

**STAFF REPORT**

**9**

**CASE NUMBER:** P. D. 09-311                      **L.U.C.B. MEETING:** July 9, 2009  
*Held from June 11, 2009*

**DEVELOPMENT NAME:** HARBERT AVENUE PLANNED DEVELOPMENT

**LOCATION:** North side of Harbert Avenue; +/-310 feet east of South Bellevue Boulevard

**COUNCIL DISTRICT(S):** District 7-Super District 8-Positions 1, 2 & 3

**OWNERS/APPLICANTS:** Brook & Marissa Loper

**REPRESENTATIVE:** Harkavy-Shainberg-Kaplan-Dunstan, PLC

**REQUEST:** Planned development to allow renovation and use of the property as a triplex and obtain separate utility meters for the tenants

**AREA:** 0.21 Acre(9,147.60 sq. ft.)

**EXISTING LAND USE & ZONING:** Two-story historic dwelling in Single Family Residential(R-S6) Historic Preservation(HP) District

**SURROUNDING LAND USES AND ZONING:**

**North:** One and two-story single family homes in Annesdale Park Subdivision in Single Family Residential(R-S6) Historic Preservation(HP) District.

**East:** One and two-story single family homes, including an apartment building in Single Family Residential(R-S6) Historic Preservation(HP) District.

**South:** One and two-story single family homes, including a quadra-plex and apartment buildings in Single Family Residential(R-S6) Historic Preservation(HP) District.

**West:** One and two-story single family homes, including an apartment building in Single Family Residential(R-S6) Historic Preservation(HP) District.

**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:**

*Hold for Thirty(30) Days*

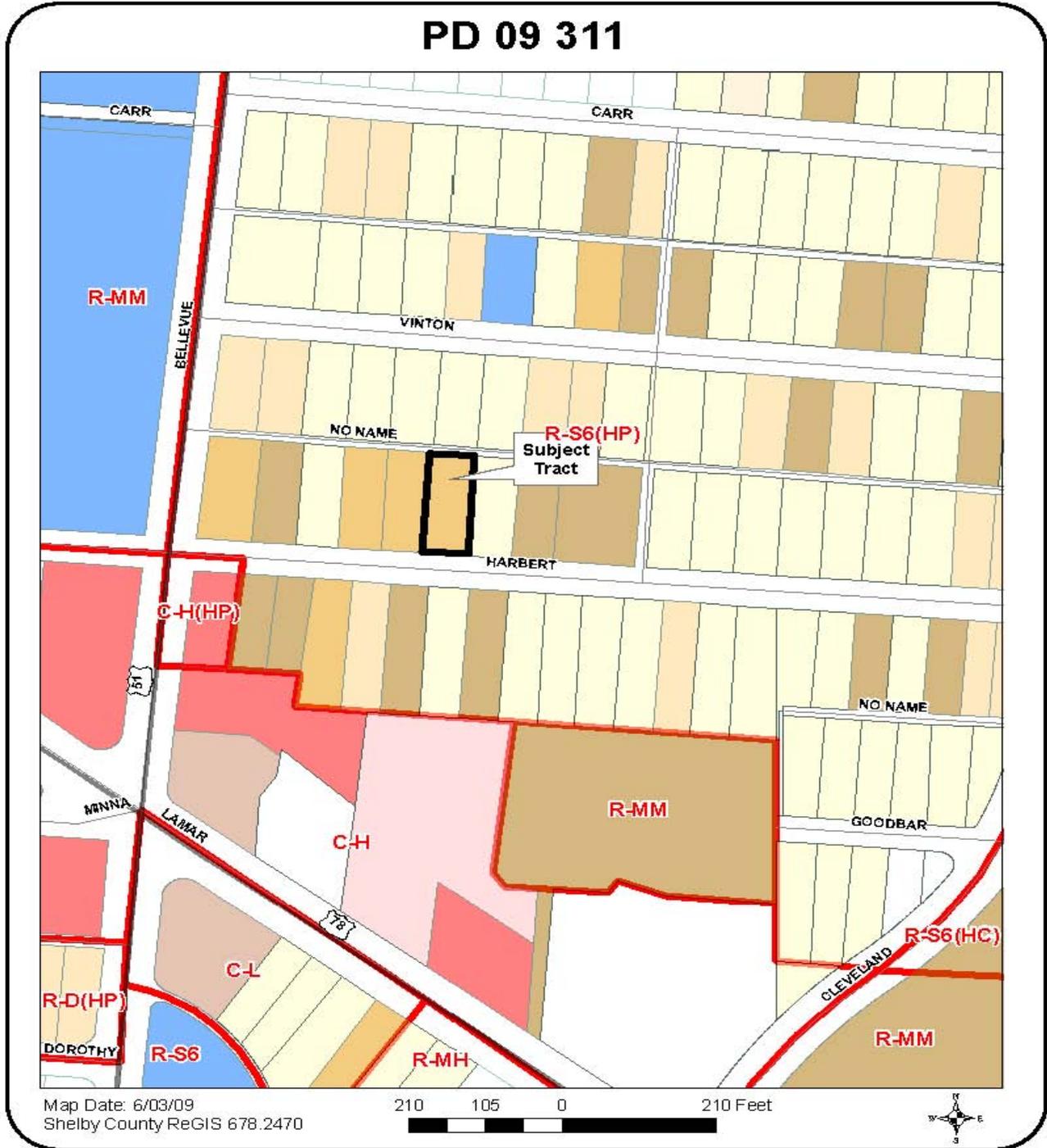
**Staff:** Brian Bacchus

**E-mail:** [brian.bacchus@memphistn.gov](mailto:brian.bacchus@memphistn.gov)

***CONCLUSIONS:***

1. A triplex residential building is not defined in the current Zoning Ordinance, but would be considered a multi-family dwelling. A multi-family dwelling is defined as: A dwelling designed for or occupied by more than two families. The structure by exterior appearance is designed as a single family structure, but is requested to be occupied by more than two families or occupants.
2. The prior use of this building is of great importance, since current public records indicate a triplex land use. There are also similar residential structures on this street used as residential triplexes, but originally designed as single family residential structures.
3. The parking requirements in the Zoning Ordinance are based on the number of bedrooms for each unit in the building. It's difficult to determine by public record the number of bedrooms for each unit. However, since the request is a 'triplex' we assume one(1) bedroom per unit which requires one(1) parking space for each unit with two(2) or less bedrooms.
4. The site design issues are minor as opposed to the use of the property. The owner of this building is also the owner of the adjacent residential structure to the west and the two land uses could possibly share internal access, circulation and parking. The use of these structure should always appear as single family residential and not appear as a multi-family complex similar to other land uses along Harbert Avenue.
5. The questions still remain: When did this land use convert to multi-family? Is the land use or structure legal non-conforming? By public record, it is difficult to determine, but building permit data could help in making this determination. The down-zoning occurred in the late 1970's and the Annesdale Park Historic Preservation(HP) District designation was approved November 7, 1989.

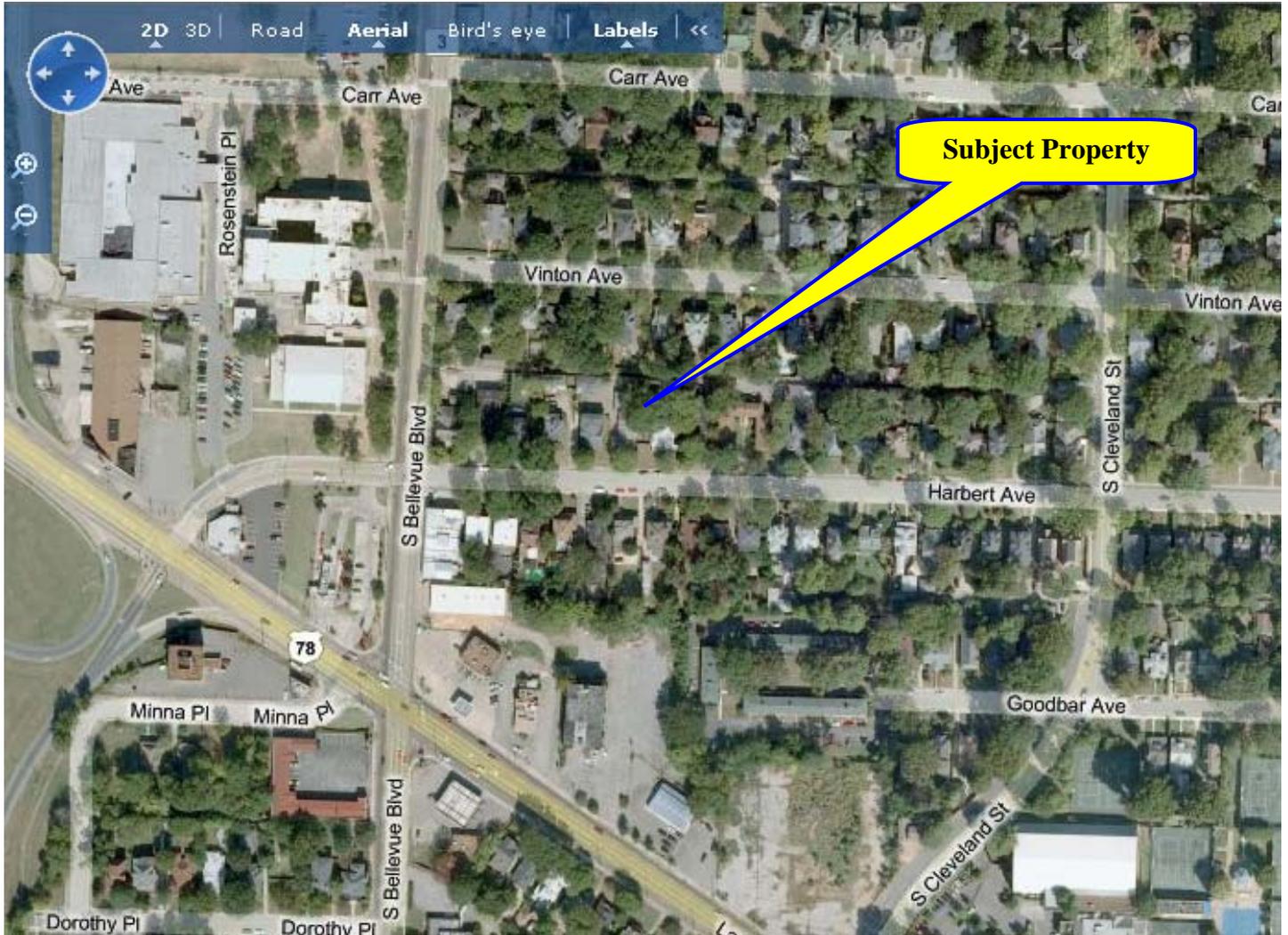
ZONING & LAND USE:



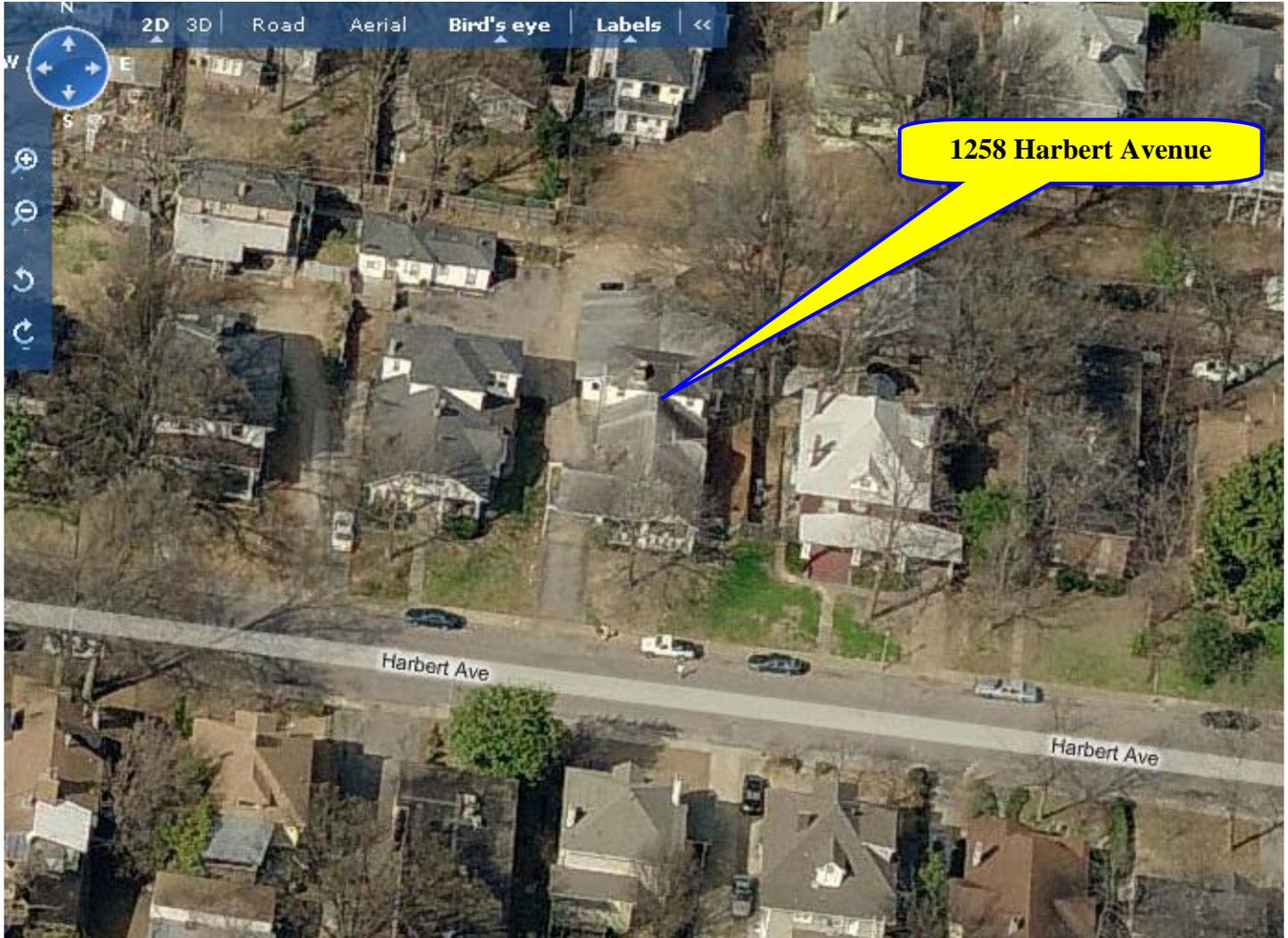
AERIAL ZONING MAP



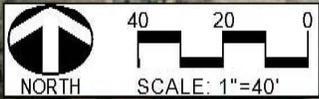
*Annesdale Park Subdivision*  
*(Aerial View)*



1258 Harbert Avenue  
(Bird's Eye View)



1258 Harbert Avenue  
(Aerial View)



PREPARED BY:  
*Brenda P. Solomito*  
Land Planner  
10145 Mackwood Drive • Lakeland, TN 38002  
brendasolomito@bellsouth.net

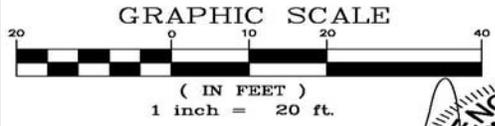
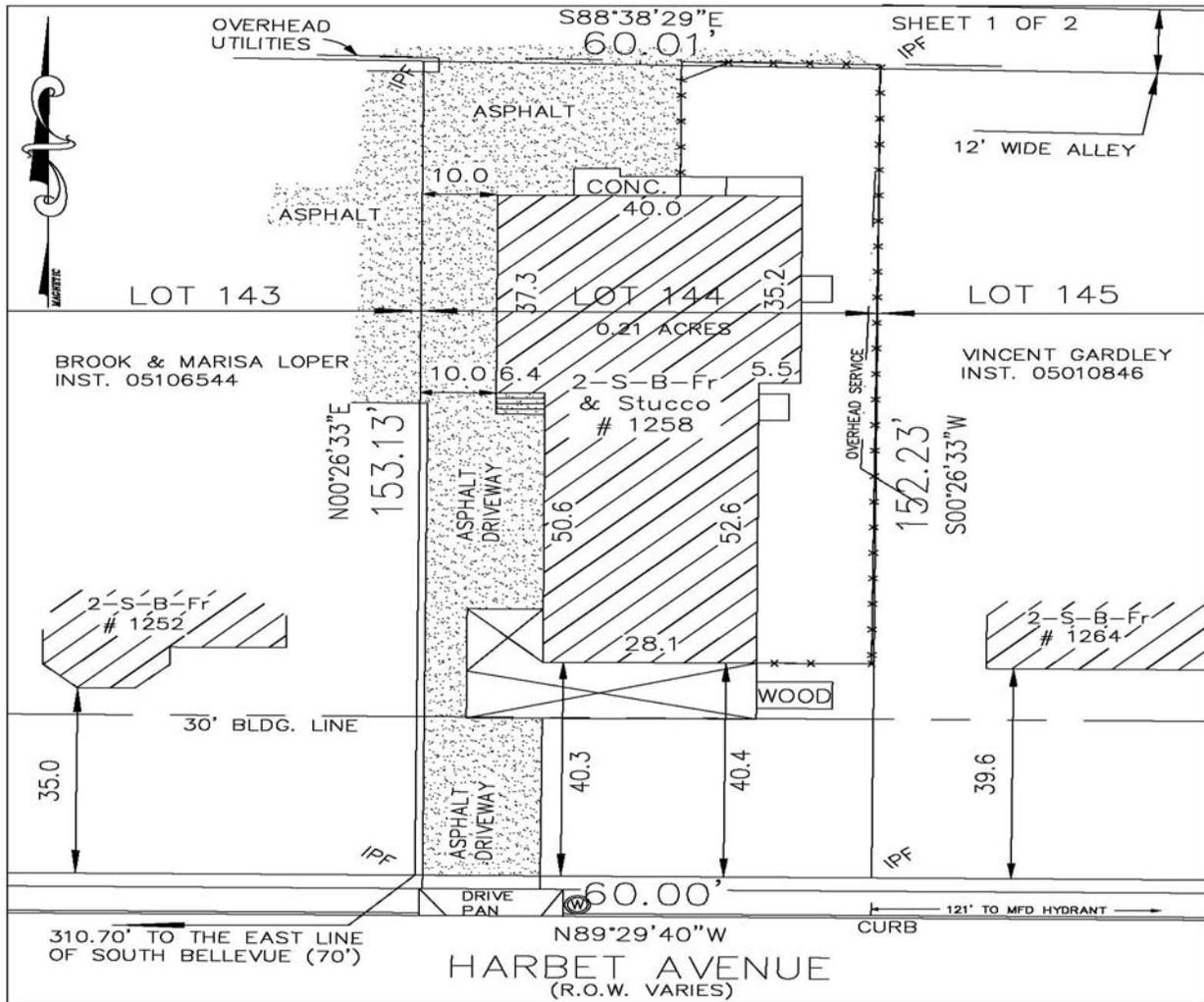


764 Deans Creek Drive, Collierville, TN 38017  
(Work) 901.457.0528 (Cell) 901.230.5867

DATE: 4/28/2009 JOB No: 09028

**Aerial Photograph**  
**HARBERT**  
**PLANNED DEVELOPMENT**  
**MEMPHIS, TENNESSEE**  
(LOT 144, ANNESDALE PARK S.D.)  
TOTAL AREA: 0.21 Acres  
OWNER/DEVELOPER:  
**Brook and Marissa Loper**  
280 Revell Point North  
Collierville, TN 38017  
PREPARED BY:

**SURVEY**  
**(1258 Harbert Avenue)**



I hereby certify that this is a category 1 survey and that the ratio of precision of the un-adjusted survey is 1:15,000 or greater as shown hereon.

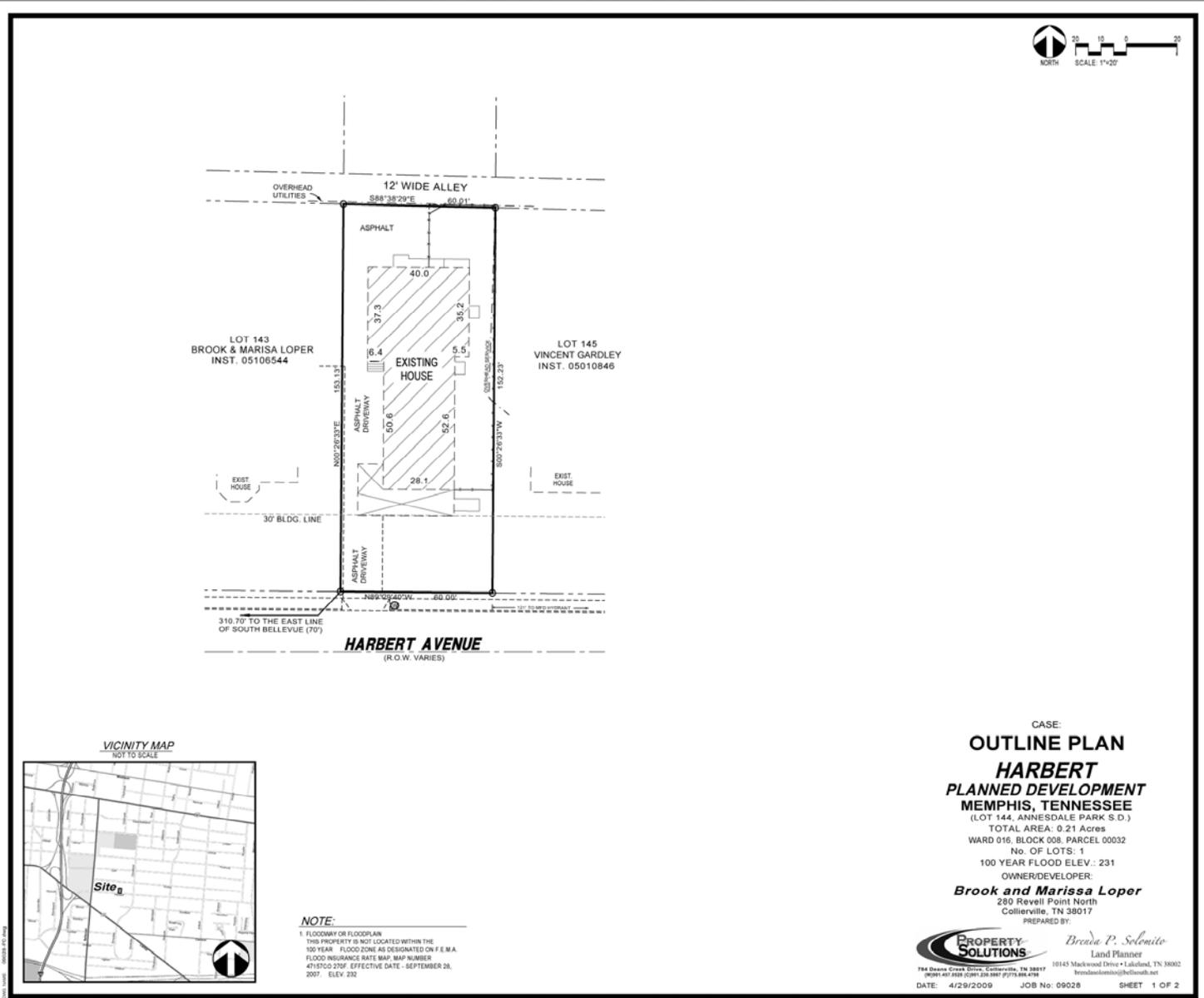


SURVEY OF:  
1258 HARBET AVE,  
LOT 144, ANNESDALE PARK S.D.  
P.B. 4, PAGE 36 R.O.S.C.  
MEMPHIS, SHELBY COUNTY, TN  
Prepared for: BRENDA SOLOMITO  
SEE SHEET 2

Lawrence E. Astin  
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 101 • MEMPHIS, TN 38119 • (901) 683-9114

- Legend
- P.O.B. = Point of Beginning
  - IPF = Iron Pin Found
  - IPS = Iron Pin Set
  - O.E. = Overhead Wires
  - N = North
  - S = South
  - E = East
  - W = West
  - CPS = Cotton Picker Spindle
  - R/W = Right of Way
  - D.P. = Drain Pipe
  - PK Set = P.K. nail set

**OUTLINE PLAN:**





***STAFF ANALYSIS:***

***Site Description***

The subject property is Lot 144 in Annesdale Park Subdivision located on the north side of Harbert Avenue; +/-310 feet east of South Bellevue Boulevard in Midtown Planning District. The lot is a 0.21 acre or 9,147 square feet in area occupied by a two-story brick, frame and stucco residential building. There is curb, gutter and sidewalk along the north and south side of Harbert Avenue, including a mature oak tree in the front yard and a fig tree in the rear yard at the northeast corner of the lot.

The home was built in 1920 and considered an historic structure located in an Historic Preservation(HP) District. The structure was recently approved by the Landmarks Commission for a Certificate of Appropriateness(COA) in March, 2009. The residential structure has a front porch and a carport and setback from the street forty(40) feet. A private drive is on the west side and access is also from a public alleyway with ingress/egress from South Bellevue and Harbert Avenue. There are at least two(2) parking spaces to the rear of the structure with access from the public alley and an outdoor patio space on the east side enclosed in a wood fence with an access gate.

***Area Overview***

The immediate area is located just northeast of the intersection of Lamar Avenue and South Bellevue Boulevard in the Midtown area of the City of Memphis, but more specifically in Annesdale Park Historic Preservation District. This area was down-zoned from multi-family(R-MM) zoning to Single Family Residential(R-S6) District zoning in the late 1970's and the Historic Preservation(HP) District zoning was approved November 7, 1989 by Ordinance #3899. This neighborhood was approved for 161 lots in 1903 and developed by the Annesdale Park Company from the A.B. Carr Tract for Annesdale Park Subdivision. The neighborhood received Historic Preservation(HP) designation in 1989 for this subdivision being developed in the early 1900's. The area developed and has remained primarily single family residential since the creation of the subdivision with the exception of some apartment buildings built prior to the down-zoning in 1978.

The land use in the immediate area consists of small retail establishments and a bicycle shop at the southeast corner of Bellevue and Harbert Avenue. There are several commercial establishments that front on Lamar Avenue, including a carry-out restaurant with a drive-thru lane all in Highway Commercial(C-H) District zoning. Farther south of the subject property are garden apartments in R-MM District zoning with access from Goodbar Avenue. The land use at the west side of South Bellevue is Bellevue Junior High and Bruce Elementary Schools. The dominant land use in the area remains single family residential in Single Family Residential Historic Preservation(R-S6[HP]) District with some duplex, triplex and multi-family development concentrated in the southwestern portion of the neighborhood.

**Land Use vs. Historic Preservation**

The request is for a planned development to allow the renovation and use of the property as a triplex and obtain separate utility meters for the tenants. A triplex residential building is not defined in the current Zoning Ordinance, but would be considered a multi-family dwelling. A multi-family dwelling is defined as: A dwelling designed for or occupied by more than two families, hence the request by the applicant. The structure by exterior appearance is designed as a single family structure, but is requested to be occupied by more than two families or occupants.

The prior use of this building is of great importance, since current public records indicate a triplex land use. There are similar residential structures on this street used as residential triplexes, but originally designed as single family residential structures. The applicant's proposal is a multi-family dwelling and according to public records a total of eight(8) rooms: four(4) bedrooms and four(4) bathrooms with total living area 3,252 square feet. There is head-in parking along the private drive and parking to the rear of the structure, but is not reflected on the Outline Plan. The parking requirements in the Zoning Ordinance are based on the number of bedrooms for each unit in the building. It's difficult to determine by public record the number of bedrooms for each unit. However, since the request is a 'triplex' we assume one(1) bedroom per unit which requires one(1) parking space for each unit with two(2) or less bedrooms. The parking in this instance would be three(3) required spaces and the typical single family home allows a maximum of four(4) parking spaces.

The Outline Plan should illustrate the location of required parking spaces and the preservation of mature trees and shrubs, including sidewalks, walkways and the use of outdoor patio space at the east side of the building. The site design issues are minor as opposed to the use of the property. The owner of this building is also the owner of an adjacent residential structure to the west and the two land uses could possibly share internal access, circulation and parking. The use of these structures should always appear as single family residential and not appear as a multi-family complex similar to other land multi-family uses along Harbert Avenue. The questions still remain: When did this land use convert to multi-family?. Is the land use or structure legal non-conforming? By public record, it is difficult to determine.

The Annesdale Park Historic District and zoning was approved November 7, 1989. The down-zoning to the R-S6 District dates from the late 1970's. However, there is also an issue regarding Nonconforming Uses of Land and Structures; more specifically in this instance Section 30-B.1. and 6 'Authority to Continue' and 'Abandonment or Discontinuance', respectively in the Zoning Ordinance-Regulations. Until these issues are addressed, a rational recommendation cannot be accomplished without significant proof and further research regarding the use of this property. According to officials at Construction Code Enforcement, the permit issued for the proerty was for a single family dwelling. (See attached statement regarding the status of the permit attached to this report).

**RECOMMENDATION:**        ***Hold for Thirty(30) Days***

***OUTLINE PLAN CONDITIONS:***

**I. USES PERMITTED:**

- A. Any use permitted in the Residential Single Family(RS-6) District by right or administrative site plan approval and the following additional use:
  - 1. Tri-Plex
  
- B. The following uses are specifically excluded:
  - 1. Boarding House
  - 2. Fraternity or Sorority House
  - 3. Group Shelter
  - 4. Day Care Center
  - 5. Family Day Care Home
  - 6. Group Day Care Home
  - 7. Lodge, Club or Country Club
  - 8. Museum
  - 9. Nursery School
  - 10. Public Building
  - 11. Motel
  - 12. Residential Home for the Aged
  - 13. Student Dorm
  - 14. Transitional Home
  - 15. Cemetery

**II. BULK REGULATIONS:**

- A. The bulk regulations for the planned development shall be generally in conformance with the Residential Single-Family (RS-6).

**III. ACCESS, PARKING AND CIRCULATION:**

- A. Access to the existing building shall be via Harbert Avenue and the existing public alley.
- B. Parking shall be provided in accordance with Section 28 of the Zoning Ordinance.
- C. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
- D. The City Engineer shall approve the design, number and location of curb cuts.
- E. The developer will be responsible for the replacement of any damaged curb, gutter and sidewalk, and these improvements will be required to meet ADA requirements.

**IV. LANDSCAPING, SCREENING & SIGNS:**

- A. The existing streetscape and landscaping around the perimeter of the property shall be maintained.
- B. There shall be no identification signs on this property, only street numbers.

**V.** The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site requirements if equivalent alternatives are presented: provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten (10) days of such action file a written appeal to the director of the Office of Planning and Development to have such action reviewed by the Appropriate Governing Bodies.

**VI.** An Outline/Final Plan shall be filed within five(5) years of the approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.

**VII.** Any final plan shall include the following:

- A. The Outline Plan conditions.
- B. The location and dimensions including height of all buildings or buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
- C. The location and ownership, whether public or private, of any easements.
- D. A statement conveying all common facilities and areas to a property owner's association or other entity for ownership and maintenance purposes.
- E. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

***GENERAL INFORMATION:***

**Street Frontage:** Harbert Avenue-----+/-60 linear feet.

**Planning District:** Midtown

**Census Tract:** 35

**Zoning Atlas Page:** 2030

**Parcel ID:** 01600800032

**Zoning History:** The Annesdale Park neighborhood was down-zoned in the late 1970's along with most of the residential neighborhoods in Midtown. The Annesdale Park Historic District Plan and Historic Preservation(HP) District designation was approved by Memphis City Council on November 7, 1989.

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***DEPARTMENTAL COMMENTS:***

*The following comments were provided by agencies to which this application was referred:*

**City Engineer:**

Curb Cuts/Access:

1. The City Engineer shall approve the design, number and location of curb cuts.
2. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
3. The developer will be responsible for the replacement of any damaged curb, gutter and sidewalk, and these improvements will be required to meet ADA requirements.

**Memphis Fire Services:** Is the way to do it? SUP, UV?

**Memphis & Shelby County Health Department:** The Water Quality Branch has no comments.

**Memphis Board of Education:**

PD 09-311 (Harbert Avenue Planned Development) The schools in this area are functioning in excess of capacity and are not prepared to accommodate a substantial increase in density. The school aged children in this area are zoned to the following schools:

Bruce Elementary which is functioning at 82.8% capacity Bellevue Middle which is functioning at 99.5% capacity Central High which is functioning at 117.0% capacity

**Construction Code Enforcement:**

No comments received.

**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 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 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 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 utility easement without prior approval. It is the responsibility of the owner/applicant to comply with Memphis/Shelby County Zoning Ordinance - Landscape and Screening Regulations.
- **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 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).
- **Fire Protection Water Services: It is the responsibility of the owner/applicant** to contact **MLGW - Water Engineering @ 528-4720** to obtain fire protection/water flow information. If water main extensions and/or an increase in existing main sizes are needed to meet the minimum fire flow rate to serve the proposed development, the owner/applicant will be responsible for the cost of these improvements.
- Please refer to Section 12.1.1 and Appendix A of the **MLGW Water Service Policy Manual**, which is available online at the following MLGW website: [http://www.mlgw.com/images/water\\_manual.pdf](http://www.mlgw.com/images/water_manual.pdf)
- **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 528-4855 for application of utility services.
- All commercial developers must contact MLGW's Builder Services line at 367-3343 to initiate the utility installation 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:**

AT&T Tennessee has no comment.

**Memphis Area Transit Authority (MATA):**

No comments received.

**OPD-Regional Services:**

No comments received.

**OPD Landmarks:**

This case came before the Landmarks Commission as the result of a stop-work for work being done without a Certificate of Appropriateness (COA). The applicant was willing to work with staff. The Commission heard the case for the expansion of the second floor. As this kind of addition is common in the Landmarks districts and there is evidence of such an addition on another similar house in Annesdale Park the Commission approved the application. MLC 09-051 approved on March 26, 2009.

Please note that the Landmarks Commission does not deal with the use of any of the properties within our designated districts. However, this part of Annesdale Park is currently zoned R-S6 for single family which was how it was historically built. Over the years several of the single family properties have been turned into apartments a trend that the neighborhood association has been working to reverse.

**OPD-Plans Development:**

No comments received.

**TN Dep't of Environment & Conservation:**

Be advised that it is the responsibility of the individual developer/builder/land owner to obtain the proper permits through the Corps of Engineers or TDEC. If there are no waterways or wetland areas on this property, no ARAP or 404 permits are required. If surface waterways or any areas that stay wet for long periods of time exist on the property, the responsible party should contact this office for a proper determination.

**Neighborhood Associations/Organizations:**

<i>Annesdale Park Ngh'd Association:</i>	<i>See attachments.</i>
<i>Central Gardens Area Association:</i>	<i>No additional comments received as of 7/02/09.</i>
<i>Glenview Community Development Partners:</i>	<i>" "</i>
<i>Annesdale-Snowden Ngh'd Assoc.:</i>	<i>No additional comments received as of 7/02/09.</i>
<i>New Pathways:</i>	<i>" "</i>
<i>South Memphis Neighborhood Inc.:</i>	<i>No additional comments received as of 6/05/09.</i>
<i>31<sup>st</sup> Ward Civic Club:</i>	<i>" "</i>

**Support Letters & Applicant's Response:**

*See attachments.*

**Land Use Control-East Office:**

*Status Report attached.*

*Staff: bb*

**Opposition Letters:**

From: Cathy Winterburn [mailto:cathywinter@yahoo.com]  
Sent: Wednesday, March 18, 2009 10:13 AM  
To: Saliba, Norman  
Cc: Andrew McGill  
Subject: 1258 Harbert Avenue and other questions.

Mr. Saliba,

I just want to follow up on our recent conversation regarding the house at 1258 Harbert. Back in the late 1970's when we got the neighborhood on the National Register and the Local Landmarks, this property was a child care center. When the property was sold, it slipped into a duplex, but it has never been a triplex, and the Annesdale Park Neighborhood Association will oppose such usage. We are in the process of determining if it has been empty for a year prior to Mr.Loper's purchase. If so, shouldn't it be reverted to single family?

Just in case you are not familiar with this part of Harbert Avenue, it has several apartment buildings and duplexes, and there is no need for additional rentals. We have plenty to accommodate the market. We also worry about environmental issues and parking density.

On another note, how do we keep your office informed when people try to misuse some of the older houses and make them multi-family? It is my understanding if a property sits empty for one year it reverts to the single family usage. Am I correct?

Also, if part of a large house has had two rooms used as a small efficiency apartment (single family usage) for over 20 years, can it ever be expanded to be multi family. We have someone in the neighborhood that has been sitting on a property with this sort of usage for over 20 years and vows he will make it a quadraplex some day. How do we address this?

One more question, please. Can you tell me about the zoning use for houses in the 1242 Peabody area. I know it is small office/commercial, but does that mean it can also use a second floor for rental/residential.

Thanks for your help.

Cathy Winterburn  
President  
Annesdale Park Neighborhood Association  
1241 Vinton Avenue (here for 32 years)  
Memphis, TN 38104

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Comments By: Catherine A. Winterburn, President, Annesdale Park Neighborhood Association  
We of the Annesdale Park Neighborhood Association, and I as a resident behind this property, oppose the application to make this house a triplex for the following reasons:

Over 30 years ago, the Annesdale Park Neighborhood Association was founded with the mission to have the neighborhood zoning changed to single family to protect the integrity of the neighborhood. We were the first neighborhood district in Memphis to be listed on the National Register of Historic Places, and we are part of the Local Landmarks Designations. There have been significant improvements and reclamation of properties back to single family status. Annesdale Park contains many beautifully renovated Victorian houses, demonstrative of residents who support preservation. During the recent months, five homes have sold, and each of these has either been totally renovated or refreshed.

The neighborhood association recently enjoyed a 60% increase in membership. We are among the founding members of the Midtown Security Council, which was started a year ago with the mission of working with other Midtown Associations on crime prevention. These actions reflect the commitment and dedication of our association and residents to this neighborhood's mission.

Andrew McGill, Annesdale Park Housing Manager, and I met Mr. Loper in front of this property before he undertook renovations. We explained the zoning rules to him. He indicated at that time he did not intend to make it into a triplex, and that he "wanted to work with the neighborhood." We do not consider making this property a triplex to be "working with the neighborhood." In fact, it goes against everything we have worked for during the past 30+ years.

There is plenty of rental property, duplexes, apartments and triplexes, on Harbert near this property. Additional multiple use housing is needed. A commitment to the neighborhood would be a single home renovation, which supports our mission as well as being more environmentally friendly for us and for the city, e.g. less vehicle traffic.

One final note about Mr. Loper. He indicated to Mr. McGill that if the property remains single family, he "intends to rent to Section 8 housing clients."

If you have any questions, please let me know. We will attend your meeting.

Sincerely,  
Catherine A. Winterburn  
President  
Annesdale Park Neighborhood Association  
1241 Vinton Avenue  
901.726.9492

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Comments As Follows By: J. Andrew McGill

Our 106 year old Historic Landmark Preservation Neighborhood is small and already suffers from the presence of too many rental units. The increasing number of cars severely limits parking. The proposed triplex is within a building that has limited parking space and on the end of Harbert Avenue that has a concentration of rental units that already stand partially vacant. The proposed triplex has not legally been a triplex in the past. It has also stood vacant for nearly 2 years.

According to the rules that govern our Landmarks Historic neighborhood, It should revert to a single family dwelling. I strongly support these rules being followed. To allow this developer to circumvent those rules may allow others to do so also. Mr. Loper has repeated several times to several people in the neighborhood, while circulating a petition of support for his project, that if he is not allowed to make the building a triplex, that he will make it available under the section 8 program. This is an unethical tactic to pressure those immediately around the property to allow his triplex. We must preserve the quality of life in our neighborhood while taking the current economic conditions into consideration. Please do not allow this planned development to move forward without due consideration to the wishes of the residents.

Sincerely,  
J. Andrew McGill  
Housing Chairman  
Annesdale Park Neighborhood Association  
228-326-3739

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As a neighborhood homeowner, I am concerned with the proposed Triplex at 1258 Harbert.

I purchased my home at 1234 Vinton in 2002. I was concerned with the number of apartments and houses converted to multi-family dwellings and wanted to continue searching for a home in Central Gardens. My realtor and neighbors were able assuage my concerns by sharing with me the strengths of the growing neighborhood association (Annesdale), the strong presence of the Landmarks Commission and the knowledge that local ordinance dictated if a house was vacant for more than a year, the house would have to be returned to a single family home. Based on this information, we chose to purchase the house and make Annesdale our home.

We have enjoyed living in Midtown and felt hopeful the neighborhood would flourish with single family homeowners. I have watched the neighborhood with growing concern due to the number of apartments, multi-family dwellings and in one instance...a half-way house. With the current economic situation, several homes have been foreclosed or turned into rentals. Yet, I am concerned that investors will seek opportunities to take advantage of the economic crisis, purchase single family homes at "distressed" prices and change the face of our neighborhood thru conversion to "rental/multi-family" dwelling. Note: Fortunately, at least 1 of these units has been returned to a single family home.

I implore you to enforce the existing ordinance and deny Mr. Lopers request to convert 1258 Harbert to a 'Triplex'.

Sincerely,  
Daniel Bishop

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The proposed development on Harbert Ave (i.e. the triplex) is not consistent with the historic and protected nature of the Annesdale Park Historic District. I and my wife are strongly opposed to the permitting of the proposed development, and will support any efforts that oppose said development.

From: David Brown [david@splashcreativeink.com]  
Sent: Thursday, June 04, 2009 4:28 PM  
To: Bacchus, Brian  
Subject: tri-plex

I am a resident of Annesdale Park (1338 Carr Avenue) and I am opposed to another multi-family dwelling in our historic and small neighborhood.

Help us as we work to preserve the quality of our neighborhood as single family.

David Wayne Brown

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**From:** Daniel Fundo [Daniel.Fundo@BMHCC.org]  
**Sent:** Tuesday, June 02, 2009 4:26 PM  
**To:** Bacchus, Brian  
**Subject:** Triplex at 1258 Harbert...

Mr. Bacchus,

I am writing to express my vehement objection to allowing a triplex at 1258 Harbert. There are several reasons for this. Firstly, our neighborhood is zoned for single family homes and has been for nearly 30 years. Per the zoning rules, if a house sits empty for a year it must go to single family status. This property fits that criterion.

The second reason is that the Lopers have little stake in the neighborhood beyond collecting the rent checks from their tenants. The problems created by having absentee landlords are well-documented and I will not elaborate on them here. The Lopers live in Collierville, which diminishes their effectiveness at dealing with issues that may arise. I sincerely doubt they would build a triplex in the neighborhood that they live in. We don't want one in ours. There are already plenty of apartment buildings here.

There is already an occasional noise problem, particularly in the alley behind that location (loud yelling and other noises at night especially in the summer). The house directly behind us (we're at 1255 Vinton) frequently has loud music coming from it, sometimes into the late evening. I believe this property also belongs to the Lopers. My fear is that adding not one, but potentially three residents/families to this area will simply exacerbate these issues, not mitigate them.

My last reason is one of neighborhood stability. A rotating door of renters through a triplex does not contribute positively to the sense of community that we are trying to build. This sense of community motivates people to be active in the neighborhood association, maintain properties, and look out for one another. Few of the current renters in the neighborhood are active in the association.

I sincerely appreciate your time and hope you will take these points into consideration.

Regards,

*Daniel A. Fundo, Jr.*

---

Bill Davies  
1336 Harbert-Resident/Owner

There is inadequate parking on street to support additional rental units. There is no good cause to allow this change to a triplex. Please do not approve.

---

I would like to protest the triplex being proposed at 1258 Harbert Ave. by Mr. Brook Loper. The Annesdale Park neighborhood has many multi-resident houses/apartments and most have for rent signs in the front yard. As these vacancies remain, the properties are neglected and are an eye sore in the neighborhood. Absentee land lords do not maintain the property as family maintains their home. As I can appreciate the desire to have rental property in this area, a single family home is more desirable for the neighborhood and it's residents. This home does not support parking for three families and parking on the street is already limited. If a triplex was built on this street the residents on Harbert would be competing for parking spaces. Annesdale Park is working hard to restore the neighborhood that once existed many years ago. Considering this home has been vacant for over a year and was originally a single family home, I ask that you enforce the Landmarks Historical guidelines and return this home to single family occupancy.

Thank you,

Jenny Garnett  
1336 Carr Ave. 38104

---

**From:** Dr. Barbara Jennings [math0618@bellsouth.net]  
**Sent:** Tuesday, June 02, 2009 11:38 PM  
**To:** Bacchus, Brian  
**Subject:** 1258 Harbert Avenue; P. D. 09-311

Dear Mr. Bacchus,

We are writing to ask that you, and the members of the Land Use Control Board, intervene on our behalf as members of the Annesdale Park Neighborhood Association and the neighborhood itself to prevent the bungalow at 1258 Harbert from being turned into a triplex. We are vehemently opposed to such development.

We have lived at 1320 Carr Avenue, in Annesdale Park, since 1989. At that time, a number of properties surrounding our home were rental properties. Unfortunately, renters do not have the same vested interests in keeping their yards and properties attractive, and we had numerous problems with noisy parties, trash in the streets and sidewalks, and general lack of attention to the property. Through the years, the houses have been purchased by families, and they have taken great pride in their properties, renovating and landscaping them.

Our neighborhood worked diligently to obtain its status as a historic preservation district. We are proud of our work to maintain the historic integrity of our neighborhood. With that designation comes certain expectations. The neighborhood association has had to deal with people in the past that felt that the guidelines did not apply to them, and that they did not have to abide by the rules.

Apparently, this absentee landlord also feels that the rules do not apply to him.

Our request is that you help us to maintain the quality of our historic neighborhood by keeping it as the National Historic District designation intends it to be. We do not want absentee landlords to change the guidelines to suit their purposes; rather, we believe that it is the responsibility of a property owner to know the rules and guidelines that apply in a specific district prior to purchasing that property. We also expect that those property owners will abide by the rules and guidelines that are established in our neighborhood.

If the landlord intended to convert the bungalow into a triplex at the time he purchased it, he should have done enough research to understand that that was not a possibility in this neighborhood.

Thank you very much for your attention to this matter. We look forward to a resolution of this problem that is consistent with the historic neighborhood in which we live.

Drs. Barbara Jennings and Dennis Mathews  
1320 Carr Avenue  
Memphis, TN 38104  
276-4268

---

From: Nigel Lewis [nigel123@bellsouth.net]  
Sent: Thursday, June 04, 2009 12:28 PM  
To: Bacchus, Brian  
Subject: Harbert Avenue Planned Development

Dear Mr. Bacchus,

My home is at 1261 Harbert Ave. I would like to voice my opposition to any new triplex development due to issues with traffic, litter and unsavory undesirable characters. The home sat vacant for a few years.

I would pose the questions, 1) if the home sat unoccupied and available for rent for two years, why now would an expansion result in new tenants? 2) why increase the number of tenants / traffic when there will be no new parking?

I would like to reiterate my absolute opposition to any new development on Harbert across the street from my home.

Mr. Loper owns the property next to my home and across the street from my home. Multidwelling homes decrease the property value and lead to crime and litter. His tenants repeatedly block and utilize my drive without permission.

Sincerely,  
Nigel R. Lewis  
Sent from my iPhone

---

**From:** Mr. Packwood [mrpackwood@yahoo.com]  
**Sent:** Tuesday, June 02, 2009 10:02 AM  
**To:** Bacchus, Brian  
**Subject:** Please say NO to Case Number P.D. 09-311  
Dear Mr. Bacchus,

My name is Robert Packwood and I'm emailing you today to ask you NOT to approve Case Number P.D. 09-311 on Harbert Ave. I have owned my home at 1301 Harbert Ave. for almost 20 years now and I'm very concerned that the Lopers want to add more apartments to our street. The property owners should be held to the existing zoning "Single Family" and home reverted back to a single family dwelling to help protect the integrity of our historic neighborhood.

Annesdale Park was established in 1903 as the "The First Subdivision of the South" and in 1978 it was listed on the National Register of Historic Places. This listing recognizes Annesdale Park's significance in American history, architecture and culture. In order to ensure the preservation of our historic homes, Annesdale Park also became a local Historic Preservation District under the protection of the Memphis Landmarks Commission.

The Annesdale Park Neighborhood Association was formed in 1976 by concerned homeowners in order to stop developers coming in and destroying historic homes to put in apartments for profit. I am an active board member and I implore you to help us maintain the beautiful neighborhood we have all worked so hard to maintain and improve.

Sincerely,

Robert Packwood  
1301 Harbert Ave.  
Memphis TN, 38104  
901-726-4883

---

**From:** Ponnath,John [John.Ponnath@edwardjones.com]  
**Sent:** Thursday, May 28, 2009 2:03 PM  
**To:** Bacchus, Brian  
**Subject:** Planned Harbert Development  
Mr. Bacchus,

I do not approve of the planned project for Harbert Avenue. This type of dwelling does absolutely nothing to aid in the betterment of our local community. Although it would benefit the balance sheet of the owner, it is not prudent for our local government to authorize and/or aid in the development in such a project that will benefit one, to the detriment of many. I would like to see one example in which a past project of this sort has had a positive impact on the its immediate surroundings.

I do not approve of this project.

Respectfully,

John Ponnath  
Financial Advisor  
Edward Jones  
1264 Peabody Ave  
Memphis, TN 38104  
(901) 276-8777

---

**From:** Richard Sherman [rsherman1@yahoo.com]  
**Sent:** Tuesday, June 02, 2009 6:00 PM  
**To:** Bacchus, Brian  
**Cc:** kathywinter@yahoo.com; Suzanne Onstine  
**Subject:** Opposition to Application for Multi-Family Housing at 1258 Harbert Ave.

Dear Mr. Bacchus:

My name is Richard Sherman. My wife, Suzanne, and I currently reside at 1317 Harbert Ave. I am employed as a civilian supervisor with the Shelby County Sheriff's Office, and my wife is an Assistant Professor at the University of Memphis.

Firstly, let me offer my thanks in advance to you and the Land Use Control Board for providing us the time and opportunity to address an issue that is one of the core issues for the Annesdale Park Neighborhood Association ("APNA"). I regret that I will be unable to attend the hearing on June 11, 2009, but hope this e-mail will suffice to represent my personal views as a member of the APNA.

The APNA, myself included, is opposed to the application for multi-family housing submitted by Mr. Loper for his property located at 1258 Harbert Ave. Mr. Loper's application, on its face, goes against the mission of the APNA, a significant part of which is to preserve and protect the historic character of Annesdale Park, which has always primarily been a community of single-family residences.

In fact, Annesdale Park is the oldest organized neighborhood in the City of Memphis, and has seen a resurgence of membership, with a more an approximate 60% increase speaking to the wide community acceptance and desirability of APNA's mission.

As background, approximately thirty years ago APNA applied to have our neighborhood "down-zoned" to single-family status, so we could preserve the historic integrity of the neighborhood. My understanding of the applicable zoning regulations indicate that if a residence originally used for multiple families (e.g. duplex, triplex, etc.) is left empty for a year or more, it must revert to a single-family residence, unless the owner applies for a Planned Unit Development. We oppose this application. APNA and its officers are acting to preserve the status we worked so hard to obtain those thirty years ago.

Annesdale Park has seen many recent purchases of multi-family houses which have been converted back to single-family residences, and renovated to maintain or improve the historic character of the house. APNA needs this trend to continue. Additionally, there is already a sufficient number (some would argue too many) of rental units located in Annesdale Park to support the larger needs of the Memphis community, including the substantial medical workforce serving the Methodist Hospital complex located on Union Ave. Turning the 1258 Harbert house into a triplex will only create more vehicle traffic and parking problems, already a serious issue for our neighborhood.

Again, thank you for your time and attention. If you should have any questions, please feel free to e-mail me, or my day time (work) phone number is (901) 545-2928.

Rich Sherman  
[rsherman1@yahoo.com](mailto:rsherman1@yahoo.com)

**HARKAVY  
SHAINBERG  
KAPLAN &  
DUNSTAN PLC**

ATTORNEYS AT LAW

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\*\* New York  
\* Massachusetts

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June 3, 2009

Mr. Brian Bacchus  
Memphis and Shelby County  
Office of Planning and Development  
125 N. Mid America Mall  
Memphis, TN 38103

VIA COURIER

Re: 1258 Harbert PUD

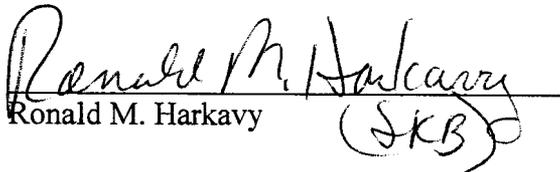
Dear Brian:

I am enclosing herewith the letters that were emailed to Mary Baker last week and again Tuesday. Also, enclosed is a color coded map showing you that there are numerous multifamily houses, as well as apartment buildings, between Cleveland and Bellevue on Harbert and on Vinton. Also, there is a large multifamily complex immediately behind the houses on the south side of Harbert.

The subject property was purchased out of foreclosure as a triplex with each unit having three bedrooms, a kitchen, and two baths, at the time of purchase. The owner has proposed a major restoration of the property, as it was in bad condition when he purchased it. He has a major investment in this area, including a fiveplex next door and a triplex across the street at 1252. I am sure you have seen these properties and can confirm that they are kept in excellent condition. The subject property has three separate entrances and each unit within the building is totally separated from the others.

Thank you for your usual expeditious manner of handling this. If you need any additional information, please do not hesitate to call upon me.

Sincerely,

  
Ronald M. Harkavy (SKB)

RMH/skb  
Enclosures



**Sandy Bond**

---

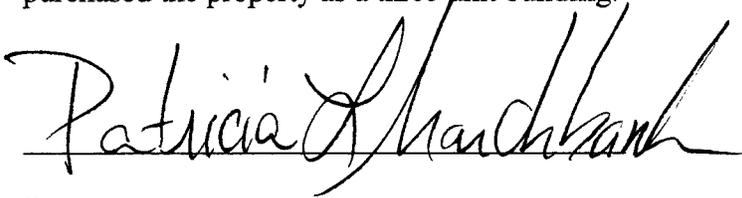
**From:** Sandy Bond on behalf of Ronald Harkavy  
**Sent:** Tuesday, May 26, 2009 11:16 AM  
**To:** 'Mary.Baker@memphistn.gov'  
**Subject:** 1258 Harbert PUD

Attached are letters received relative to the captioned PUD. I will continue to send them to you as I receive them. Thanks.

Ronald M. Harkavy, Esq.  
HARKAVY SHAINBERG KAPLAN & DUNSTAN PLC  
Attorneys at Law  
3060 Poplar Avenue, Suite 140  
Memphis, TN 38119  
Telephone (901) 761-1263  
Direct Dial (901) 866-5329  
Fax (901) 866-0196  
Email: [rharkavy@harkavysheinberg.com](mailto:rharkavy@harkavysheinberg.com)

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I understand that Mr. Loper, owner of 1258 Harbert, has filed a planned development application to be allowed to keep those premises as a three-unit complex. I was somewhat puzzled by this, since the house has been three units as long as I can recall. Mr. Loper explained that he has to do this in order to get separate utility meters. He has my full support. It really is unfortunate that he has to endure this requirement since he purchased the property as a three-unit building.



Signature

Patricia L. Marchbanks

Printed Name

1252 Harbert Ave, Mphs, TN 38104

Address

As an owner on Harbert, I am in total support of Mr. Loper being allowed to continue using 1258 Harbert as a triplex. I understand that all he is attempting to do is provide separate meters for his tenants and otherwise the property will stay the same. Many of the houses on our street between Cleveland and Watkins are either multi-tenant houses or apartments.

Donna Quinn

Signature

Donna Quinn

Printed Name

1240 Harbert Ave Memphis TN 38104

Address

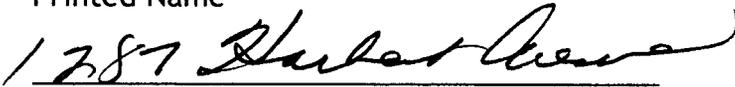
As a neighbor of 1258 Harbert, I am writing to ask that you allow the owner of that property to continue using it as a triplex. The property has been a triplex for several years, and I am glad Mr. Loper has begun renovations to bring the house back to its full potential.

  
\_\_\_\_\_

Signature

  
\_\_\_\_\_

Printed Name

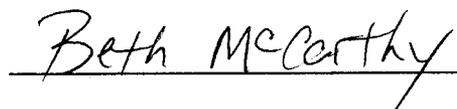
  
\_\_\_\_\_

Address

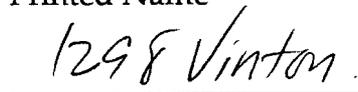
I live in the Annesdale Historic District. The property on 1258 Harbert has been a triplex for many years. Therefore, I have no problem with the new owner of this property continuing to use it as a three-unit building.

  
\_\_\_\_\_

Signature

  
\_\_\_\_\_

Printed Name

  
\_\_\_\_\_

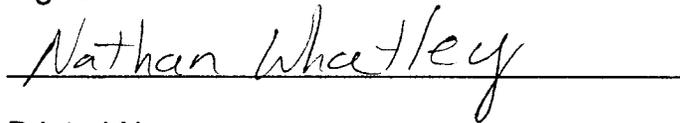
Address

To whom it may concern:

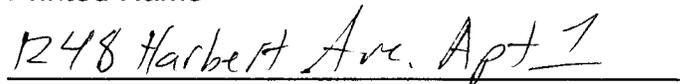
Please vote yes for Mr. Loper's proposed planned unit development on 1258 Harbert. I am one of his neighbors and feel that his continued use of the property as a triplex is appropriate for our neighborhood.

  
\_\_\_\_\_

Signature

  
\_\_\_\_\_

Printed Name

  
\_\_\_\_\_

Address

## Sandy Bond

---

**From:** Sandy Bond on behalf of Ronald Harkavy  
**Sent:** Thursday, May 28, 2009 9:50 AM  
**To:** 'Mary.Baker@memphistn.gov'  
**Subject:** 1258 Harbert PUD

Attached are more letters relative to the captioned PUD. I will continue to send them as I receive them. Thanks.

Ronald M. Harkavy, Esq.  
HARKAVY SHAINBERG KAPLAN & DUNSTAN PLC  
Attorneys at Law  
3060 Poplar Avenue, Suite 140  
Memphis, TN 38119  
Telephone (901) 761-1263  
Direct Dial (901) 866-5329  
Fax (901) 866-0196  
Email: [rharkavy@harkavyshainberg.com](mailto:rharkavy@harkavyshainberg.com)

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---

5/28/2009

I understand that Mr. Loper, owner of 1258 Harbert, has filed a planned development application to be allowed to keep those premises as a three-unit complex. I was somewhat puzzled by this, since the house has been three units as long as I can recall. Mr. Loper explained that he has to do this in order to get separate utility meters. He has my full support. It really is unfortunate that he has to endure this requirement since he purchased the property as a three-unit building.

Maria A Robertson

Signature

MARIA A Robertson

Printed Name

1307 Harbert Ave

Address

May 28, 2009

Dear Mr. Bacchus:

Mr. Loper, the owner of 1258 Harbert, asked me recently to sign a petition favoring his development of a triplex at that address. I signed his petition, out of sympathy for him and his mother. However, after discussing the situation, I DO NOT support a triplex at this location. There is far too much rental in that immediate area without enough parking. There are also absentee landlords in the area which add to the problem. Please do not consider us in favor of this project and please have Mr. Loper remove my name from his petition.

Sincerely,

Maria and Don Robertson  
1307 Harbert Avenue,  
Memphis, TN 38104

I understand that the new owner of 1258 Harbert is proposing that his property continue to be used as a triplex (as it has been for years) in order to separate the utilities. I fully support this proposal.



Signature



Printed Name



Address

I understand that Mr. Loper, owner of 1258 Harbert, has filed a planned development application to be allowed to keep those premises as a three-unit complex. I was somewhat puzzled by this, since the house has been three units as long as I can recall. Mr. Loper explained that he has to do this in order to get separate utility meters. He has my full support. It really is unfortunate that he has to endure this requirement since he purchased the property as a three-unit building.

Roxana G Zoricor

Signature

Roxana G Zoricor

Printed Name

1349 Vinton Av

Address

I'm pleased that the house at 1258 Harbert is undergoing a renovation. The house has been in sad disrepair and total neglect for a long time, and I feel the improvements that have already been made – as well as the planned addition – will raise the quality of the house and our neighborhood. The new owners of the house have thoughtfully and intentionally designed the additions and renovations to match the style of the house and the neighborhood.

I am in favor of allowing the renovations to occur as planned.

Alan D. Smith  
(Signature)

ALAN D. SMITH  
(Printed Name)

3/21/09  
(Date)

1248 Harbert  
(Address)

I own a home in Annesdale Park and urge the Land Use Control Board and the City Council to approve the planned unit development filed by Mr. Loper for 1258 Harbert. He is merely asking to continue to use this structure for three units, which is exactly how this house has been used for many years.



Signature



Printed Name



Address

As an owner on Harbert, I am in total support of Mr. Loper being allowed to continue using 1258 Harbert as a triplex. I understand that all he is attempting to do is provide separate meters for his tenants and otherwise the property will stay the same. Many of the houses on our street between Cleveland and Watkins are either multi-tenant houses or apartments.

Ronald W Elliott

Signature

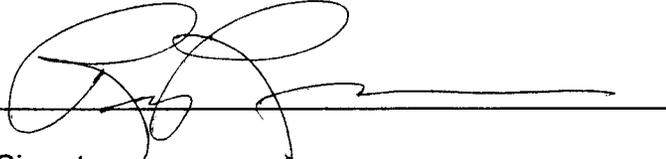
Ronald W Elliott

Printed Name

1247 HARBERT

Address

Please allow Mr. Loper to continue using 1258 Harbert as a triplex, as it has been for years. He's doing a great job on bringing the property back to something our neighborhood can be proud of, and I fully support his endeavor.



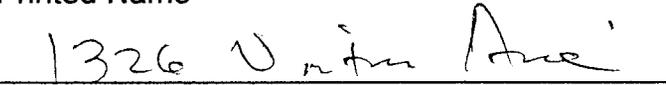
---

Signature



---

Printed Name



---

Address

**Sandy Bond**

---

**From:** Sandy Bond on behalf of Ronald Harkavy  
**Sent:** Tuesday, June 02, 2009 9:01 AM  
**To:** 'Mary.Baker@memphistn.gov'  
**Subject:** Harbert PUD

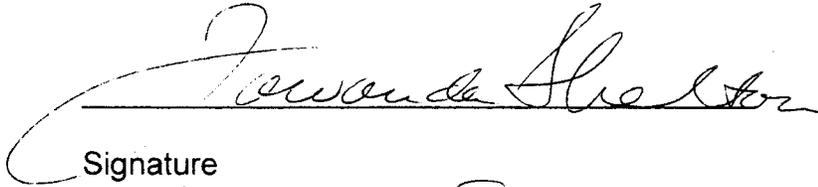
More letters; will continue to forward as received. Thanks.

Ronald M. Harkavy, Esq.  
HARKAVY SHAINBERG KAPLAN & DUNSTAN PLC  
Attorneys at Law  
6060 Poplar Avenue, Suite 140  
Memphis, TN 38119  
Telephone (901) 761-1263  
Direct Dial (901) 866-5329  
Fax (901) 866-0196  
Email: [rharkavy@harkavyschainberg.com](mailto:rharkavy@harkavyschainberg.com)

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---

I understand that the new owner of 1258 Harbert is proposing that his property continue to be used as a triplex (as it has been for years) in order to separate the utilities. I fully support this proposal.

  
Signature

JOWANDA SHELTON

Printed Name

JOWANDA SHELTON

Address

1325 Harbert Ave

Please vote yes for the development planned by Mr. Loper at 1258 Harbert. There is no reason that this property should not be allowed to maintain the use it has had for many years.

William Kauerz

Signature

William Kauerz / Elyssa Kauerz

Printed Name

1248 Harbert, Memphis TN 38104

Address

I own a home in Annesdale Park and urge the Land Use Control Board and the City Council to approve the planned unit development filed by Mr. Loper for 1258 Harbert. He is merely asking to continue to use this structure for three units, which is exactly how this house has been used for many years.

A handwritten signature in cursive script, appearing to read "Chad Chidester", written over a horizontal line.

Signature

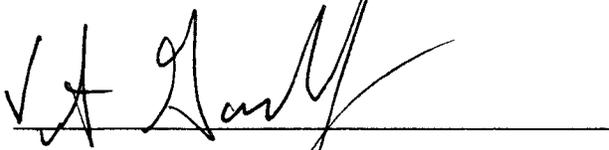
The name "Chad Chidester" written in a cursive script, positioned above a horizontal line.

Printed Name

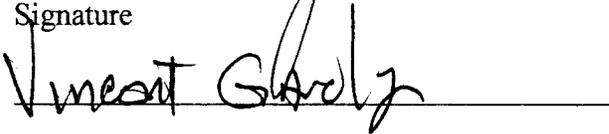
The address "1317 Carr Ave" written in a cursive script, positioned above a horizontal line.

Address

I own a home in Annesdale Park and urge the Land Use Control Board and the City Council to approve the planned unit development filed by Mr. Loper for 1258 Harbert. He is merely asking to continue to use this structure for three units, which is exactly how this house has been used for many years.



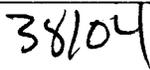
Signature



Printed Name



Address



**HARKAVY  
SHAINBERG  
KAPLAN &  
DUNSTAN PLC**  
ATTORNEYS AT LAW

Ronald M. Harkavy  
Raymond M. Shainberg\*\*  
Michael D. Kaplan  
Allen C. Dunstan  
Neil Harkavy  
Alan M. Harkavy  
S. Joshua Kahane\*\*\*  
Bradley J. Harvey\*\*\*

Of Counsel:  
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Also Licensed in:  
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\*\* New York  
\* Massachusetts

[www.harkavyschainberg.com](http://www.harkavyschainberg.com)

June 29, 2009

Mr. Brian Bacchus  
Memphis and Shelby County  
Office of Planning and Development  
125 N. Mid America Mall  
Memphis, TN 38103

VIA COURIER

Re: Brook Loper – 1258 Harbert PUD

Dear Brian:

As requested, I am enclosing herewith for your file, the listing of the property by the real estate agent showing the complex as a triplex and the permit issued to Mr. Loper by the Memphis and Shelby County Office of Construction Code Enforcement on February 20, 2009, showing the use of the building as multi. Likewise, I am forwarding a copy of the 2008 as well as 2009 assessment by Cheyenne Johnson. I am likewise sending to you the letter from Donna Quinn, the next door neighbor to the subject property, which is self-explanatory.

I notice that in your Staff Report you included all of the letters of opposition, but did not include any of the numerous letters that you have received from neighbors supporting the project. I would appreciate your rectifying this and, hopefully, you will recommend approval. Mr. Loper has been working on the interior of the house in accordance with his permit and should be finished shortly. He would like to be able to move tenants in without being exposed to any problems in the future.

If you need any additional information of any kind, please do not hesitate to call upon me.

Sincerely,

  
\_\_\_\_\_  
Ronald M. Harkavy

RMH/skb  
Enclosures



ML#: 3159967 P: 1 CLOSD MULTI-RES 746F LP: \$ 59,900  
 Address: Unit #:   
 City: MEMPHIS State: TN Zip Code: 38104 Handy Map:   
 County: SHELBY Parcel ID: 016008 00032  
 Trade/Business: Zoning:   
 ListType: Exclusive Right to Sell  
 Service Type: Full Service Listing Eff/Studio Units: 0  
 Sales Type: 1 Bedroom Suites: 0  
 # of Units: 3 Improv SqFt: 2 Bedroom Suites: 3  
 # of Stories: 2.000 Leasable SqFt: 3 Bedroom Suites: 0  
 # of Buildings: 1 Land SqFt: Total Other Units: 0  
 Year Built: 1920

Annual Cnty/City Taxes: \$2,555 / \$ 2,055  
 Lot #: 144  
 Lot Size: 60 X 153.9

MAAR Subdivision: ANNESDALE  
 Legal Subdivision: ANNESDALE PARK  
 Directions: South on Bellevue from Peabody left on Harbert

Potl Rent: Ann Misc. Income: % Occupancy: 0 % Avg Ann Utilities: Ann Oper Exp:  
 Ann Rent: Ann Land Lse Pmnt: Ann Insurance: Gross Potential Annual Rent

Features:			
Type:	Triplex	Miscellaneous Exterior:	
Type of Units:	2 BR - 1+ Baths	Heating Systems:	Central
Sale Includes:	Building and Land	Cooling Systems:	1 Window Unit per Unit
Appliance/Equip:		Hot Water:	Gas
Laundry:	None	Mobile Homes and Motel Amenities:	
Floors/Ceilings:	Part Carpet, Vinyl Floor	Type of Leases:	None
Construction:	Brick, Wood/Composition, Stucco	Tenant Pays:	Other (Cal LA)
Roof:	Shingle/Shake	Source of Info:	Incomplete
Foundation:	Partial Basement	Operating Expenses:	Other (Cal LA)
Parking Facility:	Offsite/Street	Possession:	Other (Cal LA)
Amenities:		Existing Financing:	Other (See REMARKS)
		Assumption:	Other (Cal LA)
		New Financing:	Other (Cal LA)
		Showing Instructions:	Listing Agent to Hold Earnest Money, Appointment Only, Preclur Showing/Negotiations with Seler

Remarks: Great investment opportunity in Annesdale Park; needs work but many improvements already completed;

REALTOR Remarks: Great investment opportunity in Annesdale Park; needs work but many improvements already completed; source of funds or commitment letter required with all offers; call LA for required addendums.

Listing Information:			
List Office:	CRLI Crye-Leke, Inc., REALTORS	901-756-8900	Comm to SA: 3.00
List Agent:	11966 Barry Less, ABR	901-753-1021	Comm to BA:
Co-List Agt:			Comm to TB:
Appointment:	901-758-5676	List Date: 12/16/2008	Expire Date: 03/16/2009
Var Comm:			
Sold Information:			
Pend DC:	01/23/2009	Selling Office: KWMS Keller Williams Realty	901-261-7900
Close Date:	02/09/2009	Selling Agent: 10380 Michael Stansbury	901-461-6045
DOM:	38	Co-Selling Agent:	
*CDOM:		Sold SF: 3,329	Sr Contrb: 800
Corporate Own:	Yes	*Information, including Square Footage, deemed reliable but not warranted. The CDOM field does not include prior time on the market if the listing has been off market for 30 or more days.	
06/08/09 01:48 PM		Copyright MAAR 2009	SP: \$ 57,900 Orig LP: \$ 64,900 Sold Term: Conventional Prepared Michael Stansb MUL Agent Full Rep

6465 MULLINS STATION RD. - MEMPHIS, TENNESSEE 38134

PLAN SECTION 379-4270

INSPECTIONS 379-4300

OFFICE 379-4310

APPLICATION FOR BUILDING PERMIT

B101342



\* B1013424 \*

Contractor License No \_\_\_\_\_ File No \_\_\_\_\_ Contract Limit \_\_\_\_\_ Classification \_\_\_\_\_

Business License No \_\_\_\_\_

ST. NUMBER	DIR.	STREET NAME	SUFFIX	SUITE #
1258		Harbert	AV	
		APARTMENT NO.(S)	ZIP CODE	MAP PAGE & LETTER GRID
			38104	

SUBDIVISION: <u>Amundale Park</u>	LOT:	SEC:
CONTRACTOR: <u>Brook Loper</u>	PHONE: <u>901-494-8121</u>	FAX:
ADDRESS: <u>280 Revell Pt N.</u>	CITY&ST: <u>Collierville</u>	ZIP: <u>38017</u>
OWNER: <u>Brook Loper</u>	PHONE: <u>901-494-8121</u>	FAX:
ADDRESS: <u>280 Revell Pt N.</u>	CITY&ST: <u>Collierville</u>	ZIP: <u>38017</u>
TENANT:	PHONE:	FAX:
ADDRESS:	CITY&ST:	ZIP:
ARCHITECT: LIC.#	PHONE:	FAX:
ADDRESS:	CITY&ST:	ZIP:
ENGINEER: LIC.#	PHONE:	FAX:
ADDRESS:	CITY&ST:	ZIP:

ZONE: <u>RS6HC</u>	USE OF BUILDING: <u>Multi</u>	CHANGE USE FROM:	Contract Valuation: <u>10,000</u>
SPRINKLED Y/N	CONST TYPE	TEMP TYPE	Plan Review Fee: <u>40</u>
TOTAL HEIGHT	# DWELLING UNITS	SQ. FT.	Bldg. Permit Fee:
		CU. FT.	Curb Cut Fee:
SPECIAL CONDITIONS:			Sidewalk Fee:
			Data Processing Fee: <u>\$4.00 + 1</u>
			TOTAL FEE: <u>45</u>

CLASS OF WORK:	<input type="checkbox"/> New	<input type="checkbox"/> Accessory	<input type="checkbox"/> Addition	<input type="checkbox"/> Repair	<input type="checkbox"/> Install	<input checked="" type="checkbox"/> Alteration
	<input type="checkbox"/> JC & O	<input type="checkbox"/> Demolition	<input type="checkbox"/> Other	Bond Required:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
BUILDING USE:	<input checked="" type="checkbox"/> Residence	<input type="checkbox"/> Multi-Family	<input type="checkbox"/> Assembly	<input type="checkbox"/> Business	<input type="checkbox"/> Mercantile	<input type="checkbox"/> Educational
	<input type="checkbox"/> Institution	<input type="checkbox"/> Industrial	<input type="checkbox"/> Storage	<input checked="" type="checkbox"/> Hazardous	<input type="checkbox"/> Utility	<input type="checkbox"/> Mixed Use

DESCRIPTION OF WORK: (Will Not Be Processed Unless Completed)  
Interior Walls Moved & rebuilt.  
 FEB 20 2009  
 CASHIER 3

Fire Zone I <u>  </u> O <u>  </u>	Sprinkled Y <u>  </u> N <u>  </u>	Health Dept. Y <u>  </u> N <u>  </u>
No. Floors:	Floor Load:	Corner FY Setback
1 <sup>st</sup> Floor Sq. Ft.	Attached Carport/Garage Sq. Ft.	Front Yard Setback
2 <sup>nd</sup> Floor Sq. Ft.	Detached Carport/Garage Sq. Ft.	Rear Yard Setback
Other Floor Sq. Ft.	Attached Accessory Sq. Ft.	Side Yard Setback
Balcony/Porch Sq. Ft.	Detached Accessory Sq. Ft.	Side Yard Setback
# Bedrooms		Fireplace Y <u>  </u> N <u>  </u>
# Bathrooms		

ACC. BY: \_\_\_\_\_ DATE: \_\_\_\_\_ PLN CK BY: \_\_\_\_\_ DATE: \_\_\_\_\_ APP TO ISSUE: [Signature] DATE: 2/20/09

Notices: The Office of Construction Code Enforcement has reviewed the permit application and supporting documents only for their compliance with applicable local and zoning construction code provisions. It has not investigated and does not warrant that the parcel on which this construction activity is to occur is free from pollutants or other hazardous materials, either on or below the surface of the parcel. The Owner is solely responsible for making all necessary inquiry to assure the property is free from such pollutants and is suitable for the construction activities authorized by this permit. This Building Permit does not allow for any alteration to any public right-of-way (R.O.W.). Alterations include any work performed on sidewalks, curb and gutter, driveway aprons and utility tie-ins. R.O.W. permits for such work must be obtained from the following offices depending on the location shown on the permit. City of Memphis-576-6700/City of Germantown-757-7281/Town of Arlington-867-4980/City of Lakeland-867-2717/Unincorporated Shelby County-545-4320. Separate permits are required for building, electrical, mechanical, plumbing, heating ventilation, air conditioning, sprinklers, underground fire service, and signs. This permit becomes null and void if work of construction authorized is not commenced within 6 months, or work or construction is suspended or abandoned for a period 6 months after work is commenced. Work shall be considered suspended if an approved inspection has not been made within a 6 month period. Issuance of permit shall not be held to permit or to be an approval of the violation of any provisions of any county ordinance/resolution, or state laws. I certify that the information submitted herein is in compliance with the State of Tennessee Licensing Laws.

Signature of owner or authorized agent: [Signature]  
 Print Name: Brook Loper  
 Date: 2/20/09

CONTRACTOR COPY

AK# 0923

# CHEYENNE JOHNSON

## Assessor of Property

Property Location and Owner Information	2009 Appraisal and Assessment Information
Parcel ID: 016008 00032 Property Address: 1258 HARBERT AVE Municipal Jurisdiction: MEMPHIS Neighborhood Number: 00709G06 Land Square Footage: 9234 Acres: 0.2120 Lot Dimensions: 60 X 153.9 Subdivision Name: ANNESDALE PARK Subdivision Lot Number: 0144 Plat Book and Page: 4-36 Number of Improvements: 1 Owner Name: LOPER BROOK AND MARISSA LOPER In Care Of: Owner Address: 280 REVELL PT N Owner City/State/Zip: COLLIERVILLE, TN 38017	Class: COMMERCIAL Land Appraisal: \$ 66,300 Building Appraisal: \$ 134,900 Total Appraisal: \$ 201,200  Total Assessment: \$ 80,480  Greenbelt Land: \$ 0 Homesite Land: \$ 0 Homesite Building: \$ 0 Greenbelt Appraisal: \$ 0 Greenbelt Assessment: \$ 0  2009 Reappraisal Mailing Schedule <a href="#">Click Here for 2008 Values</a> <a href="#">View: GIS PARCEL MAP</a>

Dwelling Construction Information	
Stories: 2.0 Exterior Walls: BRICK VENEER Land Use: - TRIPLEX Year Built: 1920 Total Rooms: 8 Bedrooms: 4 Bathrooms: 4 Half Baths: Basement Type: CRAWL=0-24%	Heat: OTHER HEAT Fuel: Heating System: NON CENTRAL/OTHER UNIT  Fireplace Masonry: 1 Fireplace Pre-Fab:  Ground Floor Area: 2832 Total Living Area: 3252  Car Parking: CARPORT

Other Buildings on Site for this Property  
 See Permits Filed for this Property  
 See Sales Data for this Property

**Disclaimer:** The information presented on this web site is based on the inventory of real property found within the jurisdiction of the county of Shelby in the State of Tennessee. Shelby County assumes no legal responsibility for the information contained within this web site. This is not a bill and does not serve as a notice or invoice for payment of taxes nor does it replace scheduled notices mailed to property owners.

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As an owner on Harbert, I am in total support of Mr. Loper being allowed to continue using 1258 Harbert as a triplex. I understand that all he is attempting to do is provide separate meters for his tenants and otherwise the property will stay the same. Many of the houses on our street between Cleveland and Watkins are either multi-tenant houses or apartments.

Donna Quinn

Signature

Donna Quinn

Printed Name

1240 Harbert Ave Memphis TN 38104

Address

STATUS REPORT FOR 1258 HARBERT AVENUE

Existing Single Residence

<u>Date</u>	<u>Applicant</u>	<u>Zone</u>	<u>Use of Building</u>	<u>Description Work</u>	<u>Permit #</u>	<u>Issue Date</u>
01/03/06	Vincent Gardley-Ow	RS6 HP	SFR	Interior. Closing Some door. Put up Wall to make it back to a home	B960821	JG 01/03/06
02/19/09	Integrity Electric		Residential	Meter Put Back	E 04901487	DG 02/19/09
02/11/09	Brook & Bennie Loper	RS6 HP	SFR	Add to the upstairs 2 Rooms Bedrooms 26'x23'	B 1012011	Withdrawn
02/20/09	Brook Loper	RS6 HC	Multi-	Interior walls moved & Rebuilt	B-1013424	JG 02/20/09
02/20/09	ETS	N/A	Residential	Rework house – replace & repair complete system – + Add. 3 AC 6 Bath Tubs 6 Closets 3 Water Heater 3 Kitchen Sinks 6 Lavatories 3 Washing machines	P-2480202	SH 02/23/09

<u>Date</u>	<u>Applicant</u>	<u>Zone</u>	<u>Use of Building</u>	<u>Description Work</u>	<u>Permit #</u>	<u>Issue Date</u>
	Integrity Electric		Residential	Installing circuits for remodel in existing panel	E-0490150	DG 02/27/09
	Brook & Bennie Loper	Annesdale Park HP District		COA. Add 400 SF to To current upstairs. Addition for two additional bedrooms designed to match current structure		NJB 03/27/09
	Brook & Bennie Loper	RS6 HP	SFR	Withdraw B1012011 B 1017236 Finish Out Attic (2 <sup>nd</sup> Floor) for 2 Bedrooms 26'x23'		JG 05/06/09
	Climate Distribution	N/A	Residential	Rehab – Replacement Heat & AC 3 HVAC / 3 HWH / Ductwork & gas piping	M 0507437	RY 05/14/09