



CITY APPOINTEES
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BOARD OF ADJUSTMENT

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CITY HALL - 125 N. MAIN ST., STE. 468 - MEMPHIS, TENNESSEE 38103 - (901) 576-6601



COUNTY APPOINTEES
MADELEINE SAVAGE-TOWNES, ESQ., VICE CHAIR
CARSON CLAYBROOK
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PORTIA SCURLOCK

AGENDA

Wednesday, November 20, 2019

Memphis City Hall

125 N. Main Street

A. Executive Session: 1:30, Dr. Martin Luther King, Jr. Conference Room (first floor)

B. Public Session: 2:00, Council Chambers

C. Approval of the Previous Meeting's Minutes

D. Secretary's Report

E. Approval of Consent Agenda

The purpose of the Consent Agenda is to expedite approval of those cases where there is agreement among all parties over the recommendations and conditions placed by staff. All cases placed on the Consent Agenda will be voted on by the Board as a group. As the Consent Agenda is established during the beginning of the meeting, the Secretary will ask if any member of the Board, staff or public objects, by a show of hands, to a case or the conditions as outlined in the case's Staff Report. If so, that case will be ineligible to be placed on the Consent Agenda. Also, ineligible to be placed on the Consent Agenda are those cases where staff has made a recommendation of rejection and those cases on behalf of which opposition speakers cards have been submitted.

F. Regular Agenda

All section numbers below are references to the Memphis and Shelby County Unified Development Code.

HELD CASES

- DOCKET: [BOA 19-95](#) (City)
LOCATION: 4934 Tulane Road
APPLICANT: Griselda Cortes & Esaul Torres
USE DISTRICT: Residential Single Family (R-6) District
REQUEST: Variances from Section 2.5.2 to allow horses; and from Section 2.7.1 to allow an accessory barn structure
STAFF PLANNER: Brian Bacchus
STAFF RECOMMENDATION: Approval with Conditions
(This item was held for a period of two months by the Board during its September 25, 2019, meeting).

2. DOCKET: [BOA 19-93](#) (City)
LOCATION: Block bounded by Second, Third, Jackson and Overton
APPLICANT: ALSAC
USE DISTRICT: Uptown Hospital (UH)
REQUEST: Variances from 1.) Sub-Section 4.5.3B to provide a parking ratio of 0.79 per 1-4 bedroom unit where 1.5 is required;
2.) Sub-Section 7.3.8C Uptown Hospital District Density/Intensity to allow 70 units per acre where 30 is required;
3.) Sub-Section 7.3.8D Uptown Hospital District Build-to Lines/Setbacks to provide setbacks of 12.5' from Third Street, 4.3' from Overton Ave., 0' from Second Street, and 0' from Jackson Ave.;
4.) Sub-Section 7.3.8E Uptown Hospital District Building Height to allow a height of 93'1" where there is no other existing structure of a compatible height and
5). Sub-Section 7.3.8G Uptown Hospital District Access and Parking to allow a 79.5 ft. driveway where 24 ft. is required
STAFF PLANNER: Somer Smith
STAFF RECOMMENDATION: Approval with conditions
This item was held for a period of one month by the Board during its September 25, 2019, meeting and an additional period of one month by the Board during its October 23, 2019, meeting.
3. DOCKET: [BOA 19-103](#) (City)
LOCATION: 1491 Union Avenue
APPLICANT: Kimbrough Towers LLC/Doug Ketchum
USE DISTRICT: Commercial Mixed Use– 3 (CMU-3[H]) and Residential– 6 (RU-6[H]), Midtown Overlay, and Central Gardens Historic District Overlay
REQUEST: Variance from Sub-Item 4.9.7D(3)(b)(2) to allow a digital sign that is higher than 10-feet to encroach +/- 4-feet into the required setback of 10-feet and variance from Sub-Item 4.9.7D(2)(b)(2) to allow a monument sign that exceeds the maximum allowed height by +/- 2-feet
STAFF PLANNER: Ayse Tezel
STAFF RECOMMENDATION: Approval with five (5) conditions
This item was held for a period of one month by the Board during its October 23, 2019, meeting.
4. DOCKET: [BOA 19-105](#) (City)
LOCATION: 5122 Crestview Road
APPLICANT: Richard Pearce
USE DISTRICT: Conservation Agriculture (CA), Floodway, Flood Plain Overlay, and Fletchers Creek Overlay
REQUEST: Final site plan approval for the partial filling of former sand mining operation with limited construction debris, based on the conditions of Docket Number BOA 19-39
STAFF PLANNER: Jeffrey Penzes
STAFF RECOMMENDATION: Hold for one (1) month
This item was held for a period of one month by the Board during its October 23, 2019, meeting.

5. DOCKET: [BOA 19-106](#) (City)
LOCATION: Southwest corner of Jackson Avenue and North Manassas Street
APPLICANT: ALSAC
USE DISTRICT: Uptown Mixed Use (MU)
REQUEST: 1.) Variance from Section 7.3.11 to permit one (1) temporary parking lot in the MU District;
2.) Variance from Paragraph 7.3.10(1) to except the temporary parking lots from being organized into a series of small bays and permitting the driveways to be wider than 24 feet in width
3.) Variance from Paragraph 4.5.5D(2) to except the temporary parking lots from providing interior landscaping as it applies to the landscaping and types of islands
4.) Variance from Sub-Section 4.4.8 to permit the City Engineer's Office to review and approve the queuing space depth; and
5.) Variance from Paragraph 4.6.7E(5) to permit the maximum length of a continuous, unbroken fence or wall abutting a public ROW to exceed 100 feet
STAFF PLANNER: Clarke Shupe-Diggs
STAFF RECOMMENDATION: Rejection
This item was held for a period of one month by the Board during its October 23, 2019, meeting.

NEW CASES

6. DOCKET: [BOA 19-109](#) (City)
LOCATION: 1145 Norma Alley
APPLICANT: Takisha Murray
USE DISTRICT: Conservation Agriculture (CA)
REQUEST: Variance from Sub-Section 3.3.1B to permit lot frontage on a 15' wide unpaved private access easement (Norma Alley)
STAFF PLANNER: Lucas Skinner
STAFF RECOMMENDATION: Approval with conditions
7. DOCKET: [BOA 19-110](#) (City)
LOCATIONS: 1032 West Perkins and 1047 Perkins Terrace
APPLICANT: Richard B. Gaston/ Charles H. Richardson, Jr.
USE DISTRICT: Residential (R-10)
REQUEST: To appeal an administrative decision by the Office of Construction Code Enforcement to issue a citation for violating Sub-Section 2.6.1F operating a house for recovering addicts.
STAFF PLANNER: Lucas Skinner
STAFF RECOMMENDATION: None provided

8. DOCKET: [BOA 19-111](#) (City)
LOCATIONS: 8218, 8222 and 8226 Town and Country
APPLICANT: Clearview Residences
USE DISTRICT: Residential Urban (RU-3)
REQUEST: To appeal an administrative decision by the Office of Construction Code Enforcement to issue a citation for violating Sub-Section 2.6.1F operating a house for recovering addicts.

STAFF PLANNER: Seth Thomas
STAFF RECOMMENDATION: None provided
9. DOCKET: [BOA 19-112](#) (City)
LOCATION: 3343 Central Avenue
APPLICANT: Ben Duke
USE DISTRICT: Residential Single Family-6 (R-6), BOA 03-22, BOA 08-34, BOA 08-33, and BOA 16-24

REQUEST: Variance from Sub-Section 3.6.1 (A) to allow for a decrease in the rear yard setback from 15 feet to 5 feet when the guest house and garage addition is attached to the main house

STAFF PLANNER: Seth Thomas
STAFF RECOMMENDATION: Approval with conditions
10. DOCKET: [BOA 19-113](#) (City)
LOCATION: 6211 Shelby Oaks Drive
APPLICANT: Memphis Electrical Joint Apprenticeship and Training Trust Fund
USE DISTRICT: Employment with Floodplain Overlay and Fletcher Creek Overlay
REQUEST: Variance from Sub-Item 4.9.7D(2)(b)(2) to increase the maximum area and height of a detached sign fronting Interstate 40:
 - to increase the maximum area from 172.8 square feet to 206.0 square feet.
 - to increase the maximum height from 50 feet to 55 feet
STAFF PLANNER: Brett Davis
STAFF RECOMMENDATION: Approval with conditions
11. DOCKET: [BOA 19-114](#) (City)
LOCATION: 956 S. Third Street
APPLICANT: Aundra L. White
USE DISTRICT: Commercial Mixed Use-1 (CMU-1) and Residential Urban-3 (RU-3)
REQUEST: Use variance from Section 2.5.2 to allow vehicle sales
STAFF PLANNER: Jeffrey Penzes
STAFF RECOMMENDATION: Rejection
12. DOCKET: [BOA 19-115](#) (City)
LOCATION: 4500 Summer Avenue
APPLICANT: Market at Summer Oaks, LLC
USE DISTRICT: Commercial Mixed Use (CMU-3) District
REQUEST: Variance from Sub-Item 4.9.7D(4)(a)(2) to allow five (5) attached signs on the building façade for one (1) establishment

STAFF PLANNER: Brian Bacchus
STAFF RECOMMENDATION: Approval

13. DOCKET: [BOA 19-116](#) (City)
LOCATION: 3205 Elvis Presley Blvd.
APPLICANT: Memphis Tourism
USE DISTRICT: Commercial Mixed Use-3 (CMU-3)
REQUEST: Variance from Sub-Item 4.9.7D(3)(b)(2) to allow a sign greater than 10' to be located closer than 10' to the right-of-way

STAFF PLANNER: Somer Smith
STAFF RECOMMENDATION: Approval with conditions
14. DOCKET: [BOA 19-117](#) (City) (Correspondence to Docket BOA 18-32)
LOCATION: 2542 Broad
APPLICANT: Commerce Center LP/ Grubb Properties, LLC
USE DISTRICT: Employment (EMP)
REQUEST: Variance from Sub-Section 3.10.2B to allow a 0' front setback, 5' side setbacks, and 5' rear setback

STAFF PLANNER: Somer Smith
STAFF RECOMMENDATION: Hold for one (1) month