



CITY APPOINTEES
TIMOTHY RAINEY, ESQ., CHAIR
MARY BAKER
JOY DOSS
JOHN JACKSON III

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 22, 2020

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

From: Josh Whitehead, Secretary

RE: 2019 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 2019.

1. Attendance

Tim Rainey served as Chairman during 2019 and Madeleine Savage-Townes served as Vice Chair. Below is the attendance of Board members during the year:

Regular Members

Chairman Rainey attended 11 of 12 meetings.

Vice Chair Savage-Townes attended 11 of 12 meetings.

Ms. Baker attended 4 of 4 meetings (Ms. Baker replaced Mr. Petree in Sept.)

Mr. Claybrook attended 10 of 12 meetings

Ms. Doss attended 9 of 12 meetings.

Mr. Jackson attended 12 of 12 meetings

Mr. Malasri attended 10 of 12 meetings (Mr. Malasri replaced Mr. Dow in Jan.)

Ms. Scurlock attended 11 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:

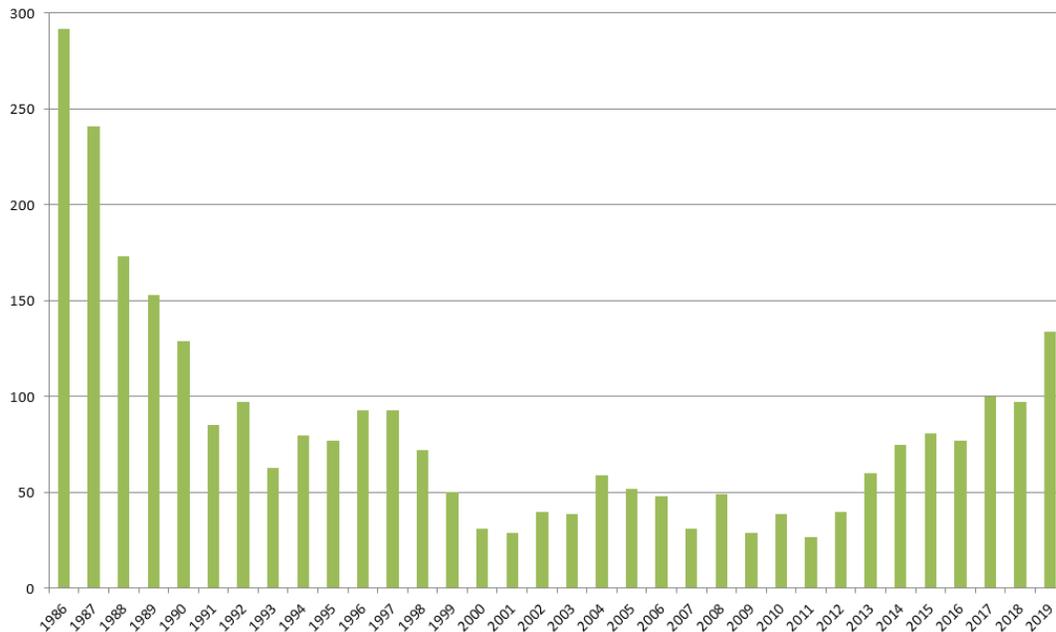
Rob Norcross attended 1 meeting.
Margaret Pritchard attended 3 meetings.

2. Caseload

134 cases were filed with the Board in 2019; **128** of these requests were heard during the calendar year. Of the 128 requests filed in 2019,

- **34** involved use variances;
- **11** were correspondence cases, or major modifications to requests already approved by the Board;
- **5** were Conditional Use Permits for uses that specifically require such a review under the Unified Development Code;
- **3** were appeals of administrative citations or interpretations of the Code;
- **1** was a Change in Nonconforming Use Permit; and
- **6** involved sites located in unincorporated Shelby County (Dockets BOA 19-04, 19-08, 19-12, 19-50, 19-68 and 19-89) with the balance involving sites located in the City of Memphis.

The table below indicates annual caseload 1986 to 2019. 2019 was the busiest year for the Board, as measured by cases filed, in thirty years (in 1989, the Board reviewed 153 applications). 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, 134 cases are reflected below for 2019 but only 128 were heard; this holds true for the previous years, as well.



BOA 19-03



This case involved the construction of a five-story private dormitory on the south side of Midland, between Brister and Patterson, in the University District.

BOA 19-27

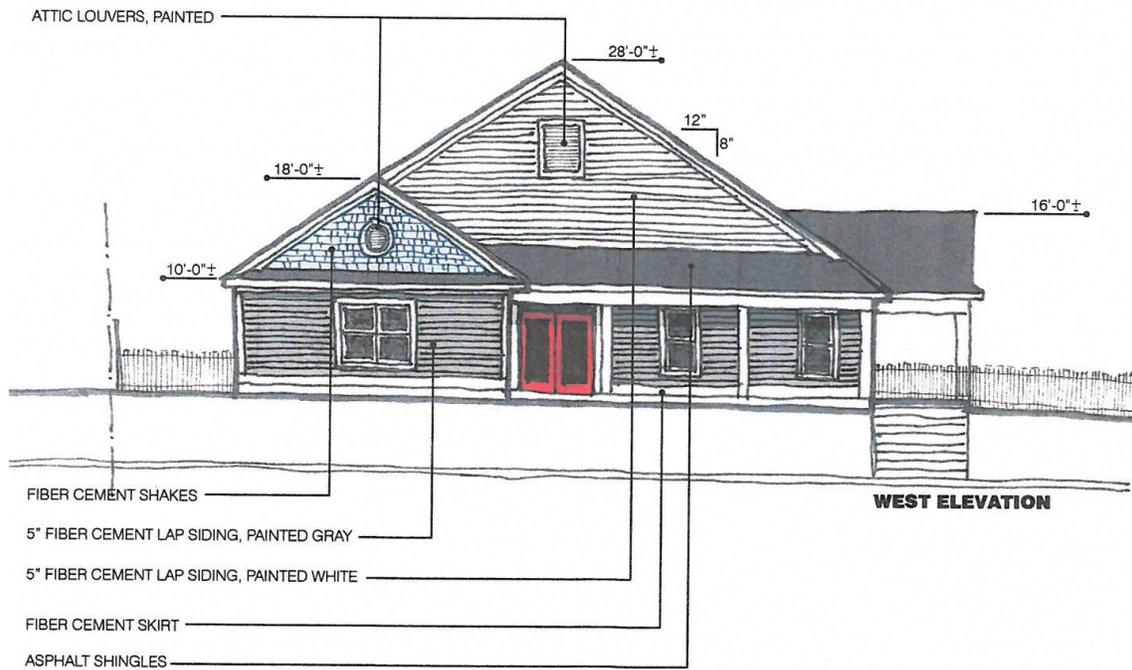


This case involved the reuse of an existing warehouse towards the northern terminus of Main Street as a craft brewery. The application filed with the Board was the seldom-used Change in Nonconforming Use Permit.

BOA 19-28



This case involved the repurposing of the site pictured above at the northeast corner of Poplar and Garland in the Evergreen neighborhood for a Montessori school pictured below.



BOA 19-36



This case involved the use of shipping containers for an outdoor restaurant at the southwest corner of Walker and College near LeMoyne-Owen College in South Memphis.

BOA 19-39/BOA 19-40



These cases involved the re-use of a sand mining operation at the western terminus of Crestview Road to the north of Perimeter Mall as a landfill. The cases encompass two parcels owned by two separate owners and were approved conditioned upon certain studies and improvements to the site within a certain time period. As of the writing of this report, those conditions have not all been performed so the approval to use these properties as a landfill has not yet taken effect (one of these cases was re-docketed as Case BOA 19-105).

BOA 19-41



This case involved the re-use of the McDonald's on Highland just north of Spottswood into apartments.

BOA 19-42



This case involved six stacked duplexes on Manassas across the street from Humes Junior High School.

BOA 19-48



This case involved the establishment of a concession stand in the form of a shipping container at the River Garden Park on the west side of Riverside Drive south of Bass Pro/Jefferson Ave.

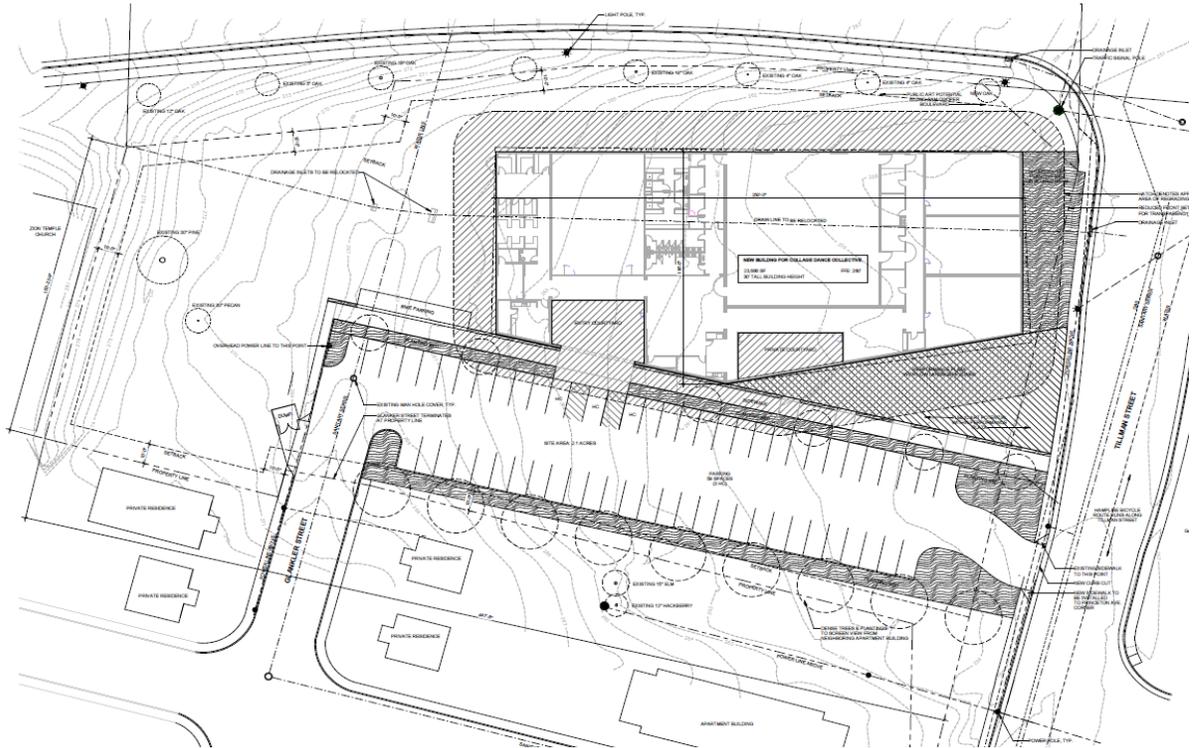
BOA 19-61



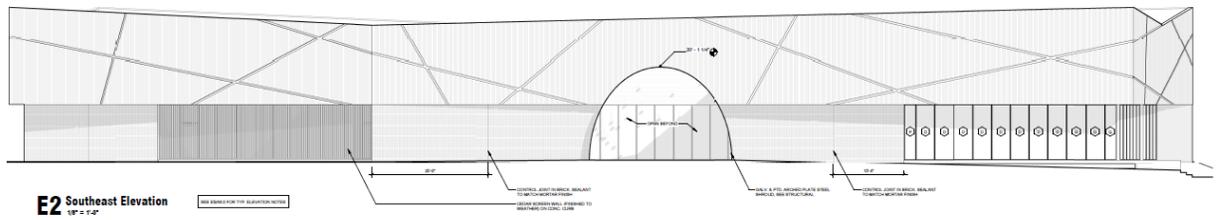
4C SOUTH ELEVATION
SCALE 3/16" = 1' 0"

This application was a modification to a 2018 approval by the Board (Docket BOA 18-56) on the north side of Peabody between Waldran and Bellevue Boulevards.

BOA 19-72



This case involves the proposed new home of Collage Dance Collective, currently housed on Broad Avenue, at the residentially-zoned southwest corner of Sam Cooper and Tillman. Pictured above is its site plan; below is its front (south) façade.



BOA 19-76



The Board reviewed several requests related to single-family homesites, but this case was the only one to be litigated. The request pertained to an encroachment into a platted front yard setback for the south side (here, right) of the home. The opposition and the eventual litigation focused more on the administrative nature of the approval of the lot for this home more than the requested zoning variance. Chancery Court upheld the Board’s approval of this variance.

BOA 19-80



This case involved the re-use of the old Conoco gas station at the northwest corner of Southern and Ellsworth in the East Buntyn neighborhood as the home of a three-story apartment building, pictured above.

BOA 19-90



This case involved a use variance for a portion of a large warehouse site at the southwest corner of New Allen and Watkins Mill in Raleigh located within a residential zoning district. The rendering above shows its planned front façade; the photograph below shows clearing of the site that commenced shortly after approval by the Board.



BOA 19-93



The subject of this case was a large, six-story residential facility associated with St. Jude Hospital in the block between Second, Third, Jackson and Overton. This is the view of the front of the building along Third Street. The Board's discussion of this case was largely focused on the architectural and landscaping treatment of the building's north side façade along Overton Ave. (on the right of this image).

BOA 19-104



This case involved a four-story apartment building on Madison across the street from the Southern College of Optometry with a ground-floor commercial component (pictured in the foreground of this architectural rendering).

BOA 19-107



This case, which involved a site on McLean north of North Parkway across from Snowden School, was originally filed as Docket BOA 19-56 but was subsequently withdrawn. The final approval reflects a relatively small, three-story apartment building.

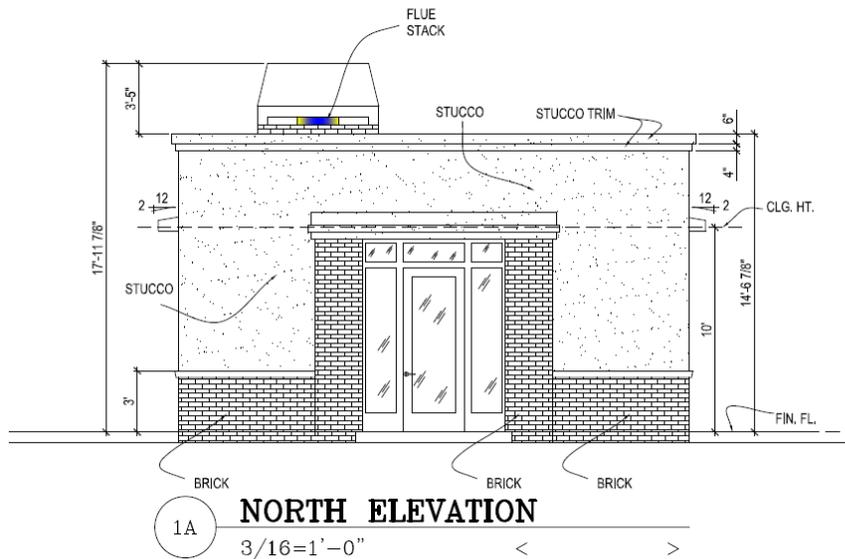
BOA 19-117



BUILDING B

This case is a modification of a four-story building originally approved by the Board in 2018 (Docket BOA 18-32); the final approval was for a three-story apartment building on the north side of Broad between Hollywood and Bingham in the heart of Binghampton pictured above.

BOA 19-133



This case, which involved a use variance to allow a crematorium on Park Avenue in Orange Mound in the CMU-1 zoning district, was significant largely due to the level of opposition it received from the community.

4. Staff, 2019

As has been the case since 2001, the Board of Adjustment has been staffed by the Memphis and Shelby County Office of Planning and Development (“OPD”). In 2019, a few changes were made to the staffing complement of OPD. Brett Davis and Somer Smith were hired to cover vacancies created, in part, by the promotion of Kirstin Jones to a position at the Office of Construction Code Enforcement. Staci Tillman was promoted to be Outreach Coordinator for OPD’s parent organization, the Division of Planning and Development and Don and Marion Jones, with a combined service of 68 years to OPD, retired. These three individuals were replaced by Lucas Skinner, Seth Thomas and Teresa Shelton. During these staff changes, Bradyn Carson with the Office of Comprehensive Planning assisted on serving as case manager for a few months. Clarke Shupe-Diggs served as the intern from the University of Memphis School of Planning, a position previously held by Dustin Shane. Unchanged from the year before was Brett Ragsdale, Deputy Administrator-Zoning/Urban Design; Burk Renner, Manager and Brian Bacchus, Jeffrey Penzes, Somer Smith and Ayse Tezel, Planners. In late 2019, Chip Saliba was promoted to the new position of Deputy Administrator-Development Services.