

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
CORRESPONDENCE APPLICATION
STAFF REPORT**

#2

DOCKET NUMBER: B.O.A. 12-32 (City) **B.O.A.MEETING:** October 24, 2012

LOCATION: **2065 Carr Avenue**
(South side of Carr Avenue; +/-200 feet east of Diana Avenue)

OWNER /APPLICANT: William Gilliespie, II.

REQUEST: Revised elevation to approved drawing (per B.O.A. 04-56)

EXISTING LAND USE & ZONING: A single family residence in the

**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION
APPROVAL, SUBJECT TO ONE CONDITION :**

The elevation and floor plan submitted with this application shall be stamped as the official copy. A substantial deviation from the application materials shall require a follow up submittal to the Board of Adjustment.

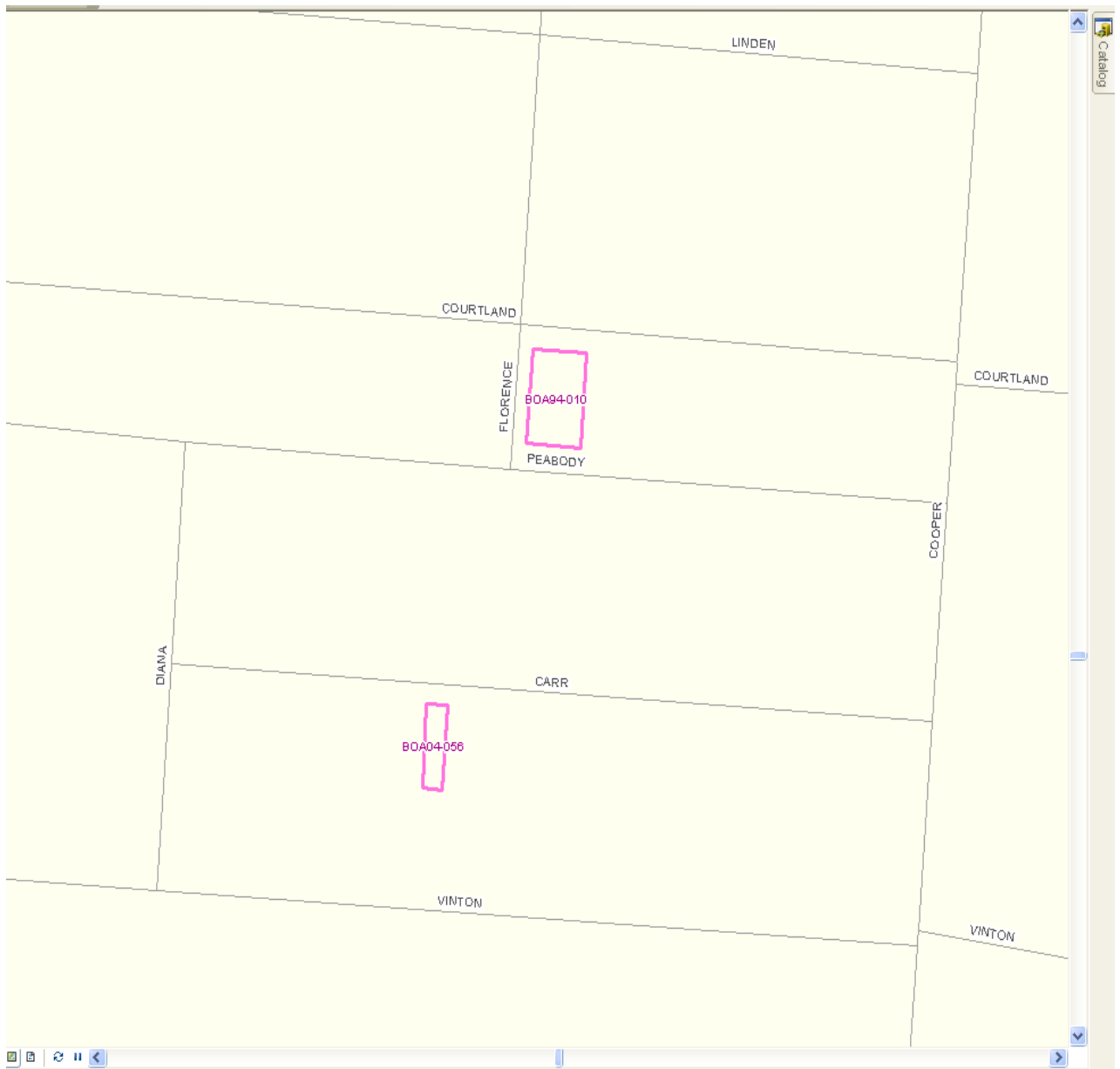
Staff Writer: Don Jones

Email: john.jones@memphistn.gov

CONCLUSIONS

1. Staff has conducted a windshield/sidewalk survey of this block and concludes that the proposed changes are in keeping with the character of the area. The new elevations and floor plan will be made part of the official record of approval for this property.

GENERAL LOCATION MAP



Subject Site is on the south site of Carr Avenue BOA 04-056



Aerial View of Subject (Labeled "Residence") and Surrounding Uses

Location:

The subject property is located on the south side of Carr Avenue between Cooper Street on the east and Diana Street on the west, in the Midtown area of Memphis.

Background to Request:

In 2004, the applicant, Mr. and Mrs. Gillespie sought a variance to allow the reconstruction of a residential dwelling on a Legal, Nonconforming Lot of Record. The particular variance needed was to the required side yard setback, see case BOA 04-56 City.

In reviewing the original request, the Staff emphasized that the new structure would be designed to include design features such as a porch, the appearance that the house was built on a conventional foundation as opposed to a slab foundation, and other features that resemble a “shotgun” style house which the prevailing character of the block.

In approving, the request, the elevations were made a part of the consideration, see attached Letter of Disposition. With that background in mind, the applicant contacted staff about a change to the approved elevations, the staff determined that an application with updated drawings was necessary.

Request:

Today, the applicant is seeking to add an addition to a portion of the second story to improve the living space of the unit. The applicant has provided in their packet of information a rendering of the prior approved elevation as well as the new elevation. The applicant has provided a floor plan to demonstrate that the expansion will not extend forward to the front of the unit.

Review:

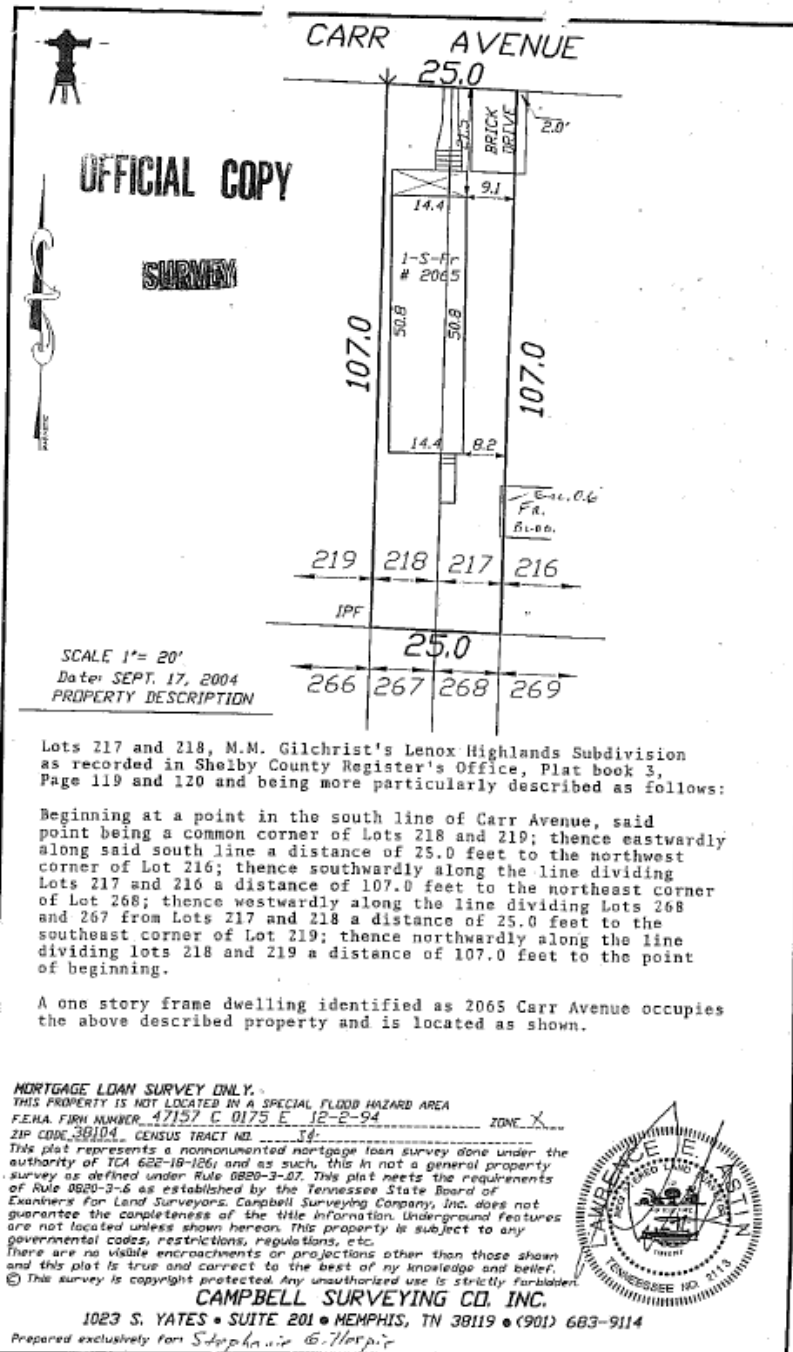
Staff has conducted a windshield/sidewalk survey of this block and concludes that the proposed changes are in keeping with the character of the area. The new elevations and floor plan will be made part of the official record of approval for this property. As this is a Correspondence Case, the Board is not required to make the same “findings of fact” that it would need to make for a new application.

Recommendation: Approve with one condition

The elevation and floor plan submitted with this application shall be stamped as the official copy. A substantial deviation from the application materials shall require a follow up submittal to the Board of Adjustment.

Approved Exhibits Associated with BOA 04-56 City

Survey



SCALE 1" = 20'
Date: SEPT. 17, 2004
PROPERTY DESCRIPTION

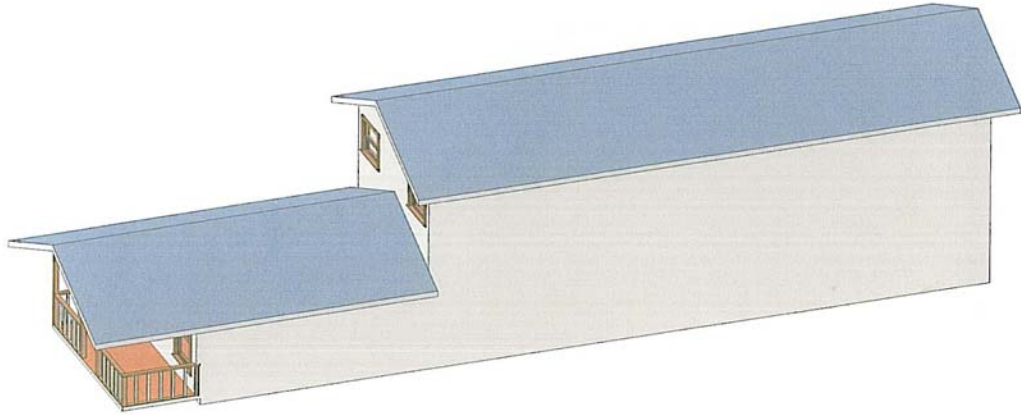
Lots 217 and 218, M.M. Gilchrist's Lenox Highlands Subdivision as recorded in Shelby County Register's Office, Plat book 3, Page 119 and 120 and being more particularly described as follows:

Beginning at a point in the south line of Carr Avenue, said point being a common corner of Lots 218 and 219; thence eastwardly along said south line a distance of 25.0 feet to the northwest corner of Lot 216; thence southwardly along the line dividing Lots 217 and 216 a distance of 107.0 feet to the northeast corner of Lot 268; thence westwardly along the line dividing Lots 268 and 267 from Lots 217 and 218 a distance of 25.0 feet to the southeast corner of Lot 219; thence northwardly along the line dividing lots 218 and 219 a distance of 107.0 feet to the point of beginning.

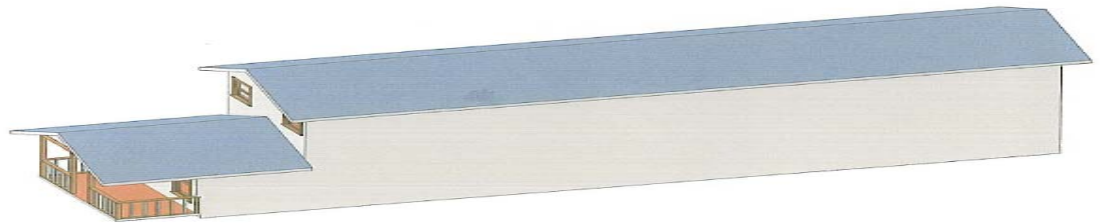
A one story frame dwelling identified as 2065 Carr Avenue occupies the above described property and is located as shown.

MORTGAGE LOAN SURVEY ONLY.
THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA
FEMA FIRM NUMBER 47157 C 0175 E 12-2-94 ZONE X
ZIP CODE 38104 CENSUS TRACT NO. 14
This plat represents a nonmonumented mortgage loan survey done under the authority of TCA 622-18-126; and as such, this is not a general property survey as defined under Rule 0820-3-07. This plat meets the requirements of Rule 0820-3-6 as established by the Tennessee State Board of Examiners for Land Surveyors. Campbell Surveying Company, Inc. does not guarantee the completeness of the title information. Underground features are not located unless shown hereon. This property is subject to any governmental codes, restrictions, regulations, etc.
There are no visible encroachments or projections other than those shown and this plat is true and correct to the best of my knowledge and belief.
© This survey is copyright protected. Any unauthorized use is strictly forbidden.
CAMPBELL SURVEYING CO., INC.
1023 S. YATES • SUITE 201 • MEMPHIS, TN 38119 • (901) 683-9114
Prepared exclusively for S. App. L. W. G. 7/10/04

**Elevation and Floor Plans
(Previously Approved and Current Request)**

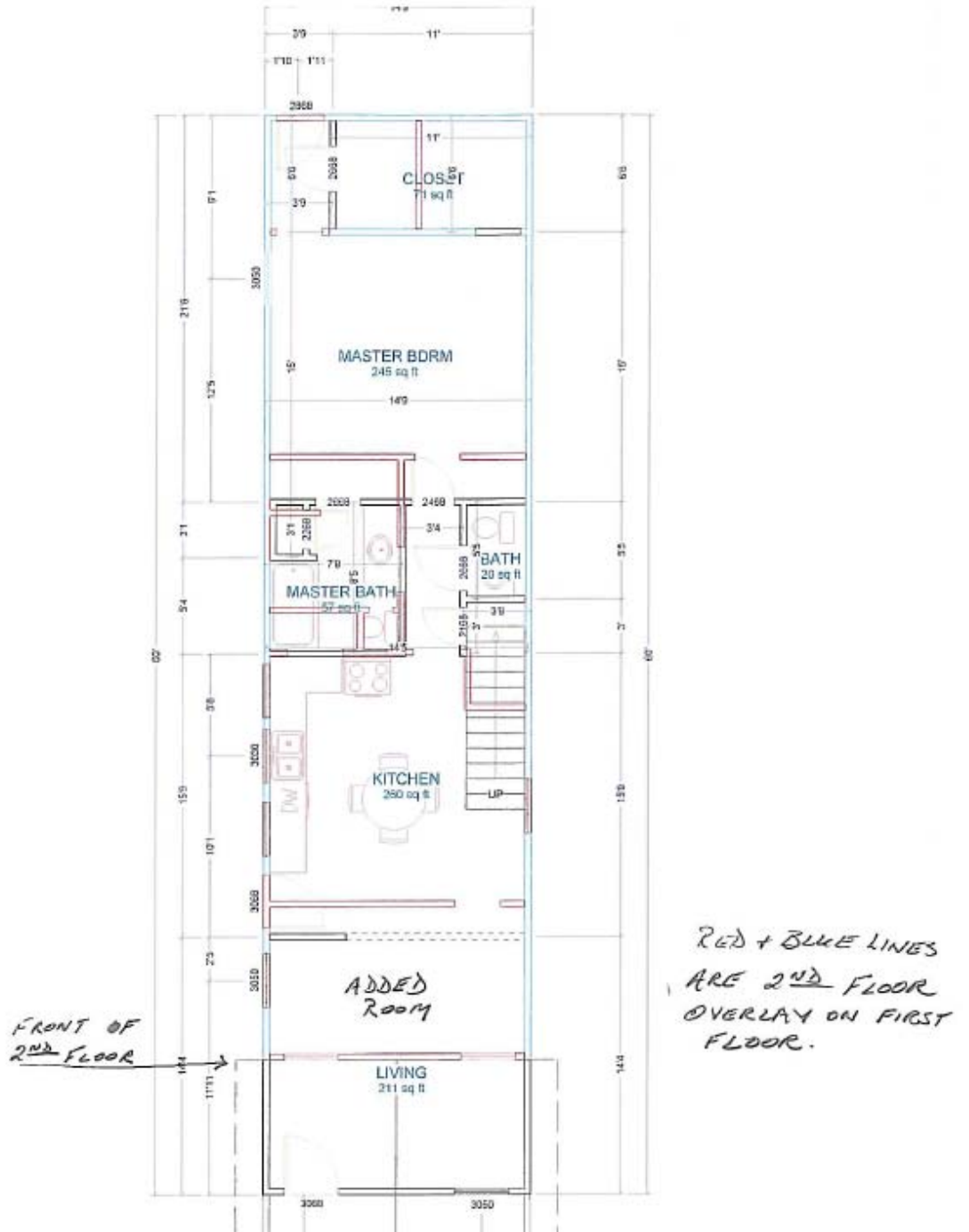


BEFORE



AFTER

Floor Plans (New)



Second Story Floor Plan with Addition

Subject Site



Neighbors



GENERAL INFORMATION:

Street Frontage: Carr Avenue – 25 Feet

Planning District: Midtown

Zoning Atlas Page: 2035

Parcel ID: 016058 00008

Zoning History: A request for a variance to the minimum required side yard for a Nonconforming Lot of Record was approved by the Board of Adjustment on January 26, 2005.

A review of the Board of Adjustment files indicates that no requests for Variances on this property have been filed.

DEPARTMENTAL COMMENTS

The following comments were provided by agencies to which this application was referred:
As of October 19, 2012

City Engineer: No comments received

Memphis Fire Division: No comments received

City Real Estate: No comments received

City Board of Education: No comments received

Construction Code Enforcement:

Memphis Light, Gas and Water:

MLGW has reviewed the referenced application, and has no objection, subject to the following conditions:

- **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.
 - All residential developers must contact MLGW's Residential Engineer at Builder Services: (901) 729-8675 to initiate the utility application process.
 - 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.

AT&T/Bell South: No comments received

Health Department: No comments received

Memphis Area Transit Authority (MATA): No comments received

OPD-Regional Services: No comments received

OPD-Comprehensive Planning: No comments received

Downtown Memphis Commission: No comments received

Neighborhood Associations

31st Ward Civic Club No comments received

Appendix:

Letter of Disposition

Applicant Letter Explanation



MEMPHIS AND SHELBY COUNTY BOARD OF ADJUSTMENT

CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901)576-6619

January 27, 2005

William Gillespie
2333 Ptarmigan Cove
Memphis, TN 38134

RE: DOCKET #: B.O.A. 04-56(City)
ADDRESS: 2065 Carr Avenue
(South side of Carr Avenue; +200 feet east of Diana Avenue)

Dear Sir:

On *Wednesday, January 26, 2005*, the Memphis and Shelby County Board of Adjustment approved your request for a variation to the required minimum side yard setback of 3 feet for non-conforming lots. The board also accepted your revised elevations for the new house. The Board approved this request as illustrated on the attached site plan and elevation..

The approved variation will allow you to rebuild the structure and observe the current footprint of the house as shown on the attached survey.

ALL APPEALS AND APPLICATIONS GRANTED ARE EXPRESSLY CONDITIONED UPON THE APPLICANT OBTAINING THE BUILDING PERMIT REQUESTED OR OTHER ORDER WITHIN ONE(1) YEAR FROM THE DATE OF THE DECISION OF THE BOARD OF ADJUSTMENT.

If you have questions regarding this matter, please contact me at (901)576-6619.

Respectfully,

Donald Jones, Principal Planner
Mary L. Baker, Deputy Director
Office of Planning & Development

//: attachments

cc: *Ted Illsley, Manager, CCE*
File

Conditions:

1. The final elevations shall indicate the materials to be used.
2. The final elevation shall show a minimum of two steps (18") from the ground to the porch.
3. The elevations shall show a mixture of materials (such as brick or masonry material) at the base of the structure to provide the appearance of a raised foundation.

October 1, 2012

Dear Sirs,

Please be informed that my husband, William P. Gillespie II, and I, Heather R. Gillespie, are interested in adding on an additional bedroom to our home for our youngest daughter. The bedroom would be added to the second story of the house and would be located above our already existing living room. We do not anticipate changing the outside appearance or shape of our home in any way. The front of the house will look exactly as it does now, except the "camel back" part of the house will be moved forward some. The house will still appear to be a camel back type of style. If you have any questions or concerns, please contact me at 901-331-7039 or my husband at 901-570-1312.

Thanking you in advance,

Heather Gillespie and William P. Gillespie II

**MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE
(Section 9.23)**

ADMINISTRATIVE APPEALS

(Complete this form only if this type of variation is needed from the Board)

1. Decision appealed:
second story @ change in elevation
2. Grounds for appeal:
no change to footprints - only adding
second story bedroom
3. Findings:
 - a. What is applicable law?
Section 9.22 - previous B.O.A. approval
 - b. Was law correctly applied here (State reasoning):
Yes - elevation change