



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
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AGENDA

Wednesday, February 26, 2020
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, **Fifth Floor Conference Room**
- 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

1. DOCKET: [BOA 19-124](#) (City)
- LOCATION: 657 Baltic Street
- APPLICANT: Keithely Enterprises, Inc.
- USE DISTRICT: Residential Urban (RU-1) District
- REQUEST: Use Variance from Section 2.5.2 to allow the continuation of contractor's storage, outdoor with accessory commercial parking
- STAFF PLANNER: Brian Bacchus
- STAFF RECOMMENDATION: Approval with conditions
This item was held for a period of two months by the Board during its December 18, 2019, meeting.

2. DOCKET: [BOA 20-2](#) (City)
LOCATION: 1615 Union Avenue
APPLICANT: Valvoline Instant Oil Change
USE DISTRICT: Commercial-Mixed Use -3 (CMU-3), with Midtown District Overlay
REQUEST: Variances from:
1) Bickford's Union Terrace Subdivision to permit an encroachment into the platted front setback, per Sub-Section 3.2.9F and;
2) Section 8.4.11 to reduce the minimum width of the required streetscape plate

STAFF PLANNER: Brett Davis
STAFF RECOMMENDATION: Approval with conditions
This item was held for a period of one month by the Board during its January 22, 2020, meeting.

CASE TO BE REHEARD

3. DOCKET: [BOA 19-134](#) (City) (originally filed as SUP 19-32)
LOCATION: 618 Looney Avenue
APPLICANT: Shelly Rorie/ A Dwelling Place, LLC
USE DISTRICT: Moderate-Density Residential (MDR)
REQUEST: Rehearing for a use variance from Section 7.3.11 to allow a supportive living facility

STAFF PLANNER: Somer Smith
STAFF RECOMMENDATION: Take whatever action the Board deems advisable
A petition to rehear this item was approved by the Board during its January 22, 2020, meeting. It was rejected by the Board during its December 18, 2019, meeting.

NEW CASES

4. DOCKET: [BOA 20-9](#) (City)
LOCATION: 3795 Jackson Avenue
APPLICANT: Jackson Mystik Inc.
USE DISTRICT: Commercial Mixed Use -3 (CMU-3), BOA 78-70
REQUEST: Modification to BOA 78-70 to continue the site as a gas station with retail bays; variance from UDC Item 2.6.3J(1)(f) to allow a gas station at an intersection not consisting of an arterial and a collector

STAFF PLANNER: Lucas Skinner
STAFF RECOMMENDATION: Approval with conditions

5. DOCKET: [BOA 20-13](#) (City)
LOCATION: 359 N. Hollywood Street
APPLICANT: Christopher Batts
USE DISTRICT: Residential -6 (R-6)
REQUEST: Variance from Paragraph 2.6.1A(1) to allow a side yard house adjacent to conventional single family house, Sub-Section 3.6.1A to allow a 5 foot side setback on the southern side of the lot, and Sub-Section 3.9.1C to allow a front facing garage

STAFF PLANNER: Seth Thomas
STAFF RECOMMENDATION: Rejection
6. DOCKET: [BOA 20-14](#) (City/County)
LOCATION: north side of Raleigh-LaGrange, approx. 1800' feet west of Pisgah
APPLICANT: Michael A. Lightman and Steven L. Black
USE DISTRICT: Conservation Agriculture (CA) – BOA 2014-30 CO
REQUESTS: 1) Variance from 9.7.7I(1) to allow a 3-year Time extension to 15-lot subdivision (OPD Case No. S 14-004) and;
2) 3-year Time extension (BOA 2014-30 CO) to create a lot without road frontage

STAFF PLANNER: Teresa Shelton
STAFF RECOMMENDATION: Approval with conditions
7. DOCKET: [BOA 20-15](#)
LOCATION: 3625 Covington Pike
APPLICANT: Thomas R. Gill
USE DISTRICT: Residential Urban -2 (RU-2)
REQUEST: Modification to BOA 81-80 to permit all office uses
STAFF PLANNER: Brett Davis
STAFF RECOMMENDATION: Approval with conditions
8. DOCKET: [BOA 20-16](#) (City)
LOCATION: 2511 Yale Avenue
APPLICANT: Alison Restivd
USE DISTRICT: Residential -6 (R-6), Z03-122 (Binghampton Redevelopment Comprehensive Plan)
REQUEST: Variance from Sub-Section 3.6.1A of the Unified Development Code and Item 4.5.2C(1) to encroach into the front setback of the property

STAFF PLANNER: Seth Thomas
STAFF RECOMMENDATION: Approval with conditions
9. DOCKET: [BOA 20-17](#) (City)
LOCATION: 1755 Eldridge Avenue
APPLICANT: Merge Memphis, Inc
USE DISTRICT: Residential Urban -1 (RU-1)
REQUEST: Use variance from Section 2.5.2 to allow a social service institution
STAFF PLANNER: Jeffrey Penzes
STAFF RECOMMENDATION: Approval with conditions

10. DOCKET: [BOA 20-18](#) (City)
LOCATION: 444 Stonewall Street
APPLICANT: Ashley Bonds
USE DISTRICT: Residential Single Family Historic (R-6[H]) District
REQUEST: Variance from Paragraph 2.7.2.B (2) to allow a side yard encroachment of 1'-6" for an accessory garage structure

STAFF PLANNER: Brian Bacchus
STAFF RECOMMENDATION: Approval with conditions

PETITION TO REHEAR

11. DOCKET: [BOA 19-132](#) (City)
LOCATION: 235 West Shelby Drive
PETITIONER: Debbie Kemp/Carlos R. Ortiz Martinez
USE DISTRICT: Residential Single Family -6 (R-6)
REQUEST: Petition to rehear a variance from Sub-Section 3.6.2A to permit encroachment of existing church building into the rear setback, a variance from Paragraph 2.6.2G(3) to permit offsite parking, and a variance from Paragraph 2.6.2G(5) for a class II buffer along any residential lines approved by the Board during its regular meeting on January 22, 2020

STAFF PLANNER: Lucas Skinner
STAFF RECOMMENDATION: Take whatever action the Board deems advisable