



CITY APPOINTEES
TIMOTHY RAINEY, ESQ., CHAIR
JOY DOSS
JOHN JACKSON III
AARON PETREE

BOARD OF ADJUSTMENT

CITY BOARD EST. 1925 – COUNTY BOARD EST. 1931 – MERGED, 1970

JOSH WHITEHEAD, AICP, SECRETARY

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



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

Date: January 23, 2019

To: Timothy Rainey, Chairman
Madeleine Savage-Townes, Vice Chair
Carson Claybrook, Member
Joy Doss, Member
John Jackson, III, Member
J.T. Malasri, Member
Aaron Petree, Member
Portia Scurlock, Member

From: Josh Whitehead, Secretary

RE: 2018 Annual Report

Mr. Chairman and Members of the Board:

It has been a pleasure to serve as your Secretary this past year. This Annual Report summarizes the attendance and case load of the Board during 2018.

1. Attendance

Tim Rainey served as Chairman during 2018 and Madeleine Savage-Townes served as Vice Chair. The attendance of all members is as shown below:

Regular Members

Chairman Rainey attended 11 of 12 meetings.

Vice Chair Savage-Townes attended 10 of 12 meetings.

Mr. Claybrook attended 9 of 12 meetings

Ms. Doss attended 11 of 12 meetings.

Mr. Dow attended 8 of 12 meetings (Mr. Malasri took Mr. Dow's seat effective Jan. 1).

Mr. Jackson attended 12 of 12 meetings.

Mr. Petree attended of 10 of 12 meetings.

Ms. Scurlock attended 9 of 12 meetings.

Alternates

The following current members of the Land Use Control Board, all of whom are on the approved eligibility list to serve as alternates to the Board of Adjustment, attended accordingly:

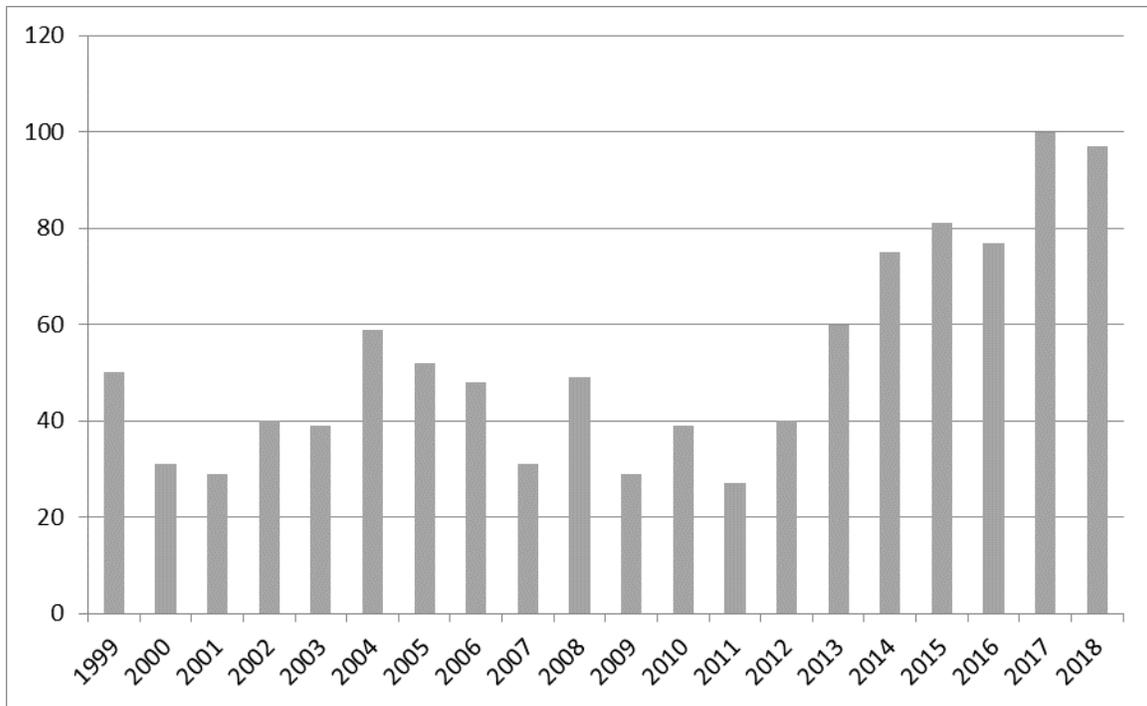
Rob Norcross attended 1 meeting.
Margaret Pritchard attended 1 meeting.
James Toles attended 1 meeting.

2. Caseload

96 cases were filed with the Board in 2018; **93** of these requests were heard during the calendar year:

- The Board heard **no appeals** of an administrative opinion of either the Office of Planning and Development, the Office of Construction Code Enforcement or the Memphis or Shelby County Engineering Divisions.
- The Board heard **1** conditional use permit request for the use of **shipping containers**; it was approved.
- The Board heard **1** request for a conditional use permit requests for a **mobile home**; it was rejected.
- The Board heard **2** requests to allow **horses** in the residential zoning districts; both were approved.
- The Board heard **22 residential bulk variance** requests that do not involve categories described elsewhere in this report; all were approved.
- The Board heard **1** request for **residential accessory dwelling units** that exceeded the permissible size for such structures under the zoning code; it was approved.
- The Board heard **17 commercial, multi-family and place of worship bulk variance** requests that did not involve categories described elsewhere. All were approved.
- The Board heard **2** requests for **wedding event centers**; 1 was approved and 1 was rejected.
- The Board heard **13 on-site sign variance** requests. 12 of these requests were approved by the Board; 1 was rejected.
- The Board heard **3 off-site sign (billboard) variance** requests. 1 of these requests were approved by the Board (involving a State-initiated widening of Lamar Ave.; 2 were rejected.
- The Board heard **23 use variance** requests; 22 were approved and 1 was rejected.
- The Board heard **5 lot size variance requests**; all were approved.
- The Board heard **3 site plan modification or time extension** requests (correspondence cases). All were approved.
- Of the **93** requests heard in 2018, **85** were located in the City and **8** were located in the County.

The table below indicates annual caseload 1999 to 2018. Note: in an effort to create a historically accurate comparison, the figures below indicate cases *filed* with the Board but not necessarily heard. For example, 97 cases were filed with the Board in 2018 but only 93 were heard.



3. Significant Cases, 2018

The following significant cases were filed with the Board in 2018:

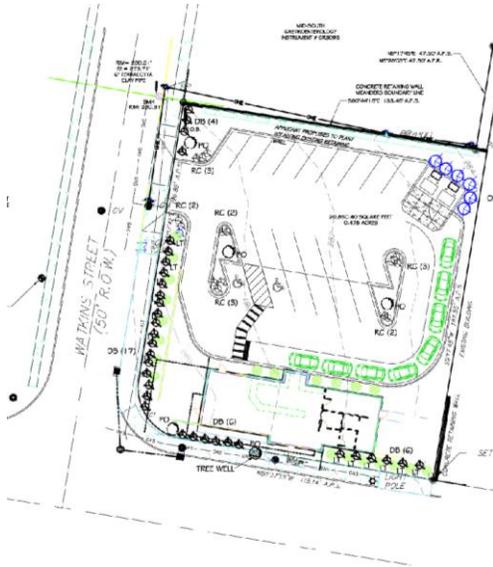
BOA 18-19: Choices, Memphis Center for Reproductive Health

Action by the Board on this case, which involves a property on the south side of Poplar just east of Bellevue, involved variances related to transparency along the building's front façade.



BOA 18-30: Starbucks on Union

This property, at the northeast corner of Union and Watkins, is in the Medical District Overlay and also required certain variances related to transparency.



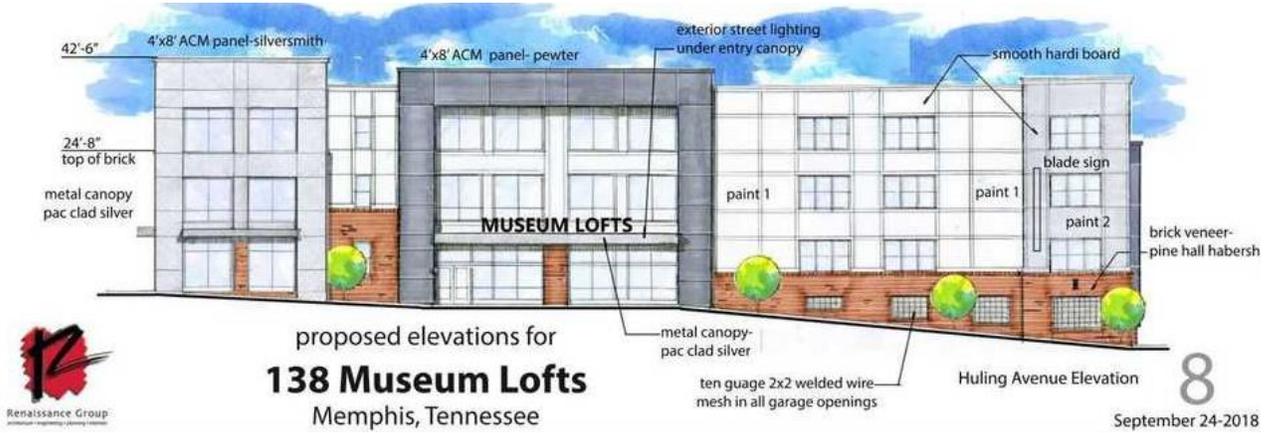
BOA 18-32: Apartments on Broad

The Board's hearing on this matter at the northwest corner of Broad and Binham concerned a use variance since apartments are not permitted in the light industrial, EMP, zoning district.



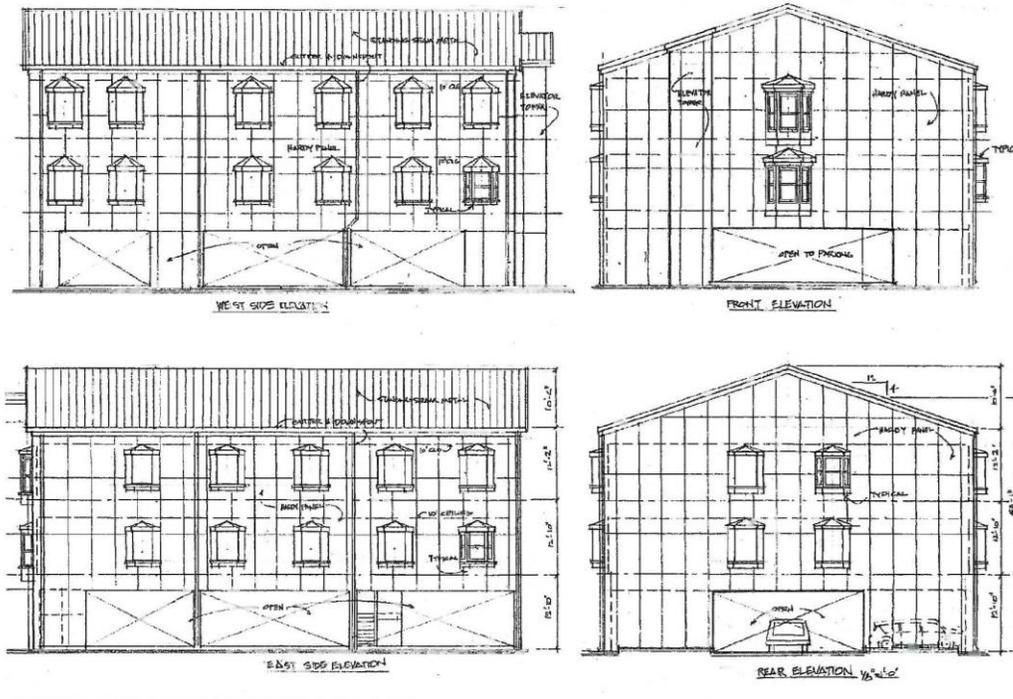
BOA 18-43: Apartments at 138 Huling

Like many other multi-family requests in the South Central Business Improvement District Special Purpose District, this project known as Museum Lofts across Huling from the National Civil Rights Museum, required a density variance from the Board.



BOA 18-56: Apartments on Peabody

The apartment building pictured below on the north side of Peabody, just east of Waldran Blvd., required variances related to height and location of parking spaces.



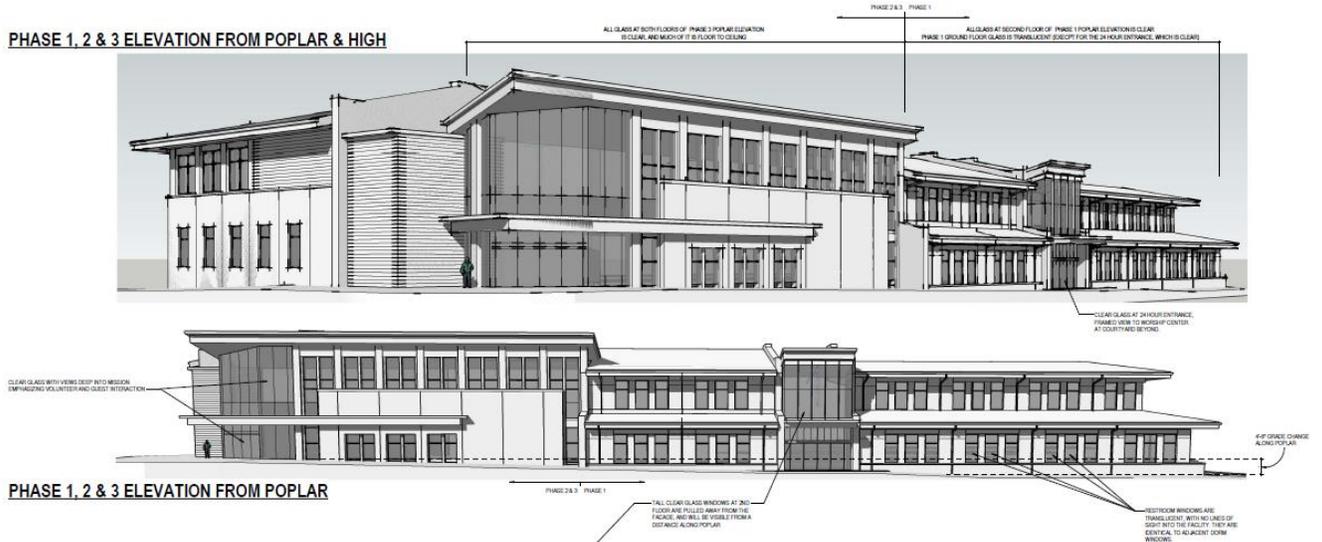
ARCHITECTURAL ELEVATIONS

NTS

ASPR - SITE PLAN

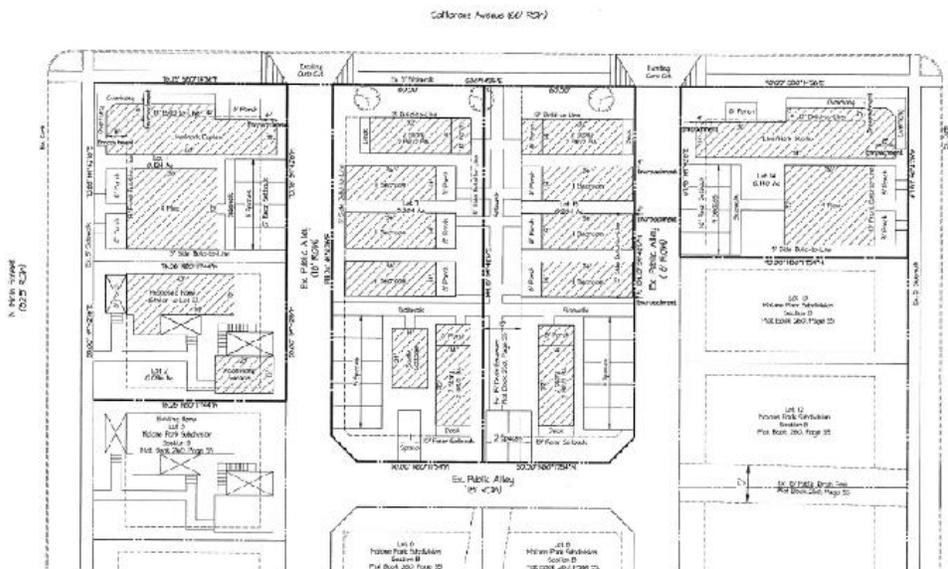
BOA 18-79: Memphis Union Mission

Memphis Union Mission, located on the south side of Poplar east of Danny Thomas, required variances related to transparency for its expansion pictured below.



BOA 18-82: Uptown cottage court

The cottage court proposed along Saffarans between Main and Second in the Uptown neighborhood required variance action by the Board to allow front yard encroachments and limited commercial use at the corners of the site.



BOA 18-90: Apartments at Brister and Mynders

The large apartment building at the northwest corner of Brister and Mynders near the University of Memphis required floor height and transparency variances from the University Overlay section of the Unified Development Code.



BOA 18-93: Wiseacre Brewery at BB King Blvd. and Butler

This brewery was approved at the site of a travel center/restaurant approved in March, 2014 (BOA 13-60) and will complement Wiseacre’s existing brewery on Broad Ave.



4. Staff, 2018

As has been the case since 2001, the Board of Adjustment has been staffed by the Land Use section of the Office of Planning and Development. In 2018, this included the following individuals: Burk Renner and Chip Saliba, managers; and Brian Bacchus, Don Jones, Marion Jones, Jeffrey Penzes, Kirstin Kettley, Ayse Tezel and Staci Tillman, staff planners. Mr. Renner is embedded in the Office of Construction Code Enforcement on Mullins Station to

ensure zoning code compliance on projects that do not require zoning review by the Land Use Control Board, Board of Adjustment or Landmarks Commission. Since July 1, 2017, Mr. Bacchus has largely been responsible for staffing the Landmarks Commission. When Ms. Tezel began this past fall, she was also largely assigned to the Landmarks Commission. Mr. Saliba and Ms. Kettley have been responsible for providing support to the new OPD service counter; Ms. Kettley was promoted to Office Manager of the Office of Construction Code Enforcement on November 1. This has resulted in the following four primary staff planners who have reported to the Board of Adjustment (and Land Use Control Board) in 2018: Mr. and Ms. Jones, Mr. Penzes and Mr. Tillman. In the spring of 2018, they were joined by Katie Flynn, intern from the University of Memphis School of Planning. In the fall of 2018, they were joined by Dustin Shane, also intern from UM. Finally, in December, Brett Ragsdale was appointed by Mayors Harris and Strickland to serve as the Deputy Administrator of the Office of Planning and Development.