

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

CASE NUMBER: BOA 15-24 **B.O.A. MEETING:** 5/27/2015

LOCATION: 4788 Whitehall Cove

OWNER OF RECORD/APPLICANT: Mike Harris

REPRESENTATIVE: Brenda Solomito

REQUEST: Variance to allow an encroachment into the front
yard setback.

AREA: .42 acres

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

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

Approval with Conditions

Staff Planner: Calvin Abram

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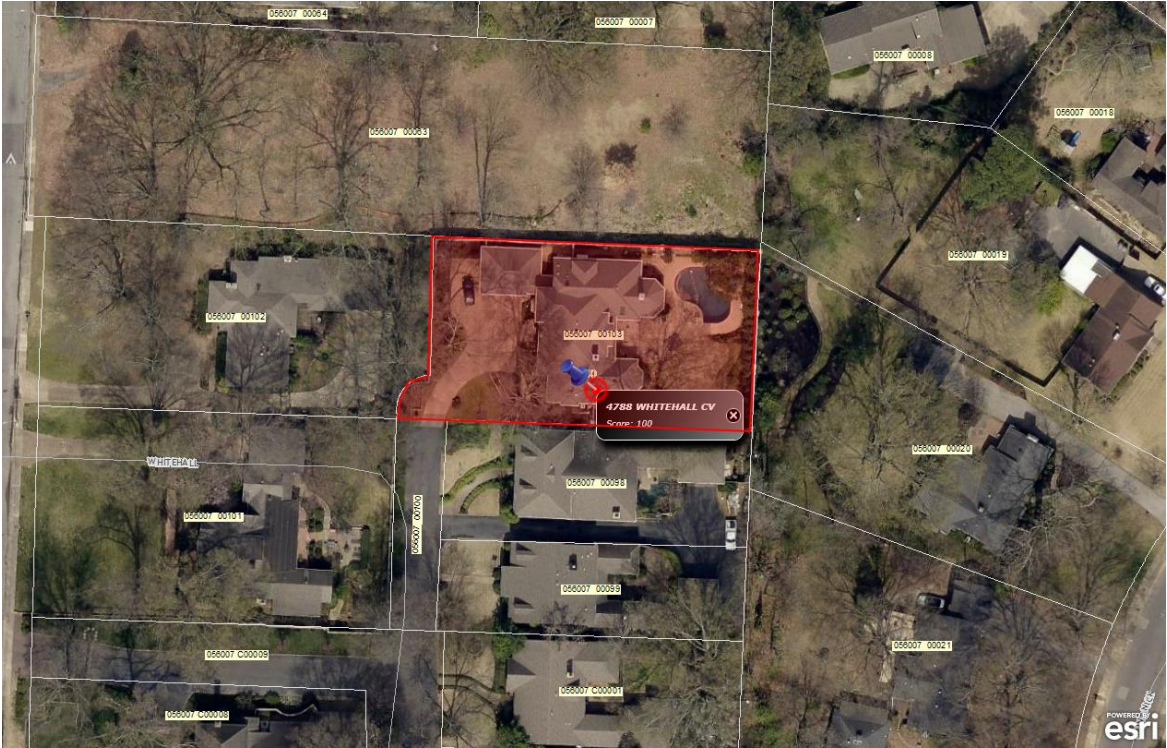
CONCLUSIONS:

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

The current home on the site was constructed in the 1991 and the abutting homeowners are in support of the variance.

The current home meets the integrity of the community.

Aerial of Site



The subject site has frontage along Whitehall Cove.

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:

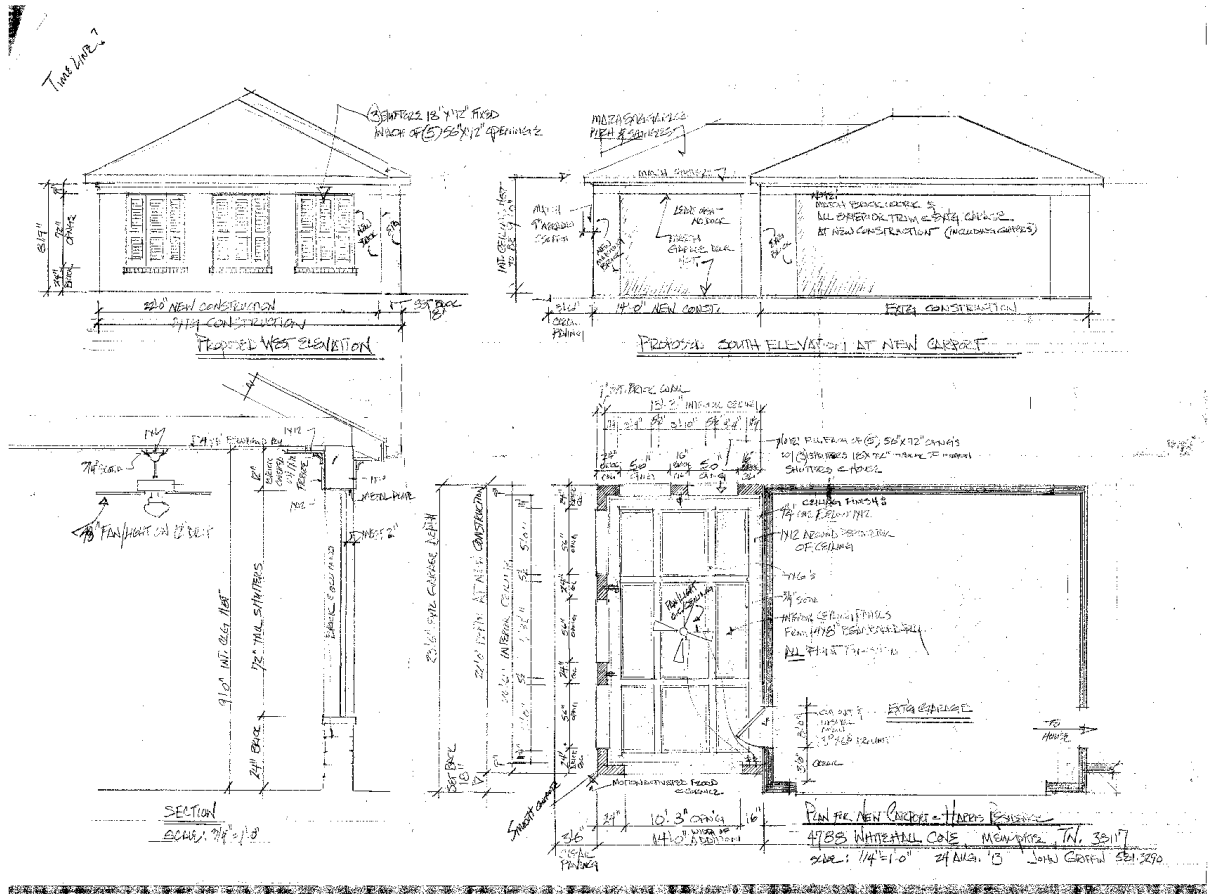
The home was constructed in 1991 at the terminus of a private street. The current property owners purchased the home in 2009 and he would like to construct an open carport that will meet the integrity of the community.

Site:

The subject property exhibits a very limited amount of frontage, both necessitating this variance and minimizing the impacts on the abutting neighbors. The orientation of this specific lot is unique from the other homes in the immediate area. This uniqueness reduces visibility of the home from Whitehall cove and causes the property's front yard to almost double the size of the homes along Whitehall Cove.

Variations requested:

The applicant is requesting variance from the BOA being the subject property does not meet UDC Section 3.6.1. The abutting property owners support the applicant's request for a variance.





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 BOA15-24:

1. The applicant shall continue to comply with the Whitehall Subdivision, Plat book 123, page 4.
2. The property owner of the site shall be allowed to encroach up to 6.9-feet into the front yard setback, in order to construct an open carport.
3. The open carport shall be of the same color and a comparable building material of the existing home.
4. The applicant shall provide a site plan for the open carport to the Office of Planning and Development and the site plan must be approved by OPD prior to receiving any building permit to begin construction.
5. Any changes to the site plan that affects 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: Whitehall Cove

Planning District: Walnut Grove

Zoning History: R-10

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: