

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT #**

CASE NUMBER: BOA 14-51 **B.O.A. MEETING:** November 19, 2014

LOCATION: 621 S. McLean Blvd

OWNER OF RECORD/APPLICANT: Anni and William Walker

REPRESENTATIVE: Peter Warren

REQUEST: To allow an encroachment into the side yard setback per
UDC Subsection 3.8.6C

AREA: .20 acres

EXISTING LAND USE & ZONING: Residential - 8

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

Approval with Conditions

Staff Planner: Calvin Abram

calvin.abram@memphistn.gov

CONCLUSIONS:

The applicant is requesting a side yard setback encroachment of 18-inches. This encroachment was caused from the applicant selling the abutting property and the fence line on that property has a jog of about three feet. The applicant would like to expand their home by constructing an additional one-story bedroom to the home.

The design plan the applicant proposes would be consistent with the homes in the community and maintain the integrity of the area.

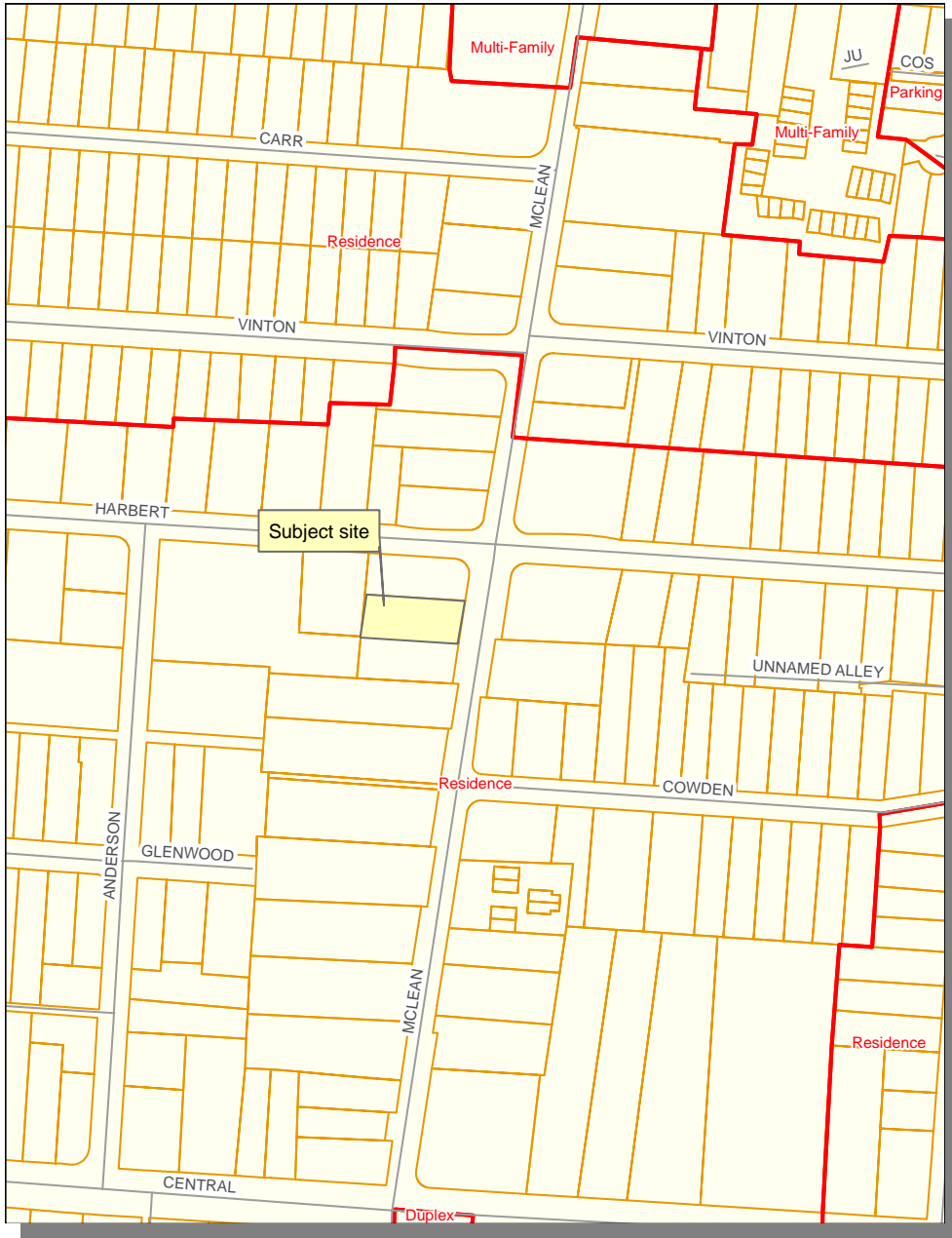
Aerial of Site



The subject site has frontage along S. McLean Blvd.

SURROUNDING LAND USES AND ZONING:

- North:** Single-family
- East:** Single-family
- South:** Single-family
- West:** Single-family



Zoning

North: Single-family
South: Single-family
East: Single-family
West: Single-family

The single-family residential districts are intended to accommodate one single-family detached principal dwelling unit per lot. These districts should be applied in areas where the land-use pattern is predominately single-family residential or where such a land-use pattern is desired in the future. Five single-family residential districts are established – R-15, R-10, R-8, R-6 and R-3 – which are differentiated primarily on the basis of minimum lot area and setback requirements.

The applicant is requesting a variance from the BOA, being the subject property does not meet the side yard setback of five- feet (UDC Subsection 3.8.6C).

Variance requested:

Side yard setback:

The home located at 621 S McLean was constructed in 1925 and is on a well-manicured lot with a bike lane along the property frontage.

The applicant is requesting an 18-inch side yard setback encroachment. This additional space would allow the applicant to expand their existing home to include a one-story bedroom. The applicant recently sold the abutting property and this property has an existing fence which has a three-foot jog onto the 621 S. McLean Blvd property.

The new homeowner abutting the applicant’s home is in full agreement with the minor encroachment into the side yard setback.





Jog in fence



Rear yard

STAFF ANALYSIS:

The proposal meets the integrity and character of the surrounding land-uses. The proposal is supported by the UDC Paragraphs 9.22.6A(2)

- Practical difficulties or undue hardship. By reason of the unusual characteristic found to apply in Paragraph 1, the strict application of any regulation found in this Code would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of such property;

RECOMMENDATION: Approval with Conditions

Staff recommends the following conditions.

Conditions BOA14-51:

1. The applicant shall comply with the site plan and elevations as approved by OPD. Any changes shall be submitted to OPD and minor alterations may be approved by OPD; although, major alterations may necessitate further approval by the Board of Adjustment.
2. The applicant's bedroom shall not encroach into the side yard setback in more than 20-inches.

GENERAL INFORMATION:

Street Frontage: McLean Blvd
Planning District: Memphis Midtown Development Dev
Zoning History: R-8

DEPARTMENTAL COMMENTS:

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

City Engineer: Comment received.
County Engineer: No comment received.
Memphis Fire Department: No comment received.
City Board of Education: No comment received.
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: Comment Received.

It is the responsibility of the owner/applicant to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities. No permanent structures will be allowed within any utility easements.

It is the responsibility of the owner/applicant to contact **TN-1-CALL @ 1.800.351.1111**, before digging, and to determine the location of any underground utilities including electric, gas, water, CATV, telephone, etc.

It is the responsibility of the owner/applicant to pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development.

It is the responsibility of the owner/applicant to comply with the **National Electric Safety Code (NESC)** and maintain minimum horizontal/vertical clearances between existing overhead electric facilities and any proposed structures.

Landscaping is prohibited within any MLGW easement or dedicated utility easement without prior MLGW approval.

It is the responsibility of the owner/applicant to submit a detailed plan to MLGW Engineering for the purposes of determining the availability and capacity of existing utility services to serve any

proposed or future development(s). Application for utility service is necessary before plats can be recorded.

o All residential developers must contact MLGW's Residential Engineer at Builder Services: (901) 729-8675 to initiate the utility application process.

o All commercial developers must contact MLGW's Builder Services line at 729-8630 (select option 2) to initiate the utility application process.

It is the responsibility of the owner/applicant to pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

**Memphis & Shelby County
Health Department:**

No comments by the *Water Quality Branch & Septic Tank
Program.*

Bell South/ATT:

No comment received.

MATA:

No comment received.

NEIGHBORHOOD ASSOCIATIONS NAMES: