

**MEMPHIS AND SHELBY COUNTY ZONING BOARD OF ADJUSTMENT**  
**STAFF REPORT**

# 6

**CASE NUMBER:** BOA 12-28

**B.O.A MEETING:** September 26, 2012

**LOCATION:**

South side of Mallory Avenue and immediately east of Interstate 55

**OWNER OF RECORD / APPLICANT:** Valero Refining Company

**EQUITABLE OWNER / APPLICANT:** Valero Refining Company

**REPRESENTATIVE:** The Reaves Firm, Harvey Marcom

**REQUEST:** Variation from the UDC Section 2.5.2 for a truck terminal expansion

**EXISTING LAND USE & ZONING:** Residential Single Family-15 (R-15) District

**RECOMMENDATION**  
**Approval with Conditions**

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**CONCLUSIONS:**

The applicant is requesting a use variance to allow the expansion of an existing truck terminal on .704 acres of land that was purchased in 2008. The expanded property was initially excess Interstate right-of-way purchased by Valero Refining Company, and is presently zoned R-15 in accordance to the default zoning for roadways.

The applicant constructed a canopy, foundations, steel tanks and supporting equipment in the area being requested for a variance.

The proposal is compatible with other developments in the immediate area and will not have a negative impact on the integrity and character of the area.

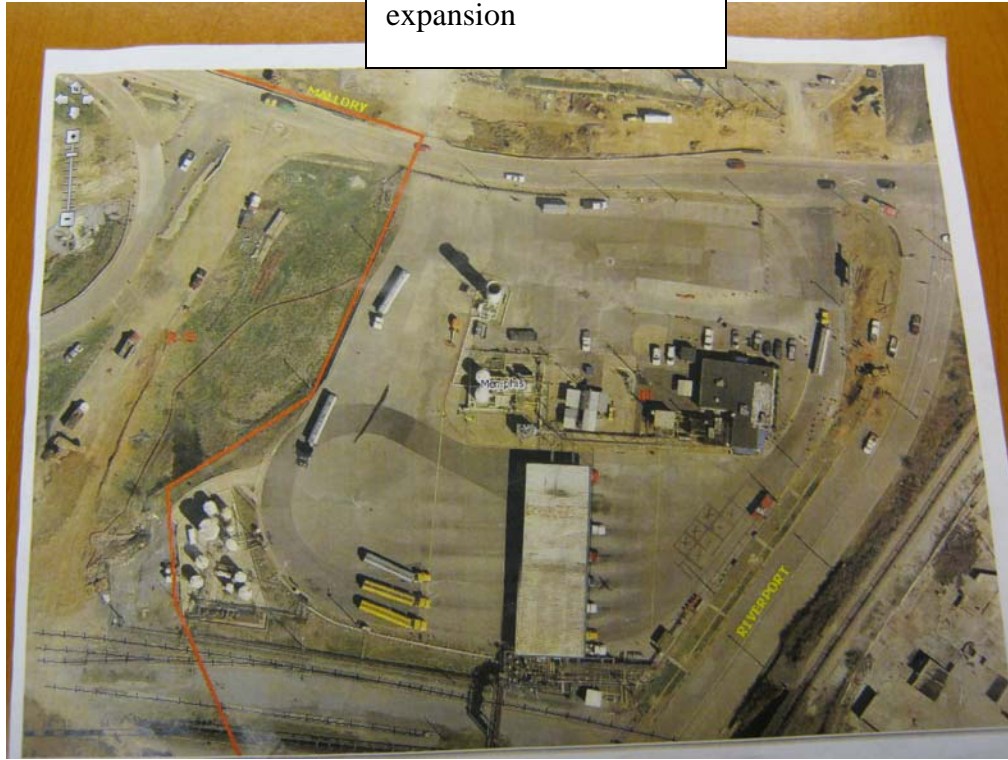
### LAND USE & ZONING MAP



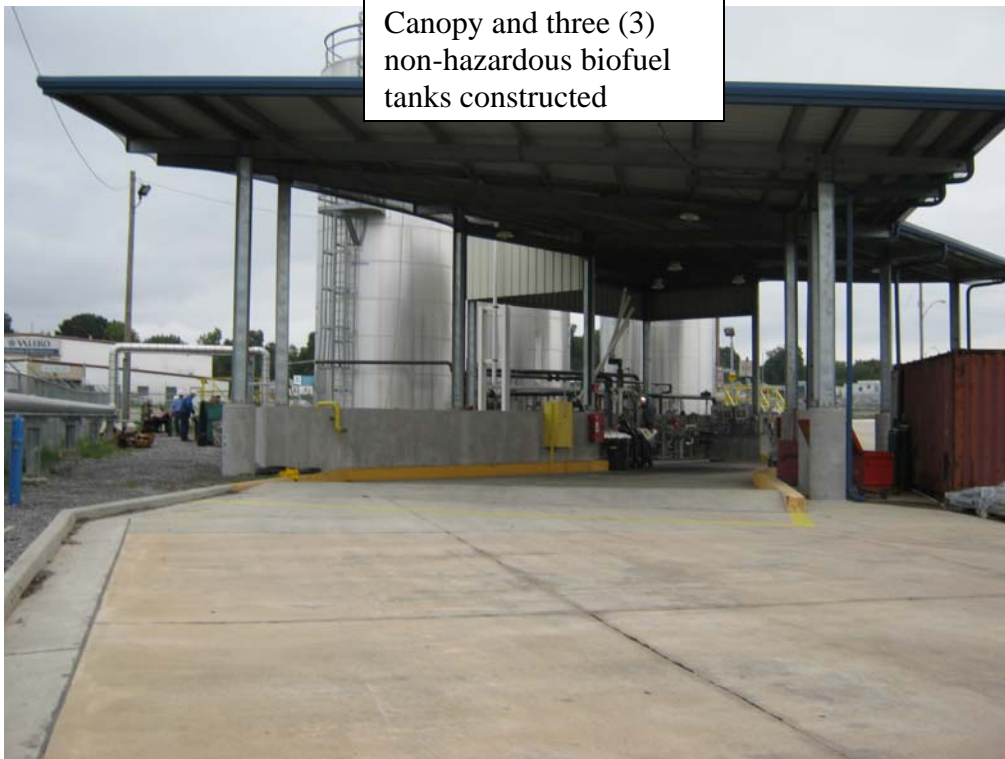
#### SURROUNDING LAND USE & ZONING:

**North, East, South, and West:** The subject site is surrounded by heavy industrial land uses (I-H).

Subject Site before  
expansion



Canopy and three (3)  
non-hazardous biofuel  
tanks constructed







## **STAFF ANALYSIS**

### Site Characteristics

The subject site is approximately .703 acres and is surrounded primarily by several large industrial developments. The abutting properties to the site are zoned heavy industrial (I-H). The site is located on the south side of Mallory Avenue and east of Interstate 55. The property was excess Interstate 55 right-of-way purchased by Valero Refining Company in 2008 and is presently zoned R-15 in accordance with the default zoning for roadways.

### Request

The applicant is requesting a use variance to allow utilization of the property for Industrial Uses to meet the abutting I-H zoning.

### Conclusion

The subject site was originally excess Interstate 55 right-of-way. This property was purchased by Valero Refining in 2008 with the intent to use the acquired land as an expansion of the existing truck terminal. After the land was developed it became apparent to the applicant the land was a nonconforming use due to its R-15 zoning.

The applicant's request for a use variance is supported by the UDC Section 9.22.6 Findings of Fact:

- That special or unique circumstances or conditions or practical difficulties exist which apply to the land, buildings or uses involved which are not generally applicable to other land, buildings, structures, or uses in the same zoning districts;
- Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located;
- The special circumstances are not the result of the actions of the applicant;

This use variance request, if approved, would be consistent with the existing land-uses and conform to the integrity and intent of the area.

## **RECOMMENDATION:**

### **Approval with Conditions**

1. This application and expansion of the truck terminal shall comply with the site plan as submitted;
2. The developer shall install and maintain a chain link fence bordering the expansion site that is consistent with material and color of existing truck terminal fencing;
3. The developer shall meet all applicable USDOT policies related to the expansion site for the truck terminal.

## GENERAL INFORMATION

<b>Street Frontage:</b>	141 feet
<b>Planning District:</b>	South Memphis
<b>Census Tract:</b>	005300
<b>Annexation Reserve Area:</b>	Not applicable.
<b>Zoning Atlas Page:</b>	2225
<b>Parcel ID:</b>	050019 00006C

## DEPARTMENTAL COMMENTS

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

<b>City Engineer:</b>	No comments.
<b>Memphis Fire Division:</b>	No comments received.
<b>County Fire:</b>	No comments received.
<b>City Real Estate:</b>	No comments received.
<b>County Real Estate:</b>	No comments received.
<b>City/County Health Department:</b>	No comments received.
<b>City Board of Education:</b>	No comments received.
<b>County Board of Education:</b>	No comments received.
<b>Construction Code Enforcement:</b>	No comments received.
<b>Memphis Light, Gas and Water:</b>	No comments received.
<b>AT&amp;T/Bell South:</b>	No Comments received.
<b>Memphis Area Transit Authority (MATA):</b>	No comments received.



**OPD-Regional Services:**

No comments received.

**OPD-Plans Development:**

No comments received.

**Memphis Park Commission:**

No comments received.

**Creative Life Neighborhood Association:**

No comments received.

**Comprehensive Planning:**

No comments received.