

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

**CASE NUMBER:** BOA 15-16      **B.O.A. MEETING:** 3/25/2015

**LOCATION:**                      4486 Barfield Rd.

**OWNER OF RECORD/APPLICANT:**    Jeff and Julie Sawyer

**REPRESENTATIVE:**            Allison Gilbert

**REQUEST:**                      To allow an encroachment into the side yard setback.

**AREA:**                            .89 acres

**EXISTING LAND USE & ZONING:**    Residential -10 (R-10)

**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION**

Approval with Conditions

Staff Planner: Calvin Abram

calvin.abram@memphistn.gov

**CONCLUSIONS:**

The applicant is requesting relief from UDC 3.6.1 to allow an encroachment into the side yard setback.

The current home on the site was constructed in the 1989 and had multiple additions to the home prior to the current property owner purchasing it.

The current home meets the integrity of the community.

## Aerial of Site



The subject site has frontage along Barfield.

### **SURROUNDING LAND USES AND ZONING:**

**North:** Single-family

**East:** Single-family

**South:** Single-family

**West:** Single-family

## Zoning



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.

**History:**

The home was constructed in 1989 and in 1998 the home had two (2) expansions. As of this date, Staff is unable to locate permits associated with the improvements to the home. The current property owners purchased the home in March of 2000 and has inherited the need for the minor relief required to cause the current property to be in compliance with it's the Walnut Grove Subdivision Plat.

**Site:**

The home has a bay window that extends 8-feet into the western side yard setback, a portion of the garage that extends 6-feet (6) into the side yard setback and another portion of the garage that extends approximately one (1) foot into the eastern side yard setback.

**Variances requested:**

The applicant is requesting variance from the BOA being the subject property does not meet UDC Section 3.6.1. The UDC Subsection 3.9.2F authorizes the BOA the authority to allow encroachments into existing platted setbacks; therefore, this request falls under the powers granted to the BOA.





## **STAFF ANALYSIS:**

### **Conclusion:**

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

- Unusual characteristics of the property. The property is unusual in that it exhibits at least one of the following exceptional physical features as compared to other properties located in the same zoning district; exceptional topographic conditions, exceptional narrowness, exceptional shallowness, exceptional shape or any other extraordinary and exceptional situation or condition;
- 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;
- The unusual characteristic found to apply in Paragraph one is not the result from any deliberate action by the owner;

**RECOMMENDATION:** Approval with Conditions

Staff recommends the following conditions.

### **Conditions BOA14-54:**

1. The applicant shall continue to comply with the Walnut Grove Subdivision Plat.  
The property owner to the site shall continue to enjoy all setback encroachments that have been identified within BOA15-16 variance application, with the exception of the setback encroachments indicated on the site plan as submitted with this application.
2. Any changes to the site plan that affect the setback encroachments shall be reviewed by the Office of Planning and Development and may require approval action by the Board of Adjustment.

**GENERAL INFORMATION:**

**Street Frontage:** Barfield Rd.

**Planning District:** Walnut Grove

**Zoning History:** R-10

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**DEPARTMENTAL COMMENTS:**

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

- City Engineer:** No Objections
- 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:**