



# STAFF REPORT

AGENDA ITEM: 15

**CASE NUMBER:** BOA 19-56 (City) **B.O.A. MEETING:** May 22, 2019

**LOCATION:** 569 N. McLean Blvd.  
(West side of N. McLean Blvd.; +/- 160' north of N. Parkway)

**OWNER/APPLICANT:** Eduardo Sanchez Borja

**REPRESENTATIVE:** Solomito Land Planning (Brenda Solomito)

**REQUEST:** Multiple Variances: **1. Required Lot Size**; Allow the existing 7,840 sq. ft. where a minimum of 10, 000 sq. ft. is required. **2. Front yard setback**; Permit a zero (0) foot setback from McLean where a minimum of 20 is required. **3. Side yard setback abutting Single Family Residential**; Permit a 5-foot setback where 10 feet is required. **4. Parking**; Reduce the number of required on-site spaces from 20 to 9 spaces

**ZONING:** Commercial Mixed Use -1 (CU-1) District

## CONCLUSIONS

1. On May 15, 2019, members of the OPD staff met with representatives of the applicant to discuss the details associated with this project and comments that were received from the Vollintine Evergreen Community Association. Both the staff and representatives agreed that some additional study was needed to fully appreciate the impact of the site's development on abutting property and the availability of parking.

## CONSISTENCY WITH MEMPHIS 3.0

To be determined.

## RECOMMENDATION:

*Hold for one month*

Staff Writer: John D. (Don) Jones

E-mail: [john.jones@memphistn.gov](mailto:john.jones@memphistn.gov)

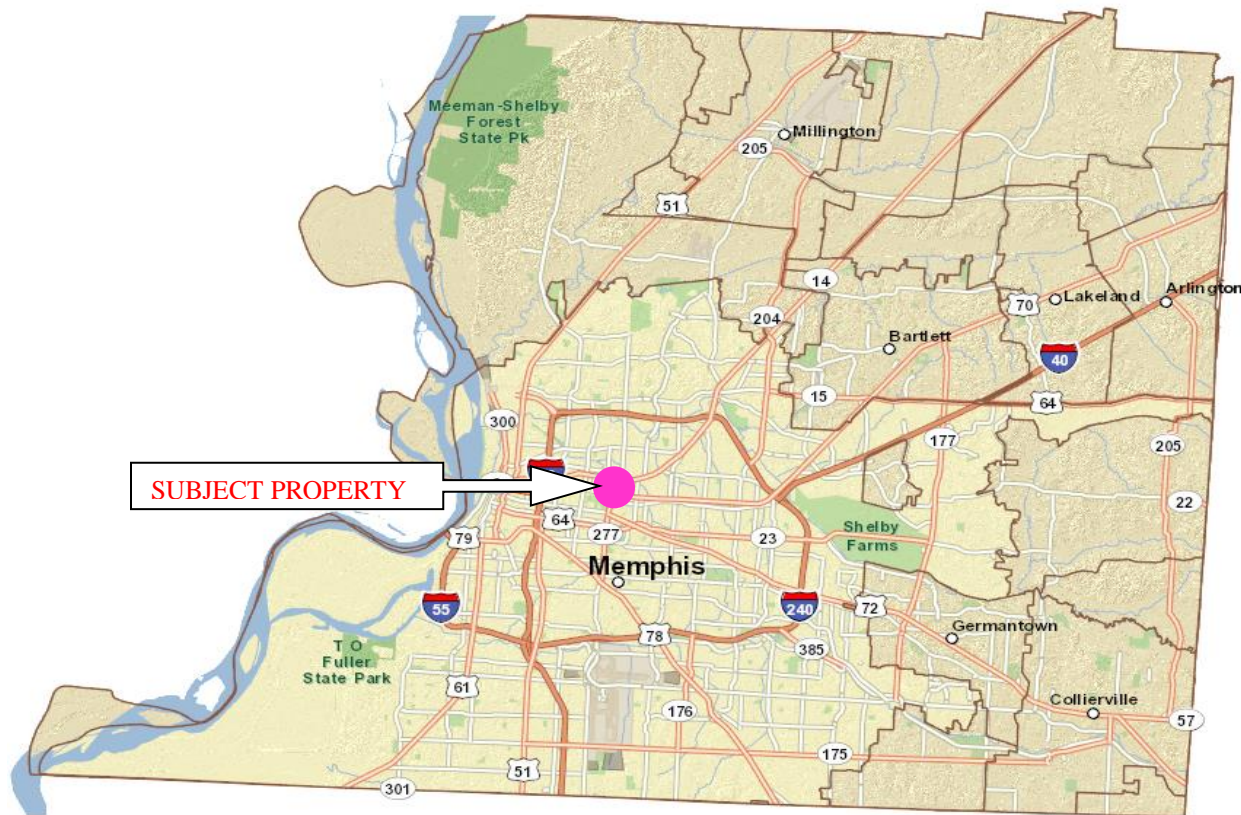
## GENERAL INFORMATION

**Street Frontage:** N. McLean Blvd. +/- 65 Feet  
**Zoning Atlas Page:** 1935  
**Parcel ID:** 036064 00014  
**Existing Zoning:** Commercial Mixed Use -1 (CMU-1) District

## PUBLIC NOTICE

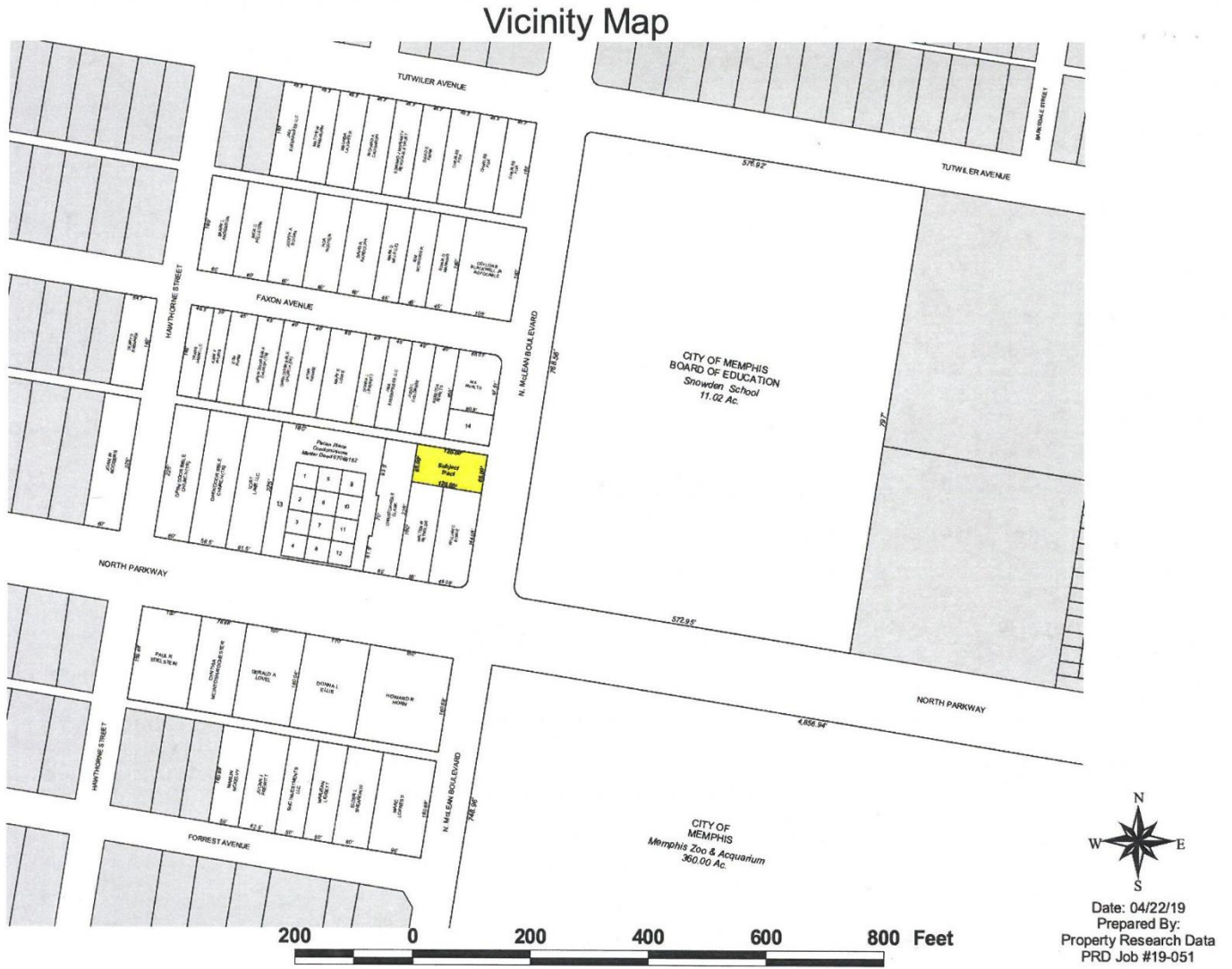
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed. A total of 49 notices were mailed on May 8, 2019.

## LOCATION MAP



The subject site is identified by the pink dot above. The site is located in the Vollintine Evergreen Community Association, (VECA).

**VICINITY MAP**



Subject property highlighted in yellow

## STAFF ANALYSIS

On May 15, 2019, members of the OPD staff met with representatives of the applicant to discuss the details associated with this project and comments that were received from the Vollintine Evergreen Community Association. Both the staff and representatives agreed that some additional study was needed to fully appreciate the impact of the site's development on abutting property and the availability of parking.

**RECOMMENDATION: Hold for One Month (June 26, 2019)**

## LETTERS RECEIVED



Vollintine Evergreen Community Association  
1680 Jackson Avenue  
Memphis, TN 38107  
901.276.1782  
veca901@gmail.com  
veca.org

May 13, 2019

Don Jones, Principal Planner  
Office of Planning and Development  
City Hall, 125 N. Main Street, Ste. 468  
Memphis, TN 38103

Re: BOA-19-57, 569 N. McLean "variances to allow for the reconstruction and conversion of the building at 569 N. McLean into apartments"

Dear Mr. Jones:

After reviewing and discussing the application, VECA surveyed the neighbors and over two-thirds of the respondents opposed the proposal. The VECA board then voted on May 6, 2019 to adopt the following position on the application:

- The application to OPD is incomplete (the applicant did not address the six questions on the "Findings of Facts") and does not have a site plan.
- The applicant is attempting to rezone the property from commercial to multi-family and the property does not meet the UDC requirement of 10,000 square feet for multi-family.
- At 293 square feet, the commercial space in the proposal is too small.
- The applicant is requesting 10 parking spaces with only 65 feet of frontage on the street.
- Traffic is already excessive due to the pick-up zone for Snowden School across the street and the Memphis Zoo one block away.
- The height of the proposed building eliminates the privacy of the surrounding homes.
- This combination of variations has the effect of rezoning the property.
- If this application is approved by the Board of Adjustment it essentially reverses the downzoning of this property which was adopted several years ago by the Memphis City Council.

The UDC is a set of guidelines, and it is VECA's position that it is inappropriate to apply for a Board of Adjustment variance as a strategy to avoid neighborhood engagement in a proper rezoning process. Zoning matters and what is being proposed sets a precedent for chipping away at our current zoning.

Sincerely,

Bob Rigus  
VECA Board President