



STAFF REPORT

AGENDA ITEM: 5

CASE NUMBER: B.O.A. 17-74 **B.O.A. MEETING:** October 25, 2017

LOCATION: **2466 Jackson Avenue**
Northeast corner of Jackson Avenue and N. Hollywood St.

OWNER/APPLICANT: IG Management Group (Mahmoud Ghannam)

REPRESENTATIVE: The Bray Firm (David Bray)

REQUEST: Variance from Item 2.6.3(2)(a) to permit a canopy for gasoline sales to encroach into the required 20-foot front yard setback from Jackson Avenue to allow the current convenience store to enlarge and add gasoline sales.

AREA: 0.33 Acres

EXISTING LAND USE & ZONING: A convenience store in the Commercial Mixed Use -3 (CMU-3) District

CONCLUSIONS

A 30-day hold is being requested in order for the applicant to look at other options for locating the gasoline pumps on the site without encroaching so close to the public right-of-way. This may result in a revised application requesting a different variance.

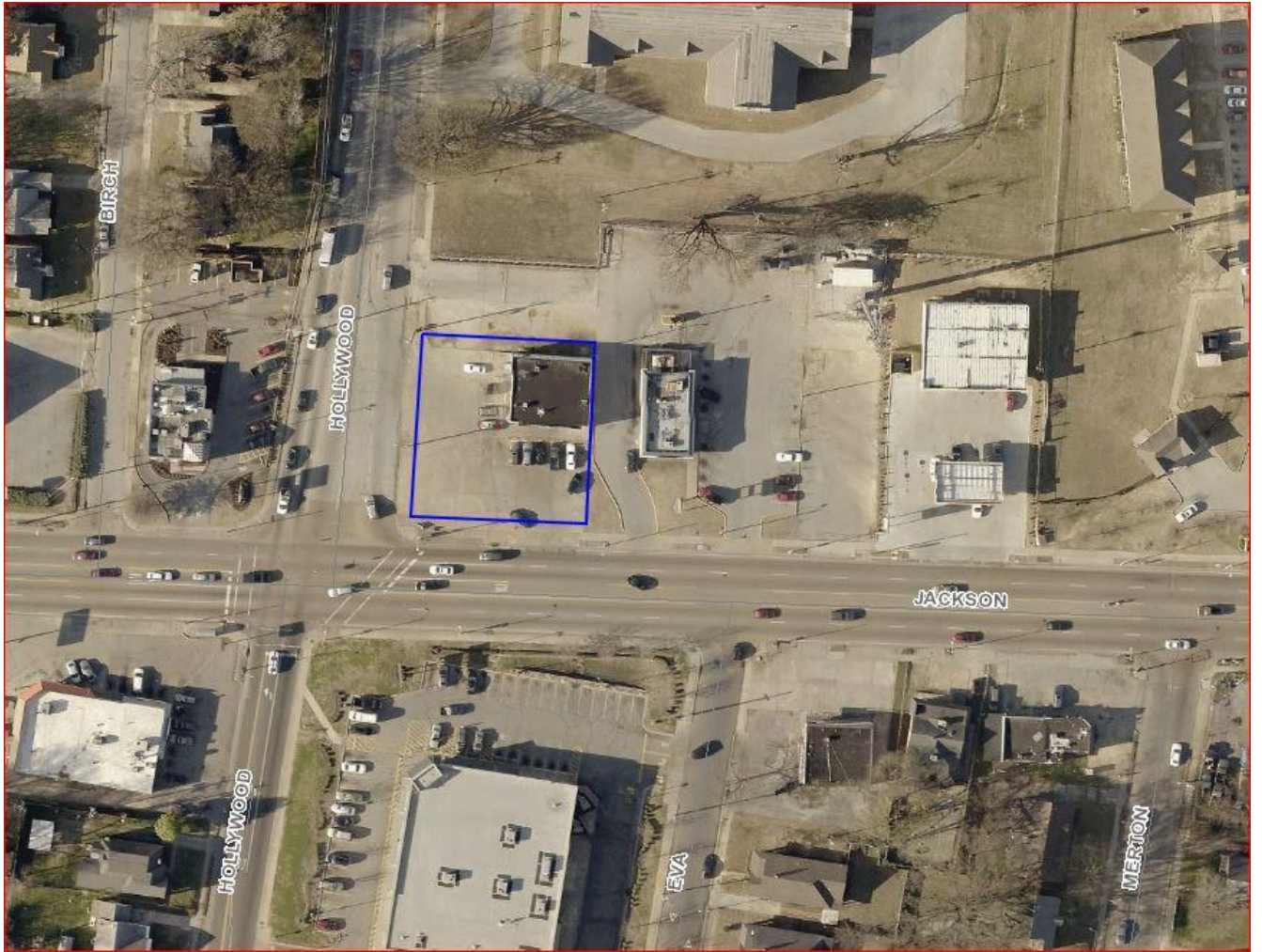
RECOMMENDATION

Hold for Thirty Days

Staff Writer: John D. (Don) Jones

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General Location Map



The subject property, outlined in blue is located at the northeast corner of Jackson Avenue and N. Hollywood Street in North Memphis. The subject property contains a relatively small, 2,599 square feet in area, convenience store and a large parking field.

Application



MEMPHIS & SHELBY COUNTY BOARD OF ADJUSTMENT

125 North Main Street, City Hall, Room 468
MEMPHIS, TENNESSEE 38103

APPLICATION FOR VARIATION FROM THE REQUIREMENTS OF THE UNIFIED
DEVELOPMENT CODE

Property Owner of Record: 16 MANAGEMENT INC Phone #: _____
 Mailing Address: 3202 KENNET DR. City/State: GERMANTOWN Zip 38137
 Property Owner E-Mail Address: _____
 Applicant (if not property owner): _____ Phone # _____
 Mailing Address: _____ City/State: _____ Zip _____
 Applicant E-Mail Address: _____
 Authorized Agent: _____ Phone #: _____
 Mailing Address: _____ City/State: _____ Zip _____
 Engineer/Surveyor/Architect: THE BERRY GROUP Phone # 901.383.8668
 (Add additional sheets if including more than one entity)
 Mailing Address: 7950 STONE PLAZA N City/State: BARTLET Zip 38134
 Engineer/Surveyor/Architect E-Mail Address: d7drag@comcast.net

To the Chairman, Board of Adjustment:

Application is hereby made for Variation(s) from the requirements of Section(s) 3.10, 2.13 of the Unified Development Code under the discretionary power vested in your Board by Section 9.22 to permit {erection, alteration of, maintenance} in accordance with the plans filed under application for Building or Use and Occupancy Permit dated _____ 20____.

PREMISES LOCATION (Describe by street address & directional location description, ex. 200 Johnson Street, North side of Johnson Street, 100 feet east of Brown Street) 2466 JARVIS,
NORTH SIDE OF JARVIS,
and EAST SIDE OF HOLLYWOOD AT INTERSECTION
known as Number 2466 (Street, Avenue, Road).

DESCRIBE PROPOSED VARIATION AND JUSTIFICATION FOR REQUEST.

Include applicable section reference from the Memphis/ Shelby County Unified Development Code for which relief is being sought.

THE OWNER WISHES TO EXPAND THE EXISTING C-STORE
CONSTRUCTED IN 1982. EXPANSION OF THE BUILDING WOULD
ALLOW A MORE MODERN AND COMPETITIVE STORE THAN THE EXISTING
BUILDING. ALONG WITH BUILDING EXPANSION THE OWNER WOULD
LIKE TO ADD FULL SALES. THIS IMPROVEMENT WOULD PERMIT
AN ENCROACHMENT TO THE 20 FOOT FRONT BUILDING SETBACK
BY 10 FEET.

Revised 10/07/14

DESCRIPTION OF EXISTING OR PROPOSED BUILDING OR STRUCTURE

Size of Building or Structure: EXISTING

At street level: 35 feet across front: 47 feet deep. Height: 1 Stories _____ feet high.

Occupancy: (a) Number of Families: (If any are used as dwellings): 1/4
(b) Number of Automobile Parking Spaces: 12


Use District: CMU-3 Date of Erection: 1982

Character of Construction: Frame Masonry
Reinforced Concrete or Protected Steel Frame Other (Specify) _____

I (we) hereby make application for approval of the Zoning Ordinance/Regulations variation(s) being sought from described above and on the accompanying materials.

I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Board of Adjustment at the next available hearing date.

I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

X 

*Property Owner of Record Date Applicant (if not property owner) Date

* Property Owner of Record shall sign if not the applicant of the request for variation.

PROVIDE AN EXPLANATION TO THE FOLLOWING CRITERIA:

(Please response to all points listed below. Additional sheets may be added as needed)

9.22.6 Findings of Fact - The Board of Adjustment must make specific written findings of fact on each variance request. In granting any variance, the Board of Adjustment shall make the following 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;

THIS PROPERTY IS EXCEPTIONALLY NARROW AND SHALLOW FOR A COMMERCIAL CORNER IN THIS USE DISTRICT. MOST OF THE EXISTING SURROUNDING USES HAVE SIGNIFICANT MORE DEPTH. 2

2. Practical difficulties or undue hardship. By reason of the unusual characteristics 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;

RECENTLY ~~THE~~ RENOVATIONS AND NEW CONSTRUCTION OF PROPERTIES IN THIS AREA HAVE REUTILIZED THIS INTENTION. HOWEVER ~~THE~~ THERE IS INSUFFICIENT ROOM FOR EXPANSION WITHOUT UNLAWFUL

3. The unusual characteristic found to apply in Paragraph 1 is not the result from and deliberate ~~REJECT~~ action by the owner;

THIS LOT WAS ORIGINALLY CONFIGURED WITH THESE DIMENSIONS AT A TIME THAT RESIDENTIAL DEVELOPMENT WAS ANTICIPATED.

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;

THIS VARIANCE WILL NOT ALLOW THE MAIN BUILDING TO BE RECONSTRUCTED CLOSER TO THE ROAD, ONLY THE FRONT PORCH.

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;

FURTHER REUTILIZATION OF THIS AREA WILL BENEFIT SURROUNDING PROPERTIES.

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.

GRANTING THE VARIANCE WOULD ALLOW A MORE ~~BE~~ SUSTAINABLE MARKET PLACE FOR THIS PROPERTY ALLOWING THE MORE TYPICAL PARKING OF 2-STORY AND 1000 SQ FT

Please only fill out the following space if a use variance is requested:

B. Use Variances

1. In addition to the findings established for other variances in Subsection 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 Subsection A, Paragraph 1, or to any physical improvements made upon the property.