

**OPPOSITION**

**E-MAILS - 7**

**PETITION WITH OPPOSITION COMMENTS - 2,**

**(INCLUDES 70 SIGNATURES)**

**DOCKET # B.O.A. 17-67 CO.**

**DATE: OCTOBER 25, 2017**

**AGENDA # 2**

## Opposition to Use Variance / Request B.O.A. 17-67 / Matthew Thacker-Rhodes

**W** WardlawL@martintate.com  
Tue 10/17, 10:37 AM  
Jones, Donald



Reply all |

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Don:

I represent a group of neighbors opposed to the application for a use variance at 1701 Reid Hooker Road. I understand (and please confirm) that the matter is set for a hearing before the Board of Adjustment on October 25, 2017 at 2:00. I plan to attend.

I have copies of the Application for Variation and the Staff Report. My copy of the Staff Report does not contain the previously-submitted opposition emails or the two petitions in opposition. Please confirm that you have received the emails and petitions and that they will be included with the Staff Report released prior to the October 25 hearing.

A review of UDC 9.22.6(A)&(B) makes it clear that the proposed project cannot meet the stringent requirements for a variance. This property provides no exceptional physical condition in shape and size that would cause any practical difficulty or undue hardship for the owner or applicant. It is a 100 acre rectangle. Conversely, allowing a commercial use here would be a clear detriment to the neighbors. The applicant cannot meet the required burden of persuasion. The single, one-sided benefit is the potential profitability increase to the developer by permitting a commercial venture where none is allowed. Of course an increase in profitability is expressly excluded as an allowable reason for granting a variance.

I am happy to meet with the owner, the developer/applicant, or their representative to discuss the proposed plan. Please advise if you would arrange such a meeting.

I look forward to hearing from you and thank you for your attention to this matter.

Lew Wardlaw

**J. Lewis Wardlaw**  
International Place, Tower II  
6410 Poplar Avenue, Suite 1000

To the Memphis and Shelby County Board of Adjustment,

As Interested Property Owners surrounding 1701 North Reid Hooker Road, Eads, TN 38028, we are opposed to the proposed Use Variance Request of the property (Case BOA 17-67), which is being heard on September 27, 2017.

We respectfully request that the Use Variance Request not be granted. Our most compelling reasons include:

1. The Proposed Use Variance Request is inconsistent with Unified Development Code Article 2 concerning Districts and Uses.
  - Inappropriate use of indoor recreation facilities, including but not limited to, bar, tavern, cocktail lounge, nightclub or convention center. None of these uses are permitted within a Conservation Agriculture District.
  - Inappropriate use of outdoor recreation facilities, including but not limited to stadium, arena, or commercial amphitheater. None of these uses are permitted within a Conservation Agriculture District.
2. The Proposed Use Variance Request does not meet the requirements of Unified Development Code Article 9.22.6. In this section, it is stated that the Board of Adjustment shall make the following fact findings:
  - A. **Bulk and Other Non-Use Variances**
    1. 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;
    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;
    3. The unusual characteristic found to apply in Paragraph 1 is not the result from any deliberate action by the owner;
    4. That a variance from the strict application of this Code may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of an adopted plan and this Code;
    5. The requested variance will be in harmony with the purpose and intent of this development code and will not be injurious to the neighborhood or to the general welfare;
    6. The variance is not granted simply because by granting the variance, the property could be utilized more profitably or that the applicant would save money.

3. The Use Variance Application by its own terms shows that the Board of Adjustment may not be able to make the required fact findings.

- The Unusual characteristics of property-the application for the Use Variance request states that there are no unusual characteristics of the property.
- Practical difficulties or undue hardship-the application for the use Variance request states that there are no practical difficulties or undue hardship resulting from the strict application of the Code to this property.
- Granting the Variance will cause substantial detriment to the public good and will substantially impair the intent and purpose of the Unified Development Code. The potential for problems caused by the 250+ guests attempting to enter this property cannot be over-stated. North Reid Hooker is a two-lane, unlit road, with many curves and hills and simply cannot handle the dramatic increase in traffic that will occur if the Use Variance is approved. There is no turn lane into the subject property and the driveway is located at the bottom of a hill. Not only will the traffic flow be limited during events, as vehicles wait on the road to turn into the property, but any vehicle that tops the hill going 45 mph will not be expecting to encounter standing traffic on the other side of the hill.

In addition to the above, alcohol being served or consumed during the hosted events increases the likelihood of traffic accidents and fatalities as impaired drivers attempt to navigate the unlit, two-lane road.

- This property is located in a Conservation Agriculture District as set out in the Unified Development Code. As per Article 2.2.1 of the Unified Development Code, the intent of the Conservation Agriculture District is to conserve agricultural land and undeveloped natural amenities while preventing the encroachment of incompatible land uses on farm land and other undeveloped areas. The types, area and intensity of land uses in this district are designed to encourage and protect agricultural uses and the conservation of undeveloped areas. The use of the property as a commercial event center is clearly a use that is not within the intent and purpose for that District.
- The Variance is not in harmony with the purpose and intent of the Unified Development Code as relating to the Conservation Agriculture District, and will be injurious to the neighborhood and the general welfare. As per the Use Variance Application, the use of amplified music in an outdoor event area will be allowed until 10:00PM during the weeknights (school nights) and until 12:00 MIDNIGHT on the weekend nights. This property is surrounded by subdivisions full of families. The use of amplified music until such late hours, the increase in traffic, and the resulting noise all caused by 250+ guests is injurious to the neighborhood.
- The Variance is being sought because the property could be utilized more profitably. The applicant's intent seems to be to use this property as a commercial event center, as shown by the permanent and lit sign that he intends to install at the property. In addition, according to the plan attached to the application, there is to be a sizeable parking lot also on the property, large enough to accommodate the vehicles of 250 guests.

4. Per the Unified Development Code Article 9.22.6, in addition to the findings established for other variances in Sub-Section A, the Board of Adjustment shall also find that none of the uses permitted on the property are practical due to either the unusual characteristic found to apply in Sub-Section A, Paragraph 1, or to any physical improvements made upon the property.

- The permitted uses on the property are the same uses for which the property has been used for the past two decades. Ms. Marshall used the property for very few equestrian events, and no more parties or events than any other residential property owner. It is entirely practical for this property to continue to be used for equestrian purposes, rather than as a commercial event center.

For the foregoing reasons, we urge you to vote against this proposed Use Variance.

| NAME                   | ADDRESS                                 |
|------------------------|---|
| 1. Thomas P. Miller    | 1660 N. REID HOOKER RD. EADS, TN 38028  |
| 2. Gloria C. Miller    | 1660 N. Reid Hooker Rd., Eads, TN 38028 |
| 3. Sarah Bardin        | 1678 N. Reid Hooker Rd., Eads, TN 38028 |
| 4. Susan Bills         | 1610 N Reid Hooker Rd Eads, TN 38028    |
| 5. John M. Bilbo       | 1614 N Reid Hooker Rd Eads TN 38028     |
| 6. Shawn Hall          | 1520 N. Reid Hooker Rd Eads, TN 38028   |
| 7. Tiffany Hall        | 1520 N. Reid Hooker Rd Eads, TN 38028   |
| 8. Sharon Croft        | 1518 N. Reid Hooker Rd Eads, TN 38028   |
| 9. Skip Croft          | 1518 N. Reid Hooker Rd Eads, TN 38028   |
| 10. Bill Goodwin       | 1798 Reid Hooker Rd Eads TN 38028       |
| 11. Gama Johnson       | 1800 N. Reid Hooker Rd Eads TN 38028    |
| 12. Damon Johnson      | 1800 N. Reid Hooker Rd. Eads TN 38028   |
| 13. Dorothy Banks      | 1679 Reid Hooker Cv Eads, TN 38028      |
| 14. Angela Banks       | 1679 Reid Hooker Cv Eads, TN 38028      |
| 15. James Banks        | 1679 Reid Hooker Cv Eads, TN 38028      |
| 16. Kevin Banks        | 1679 Reid Hooker Cv Eads, TN 38028      |
| 17. David M. Madorsheh | 1693 Reid Hooker Cv Eads, TN 38028      |
| 18. Ana M. Madorsheh   | 1693 Reid Hooker Cv. Eads, TN 38028     |

## NAME

## ADDRESS

19. Joyce A. Hall 1550 Reid Hooker Rd Eads TN 38028
20. Joan Shryland 1700 N Reid Hooker Rd Eads TN 38028
21. Chester Arnold 1700 N. Reid Hooker Rd. Eads TN. 38028
22. Jeff Dyer 1592 N Reid Hooker Eads TN 38028
23. Mary E 11177 Silsbe Lane Eads TN 38028
24. William L Evans 11177 Silsbe Lane Eads TN 38028
25. KERRA WOOD 11195 Silsbe Lane Eads TN 38028
26. SAND WOOD 11195 Silsbe Lane Eads TN 38028
27. CHOCY 11211 Silsbe Ln Eads TN 38028
28. Shanika Carter 11211 Silsbe LN Eads TN 38028
29. Priscilla Bamsel 11223 Silsbe Ln Eads TN 38028
30. Paula Bamsel 11203 Silsbe Ln Eads TN 38028
31. ~~MONA WOODS~~ 11215 Silsbe Lane Eads TN 38028
32. ~~MONA WOODS~~ 11215 Silsbe Lane Eads TN 38028
33. Andy Kena 2005 N. Reid Hooker Eads TN 38028
34. Greg Herron 2005 N. Reid Hooker Eads TN 38028
35. Amanda Ware 1755 Reid Hooker Ln Eads TN 38028
36. Melissa Washburn 1760 Reid Hooker Cv Eads TN 38028
37. Brian Wiley 1760 Reid Hooker Cv Eads TN 38028
38. Celeste Brown 1775 Reid Hooker Cv Eads TN 38028
39. Ling Brown 1795 Reid Hooker Cv Eads TN 38028
40. Nicole Duffee 1850 N Reid Hooker Rd Eads TN 38028
41. ~~CHOCY~~ 1850 N Reid Hooker Rd Eads TN 38028
42. Ronald Roberts 1758 N. Reid Hooker Eads TN 38028
43. KYLE BRYAN 1736 N. REID HOOKER EADS TN 38028
44. Leigh Little-Beyer 1736 N. Reid Hooker Rd. Eads, TN 38028

NAME

ADDRESS

45. David Strain 1698 N. Reid Hooker Rd. Eads, TN.
46. Ashley Jones 1620 North Reid Hooker Eads, TN
47. Paul Jones 1620 South Reid Hooker Eads, TN
48. Gary Tutor 11675 Stone Meadow Cove Eads, TN
49. Susan Tutor 11675 Stone Meadow Cv Eads, TN
50. Crandler Tutor 11675 Stone Meadow Cv Eads, TN
51. Dave Lindsey 11745 Stone Meadow Cv Eads TN
52. Connie Lindsey 11745 Stone Meadow Cv Eads TN 38028
53. Tim R... 11755 Stone Meadow Cv Eads TN 38028
54. Stephanie Papp 11755 Stone Meadow Cv Eads TN 38028
55. Alex Brandon 11738 Stone Meadow Cv. Eads TN 38028
56. Devin Brandon 11738 Stone Meadow Cv Eads, TN 38028
57. Pat Jameson 11730 Stone Meadow Cv Eads TN 38028
58. J. J. Jameson 11730 Stone Meadow Cove Eads, TN 38028
59. Chris Claunch 11700 Stone Meadow Cv. Eads, TN, 38028
60. Ashley Claunch 11700 Stonemeadow Cv. Eads, TN 38028
61. J. J. Jameson 2021 N. Reid Hooker, Eads, TN 38028
62. Charles Jones 2021 N. Reid Hooker Eads, TN 38028
63. Nicholas Jones 2021 N. Reid Hooker Eads, TN 38028
64. Kathy Wenzler 11615 Lattin Rd, EADS, TN 38028
65. Herb Wenzler 11615 Lattin Rd Eads TN 38028
66. J. J. Jameson 1889 Reid Hooker Rd Eads TN 38028
67. J. J. Jameson 1889 Reid Hooker Rd Eads TN 38028
68. Megan Reed 1892 N Reid Hooker Rd Eads, TN 38028
69. Alex Reed 1892 N Reid Hooker Rd Eads, TN 38028





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We respectfully request that the Use Variance Request not be granted. Our most compelling reasons include:

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**A. Bulk and Other Non-Use Variances**

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3. The unusual characteristic found to apply in Paragraph 1 is not the result from any deliberate action by the owner;
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In addition to the above, alcohol being served or consumed during the hosted events increases the likelihood of traffic accidents and fatalities as impaired drivers attempt to navigate the unlit, two-lane road.

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## Re: Reed-Hooker Special Event application

WJ

Whitehead, Josh

Today, 12:43 PM

Jimmy Reed <jreed@m-brealtors.com>; Jones, Donald; Michael Fahy



Reply all |

Inbox

Jimmy: thanks.

Don: see below.

Josh Whitehead

On Sep 27, 2017, at 12:24 PM, Jimmy Reed <jreed@m-brealtors.com> wrote:

Hi Josh.

We are only now focusing on the case on Reed-Hooker north of Macon and is an immediate, short term registration of our position on the matter, please accept this email as our OBJECTION to any such use.

Any such commercial enterprise is NOT within keeping of both the zoning allowed nor with the outline plan for the area.

We will be elaborating as we may and applaud all efforts to defeat the plan.

Thank You

Jimmy Reed. Board Member, Gray's Creek Association

--

Jimmy Reed  
President  
Marx-Bensdorf, Realtors  
5860 Ridgeway Center Pkwy, Ste 100  
Memphis, TN 38120  
[jreed@m-brealtors.com](mailto:jreed@m-brealtors.com)  
[jimmyreedrealtor.com](http://jimmyreedrealtor.com)  
901-682-1868 x303  
901-682-2097 - Fax

**DOUBLEGATE FARMS HOMEOWNERS ASSOCIATION**  
**EADS, TENNESSEE 38028**

September 22, 2017

**CHAIRMAN, MEMPHIS & SHELBY COUNTY BOARD OF ADJUSTMENT**  
**125 North Main Street, City Hall, Room 468**  
**Memphis, TN 38103**

**SUBJECT: REQUEST FOR VARIANCE**

**Case Number: B.O.A. 17-67 County**

**Location: 1701 Reid Hooker Road**

**Public Hearing Date: Wednesday, September 27, 2017**

Mr. Chairman:

In my capacity as President of the Doublegate Farms Homeowners Association which is the Subdivision (there are 36 lots in this Subdivision) immediately adjacent to the subject case property I have been requested to state our strongest objection to this Request for Variance to the existing zoning designation.

The following addresses each of the subparagraphs in the "Findings of Fact":

**9.22.6 A. 1. :** Although the property is similar in topographic character to the surrounding properties, the existing home and horse barns are situated on the highest portions of the subject property. Generally, the land slopes downward to the west and north from the home and barns. Any amplified sound will tend to be projected directly into the lower elevations. This would constitute an unwanted noise disturbance to almost the entire Doublegate Farms Subdivision.

**9.22.6 A. 2. :** The mitigation of the noise would seem to be impractical. Moving the activities to a different location on the subject property would appear to exacerbate the potential for unwanted noise in the adjacent neighborhood.

**9.22.6 A. 3. :** On the contrary, the potential owner intends to provide a venue for weddings, receptions and "other" activities which we feel are not in the spirit or character of the zoning for this area of the County. None of these activities are residential or agricultural.

**9.22.6 A. 4. :** The subject property, as well as the surrounding residential properties, is located a Conservation Agriculture District and the intent of this zoning designation is to conserve agricultural land and undeveloped natural amenities while preventing the encroachment of incompatible land uses on farm land and other undeveloped areas. Most of the property owners in the Doublegate Farms Subdivision purchased their property because of the quiet serenity of this portion of the County. The use of subject property as a commercial event center is clearly a use not within the intent and purpose of the District.

**9.22.6 A. 5. :** Of the reasons not to grant this variance, this issue is the most onerous. The potential for the arrival and departure of 250 plus or minus guests and the vehicles that will accompany them will overwhelm the roads and will present a traffic hazard of major concern. North Reid Hooker is an unlit, farm to market asphalt road that is curvy with rapid changes in elevation. The approach to the subject property entrance from the south along North Reid Hooker is especially dangerous. North bound traffic can top the hill just south of the entrance and will not be expecting a line of cars waiting to turn into the drive on the west side of the road. There are no turn lanes at either entrance to the subject property. This much traffic could easily cause sufficient delays to back up traffic beyond the entrance to Doublegate Farms.

**9.22.6 A. 6. :** The intent of this variance request is to allow the potential owner to make money. The entire request describes the potential use of the property as a non-residential property. The lighted sign that has been proposed would certainly indicate a commercial enterprise. Again, this proposed activity is totally incompatible with the surrounding properties.

**9.22.6 B. :** The continued use of the subject property as a residence, a place for infrequent equestrian events and normal parties and events hosted by any property owner is acceptable. Granting a variance to allow a commercial enterprise to operate in a residential area such as this will potentially have a negative impact on surrounding property values and is unacceptable.

For the reasons stated above we urgently request the Request for Variance **NOT BE GRANTED**. In my capacity as President of the Association and as a private citizen and property owner I urge the Board to disapprove this request. We request that the sanctity and tranquility of this area of the County be preserved and protected from the noise, traffic congestion and potential of reduced property values which could result from granting this request.

Respectfully,

  
Michael Armour

President

Reply all | Delete Junk |

## Request For Variance CASE NUMBER B.O.A. 1767 COUNTY

TM

Thomas MILLER <tommydalem@bellsouth.net>

Sat 9/23, 12:12 PM

Jones, Donald



Reply all |

You replied on 9/25/2017 9:32 AM.

It is my desire to express my opposition for the application for a use variance of the property at 1701 Reid Hooker Road for the following reasons:

- 1) The above mentioned property is completely surrounded by single family homes and any commercial venture is certain to degrade existing property values.
- 2) Reid Hooker Road is a two lane unlit road with multiple sharp curves. The topography of the area is such that the entrance to 1701 Reid Hooker Road is approximately two hundred feet below the crest of a hill for north bound traffic, creating a hazardous situation for the large number of cars attending the proposed functions at this location.
- 3) Whether or not liquor is allowed to be sold it is going to be consumed during many of the proposed functions, further intensifying the potential for automobile accidents.
- 4) The large number of cars, people, and amplified music in a very quiet and peaceful neighborhood will be disruptive and far above the normal noise level for the surrounding homes.
- 5) Due to the ambiguous language in the variance request it is uncertain as to what activities may come about if this request is approved.
- 6) Any commercial entity is certain to bring a vastly increased exposure to the area, which will attract crime to an extremely low crime area.
- 7) On a personal note, my driveway is approximately 30 feet from the entrance to 1701 Reid Hooker Road. A function with as many as 250 people (125 or more cars) would make entrance an egress to and from my property impossible.
- 8) The greatly increased vehicular traffic further presents a potential danger for school buses, fire, police, and ambulance vehicles.
- 9) I respectfully request that the use variance request permit for 1701 Reid Hooker Road be denied in its entirety.

Respectively,

Thomas D. Miller  
1660 North Reid Hooker Road  
Eads, Tennessee 38028



Reply all | Delete Junk |

## Case #B.O.A. 17-67 Count (1701 Reid Hooker Road) Zoning Variance Request - AGAINST

LT Lisa A. Tester <Lisa.Tester@ipaper.com>  
Today, 1:02 PM  
Jones, Donald



Reply all |

Inbox

Dear Mr. Jones,

As an adjacent land owner to the above referenced property, I am AGAINST this variance request and respectfully request that it not be approved.

Per the filed application for variation, I do not agree with any of the stated reasons for this request.

Specifically #5, the requested variance will be in harmony with the purpose and intent of this development code and will not be injurious to the neighborhood or to the general welfare? I do not agree for the following reasons:

- More traffic, late night traffic, on small, curvy, hilly roads – safety issues
- More noise – late night disturbances
- More vehicles to support this commercial business – safety issue
- No residential purpose or family member living onsite – changing our area use.

Thank you,

Lisa A. Tester

Reply all | Delete Junk |

## boa 17-67 County

SI Shelby Images <shelbyimages@aol.com>  
Today, 11:36 AM  
Jones, Donald



Reply all |


You replied on 9/25/2017 1:45 PM.

I am writing in regards to a planned residential change 1701 Reid Hooker. This property is surrounded by quiet residential neighborhoods. This is precisely why people move out of the city to the country to avoid noise and traffic. I urge you to not allow this change.

Norlin Perry

Reply all | Delete Junk |

## CASE NUMBER: B.O.A. 17-67 CO. B.O.A. MEETING

J Janet <jmramrmom@comcast.net>  Reply all |  
Yesterday, 9:32 PM  
Jones, Donald; cclaybrook@commadv.com; dpdow1@yahoo.com; ma +5 more

Inbox

Ladies and Gentlemen of the Board,  
My name is Janet Reed. I own and live at the home at 11360 Doublegate Lane, south of 1701 Reid Hooker Road. I have lived here since May of 1993. In those 24 years I remember there being only one or two large events hosted by Ms. Marshall, not as many as are mentioned in the affidavits. The variance requested for the property at 1701 Reid Hooker will in fact be injurious to our quiet neighborhood. The events they wish to bring to the property will bring in delivery trucks prior to and after the events, not to mention the invitees to the events. I am also concerned about the traffic on the narrow 2 lane roads in this neighborhood. Not only are the roads here used for automobiles there are a lot of bicyclists that use these roads. There is a slight rise in the road south of the entrance to this property that will limit drivers from seeing cars waiting to turn left into the driveway. The increase in traffic during these events will make living and traveling these roads more dangerous for those of us living here. I am also concerned about the loud music that will be heard during these outdoor events. We moved here to enjoy the peace and quiet of country living. To say that this variance would not be injurious to us is ridiculous. I was at the meeting last month and will be there next Wednesday as well. I hope that our presence at the meeting last month let you all know that we, the neighbors to 1701 Reid Hooker Road, are strongly opposing this variance that will allow the property to be used for commercial use.

Thank you for your time,

Janet Reed  
11360 Doublegate Lane  
Eads, TN 38028  
901-412-1400