compared to other places of worship within Memphis (Colonial Cumberland Presbyterian) they don't share this hardship.

After OPD carefully reviewed and toured Trinity United Methodist Church, it was concluded the program would not have a negative impact to the area or degrade in any manner the character or integrity of the Evergreen Community.

Recommendation: Approval with Conditions

Site Conditions

1. The applicant shall not allow more than 12 (twelve) people to shelter at the site as part of the Homeless Sheltering Program.
2. The applicant shall not allow walk-ups to the Homeless Sheltering Program at any time.
3. The applicant shall provide transportation to and from the site for all participants sheltering as part of the Homeless Sheltering Program.
4. The site shall have an operational policy for the Home Sheltering Program and adhere to the policy.
5. The applicant shall not exceed the Home Sheltering Program of more than three (3) days per month and any increase in the number of days must be submitted in writing to the Office of Planning and Development.
6. The hours of operation for the Homeless Sheltering Program shall be from 5:30 p.m. until 6:30 a.m. on designated days to be determined by Trinity United Methodist Church.

GENERAL INFORMATION:

Street Frontage: Galloway and Evergreen

Planning District: Evergreen Historical District

Zoning History: R-6

DEPARTMENTAL COMMENTS:

The following comments were provided by agencies to which this application was referred:

City Engineer:	No Objections
County Engineer:	N/A
Memphis Fire Department:	No Comment
City Board of Education:	
OPD-Plans Development/Landmarks:	No comment received.
OPD-Regional Services/Transportation:	No comment received.
City Real Estate:	No comment received.
OPD-Construction Code Enforcement:	No comment received.
Memphis, Light, Gas & Water:	No comment received.
Memphis & Shelby County Health Department:	No comments
Bell South/ATT:	AT&T Tennessee has no comment.
MATA:	No comment received.